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Hinckley & Bosworth
Borough Council

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 08 June 2020

To: Members of the Planning Committee

Mrs MJ Crooks (Chairman)	Mr A Furlong
Mr DJ Findlay (Vice-Chairman)	Mr SM Gibbens
Mrs CM Allen	Mr E Hollick
Mr RG Allen	Mr KWP Lynch
Mr CW Boothby	Mrs LJ Mullaney
Mr MB Cartwright	Mr RB Roberts
Mr DS Cope	Mrs H Smith
Mr WJ Crooks	Mr BR Walker
Mr REH Flemming	

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **PLANNING COMMITTEE** via Zoom on **TUESDAY, 16 JUNE 2020** at **5.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 16 JUNE 2020

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 19 May 2020.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting. Items to be taken at the end of the agenda.

4. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 12.

6. DECISIONS DELEGATED AT PREVIOUS MEETING

To report progress on any decisions delegated at the previous meeting.

7. 19/01324/OUT - LAND AT WYKIN LANE, STOKE GOLDING (Pages 5 - 36)

Residential development of up to 55 dwellings (Outline - access only)

8. 20/00102/OUT - LAND SOUTH OF CUNNERY CLOSE, BARLESTONE (Pages 37 - 74)

Residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (SuDS) (Outline - access only) resubmission of 19/01011/OUT

9. 20/00143/FUL - LAND SOUTH OF BOSWORTH LANE, NEWBOLD VERDON (Pages 75 - 108)

Residential development of 116 dwellings

10. 20/00020/FUL - LAND ADJACENT LODGE FARM, WOOD ROAD, NAILSTONE (Pages 109 - 118)

Change of use of part of land for the siting of storage container units (Use Class B8) and a machinery and maintenance building, vehicular access, screen wall and screen planting

11. APPEALS PROGRESS (Pages 119 - 124)

To report on progress relating to various appeals.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

19 MAY 2020 AT 6.30 PM

PRESENT: Mrs MJ Crooks - Chairman
Mr DJ Findlay – Vice-Chairman
Mrs CM Allen, Mr RG Allen, Mr CW Boothby, Mr SL Bray (for Mrs LJ Mullaney),
Mr MB Cartwright, Mr JMT Collett (for Mrs H Smith), Mr DS Cope, Mr WJ Crooks,
Mr REH Flemming, Mr A Furlong, Mr SM Gibbens, Mr E Hollick, Mr KWP Lynch,
Mr RB Roberts and Mr BR Walker

Also in attendance: Councillor DC Bill MBE, Councillor MA Cook, Councillor MC Sheppard-Bools, Councillor R Webber-Jones and Councillor P Williams

Officers in attendance: Matthew Bowers, Jenny Brader, Rhiannon Hill, Julie Kenny, Rebecca Owen, Michael Rice and Nicola Smith

366 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Mullaney and Smith, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Bray for Councillor Mullaney
Councillor Collett for Councillor Smith.

367 MINUTES

It was moved by Councillor Findlay, seconded by Councillor Bray and

RESOLVED – the minutes of the meeting held on 3 March 2020 be approved as a correct record.

368 DECLARATIONS OF INTEREST

Councillor Collett stated that, whilst he had made comments in relation to application 19/01324/OUT, he had come to the meeting with an open mind and would listen to the debate before forming a view.

369 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions had been issued.

370 19/00947/OUT - LAND OFF SKETCHLEY LANE, BURBAGE

Application for development comprising up to 140 dwellings and extension of Sketchley Meadows Business Park for up to 30,000 sq m gross external floor space for class B2 general industrial / class B8 warehousing and distribution use with associated means of access from Watling Drive and Sketchley Lane, associated means of access from Watling Drive and Sketchley Lane, associated internal estate roads, parking, landscaping, open space and sustainable drainage (outline – including access)

At this juncture, Councillors Bray, Flemming and Lynch declared a personal interest as a member of Burbage Parish Council but stated he had come to the meeting with an open mind.

It was highlighted that the officer's recommendation had been amended to that of refusal since publication of the report due to the Burbage Neighbourhood Plan having been published in the intervening period and now being afforded substantial weight.

Whilst in support of the amended recommendation, some members felt that the proposed development would also be harmful to the intrinsic value, character and beauty of the open countryside due to harm to the view from the footpath contrary to policy DM4 and would have significant adverse impact upon highway safety contrary to policy DM17. It was moved by Councillor Findlay and seconded by Councillor Walker that the application be refused in accordance with the officer's recommendation and the abovementioned additional reasons. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be refused for the following reasons:

- (i) The application proposes commercial and residential development on areas identified as a green corridor. The green corridors have been identified as important areas that should be protected due to their contribution to the character of Burbage. The development would neither protect nor enhance the green corridor and therefore the development is contrary to policies 1 and 9 of the Burbage Neighbourhood Plan;
- (ii) The development would be harmful to the intrinsic value, character and beauty of the open countryside contrary to policy DM4;
- (iii) The development would have significant adverse impact on highway safety contrary to policy DM17.

371 19/01437/FUL - KYNGS GOLF AND COUNTRY CLUB, STATION ROAD, MARKET BOSWORTH

Application for erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of six golf holiday homes (C1) and all associated ancillary works and landscaping.

It was moved by Councillor Bray and seconded by Councillor Roberts that permission be granted in accordance with the officer's recommendation. Councillor Cartwright suggested an amendment that final agreement of the conditions be delegated to the Head of Planning in consultation with the chairman and ward councillor. The mover and seconder of the original motion accepted the amendment. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be granted and the final conditions be delegated to officers in consultation with the chairman and ward councillor.

Councillor Boothby left the meeting at 8.20pm and was absent for the vote.

The meeting adjourned at 8.25pm and reconvened at 8.32pm.

372 19/01243/OUT - ASHFIELD FARM, KIRKBY ROAD, DESFORD

Application for residential development of up to 120 dwellings (outline – access only)

Notwithstanding the officer's recommendation that permission be granted, some members felt that the proposed development would harm the open character, landscape character of the countryside as it would have significant impact on the intrinsic value and openness of the area and would therefore be contrary to policy DM4. They also felt it would have a severe impact on highway safety due to the proximity to the school and recreation ground and a residual cumulative impact on the highway network which was exacerbated by the narrow roads and existing on-street car parking and was therefore contrary to policy DM17. It was moved by Councillor J Crooks and seconded by Councillor R Allen that the application be refused for these reasons. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be refused for the following reasons

- (i) The development would cause harm to the open character and landscape character of the countryside contrary to policy DM4;
- (ii) The development would have a severe impact on highway safety and an impact on the highway network contrary to policy DM17.

At 9.28pm it was moved by Councillor J Crooks, seconded by Councillor Findlay and

RESOLVED – the meeting be permitted to continue past 9.30pm.

373 19/01324/OUT - LAND AT WYKIN LANE, STOKE GOLDING

Application for residential development of up to 55 dwellings (outline – access only)

During discussion on this item, it was identified that the livestream of the meeting had ceased, thereby restricting public access to the meeting. In accordance with the procedure rules for remote meetings, the meeting was adjourned due to it no longer being open to the public and application 19/01324/OUT was deferred to the next meeting.

374 APPEALS PROGRESS

This item was deferred to the next meeting.

(The Meeting closed at 9.55 pm)

CHAIRMAN

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Planning Committee: 16 June 2020
Report of the Planning Manager

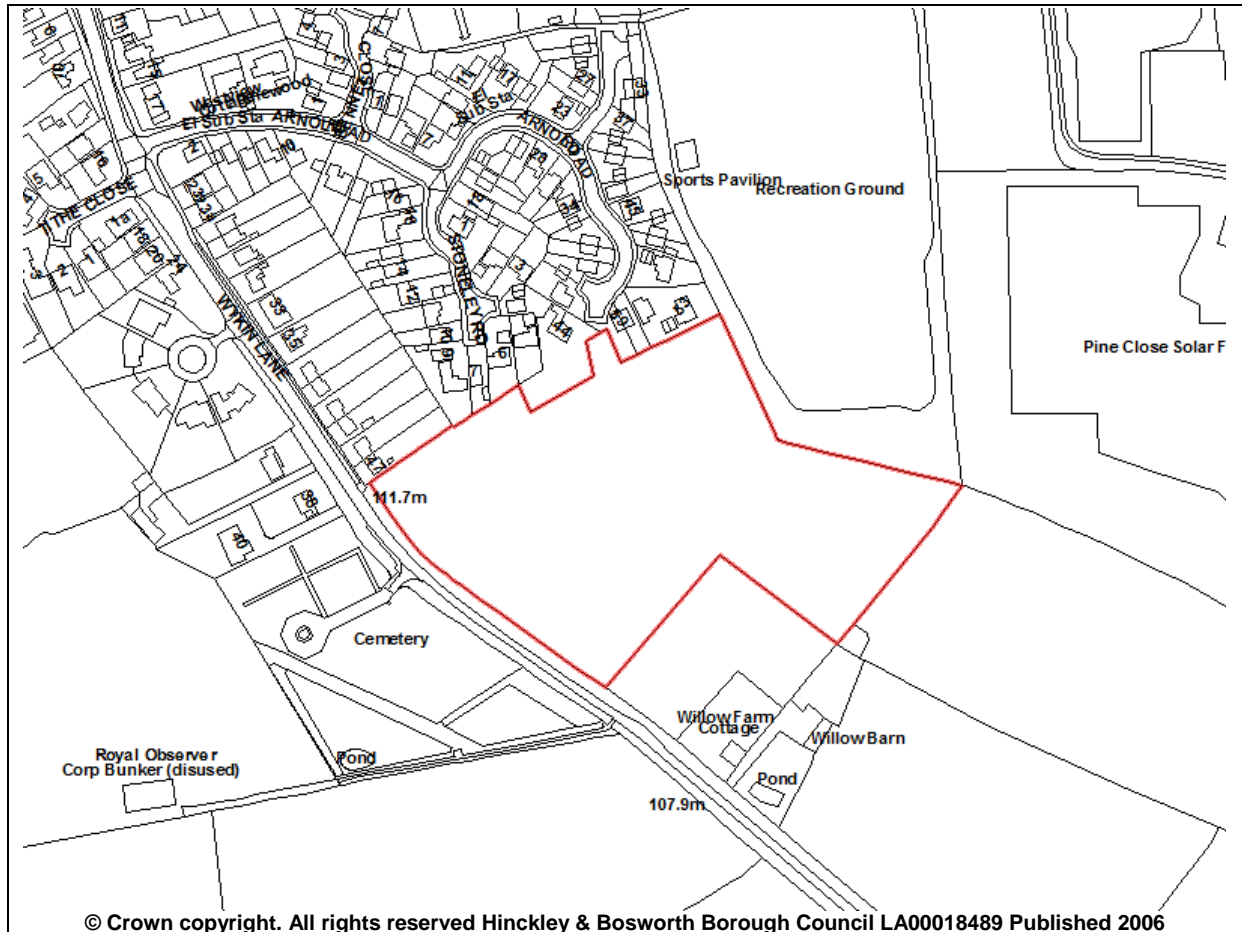
Planning Ref: 19/01324/OUT
Applicant: Davidsons Developments Ltd
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Land At Wykin Lane Stoke Golding

Proposal: Residential development of up to 55 dwellings (Outline - access only)



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing, 75% affordable rented and 25% intermediate tenure
 - £115,503.90 Play and Open Space
 - 200 metre square Local Area of Play
 - Bus Passes (£360.00 per pass)
 - £240,768.00 Education
 - £1660 Libraries
 - £2724 Civic Amenities
 - £27,826.26 Health Care Provision (GP Practices)

- Off site highway works
 - Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
 - 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks outline planning permission for up to 55 dwelling, associated public open space, landscaping and infrastructure. All detailed matters are reserved for later determination, except access.
- 2.2. As the application is in outline format, the proposed housing mix is unknown. However, the applicant has identified that 40% of the housing to be provided would be affordable housing and so if 55 dwellings were to be provided this would result in 33 market dwellings with 22 dwellings being affordable with a mix of 16 for social or affordable rent and 6 for intermediate dwellings.
- 2.3. An indicative development framework has been provided, which shows how the application could accommodate 55 dwellings, in addition to an attenuation pond, and an area for play (LAP). The indicative layout identifies the point of access, with a primary road which would extend into the development with a number of private and secondary roads serve from it. The proposed new access would be via a new junction with Wykin Lane, and would provide both vehicular and pedestrian access into the site.
- 2.4. The following documents have been submitted in support of the application; Planning Statement, Design and Access Statement, Statement of Community Involvement, Landscape and Visual Impact Appraisal, Transport Assessment and Travel Plan, Flood Risk Assessment, Foul Drainage, Ecological Appraisal, Bat Survey, Arboricultural Assessment, Ground conditions report and Heritage Assessment.

3. Description of the Site and Surrounding Area

- 3.1. Stoke Golding is a historic village which occupies a higher ground, with a historic core centred around the north west of the village, which is centred around its connection with Bosworth Battlefield, with more modern outskirts. The application site comprises of approximately 2.12 hectares, and encompasses a single agricultural field, located to the south of Stoke Golding. To north, the site is bound by residential development, Arnolds Crescent, and Hall Drive Play Area and Recreation Ground (Ref STG10). To the south the boundary is defined by existing field boundaries and agricultural use. To the west on the opposite side of Wykin Lane, is Wykin Lane Cemetery. The site is not publically accessible and there are no public rights of way which run through the site.
- 3.2. The application site is located within Landscape Character Area E, Stoke Golding Rolling Farmland, in the Landscape Character Assessment (2017). One of the key characteristics of this area, which is shared with the application site, is small to medium rectilinear field pattern divided by low hedgerows and mature hedgerow trees.

4. Relevant Planning History

None

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. 260 representations have been received during the course of the application raising the following points:-

- Access between Hinckley, Nuneaton and the A5 use Stoke Golding as a cut through
- The road to the development is a single track road and it can not manage more traffic
- School is at capacity and this will add to more traffic with pupils attending schools outside the Village and catchment
- TB in cattle is significant which is spread through cattle building on grass land will decrease space for Badger to roam making contact with cattle more likely
- There is no demand for more homes
- The village has poor transport links
- Expansion of the village results in the loss of historical importance of the village
- House prices are affected by the additional housing
- Development takes away our village sense
- Removal of habitat detrimental to wildlife
- Will create a precedence building on greenfield
- Village is becoming overpopulated
- Doctors surgeries are full
- Wykin Lane is not wide enough
- Passing points will not alleviate an already dangerous road
- Will give rise to antisocial behaviour in the park and cemetery
- The introduction of passing places will change the look and feel of the Lane as you enter the village
- Will increase in accidents and possibly fatalities of those navigating the single width lane
- Mitigation will not overcome congestion of Wykin Lane
- Horse riders and Dogs walkers use the Wykin Lane frequently, increase in traffic will pose risk to these
- Stoke Golding has already had 2 large developments
- There are ponds within the vicinity with Great Crested Newts
- There will be an impact upon the Protected species
- Wykin Lane is intended for use by farm vehicles, horse riders, cyclists and dog walkers
- There are more suitable brownfield sites available in Hinckley
- This development will undermine physical separation from Hinckley
- Local drainage and sewerage system can not cope
- Affordable homes built on Convent drive were not purchased by HBBC but an outside body
- Stoke Golding have poor public transport
- Stoke Golding is a historically important village being the place where King Henry VII was crowned and has a protected Conservation Area
- There are number of footpaths which lead from the side of this lane which are well used, this development will result in a pedestrian safety issue from traffic
- Transport survey was carried out in February which does not include increased traffic risk in spring and summer and increased cycle, horse and pedestrian use
- Cycle route from Stoke Golding to Redmoor Academy for school children, the increased risk to life for children and cycling along Wykin Lane without sufficient lighting or designated path is not a solution

- The use of the 2011 census for route to work is not suitable data as the village has significantly expanding since then
- The TRICs data refers to February and a survey of movements on Wykin Junction, winter traffic flow along this lane is reduced, and the use of the 2011 census is out dated
- The development will destroy the tranquillity of the cemetery on the opposite side of Wykin Lane
- The use of flood tanks as mitigation for flooding is inadequate
- Local Development Framework describes Stoke Golding as 'Rural' and were assured the village would not significantly grow
- Severn Trent appear to have concerns over the development (of 180 dwellings) and where it will discharge to
- Volume of development is not in keeping with the Neighbourhood Plan
- Stoke Golding has limited facilities and infrastructure to support any more development
- Development is contrary to the Development Plan
- The land is likely to be subject to a covenant to ensure it is retained as agricultural use
- People pay a premium to live in the environment
- The developer has intention to extend the site up to 150 homes
- Ecology reports are invalid as they were carried out during the wrong time of the year and badgers and foxes weren't included, which are in the vicinity
- The application does not have any regard to the Stoke Golding Neighbourhood Plan, dismissing any recognition of the document
- The site can be seen from many vantage points and the LVIA states it has negligible effect which is unacceptable
- Development is contrary to Policy 7 and 17, SA1 and Policy DM4 notwithstanding developer stating policies are out of date
- Wykin Lane, needs to be upgraded for 2 way traffic, passing places is not enough
- This development will increase risk of flooding drainage system already struggling
- The cemetery poses a risk to the development, due to the restrictive parking, it has resulted in hearse being unable to enter the site, resulting in reversing into Wykin Lane
- The natural contour and vegetation into the village is a restriction to the vision for vehicles entering into the village, and when having regard to the change in speed from 60 to 30mph often results in vehicles braking sharply, placing an access in this location is dangerous
- Stoke Golding is not a sustainable location, and therefore the development is contrary to Paragraph 103 of the NPPF
- New houses are only for the affluent upsetting the balance of smaller and social housing percentages
- Recreational facilities are inadequate for the size of the village now
- Loss of light and privacy to neighbouring properties
- Noise impact from large dwellings
- Increase pollution and light pollution
- Earl Shilton and Barwell SUEs were passed several years ago, for much needed housing however have not commenced nor pushed when housing is required in the Borough
- Location of an attenuation pond would put children at risk
- The application site is located 0.6miles from the village centre

- The closet main service provider is Hinckley 2.3 miles away from the application site, and residents would be reliant upon private car, contrary to Paragraph 102 of the NPPF
- Public transport is within 0.3 miles but infrequent
- Development in the countryside would set a precedent and allow further development outside defined settlement boundaries
- It can not be concluded visual impact are not significant
- Policy DM4 of the SADMP states development in the countryside will be acceptable for a number of exceptions but unsustainable development will be discouraged. Large scale residential development is not one of the exceptions and that is due to the separation distance between the application site and Stoke Golding and the adverse effects on the beauty and natural environment
- Development will significantly protrude the current built form of Stoke Golding. Contrary to Paragraph 170 of the NPPF
- The Development is too large and will adversely affect the landscape both visually and landscape terms
- Most adverse impact from the development will be from nesting birds, which is likely to last 5 years
- No mitigation proposed to recover the losses of nesting birds, strategy to rectify would take a considerable amount of time
- The change to the application site will discourage the current wildlife from nesting, using the vegetation as a corridor and breeding and therefore contrary to Paragraph 174 of the NPPF and Policy DM6 of the SAMDP
- The applicant is avoiding a statutory duty to provide a full EIA assessment required under Schedule 2, Column 1, Section 10 of the Town and Country (Environmental Impact Assessment) Regulations 2017. The applicant under took public consultation on 180 dwellings. Submitting separate applications for smaller developments that falls under the threshold of requiring an EIA
- The FRA contains supporting documentation for development of up to 180 dwellings
- Transport Assessment confirms 82.3% of traffic movements will be private car contrary to the spatial objective 13 of the Local Plan and paragraphs 102 and 108 of the NPPF
- Design and Access statement makes provision for charging points but not bike racks
- The developer has not demonstrated how the development would integrate with existing provisions
- Traffic during the building phase have an effect upon the road network, increase in noise and unacceptable disturbance
- Existing surface of Wykin Lane cannot support additional traffic movements
- No evidence to demonstrate the agricultural land is no longer fit for purpose and therefore is residential is the only option
- The applicant should carry out an Agricultural Land Assessment to evaluate the current condition of the land and its suitability in its current use
- The application is situated to the south of existing properties and the applicant has not demonstrated that the occupiers would not be adversely affected
- Residents will experience much higher noise and disturbance levels than is currently experienced contrary to Policy DM7 of the SADMP
- Planting may lead to loss of light to existing properties, which will impact the private amenity of the properties. Development would be contrary to Policy DM10 of the SADMP
- Damage to conservation area from the construction traffic
- Passing places will change the character of the entrance into the village

- Only one store, and therefore would be a reliance on cars
- Disjointed in regards the broader picture of development needs and opportunity within Stoke Golding, and allowing this moves away from the collaborative approach of the villagers in respect to the Neighbourhood Planning
- Stoke Golding Neighbourhood Plan is clear that a brownfield development site in the village is the most appropriate
- Residents made it clear that any new development should be away from green spaces and aligned with amenities
- Villages resources will be stretched
- A traffic accident happened opposite Willow Farm, police and ambulance in attendance with vehicle and driver stuck in the ditch
- The site has been previously considered by HBBC during the SHELAA, the area was omitted from consideration due to poor accessibility for the level of housing required and the impact on the surrounding area. The difference was numbers of dwellings, with the developer seeking to build 150-160 homes
- A previous application to convert Willow barn into a cottage was refused due to impact upon, the rural character, surrounding landscape, amenity of neighbouring properties, highway safety and biodiversity
- How will trees be preserved and visibility provided
- The developer has revised their initial interpretation of their traffic survey, recognising the substantial impact on Wykin Lane vehicle users the development will have, both in the construction phase and occupancy. The construction traffic will not be able to use Wykin Lane and so will need to travel past the severely congested St. Martins school location (at peak times) and through the heart of the village
- The developer in a need to alleviate the inevitable increased traffic volume & congestion concerns the development would cause has proposed additional "passing places" to satisfy the issue, however these spots are already utilised to pass and will therefore have little benefit towards easing the traffic flow
- The Ecological value of AS537 Land off Wykin Lane is moderate to high.
- The most significant planning decision is 17/00484/FUL which identifies within the officer report that there is no overriding need for housing in Stoke Golding
- Conditions relating to highways and the passing places have not been included
- There would be impact upon ecology through the development of passing places within Wykin Lane
- It is unfair to hold a meeting when the virus is still a threat, making a decision should be delayed until when a committee meeting can be held and attended by public

5.2 One letter in support has been received on the following grounds:-

- Population is vastly increasing and young people need places to live
- There should be no objection as long as the existing services grow with it
- Homes of objectors were built despite objectors once upon a time

6. Consultation

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

HBBC Affordable Housing
 HBBC Environmental Services (Pollution)
 HBBC Waste Services
 HBBC Drainage
 LCC Ecology
 NHS England

LCC Archaeology
LCC as Lead Local Flood Authority
Severn Trent Water

6.2. Stoke Golding Parish Council have objected on the following grounds:-

- Overdevelopment on an inappropriate greenfield site
- This is phase one of a larger development
- Stoke Golding has already exceeded the housing allocation set out in the Core Strategy
- Neighbourhood Plan is emerging and highlighted that development should be brownfield first
- Increase in traffic along a single track road
- Unacceptable pressure on existing infrastructure and village services including schools and doctors

6.3. Councillor Collett

- The single track road is already a hinderance for existing residents, who have to pull in and wait for other vehicles to pass more passing points is missing the point that the road is unsuitable more traffic. 55 homes potentially means another 100 cars plus delivery vehicles. It will also be a risk for cyclists and pedestrians particularly in the winter months when it is dark
- Strain on existing services, the existing schools and Dr Surgery. The applicant has given no assessment with respect to whether there is any spare capacity to take on more children and patients
- Brownfield land first there are other places to build housing in the village
- Applicant is proposing 40% affordable housing, however is this viable, it is likely to come back with a viability argument and reduce contributions
- No attempt has been made by the applicant to address concerns raised by the community engagement
- Not the right location

6.4. County Councillor Ivan Ould has objected on the following grounds:-

- Not in accordance with the Development Framework
- This site is the first of a wider site
- Development would be contrary to Policy 12 of the Core Strategy, DM1, DM4 and DM10 of the SADMP.
- Unsustainable and unjustified new residential development in the designated countryside outside the settlement boundary.
- Contrary to Policies DM11 and DM12 of the SADMP, adverse impact upon the character and appearance of the site and its contribution to the rural setting and its conservation area.
- Detrimental to highway safety contrary to Policy DM17, unacceptable opposite a cemetery entrance and single track lane
- Not enough school places

6.6 Dr Luke Evans MP has raised the following matters:-

- High house prices in local communities are an issue which especially impacts upon young, and a more diverse housing stock may be needed to account for ever changing housing demand. These factors are why Neighbourhood Plans are supported. As a vital tool which enable communities to shape futures
- It is recognised that communities which produce a Neighbourhood Plan provide accommodation for an average of 10% more homes than they are required to do. This has been demonstrated locally with Market Bosworth NP

- Authorities should give as much weight as permissible under the current legislation to each Neighbourhood Plan with regard to any speculative application which are submitted
- This application goes against the Stoke Golding neighbourhood plan and the communities' vision

7. Policy

7.1. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

7.2. Site Allocations and Development Management Policies DPD (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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the countryside and character of the areas
- Historic Environment
- Affordable housing
- Archaeology
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flooding and Drainage

- Ecology
- Pollution
- Infrastructure contributions
- Other matters

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Stoke Golding is identified as a Key Rural Centre stand alone within Policy 7 and 11 of the Core Strategy. To support its role as a Key Rural Centre focus is given to limited development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5. Policy 11 provides the policy framework for each Key Rural Centre that Stands Alone (away from Leicester and outside of the National Forest). The first criterion for Stoke Golding seeks the provision of a minimum of 60 new homes. Since the adoption of the Site Allocations and Development Management Policies (2016) DPD which allocated sites in Stoke Golding in accordance with the Core Strategy. STG02PP has been granted and approved 59 dwellings, and STG25 benefits from consent for 75 Dwellings off Hinckley Road. Since 2009 Stoke Golding has delivered 151 dwellings.
- 8.6. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure, in addition the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by Ministry Housing Communities and Local Government (MHCLG). Therefore, the application should be determined in accordance with Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.7. The consideration under Paragraph 11 (d) is weighed in the balance of the merits of any application and considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which is attributed significant weight as they are consistent with the Framework.

- 8.8. This site lies outside of the settlement boundary of Stoke Golding and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.9. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - d) It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- 8.10. The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.

Impact upon the character of the countryside and character of the area

- 8.11. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.12. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be unjustified.
- 8.13. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should also ensure the significance of a conservation area is preserved and enhanced.

Landscape and visual impact

- 8.14. The Borough's Landscape Character Assessment (2017) identifies the site within Character Area E, Stoke Golding Rolling Farmland. This is characterised by Undulating arable and pasture farmland with gentle valleys sloping down to the Ashby Canal, Tweed River and associated tributaries. Small to medium rectilinear field pattern divided by low hedgerows and mature hedgerow trees, typical parliamentary enclosure, with smaller pasture fields around settlements, creating a

largely unified field pattern and providing continuity with the agricultural past. Historic villages occupying higher ground, with a 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.

- 8.15. The application site, is reflective in terms of its scale and form of hedgerow enclosure, however the application site is of irregular shape. The application site, maintains a rural interface to the settlement, however there are public open spaces and solar farms to the south, south east which shape and influence the character of the area. . The site is not however a 'valued landscape' for the purposes of Paragraph 170 of the NPPF. Nor has the site got any national or local designations and is not unique or remarkable for any landscape purposes.
- 8.16. The Landscape Character Assessment (2017) identifies that the key sensitivities of this rural landscape are considered to be the rural character of the landscape, despite its proximity to urban area, with little light pollution. The gap between Stoke Golding and Dadlington, which is important in retaining the 'village' character. Low hedgerows and mature trees, which define the historic field pattern. The historic value and associations with the Bosworth Battlefield, The Ashby Canal, footpaths and the uncluttered rural views of the church spires, which are sensitive to change and valued for the sense of local distinctiveness they provide.
- 8.17. An assessment is made of the landscape value within the submitted LVIA, which takes into consideration the landscape value of the site, in the context of the site being situated within the Character area E – Stoking Golding Rolling Farmland as identified within the Landscape Character Assessment (2017), and concludes that the site in this context would have a medium to high value. However the landscape has no specific designations, and the value of the site, has also been assessed in terms of its specifics within its immediate context, which due to the immediate landscape context which includes public open spaces, several rights of ways, and the landscape components of the site, it is found to have a medium value, with a medium susceptibility in landscape terms.
- 8.18. The LVIA identifies that when having regard to the site in its immediate setting, which is located directly adjacent to the settlement edge defined by residential development to the north, with play and open space and solar installations contained within the landscape to the east. The site is bound and screened by mature hedgerow with a limited network of public access, which results in few opportunities for the character of the site to be experienced or viewed. Therefore in its immediate context the LVIA considers the site to have a low susceptibility, in landscape terms.
- 8.19. The LVIA identifies that the greatest degree of visual impact would be from two key locations, one located immediately adjacent to the site within Wykin Lane, and the second from the Hall Drive Recreation area. From Wykin Lane direct and near views of the western boundary of the site is characterised by mature trees and dense understory, which screens the wider application site. The proposal would introduce built form, set back within the site, with the landscape strategy proposed to retain landscaping along this boundary to provide a buffer, with proposed further mitigation proposed to enhance and improve density. The LVIA concludes that the visual effect at this viewpoint would have a magnitude of medium and a moderate significance of effect at year 15, with the existing and proposed planting establishing softening and screening the edge of the proposed development.
- 8.20. The second key location is from the public open space from Hall Drive, where from this location there are direct, near distance views to the eastern edge of the site, including the belt of mature trees and woodland that forms part of the eastern

boundary. From this location views of the proposed development would be of the upper limits of the proposal, that would be partially visible above some sections of the trees and hedging. These views would be set against the context of the existing built form. The LVIA states that whilst the proposed development would not introduce a new feature into this view, the extent of the settlement would partially enclose the western edge of the open space. It is however considered that the on site open space proposed and indicated within the layout along this boundary, results in the proposed development being set back away from the application sites east boundary, which results in the built form being omitted from view to some extent reducing the extent of the visibility. The LVIA having regard to this, concludes that the visual effect at year 15, when the existing and proposed landscaping matures would have a magnitude of negligible to low and a minor adverse significance of effects.

- 8.21. The LVIA concludes that there will be some adverse landscape and visual effects; however these are localised and limited in their immediate context. It is considered that the overall harm to the landscape character of the local area having regard to the LVIA is considered to be minor to moderate, due to the relatively contained nature of the application site, set against the existing residential context and limited receptors.
- 8.22. The proposal would extend development beyond the settlement boundary of Stoke Golding and it is considered that the proposal would result in some harm to the character and appearance of the area and would therefore conflict with Policy DM4 and DM10 of the SADMP DPD.

Historic Environment

- 8.23. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.24. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193).
- 8.25. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should also ensure the significance of a conservation area is preserved and enhanced. Proposals which adversely affect a scheduled monument or its setting should be wholly exceptional and accompanied by clear and convincing justification.
- 8.26. There are no designated or non-designated heritage assets upon the application site itself. The Stoke Golding Conservation Area is located approximately 250m to the north of the application site at its closest point; this also incorporates the southern boundary of the Hlaew and medieval farmstead scheduled monument. The Grade II listed Royal Observer Corps underground monitoring post is located approximately 200m west of the application site. Further listed buildings are located within the historic core of the village but are a greater distance from the application site. An archaeology and built heritage assessment has been submitted with the application which assists in confirming that there no visual or known historic or other

relevant relationships between the application site and these designated heritage assets. It is therefore considered that the application site is not located within the setting of any heritage assets. The submitted illustrative masterplan indicates that the site access is to be provided from Wykin Lane in between a retained hedgerow and the proposed dwellings would have to be no more than two storeys in scale to ensure they respect the prevailing built form in the area. For these reasons it is considered that the proposed development would continue to fall beyond the setting of any heritage asset and thus have no effect on their significance. The proposal therefore complies with Policies DM11 and DM12 of the SADMP DPD, Section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Affordable Housing

- 8.27. Policy 15 of the Core Strategy requires residential development in rural areas to provide 40% Affordable Housing with a tenure split of 75% affordable rented and 25% intermediate housing. The details submitted with this application would suggest that based upon the delivery of 55 dwellings were to be provided this would result in 33 market dwellings and 22 dwellings would be affordable, with a mix of 16 dwellings for social rent and 6 intermediate dwellings.
- 8.28. Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum net density of a least 30 dwellings per hectare within key rural centres such as Stoke Golding. The Design and Access Statement confirms that the density of the housing contained within the development framework parameters is on average 35 dwellings per hectare. However, lower densities will occur on the western edge, of the site, whilst higher densities will be located along the primary vehicular route and towards the existing settlement edge. This is considered an acceptable design approach to achieve a balance between efficient use of land, whilst assimilating with the character of the area.
- 8.29. Using data from The Housing Register (at March 2020) of the applicants on the housing register 110778 have a local connection to Stoke Golding for the following property sizes:
- 1 bedroom properties- 4853 applicants
 - 2 bedroom properties- 3813 applicants
 - 3 bedroom properties- 1611 applicants
 - 4 bedroom or more- 501 applicants
- 8.30. The greatest need for rented housing in Stoke Golding is 1 bedroomed 2 person maisonettes. The preferred mix would be a mix of 4, 1 bedroomed 2 persons apartments or quarter houses, 6, 2 bedroomed 4 persons houses, 6, 3 bedroomed 5 person houses, with a mix of 2 and 3 bedroomed houses for intermediate tenure. However, this is an outline scheme and the layout is not being considered at this time, the number and mix of housing could be agreed by a legal obligation. HBBC (Affordable Housing) is in support of this mix.
- 8.31. Since the application site, is in the rural area of the Borough the s106 agreement should include those applicants in the first instance to have a local connection to Stoke Golding, with a cascade in the second instance for a connection to the Borough of Hinckley and Bosworth. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Archaeology

- 8.32. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate

desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.

- 8.33. The Leicestershire and Rutland Historic Environment Record (HER) identifies that the application site has potential to contain prehistoric archaeological remains and very little archaeological investigation has previously been undertaken in the vicinity of the proposed development area, but scatters of prehistoric flint and Roman pottery indicative of nearby settlement have been identified through field walking across sever fields to the west of the application site.
- 8.34. During the course of the application trial trenching has been carried out on site, which were subject to inspection by Leicestershire County Council (Archaeology). The work confirmed a pattern of plough furrows across the site, which were originally located by preliminary geophysical survey, and identified as the remains of a medieval ridge and furrow agricultural system. The work also revealed the remains of four shallow linear gullies and a small pit. These features were excavated in accordance with the Written Scheme of Investigation, and although they were confirmed as archaeological in origin, they produced no finds with which to date them. Given the lack of pottery, or structural evidence, it is likely that they represent a low density of archaeological remains relating to agricultural field systems rather than intensive settlement or other occupation. The trial trenching is therefore considered sufficient to mitigate the archaeological impacts of the proposed development, and warrants no further archaeological action. The scheme is therefore in accordance with Policy DM13 of the SADMP and Section 16 of the NPPF, paragraph 189-190.

Impact upon neighbouring residential amenity

- 8.35. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.36. Objections have been received from local residents with regard to residential amenity by way of additional noise and traffic as well as loss of view. However, the loss of view is not a material planning consideration.
- 8.37. By virtue of the size of the site and subject to satisfactory layout, scale, design and landscaping which are matters reserved for future consideration, the indicative layout submitted demonstrates that the site could be developed for up to 55 dwellings with satisfactory separation distances without resulting in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties. Residential amenity for the future occupiers of the development is a matter that will be established through the submission of detail; however, there is no reason that this can not be achieved.
- 8.38. The proposal is therefore considered to be in accordance with Policy DM10 as the amenity of neighbouring occupiers of the proposed development would not be adversely affected to warrant refusal of the application.

Impact upon highway safety

- 8.39. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an

unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

- 8.40. Access is a matter for determination and a detailed access plan has been provided. In addition to this, the proposal has been supported by the submission of a Transport Assessment and a Stage 1 Road Safety Audit. The detailed access plan proposes a 5.5 metre site access with a 6 metre kerb radii and a 2metre wide footpath from the north east side of Wykin Lane, which would extend into the application site. The proposed access at the Junction with Wykin Lane would provide visibility splay of 2.4 metres x 55 metres to the north and 52 metres to the south.
- 8.41. The dimensions suggested for the site access also ensure an allowance is made for the largest vehicles expected to regularly access the site, such as refuse collection vehicles, to do so in a safe manner without disruption to other road users and without over-designing. A swept path analysis has been carried out of the site access and is provided and an appendix to the Transport Assessment.
- 8.42. The Road Safety Audit identifies two problems with the site access and design, firstly the lack of street lighting in the vicinity of the proposed access. The Local Highway Authority considers that it is necessary to extend the street lighting in the vicinity of the access to cover the proposed access. This is considered to be necessary and would be provided and considered at the detailed design stage. There is also 30 national speed limit roundels which would be in close proximity to the access to the south, however it is not considered that these would warrant relocation. The second problem the Road Safety Audit identifies is the proposed centre line, which is proposed on the widened section of the carriageway as you enter into Stoke Golding along Wykin lane, which may give drivers a false impression that it is safe to travel at higher speeds past the junction, and would be the only section within Wykin Lane, which would have a centre line present. As such in light of the Safety Audit the proposed centre has been removed, and therefore the LHA are satisfied with the design of the proposed access, including the footways, visibility splays and the demonstrated swept paths for larger vehicles.
- 8.43. An assessment of the capacity of the proposed junction has been carried out, which utilised the average AM and PM weekdays flows for Wykin Lane, which have been factored to 2024 levels, and demonstrates that the proposed site access would operate within capacity with the development in place at 2024.
- 8.44. A number of off site highway improvements are detailed on the submitted plans, which include forward visibility between the existing passing bays, which are proposed to be improved and new passing bays provided along Stoke Lane. A total of 11 new passing bays are proposed. The existing passing bays would be lengthened and surfaced, and include kerb lines to ensure consistency with the proposed new bays, and would be secured through a S278 agreement, to mitigate the impact of the development upon the highway network.
- 8.45. Reserved Matters applications will specify sufficient parking, both in terms of numbers and dimensions, to comply with the relevant standards at the time of submission, as will the internal road layout.
- 8.46. Therefore, the Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with Policy DM17 of the SADMP or paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and planning obligations outlined in this report.

Flooding and Drainage

- 8.47. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.48. The site is located within Flood Zone 1 being at low risk of fluvial flooding and therefore passes the Sequential Test and does not require the Exception Test to be undertaken. The site generally falls from the north west to the south east, and a small drainage ditch feature running parallel to the eastern boundary is the only noticeable ordinary watercourse that runs adjacent to the Stoke Golding Recreation ground and Pine Close Solar farm.
- 8.49. The Environment Agency pluvial (Surface Water) flood maps show the route of surface water runoff across the ground. The Pluvial maps identify an isolated area of low surface water floor risk towards the north east corner of the application site, and follows the natural gradient of the site. Given the nature of the proposed development, impermeable areas within the site, would increase and as such careful consideration and mitigation would need to be regarded and managed.
- 8.50. This strategy shows feasibility that the site can be drained; however, having regard to the soil scape and the underlying ground conditions it is considered that SuDs would be unsuitable as the primary method of disposing surface water runoff from the site. It is proposed that surface water runoff shall initially look to be drained by a gravity conveyed network down to an attenuation basin that will temporarily store surface water onsite, before it is discharged at the existing QBAR rate of 9.3l/s into the watercourse adjacent to the site. Discharge from the site is proposed to be restricted to pre-development Greenfield runoff rates as not to increase the flood risk to the surrounding area or to exacerbate flooding downstream from the development. This is considered as the most appropriate surface water drainage solution.
- 8.51. The LLFA raise no objection to the proposal subject to conditions requiring the submission of a surface water drainage strategy which will require full construction detail. The Environment Agency have no objection to the proposed development, as there is no fluvial flood risk concerns, nor environmental constraints.
- 8.52. The Lead Local Flood Authority and HBBC Drainage have no objection to the proposals put forward for dealing with surface water drainage, subject to conditions. Therefore the proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

Ecology

- 8.53. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.54. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.55. The outline planning application at Wykin Lane has been accompanied by a Preliminary Ecological Appraisal which considers the likely impacts on Special area of Conservation (SAC), Special Protection Area (SPA) and Ramsar wetland sites, and identified no likely significant effect on Natura 200 sites.

- 8.56. SSSIs/SACs/SPAs & Ramsar sites and identified no likely significant effect on Natura 2000 sites. The need for projects with the potential to impact upon Natura 2000 sites is contained in Article 6 of the European Council Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna. Articles 6 (3) and 6 (4) of this Directive state that an Appropriate Assessment is required for any plan or project that is considered likely to have a significant effect on a Natura 2000 site, either individually or in combination with other plans or projects. Therefore, no Habitat Regulations Assessment screening exercise is required.
- 8.57. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.58. The application has been accompanied with a preliminary Ecology appraisal and an Environmental DNA, which has been updated during the course of the application. Consideration to the habitat survey which has been completed and submitted as part of the application, concludes that, the application site is not a field of species rich grassland.
- 8.59. The application was also supported by a Great Crested Newt (GCN) survey, which omits an adjacent pond, however this is a garden pond. As such is it therefore likely that only a small to medium population of GCN are present within the pond and mitigation proposed is to proceed on that basis. Due to the outline nature of the application, where by the layout and landscaping scheme is a reserved matter, it is considered necessary that conditions are imposed which seeks a 4.5 metre uncut buffer to enhance the connectivity at the site and the wider landscape through the use of permanent green corridors between this pond and the hedgerow along to the east. The site is currently sub-optimal for GCN, with hedgerows therefore providing the greatest connectivity.
- 8.60. During the course of the application an initial survey has been carried out in respect of Great Crested Newts and its findings are as follows:-
- Pond 3: 21 great crested newts (4 male, 17 female)
 - Pond 5: No great crested newts recorded / trapped. The pond has nearly dried out (max water depth approximately 10-15cm). Expect that this will be completely dry shortly.
 - Pond 10a: No great crested newts recorded / trapped. We are aware that this pond has or occasionally supports great crested newts. However, due to the very small size and limited aquatic vegetation, it would be surprising if it ever supports above a low population of newts (10+ individuals) and it would almost certainly not be able to support above a medium population (100+) newts.
- 8.61. The on-site ditch was also inspected (previously confirmed as supporting great crested newts) but is currently dry. This initial survey has been considered by Leicestershire County Council (Ecology) and indicates that the centre of the GCN population is to the west of Stoke Golding Lane, and no GCN were found in the garden pond, although the presence of GCN eDNA last year indicates that this pond is used by GCN, however it is unlikely to be a large number of newts due to its limited size. Given this additional information it is considered that there is sufficient information to determine that it is unlikely that any additional survey information would change the required mitigation on site, and would not require the submission

of further GCN information in support of the reserved matters and can be dealt to prior to any commencement on site.

- 8.62. The Preliminary Ecological Appraisal indicates that no evidence of badgers was recorded on site, but the site had the potential to support badgers. It is therefore considered necessary that due to this potential that prior to the submission of any reserved matters, should permission be granted, an updated survey is carried out. The Bat Transect Survey, identified bats using the hedgerows on site. Bats would not be significantly impacted by the development, provided that the recommendations contained within the bat survey are followed and the existing hedgerows retained and buffered by the development. There is also a mature Oak Tree on the boundary with the application site and the playing field to the north east of the site, which has been identified as a potential Local Wildlife Site, its retention as such is therefore necessary and buffered by development accordingly.
- 8.63. The works to the highway, fall outside the application site, and this work would be contained within the existing highway boundary comprises and would seek to predominately to formalise existing passing places which are used informally along this stretch, as well as improvements and lengthening to others. Having regard to Wykin Lane, there are two species rich hedgerows present along its eastern edge, however the impact the passing places would have on these would be limited due to the existing relationship of informal bays which would be formalised along the extent of Wykin Lane.
- 8.64. The development would not adversely impact on protected species and subject to conditions would be in accordance with Policy DM6 of the SADMP DPD and the principles of the NPPF.

Pollution

- 8.65. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.66. The application has been accompanied with a Soils and Agricultural Quality Study and Phase 1 Ground conditions report.
- 8.67. The Phase 1 investigation recommends that an intrusive investigation especially given the agricultural nature of the use, with any Phase II investigations seeking to confirm the sites geology and the extent and characteristics of the made ground. Environmental Health (Pollution) have therefore no objections subject to the imposition of conditions relating to further contamination investigations to ensure the safe development of the site.
- 8.68. Given the scale of development, which would be in proximity to the adjoining settlement boundary, Environmental Health (Pollution) have also requested a further condition for the submission of a Construction Environment Management Plan, to detail the site preparation and construction and how the impact of this would be mitigated and prevented. It is considered when having regard to the surrounding residential dwellings that this is reasonable and necessary and should be imposed should permission be granted.
- 8.69. The development is therefore in accordance with Policy DM7 of the SADMP.

Infrastructure Contributions

- 8.70. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.

- 8.71. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (As Amended) (CIL) and paragraph 56 of the Framework. The CIL Regulations and NPPF confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Play and Open Space

- 8.72. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space, which is provided on site and what would be the requirements off site.

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 55 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	198		198
Casual/Informal Play Spaces	16.8	924	200	724
Outdoor Sports Provision	38.4	2112	0	2112
Accessibility Natural Green Space	40	2200	0	2200

- 8.73. In accordance with the Open Space and Recreation Study (2016) the number of dwellings proposed requires a Local Area of Play (LAP) to be provided on site. The submitted Development Framework indicates the provision of a LAP to be positioned along the north west boundary of the site, and would provide an area of informal play space. In addition to the LAP, a resultant 724 square metres should also be included within the layout. The Design and access states that the proposed development based on the indicative masterplan would provide 0.43 hectares of play and open space through the development, inclusive of the LAP. However having regard to the site layout, and indicative layout, which would include an attenuation pond, and pockets of landscaping, which given the location in close proximity to roads and residential dwellings would not be considered as useable casual and informal space, and would instead provide part of a wider landscaping scheme and strategy to the development. Any subsequent reserved matter relating to the detailed layout of the site, would have need to have regard to Ecology mitigation strategy which requires 5 metre buffers outside any defined curtilages, which would also reduce the overall provision as illustrated within the masterplan.

Therefore in this instance when it is not always practical due to the other factors off site contributions may be deemed necessary.

- 8.74. The nearest existing off site public open space is located off Hall Drive Park (STG10) with a quality score of 72%, which is below the 80% target score, and provides Children's play equipment, Outdoor Sport Facilities and provisions for young people. Hall Drive Park is located immediately to the north east of the application site. A link between the proposed LAP and the neighbouring Hall Drive Park, has been considered as part of the application, however due to Ecology constraints of the site, it would not be possible, due to the ecology implications.
- 8.75. To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. Although contributions towards casual and informal play space would be having consideration of the proposed onsite LAP, it is considered necessary and reasonable to seek requests towards equipped Children's play space, 724 square metres of casual/informal play space, outdoor sports provision and Accessibility Natural Green Space. The contributions sought will therefore be based upon the table below:

	On site maintenance (20 years)	Off site provision	Off site maintenance (10 years)	Total
Equipped Children's Play Space		£36,022.14	£17,384.40	£53,406.54
Casual/Informal Play Spaces	£2160.00	£3214.56	£3909.60	£9,284.16
Outdoor Sports Provision	/	£19,113.60	£9,081.60	£28,195.20
Accessibility Natural Green Space	/	£8,998.00	£15,620.00	£24,618
			Overall Total	£115,503.90

- 8.76. As the application is submitted in outline format the formula in The Open Space and Recreation Study (2016) can be used to calculate the contribution required as a percentage for each unit provided.
- 8.77. The developer will also be obligated to provide and then transfer the on-site open space area to a management company, together with a maintenance contribution or, in the alternative, requesting that either the Borough Council or the Parish Council maintain it. In the latter eventuality, the open space area would be transferred to the relevant authority together with a maintenance contribution.
- 8.78. The provision of Play and Open Space is required for compliance with Policies 11 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section of 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 11 requires development in Stoke Golding to address existing deficiencies in the quality, quantity and accessibility of green space

and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative layout of the proposed development suggests the provision of open space around the site to include a LAP. Using the adopted Open Space and Recreation Study (2016) the closest public open space, to the proposed site, Hall Drive Park (STG10) falls below the quality scores set by the Open Space and Recreation Study and therefore the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

NHS West Leicestershire CCG - Health Care

- 8.79. The West Leicestershire CCG has requested a contribution of £27,826.26 towards addressing the deficiencies in services at Stoke Golding Surgery, which are the closest available GP practices to the development. The practice has seen significant growth due to housing development within their practice areas over the past 5 years, which is impacting on their capacity and resilience. An increase of 133 patients will significantly impact on patient demand in the area.
- 8.80. The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgery, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local Stoke Golding Surgery, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.
- 8.81. This request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was sufficient evidence to support the contributions being sought.

Education

- 8.82. LCC Children and Family Services have requested a contribution towards education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution is £240,768.00
- 8.83. The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area.

This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

Civic Amenity

- 8.84. LCC Waste Management requested a contribution of £1684.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate an additional 1.054 tonnes per annum of waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.
- 8.85. This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

Libraries

- 8.86. LCC Library services have requested a sum of £1,660 towards provision of additional resources at Hinckley Library, which are the nearest library to the development. The population catchment for Hinckley library is 44,669, and this development would add 165 to the existing library's catchment population. The contribution would seek to provide additional resources and materials such as books, audio books, newspapers, and associated equipment and storage. The Museums, Libraries and Archives Council (MLA) publication "Public Libraries, Archives and New Development: a standard approach" recommends a minimum stock figure of 1,157 items per 1,000 population.
- 8.87. The proposed development would be within 3.59km of Hinckley Library, situated on Lancaster Road, and would be nearest facility. There are existing bus services 6 days a week into Hinckley, which provides direct access to the Library, and it is considered that residents of the development are likely to access this service. It is considered that contribution is reasonable in scale and kind to the proposed scale of the development and therefore the s.106 should direct the contribution towards this service.

Highways

- 8.88. LCC (Highways) have requested a number of contributions to promote and encourage sustainable travel these include; Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation

and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass.

- 8.89. There are services in Stoke Golding creating a sustainable community such as schools, doctors, community centre, public house and sports pitches and play areas which are within walking distance of the proposal and do meet the day to day needs of residents. However, given the lack of employment, secondary school, library and other services residents are likely to access (supermarket etc.) it is considered the bus pass and travel pack contributions are necessary. The bus passes and travel packs will be provided to the residents of the development and therefore they directly relate to the mitigating impact of new residents. The travel pack contribution covers the cost of the preparation and distribution of the packs and the buss pass is an optional service that there may not be a 100% take up of, therefore the contributions are reasonable and fair in scale and kind.

Other matters

- 8.90. HBBC (Street Scene Services) have requested a condition to detail the waste collection and recycling strategy of the site, it is considered that this is an appropriate condition that meets the tests.
- 8.91. Objections have been received in respect to the application not being supported by an Environmental Impact Assessment. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) sets out the thresholds to which an application should be screened. Schedule 2, Class 10 relates to 'Infrastructure Projects' Subsection (b) of the regulations sets out that for such development where an EIA may be required if;
- The development includes more than 1 hectare of urban development which is not dwelling/house development; or
 - The development includes more than 150 dwellings; or
 - The overall area of the development exceeds 5 hectares.
- 8.92. The application falls below the thresholds set out in Schedule 2 of the regulations. The PPG confirms that "projects which are wholly outside sensitive areas and do not exceed the revised screening thresholds are not Schedule 2 development and should not be screened. Accordingly the application does not require an EIA screening request to be submitted to the Local Planning Authority.
- 8.93. Objections have been received in respect of de-valuation of properties; however this is not a material planning consideration that can be taken into account.
- 8.94. Comments have been received in respect of loss of views, it should be noted that views can not be protected, and therefore are not considered a material planning consideration.

9. Planning Balance

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted

unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 9.3. The proposal would be in conflict with Core Strategy Policy 7 and 11 and Policy DM4 and DM10 of the SADMP. These policies are consistent with the Framework and are afforded significant weight. The proposal, whilst involving development on open land, has been found to have a moderate impact on the landscape character of the area and minor impact on the wider landscape character. There are also some minor adverse visual impacts identified, so there is some conflict with Policy DM4 and DM10 of the SADMP.
- 9.4. Weighed against this conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 55 houses (including up to 22 affordable homes). These additional houses and affordable houses have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 9.5. The proposal would result in the loss of agricultural land, using mapping available the land is identified as grade 3 Best and Most Versatile Land. Therefore, this does add to the value of the landscape, although given that the land is grade 3 and not 2 or greater and there is other agricultural land around Stoke Golding, it is not considered this has significant weight in the planning balance.
- 9.6. Stoke Golding is an identified Neighbourhood Plan Area; however, given the early stages that the preparation of the plan is at, this has very limited weight in the planning balance.
- 9.7. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably out weigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 9.8. The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.9. As discussed the proposal could deliver up to 55 dwellings, of which 40% would be affordable. This would result in a significant social benefit to the area and also to the borough. Some environmental benefits would be provided such as additional planting through landscaping in the provision of open space. Additionally there would be some benefit for biodiversity associated with the reinforcement of existing hedgerow and trees around the site and the provision of SUDS which can be designed to include benefits to biodiversity, secured via condition.
- 9.11. It has been concluded that there would be minor to moderate harm to the character of the area caused by the landscape and visual impact built development in this location would have on the open character of the countryside which provides a rural setting to Stoke Golding. The proposal would extend development beyond the settlement boundary of Stoke Golding and it is considered that the proposal would result in harm to the character and appearance of the area in conflict with Policy DM4 and DM10 of the SADMP DPD.
- 9.12. Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm has been identified, it is considered on balance that the harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this

case and material considerations outweigh the conflict with some elements of the development plan.

10. Equality Implications

10.1. 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.

10.2. 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.

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

10.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

11. Conclusion

11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

11.2. The proposal, subject to conditions, is in accordance with Core Strategy Policies 15, 16 and 19 and Policies DM3, DM6, DM7, DM13, DM17 and DM18 of the SADMP.

11.3. An assessment against the historic assets within the vicinity finds that the proposal would fall beyond the setting of heritage asset and as such would not have an impact upon the historic environment of Stoke Golding and therefore accords with DM11 and DM12 of the SADMP and paragraphs 189 and 190 of the NPPF.

11.4. The housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date and the Council cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.5. The proposal would be in conflict with Policy 7 and 11 of the Core Strategy, DM4 and DM10 of the SADMP. These policies are in accordance with the Framework and have significant weight. The proposal, whilst involving development on open land, has been found to have a moderate adverse localised impact on the character of the area and so there is some conflict with Policy DM4 and DM10 of the SADMP.

- 11.6. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 55 houses (including up to 22 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 11.7. As such, although there is clear conflict with strategic Policies 7 and 11 of the Core Strategy and DM4 and DM10 of the adopted SADMP, there has only been moderate harm found.
- 11.8. On balance it is considered that the harm identified to the character and appearance of the countryside from new residential development would not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan. The application is therefore recommended for approval subject to the conditions and planning obligations listed above.

12. Recommendation

12.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing, 75% affordable rented and 25% Intermediate housing
 - £115,503.90 Play and Open Space
 - 200 metre square Local Area of Play
 - Bus Passes (£360.00 per pass)
 - £240,768.00 Education
 - £1660 Libraries
 - £2724 Civic Amenities
 - £27,826.26 Health Care Provision (GP Practices)
 - Off site highway works
- Planning conditions outlined at the end of this report.

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

12.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

12.4. Conditions and Reasons

1. Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-

- a) appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
- b) landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
- c) layout of the site including, the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.
- d) scale of each building proposed in relation to its surroundings have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

- 3. Prior to the commencement of development a scheme which details the proposed market housing mix for the development, this should be in broad accordance with the Council's adopted Development Plan. The development shall then be completed in accordance with the approved details.

Reason: To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy 2009.

- 4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - a) Site Location Plan P18_2922-001-1 Rev B received on the 10 March 2020
 - b) Proposed Access ADC2042-DR-002 P4

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

- 5. The reserved matters shall be implemented in general accordance with Illustrative masterplan received on the 25 November 2019.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

- 6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC drawing number ADC2042-DR-002-P4 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

7. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

8. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To ensure that the proposed use does not become a course of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016)

9. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at no time on Sundays and Public Holidays unless otherwise agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

10. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. No development shall commence until drainage details for the disposal of surface water have been submitted in writing to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

13. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. 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.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

14. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. 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.

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 in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

15. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. All landscape planting used within the informal/semi-natural open space and adjacent to the boundaries of the site shall be locally native species only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. The layout submitted at Reserved Matters shall provide a natural vegetation buffer zone of at least 5m alongside all retained hedgerow which do not relate to boundaries and a 4.5 metre uncut buffer provided as shown in Section 3.1.2 of the Great Crested Newt Mitigation Strategy received on the 24 February 2020.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

19. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include a Great Crested Newt Corridor, areas of open space and created habitats including SUDs and all landscaping to informal play space and natural open space should be comprised of native species wildflower grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP.

20. Any reserved matters shall be accompanied with an updated Badger Survey shall be undertaken. The findings of the survey including a method statement for the clearance of the site, shall be submitted to and approved by the local planning authority. The site clearance shall be carried out in accordance with the approved details.

Reason: To ensure there is no adverse impact on biodiversity and features of nature conservation in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

21. Prior to commencement of development an updated Great Crested Newt Surveys and updated mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be

implemented and carried out in strict in accordance with the approved mitigation strategy.

Reason: In order to keep a protected species from harm according with Policy DM6 Site Allocations and Development Management Policies DPD.

22. Prior to the commencement of development details of any external lighting not within a residential curtilage shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). Light spill onto retained hedgerows and the brook corridor shall be minimised to a value of 1lux or lower at the edge of habitats. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

23. Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:

- Measures to prevent waste generation
- Information on local services in relation to the reuse of domestic items
- Information on home composting, incentivising the use of a compost bin and/or food waste digester
- Household Waste Recycling Centre location, opening hours and facilities available
- Collection days for recycling services
- Information on items that can be recycled

Reason: In accordance with the National Planning Policy for Waste (2014).

24. Prior to the occupation of the first dwelling, a Travel Pack informing residents what sustainable travel choices are in the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Packs shall then be supplied to purchases on the occupation of each dwelling.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of Sustainable modes of transport in accordance with the National Planning Policy Framework (2019).

25. Prior to the commencement of development full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2019).

12.5. Notes to Applicant

1. 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>.
2. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
3. 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>.
4. In reference to condition 24, Travel Packs can be provided through Leicestershire County Council at a cost of £52.85 per pack.

Planning Committee 16 June 2020
Report of the Planning Manager

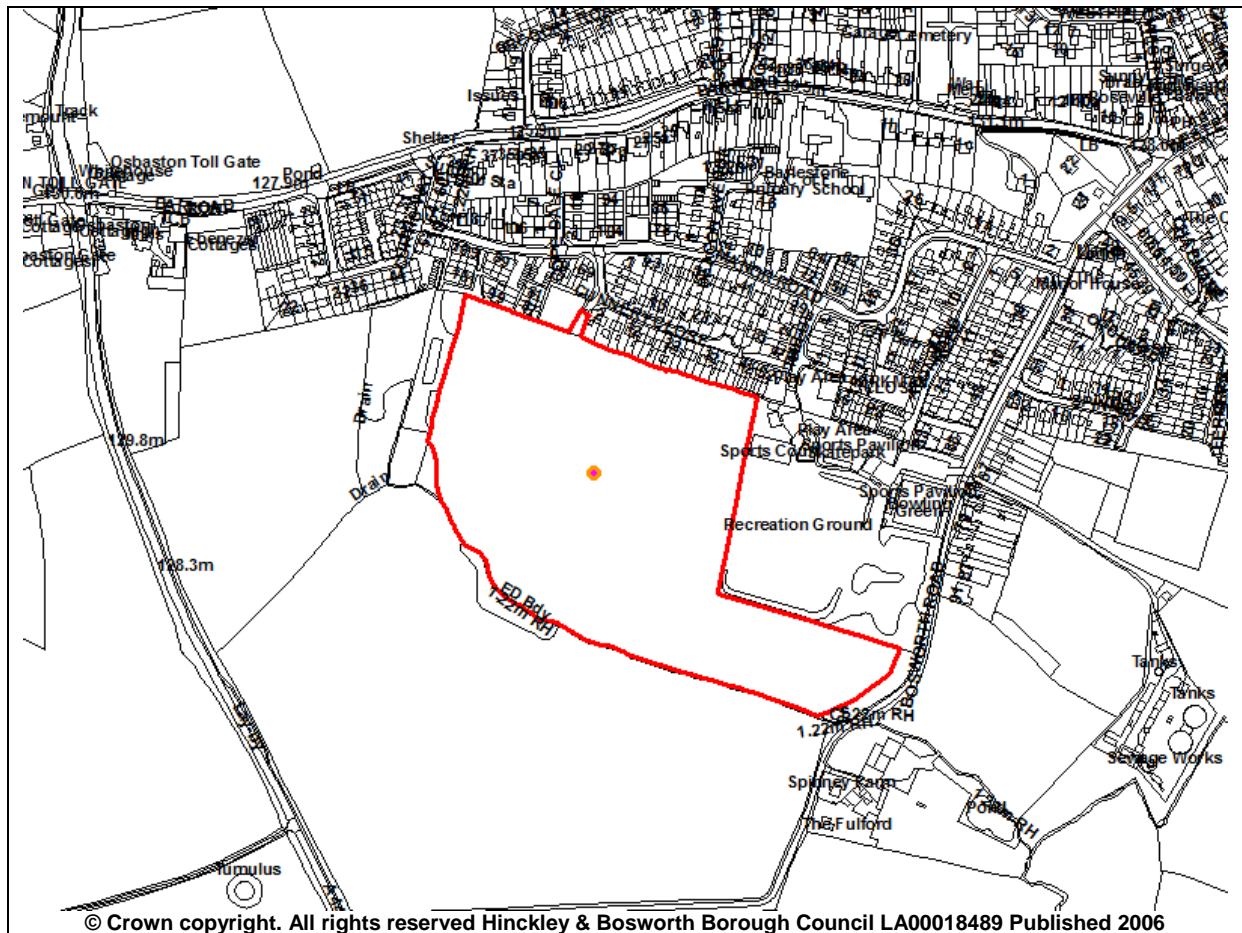
Planning Ref: 20/00102/OUT
Applicant: Gladman
Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: Land South Of Cunnery Close Barlestone

Proposal: Residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (SuDS) (Outline - access only) resubmission of 19/01011/OUT



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing, 75% affordable rented and 25% shared ownership
 - £603,423.17 Play and Open Space
 - 0.16ha Local Area of Play LAP
 - Travel packs (£52.85 per pack)
 - Bus Passes (£360.00 per pass)
 - £6000 Sustainable Travel monitoring fee
 - £1,507,469.45 Education

- £5,310 Libraries
 - £8,717.00 Civic Amenities
 - £89,127.72 Health Care Provision (GP Practices)
 - Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
 - 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks outline planning permission for up to 176 dwellings with associated public open space, landscaping and infrastructure. All detailed matters are reserved for later determination, except access. This is a resubmission of refused application 19/01011/OUT, none of the details of the application or supporting information has changed. An intention to appeal against the refusal of 19/01011/OUT has been submitted to the Council, however no formal appeal has been made to date.
- 2.2. As the application is outline the proposed housing mix is unknown. However, the applicant has identified that 40% of the housing to be provided would be affordable housing, if 176 dwellings were to be provided this would result in 105 market dwellings and 71 dwellings would be affordable with a mix of 53 dwellings for affordable rent and 18 intermediate dwellings for shared ownership.
- 2.3. An indicative development framework has been provided showing how the site could accommodate a development of up to 176 dwellings and shows access position, areas of infrastructure, build development and open space.
- 2.4. The proposed access would be via a new junction with Cunnery Close, and would incorporate vehicular and pedestrian access.
- 2.5. The proposal includes a large area of informal open space in excess of 2ha and a Local Area of Play (LAP) 0.16ha in area. The informal open space includes planting, pedestrian links and footpaths around the edge of the site connecting into existing footpaths and potentially the adjoining parish playing fields. The proposed LAP is shown on the development framework central to the site, with the public open space following the south and west edge with a larger open area to the east, south of the existing Bosworth Road playing fields.
- 2.6. The following documents have been submitted in support of the application; Planning Statement, Design and Access Statement, Statement of Community Involvement, Landscape and Visual Impact Appraisal, Transport Assessment and Travel Plan, Flood Risk Assessment, Foul Drainage, Ecological Appraisal, Bat Survey, Arboricultural Assessment, Noise Assessment, Air Quality Assessment, Heritage Assessment and a Socio-Economic Sustainability Statement.

3. Description of the Site and Surrounding Area

- 3.1. The site is located on the south western edge of Barlestone and comprises a single arable field parcel. It is 7.5ha in size with Cunnery Close located immediately to the north and Bosworth Road located to the east.
- 3.2. The site is defined by properties on Cunnery Close to the north, the rear boundary treatments of which bound the site. There is a small area of woodland to the west and a hedgerow and hedgerow trees to the south with further arable farmland beyond. Playing fields and a play ground form part of a recreation ground known as Bosworth Road Park to the immediate east, separated from the site by a row of

mature trees and to the south east, Bosworth Road is located approximately 10m from the edge of the site.

- 3.3. The site is not currently publicly accessible and there are no Public Rights of Way running through the site or along its boundaries. Albeit, there appears to be informal use of the field boundaries as there is visible evidence of people walking here, there is a pedestrian access through to houses off Manor Road.
- 3.4. Barlestone village is elevated from the site, with the site itself sloping in a south easterly direction, where it meets a water course at the low point. The land outside of the site boundary then slopes back up to the west where it meets the A447, a view of the site and properties on Cunnery Close can be taken here.

4. Relevant Planning History

19/01011/OUT	Residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (SuDS) (Outline - access only)	Refused	10.01.20
15/00772/OUT	Residential mixed use development comprising of up to 450 dwellings (use class C3), employment (use class B1), retail (use class A1 to A5), a children's day nursery and medical centre (use class D1) and associated works (outline - access only)	Refused	13.04.16

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.
- 5.2. 98 Letters of objection have been received from 70 separate addresses; the comments are summarised below:
- 1) This application has been made with no attention paid to the objections raised on the previous application
 - 2) Should not be considering the same plans again
 - 3) Why has the access now been fenced in
 - 4) I object for the same reasons as previously, nothing has changed
 - 5) Drainage is inadequate, sewerage plant can not cope
 - 6) Flooding will increase
 - 7) Population increase of existing village by 1/8th too many houses for the size of the village

- 8) Access off Cunnery Close is not adequate, exiting here is already dangerous, road is not wide enough
- 9) Only one point of access and exit, concerns for access by emergency vehicles
- 10) Present highway safety issues
- 11) On street parking is an issue on Manor Road and Cunnery Close
- 12) There are insufficient services in the village, including doctors and school
- 13) Bus services in being reduced
- 14) Mess and noise during construction
- 15) Increase of traffic through the village would be too great
- 16) Additional open space would be a burden on Parish Council
- 17) The loss of the turning head will mean vehicles reversing out on to Manor Road
- 18) Air noise, dust and light pollution
- 19) Loss of agricultural land
- 20) Bus stops are too far away
- 21) No local jobs therefore required to rely on car
- 22) Barlestone already has approved planning applications that have not been built
- 23) Planning permission has already been refused on this site, which is a material consideration
- 24) The site does not fall under the definitions of DM4 and there is clear conflict
- 25) Contrary to Policy DM4 and Core Strategy Policy 11, there is conflict with the spatial policies of the plan
- 26) The application does not enhance the green infrastructure or improve connectivity in any way
- 27) Economic benefits of scheme are immaterial given the level of services available in the village
- 28) Loss of privacy from overlooking
- 29) Devaluation of property
- 30) Roads not suitable for construction traffic
- 31) Lots of children use these roads to access the park and school
- 32) Already a good mix of property types in village
- 33) Homes for sale in village sat on the market
- 34) Cemetery is almost full
- 35) Neighbourhood Plan is being progressed that only identifies a need for 59 houses
- 36) There are populations of bats in the area, next to the site
- 37) Impact on wildlife/ biodiversity
- 38) Minerals Survey needs to be done
- 39) Loss of green space for access is contrary to Policy DM8
- 40) Development will lead to heavier or more frequent flooding
- 41) Should be an emergency access for this many houses
- 42) Pumping station is proposed, which are unreliable and lead to flooding
- 43) Impact on climate change

5.3. One letter of support from 1 address raising the following points:

- 1) Building extra family, friendly, affordable housing in the village will add value to the area, although a smaller amount would be better (125-150)

6. Consultation

6.1. No objection, some subject to conditions and/or obligations have been received from:

HBBC Drainage

HBBC Environmental Health
HBBC Street Scene Services
HBBC Affordable Housing
HBBC Compliance and Monitoring
HBBC Conservation Officer
HBBC Planning Policy
LCC Ecology
Lead Local Flood Authority
LCC Highways
LCC Minerals Planning
LCC Archaeology
Natural England
Severn Trent Water
Leicestershire Police

6.2. No response received from;

Ramblers Association
The Coal Authority
HBBC Green Spaces
HBBC Tree Officer

6.3. Barlestone Parish Council object to the proposals for the following reasons:

- 1) The development by virtue of its scale and location would result in an incongruous and disproportionate amount of growth in an unsustainable location. It would have a detrimental impact upon the character of the countryside and surrounding landscape. The infrastructure in the village is unable to cope with this large increase in traffic movement.
- 2) The access proposed is unacceptable, the surrounding roads are congested with on street parking which is a danger to current residents. The amount of traffic the development would bring is unacceptable. The property adjacent to the access will be in a very difficult position, movement of vehicles will be dangerous.
- 3) There is no room for emergency vehicles to exit Cunnery Close, which will become worse.
- 4) The village only has one convenience store with no car park and the roads around it are already congested.
- 5) Severn Trent Water remove waste from the sewage works by tanker, everyday. This already causes problems on narrow stretch of road (Bosworth Road).
- 6) It is noted that an application for 8 houses on Newbold Road was passes recently, this will itself increase the amount of traffic in and out of the village.

7. Policy

7.1. Core Strategy (2009)

- Policy 11: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

- 7.2. Site Allocations and Development Management Policies DPD (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 DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4. Other relevant guidance
- Landscape Character Assessment (2017)
 - Landscape Sensitivity Assessment (2017)
 - Open Space and Recreation Study (2016)
 - Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA)
 - Affordable Housing SPD (2011)
 - Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- impact upon the character of the countryside and character of the area
- Affordable Housing and Housing Mix and Density
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flooding and Drainage
- Ecology
- Pollution
- Archaeology
- Infrastructure Contributions
- Other Matters

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan

Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Barlestone is identified as a Key Rural Centre stand alone within Policy 7 and 11 of the Core Strategy. To support its role as a Key Rural Centre focus is given to limited development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5. Policy 11 provides the policy framework for each Key Rural Centre that Stands Alone (away from Leicester and outside of the National Forest). The first criterion for Barlestone seeks the provision of a minimum of 40 new homes. Since the adoption of the Site Allocations and Development Management Policies DPD (2016) which allocated sites in Barlestone in accordance with the Core Strategy only BARL03 has been delivered, providing 8 dwellings, no other allocations have come forward. Barlestone has seen little growth, with only 17 dwellings being completed since the adoption of the Core Strategy.
- 8.6. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure, in addition the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by Ministry Housing Communities and Local Government (MHCLG). Therefore, the application should be determined in accordance with Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.7. The consideration under Paragraph 11 (d) is weighed in the balance of the merits of any application and considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework.
- 8.8. This site lies outside of the settlement boundary of Barlestone and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.9. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
 - It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or

- It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
- It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.

and:

- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development;
- 8.10. The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.
- 8.11. The proposed access is situated across open space allocated as BARL04 Cunnery Close Amenity Space. This is a small incidental green space, which is not equipped.
- 8.12. Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities, of the SADMP seeks to resist the loss of land in recreation use and open space as identified in the Open Space Facilities Study, such as this one, except where:
- a) A replacement of an equivalent typology is provided, as defined by the most recent Open Space, Sport and Recreational Facilities Study, in an appropriate location serving the local community; or
 - b) It is demonstrated that there is a surplus of recreational land, facilities or open space of the same typology exceeding the needs of the local community; or
 - c) The development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on the remainder of the site, or on a nearby site serving the same community.
- 8.13. Albeit that the access is within land allocated within the SADMP, the parcel of land incorporated within the site to provide access is not within the ownership of the parish forming the land they own for use by residents as incidental open space. Notwithstanding that, the proposed development provides for 0.16ha of incidental open space within the development, as well as over 2ha of informal semi-natural open space around the site. Therefore, it is considered that the proposal meets the criteria as set out by Policy DM8 as an equivalent typology is provided in an appropriate location which would still serve the needs of the community. Further to this, the developer will be obligated to enter in to a s.106 agreement to provide contributions towards the enhancement of nearby existing recreational facilities.
- 8.14. The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages. A Neighbourhood Plan is currently being prepared for the Parish of Barlestone. The Neighbourhood group have recently completed an informal consultation with site representors to gain further information on sites which could be allocated for residential development. At present there is no draft document available to the Borough Council and there is no draft plan in the public domain which would indicate if a preferred site has been assessed and chosen for allocation as part of the planning process. However, a Pre-Submission Version of the Neighbourhood Plan is due to be consulted on in mid-2020 which will include draft policies and potentially a draft allocation(s) if chosen by the group.

Given the preparation stage that the plan is at, it currently holds very limited weight in the planning balance.

- 8.15. In 2016 the Council refused an application for up to 450 dwellings off Cunnery Close, on a site that incorporated the application site. The proposed access is in the same location, however this proposal covers a much smaller site area. This is a material consideration in the determination of this application. The application was refused for the following reason;

The development, by virtue of its scale and location would result in an incongruous and disproportionate amount of growth in an unsustainable location. The development would have a detrimental impact on the character of the countryside and surrounding landscape. The proposal would be contrary to the Council's spatial vision and directions for growth. The development is therefore contrary to Policies 7 and 11 of the Core Strategy, Policy NE5 of the Local Plan, Policy DM4 of the emerging Site Allocations and Development Management Policies Development Plan Document and Paragraphs 7, 14 and 109 of the National Planning Policy Framework 2012.

- 8.16. A more recent application was made for the same proposal, incorporating the same development area. The application was reported to Planning Committee and the application was refused contrary to Officer recommendation for the following reasons:

1. *The development would be out of keeping with the character of the area and therefore contrary to Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD July 2016.*
2. *Access to the site is via an unclassified road, which has on street parking and where the junctions operate above practical capacity. The development would therefore be detrimental to highway safety and contrary to Policy DM17 of the Site Allocations and Development Management Policies DPD July 2016*

- 8.17. The site is grade 3 agricultural land the loss of this should be weighed in the balance of the merits of the scheme.

- 8.18. This application is for the development of housing outside the settlement of Barlestone within the countryside it is contrary to Policy 7 and 11 of the Core Strategy and Policy DM4 of the SADMP. Therefore there is a conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Impact upon the character of the countryside and character of the area

- 8.19. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.20. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.21. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will

only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should also ensure the significance of a conservation area is preserved and enhanced.

Landscape and visual impact

- 8.22. The Borough's Landscape Character Assessment (2017) identifies the site within Landscape Character Area (LCA) B- Charnwood Fringe Settled Forest Hills. This is characterised by gently undulating landform, contrast between areas that are visually open and enclosed depending on their elevation and presence of woodland vegetation, fields enclosed by hedgerows, dispersed pattern of settlements following a liner pattern on ridgetops, the landscape is influenced by urban features.
- 8.23. The application site is typical of the Landscape Character Area, with an undulating open rural landform, hedgerow field boundaries, adjacent wooded areas and the settlement edge situated on the plateaued ridgetop. However, that being said, the site is not a 'valued landscape' for the purposes of Paragraph 170 of the NPPF. Nor has the site got any national or local designations and is not unique or remarkable for any landscape purposes.
- 8.24. The key sensitivities of this rural landscape character are considered to be woodlands, copses, trees, hedgerows and river corridors which are valuable for their recreational and ecological value as well as reinforcing historic character of irregular field patterns. The landscape strategies for this area are to support the National Forest Strategy, ensure developments are integrated within the wooded landscape and conserve the historic features of the landscape.
- 8.25. An assessment is made of the landscape value within the submitted LVIA and it is concluded that the site has an overall medium landscape value taking in to account matters such as scenic quality, rarity, conservation interest, recreational value and landscape quality. There is no reason to disagree with this overall judgement, however, the assessment with regards to recreational value states that there is no public access or recreational uses on the site and although it is agreed there is no designated Public Right of Way there is evidence that the site is accessed by the public and used for walking, this route is also identified on OS maps. However, the access rights over this are unknown and this does not alter the overall landscape value given.
- 8.26. The landscape harm identified to the local landscape area is moderate adverse at year 15. However, the impacts on the wider landscape character area are identified as minor adverse. This is attributed to the development being contained within the retained and strengthened landscape framework and with a layout designed to reflect the Barlestone settlement character. The LVIA also argues that the topography of the site is largely unaltered, the existing hedgerows and trees are retained and reinforced and new planting would provide high quality landscaping which would also incorporate increased connectivity through the formalisation of footpath networks and links around the site to the wider area resulting in negligible effects on the landscape character features of the area and providing a development that has taken in to account the key sensitivities of the LCA.
- 8.27. However the LVIA fails to take account of the impact upon the fact settlements within this landscape character area sit on the ridge, which this proposal would alter. Extending the settlement edge here would weaken this character feature given that the site slopes down to the south away from the higher ground. Further to this, the LVIA does not take in to account the use of the informal footpath and the impact upon this. However, the green infrastructure provided by the proposal would still allow this route to be used and it remains in situ, although given its unknown status it would not likely lead to significant adverse harm.

8.28. With regard to visual impact, the LVIA states that there would be negligible effects on visual impact on surrounding public rights of way networks, with no routes traversing the site itself and views from nearby routes being filtered by topography and vegetation. No assessment is made of the informal route that follows the boundary along the watercourse, however as above, given its unknown status and its retention and improvement would mean there is unlikely to be significant adverse harm. The sensitive receptors in close proximity to the site are residential, the visual impact upon these is recorded as moderate adverse to those on Cunnery Close and minor adverse to others located further away. However, it is not considered that this impact is of detriment to residential amenity. Views of the site can be gained from the highway network, however roads are considered to have low susceptibility to change, the development would be viewed from Bosworth Road this is mid range views beyond the open space and although development would project beyond the existing landscaping the impact is considered to be minor adverse. From the A447 a relatively open view is achieved of the site, within its context which would be moderate adverse effect when the landscaping has matured. The proposed development will be adjacent to Bosworth Road Playing Fields, the view is currently filtered by mature tree planting, however, in winter months the site is more visible.

8.29. The LVIA concludes that there will be some adverse landscape and visual effects, however, these are localised and limited in their extent. Overall, the harm to landscape character of the local area is considered to be moderate, given the change from open agricultural field to housing. However, the impact upon the wider landscape character is minor. The visual impacts of the development overall are considered to be minor.

8.30. The proposal would extend development beyond the settlement boundary of Barlestone and it is considered that the proposal would result in some harm to the character and appearance of the area and would therefore conflict with Policy DM4 and DM10 of the SADMP DPD. This harm will be weighed in the planning balance of the proposal.

Urban Character

8.31. Barlestone is a village located on the fringes of the Charnwood forest. Originally developing as an agricultural settlement, the village has lost much of its historic form due to substantial twentieth century infilling, replacement, and expansion. The Urban form is made up of a mixture of cottages, terraces and modern buildings with larger detached properties interspersed ranging from single storey to two and three storey. The Local vernacular is red brick occasionally covered by modern render, pitched slate and clay tile roofs and red brick chimney stacks are common features in the core of the settlement, with buildings that front onto the street. As the application has been submitted in Outline with matters of scale, layout and appearance reserved no assessment of the proposal in relation to the urban character is made. However, it is not considered that there is any reason that the proposal could not respond well to the features and characteristics of Barlestone and there is recognition of this within the submitted Design and Access Statement.

Historic Environment

8.32. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.

- 8.33. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193).
- 8.34. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.35. A heritage desk-based assessment and a landscape and visual impact appraisal have been completed and submitted as part of the application. In determining applications, paragraph 189 of the National Planning Policy Framework (NPPF) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Following the submission of these documents Leicestershire County Council Planning Archaeology has recommended that some further work is required to ensure satisfactory archaeological investigation and recording, this can be secured by a pre-commencement planning condition.
- 8.36. The heritage desk-based assessment includes a limited assessment on the direct physical and visual impact on heritage assets and their settings however the level of detail submitted as part of this application is proportionate and meets the requirements of paragraph 189. Paragraph 190 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). That required assessment is below and is in part informed by the submitted heritage desk-based assessment.
- 8.37. The Historic Environment Record (HER) for Leicestershire confirms that there are no designated or non-designated heritage assets located within the application site. There are four grade II listed buildings located within Barlestone (The Manor House, The White House, Church Farmhouse and the Church of St Giles), the closest of those being the Manor House which is located approximately 350m north of the eastern boundary of the application site. There are two listed buildings located to the south within the Osbaston Conservation Area which covers the historic core of the village. The grade II* listed Osbaston Hall is approximately 600m from the application site, with the grade II listed stable block and cottage at the Hall being located further to the south. There are also limited views from the centre of the site of the upper parts of the church spire of the grade II* listed Church of St Peter at Market Bosworth, circa 2.5km south-west of the application site.
- 8.38. As identified above there are designated heritage assets located within a proportionate search area around the application site, therefore it must be assessed if the site falls within the setting of these assets. The NPPF (Annex 2) defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." Historic England provide advice on the setting of heritage assets in their Good Practice in Planning Note 3 (2015), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and

by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.

- 8.39. Historic England recommends undertaking a five step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings are affected by the proposal. There is intervening built form between the application site and the grade II listed buildings in Barlestone, so these buildings are not visible from within the site nor is there any known key historic or other association. Views toward Osbaston from within the site are screened by a rise in slope which leads up towards Hut Spinney. There is no visual relationship or any known key historic or other association between the application site and the Osbaston Conservation Area and the two listed buildings located within it. There are also limited views from the centre of the site of the upper parts of the church spire of the grade II* listed Church of St Peter at Market Bosworth. As a result it is considered that the application site is located within the setting of the church and consequently the development proposal will affect this heritage asset only.
- 8.40. Step 2 is to assess the degree to which these settings make a contribution to the significance of the heritage asset or allow significance to be appreciated. The exterior of the Church of St. Peter largely dates from the early-14th century but with some earlier internal features. It has a west tower and recessed spire and is constructed of coursed and squared limestone with ashlar dressings. The overall significance of the church is principally derived from the architectural and historic interest of the asset, which is embodied within the fabric of the church both internally and externally. The building demonstrates a high level of illustrative value, with the architecture demonstrating church building techniques and styles from the 14th century onwards. The clear aesthetic value of the church is apparent from both immediately adjacent within the church yard, but also within the wider landscape. This, in particular, contributes to its significance, with the scale, architectural features and materials all contributing to its aesthetics. There is also communal value which contributes to the overall significance of the church, derived from the role that the church has continuously played as a religious centre for the community from at least the 14th century through to the present day.
- 8.41. The immediate setting of the church is made up of the moderately sized church yard which surrounds it. The extended setting is relatively wide owing to the tall and visually prominent tower and spire and its ridge top location with the church spire being noticeable on the skyline from points within the surrounding landscape. This demonstrates the importance and influence of the church and therefore contributes to its value. The application site falls within the wider setting of the church. The relevant assessments provide evidence that the application site has been in agricultural use since the Early Medieval period so there is no apparent direct functional or historic connection between the site and the church. As identified above, however, due to the topography of the land and the scale of the church building with prominent spire, there is a limited visual connection between the church and the application site with the upper parts of the spire being visible when looking south-westwards from within and over the site. This glimpse demonstrates the importance of the church within the wider landscape, although due to the limited extent of the view the significance of the church can barely be appreciated. The application site is therefore only considered to allow for a negligible appreciation of the significance of the Church of St Peter. In addition the application site only form a small part of the wider landscape which surrounds the church, with this landscape

allowing for views and an appreciation of the significance of the church from numerous vantage points.

- 8.42. Step 3 is to assess the effects of the proposed development, whether beneficial or harmful, on the significance of the church or on the ability to appreciate that significance. Access is the only matter for consideration as part of this application with all other matters reserved (appearance, landscaping, layout and scale). Details on these reserved matters are yet to be provided but it is likely that any current glimpses of the spire would be partially or completely lost by the proposed development. However, given that the application site only allows for a negligible appreciation of the significance of the church it is not considered that any reduction in these views from the site as a result of the proposed development would have an adverse impact on the church's significance.
- 8.43. The application site is considered to be located within the setting of the grade II* Church of St Peter in Market Bosworth only. Any reduction of views from the site to the church caused by the proposed development would not have an adverse impact on the significance of the church and the current negligible appreciation of its significance offered by the undeveloped nature of the application site. Therefore the proposal would be compatible with the significance of the listed building and its setting so it would comply with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.44. Step 4 in the Historic England assessment approach is to explore ways to maximise enhancement and avoid or minimise harm. Currently it is considered that the proposal will have no adverse impact on the significance of the church but at reserved matters stage the applicant could give consideration to maintaining long distance views of the church from the application site by virtue of an appropriate layout. Step 5 relates to making and documenting the decision and monitoring outcomes. Such recommended good practice has been achieved by setting out the assessment stage of the decision-making process in an accessible way in the body of this report.
- 8.45. The proposal would therefore have a neutral impact upon the historic environment of Barlestone and therefore accords with DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraphs 189 and 190 of the NPPF.
- 8.46. A previous application was refused and included a reason for refusal relating to the detrimental impact the proposal would have upon the character of the area. For the reasons as set out above the proposal is found to have some landscape and visual harm, consistent with the previous Officer report to planning committee the harm found is weighed in the planning balance at the end of this report.

Affordable Housing, Housing Mix and Density

- 8.47. Policy 15 of the Core Strategy requires residential development in rural areas to provide 40% Affordable Housing with a tenure split of 75% affordable rented and 25% intermediate housing. The details submitted with this application would suggest that based upon the delivery of 176 dwellings were to be provided this would result in 105 market dwellings and 71 dwellings would be affordable, with a mix of 53 dwellings for social rent and 18 intermediate dwellings for shared ownership.
- 8.48. Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum net density of a least 30 dwellings

per hectare within key rural centres such as Barlestone. The Design and Access Statement confirms that the density of the housing contained within the development framework parameters is on average 35 dwellings per hectare. However, lower densities will occur on the edges, of the site, whilst higher densities will be located along the primary vehicular route and towards the existing settlement edge. This is considered an acceptable design approach to achieve a balance between efficient use of land, whilst assimilating with the character of the area.

- 8.49. The density of the site area overall would see a net density much lower than the anticipated 35dpa. However, this is considered acceptable, when the site provides for an extensive amount of accessible informal open space to the edges of the site, and also offsets the boundaries of the development from the surrounding hedgerows, hedgerow trees and surrounding countryside. The density of the area identified for built development is policy compliant.
- 8.50. A condition will be added to the application for the submission of reserved matters to include a housing mix scheme that is in accordance with the Council's most up to date housing needs assessments to ensure that the delivery of housing is the most sustainable format meeting the needs of the local area.
- 8.51. Currently there are approximately 120 units of social rented housing in Barlestone, 63 of which belong to Hinckley and Bosworth Borough Council. These units consist of:
- 17 x 2 bed roomed bungalows
 - 4 x 1 bed roomed bungalows
 - 36 x 2 bed roomed houses
 - 35 x 3 bed roomed houses
 - 2 x 4 bed roomed houses and
 - 26 units of warden assisted accommodation.
- 8.52. On 3.10.19 the Council's Housing Register has 1088 applicants for the following property sizes:
- For 1 bed roomed properties 491 applicants
 - For 2 bed roomed properties 383 applicants
 - For 3 bed roomed properties 168 applicants
 - For 4 or more bed roomed properties 46 applicants.
- 8.53. There are 32 applicants on the housing register who indicate they have a connection to the parish of Barlestone. Of this number, 18 are waiting for 1 bed properties, 10 for 2 beds, and 4 for 3 beds. A housing mix condition shall be applied to the proposal so that the mix of affordable housing proposed at Reserved Matters is in accordance with the most up to date housing need assessment. The affordable housing should be spread evenly throughout the site in small clusters as set out in Key Policy Principle AH 3: Design and Layout in the Affordable Housing Supplementary Planning Document.
- 8.54. As this site is in the rural area, the section 106 agreement should contain a requirement for applicants in the first instance to have a local connection to Barlestone, with a cascade in the second instance for a connection to the Borough of Hinckley and Bosworth.
- 8.55. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Impact upon neighbouring residential amenity

- 8.56. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.57. Objections have been received from local residents with regard to residential amenity by way of additional noise and traffic as well as loss of privacy and a view. The loss of view is not a material planning consideration, unless this amounts to visual harm that is of a magnitude warranting public rather than personal interest. However, in this instance it is not considered that this is likely, subject to appropriate scale and layout, this is also the case with regards to loss or privacy. Harm arising from pollution (including noise, dust and air quality is considered separately further in the report).
- 8.58. By virtue of the size of the site and subject to satisfactory layout, scale, design and landscaping which are matters reserved for future consideration, the indicative layout submitted demonstrates that the site could be developed for up to 176 dwellings with satisfactory separation distances without resulting in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties. Residential amenity for the future occupiers of the development is a matter that will be established through the submission of detail, however, there is no reason that this can not be achieved.
- 8.59. The proposal is therefore considered to be in accordance with Policy DM10 as the amenity of neighbouring occupiers of the proposed development would not be adversely affected to warrant refusal of the application.

Impact upon highway safety

- 8.60. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.61. Access is a matter for determination by this application and a detailed access plan has been provided. In addition to this, the proposal has been supported by the submission of a Transport Assessment and Travel Plan that conclude the proposal would not have adverse impact upon the safe operation of the local highway network.
- 8.62. The detailed access plan illustrates a 5.5m carriageway extending into the site and that the existing 2m wide footway on the eastern side of Cunnery Close, to the northeast of the proposed access, will extend into the site to allow for pedestrian access. At its junction with Cunnery Close, an uncontrolled crossing, comprising dropped kerbs and tactile paving, will be provided. The access plan illustrates visibility splays of 2.4m x 43m, these being compliant with LHDG standards.
- 8.63. The dimensions suggested for the site access also ensure an allowance is made for the largest vehicles expected to regularly access the site, such as refuse collection vehicles, to do so in a safe manner without disruption to other road users and without over-designing. A swept path analysis has been carried out of the site access and is provided and an appendix to the Transport Assessment. LCC

Highways have confirmed that they are satisfied with the design of the proposed access, including the footways, visibility splays and the demonstrated swept paths for larger vehicles.

- 8.64. Reserved Matters applications will specify sufficient parking, both in terms of numbers and dimensions, to comply with the relevant standards at the time of submission, as will the internal road layout.
- 8.65. A number of off-site highway improvements are detailed on a plan including additional parking spaces, formalisation of parking lay-bys, junction and footway protection and parking restrictions. These off site works were formed from discussions with the Parish Council. However, LCC Highways advise that it can only consider measures that are considered necessary to mitigate the direct impact of the development and that it cannot accept measures aimed at resolving existing or perceived situations within the village.

Transport Assessment

- 8.66. The submitted transport Assessment sets out that traffic counts were undertaken between 07:00 and 10:00 and 15:30 and 18:30 to ensure peak periods were observed, a survey of queue lengths at identified junctions was also undertaken. These surveys are used to ascertain the capacity of the access and surrounding junctions. Speed surveys were also undertaken, with the average speed along Cunnery Close found to be 21mph.
- 8.67. Accident Data was purchased from LCC for a 5km study area for a period of five years in total there were 17 accidents within the study area, 12 of which were slight injury accidents, 3 of which were serious and 2 fatal. The two fatal accidents occurring on the A447. LCC Highways have reviewed this data and would not seek to resist the proposals on the grounds of highway safety.
- 8.68. The Transport Assessment uses the TRICS database to determine traffic generation from the proposed development. The assessment identifies 91 trips in the AM peak and 96 trips in the PM peak. The trips have also been considered in a distribution summary, of how these will be distributed across the local highway network, considering the most likely trip destinations using previous census data. The greatest impact identified with regards to additional trips is upon the Cunnery Close/ Manor Road junction, with a 113.8% increase in trips in the am peak. Despite this increase, the junction capacity assessments with this trip generation considered show that the junction with development will still operate with a considerable amount of remaining capacity.
- 8.69. The most notable impact on capacity is upon the Barton Road arm of the A447/Barton Road/Lount Road junction, during the AM peak. LCC has noted however that the applicant has modelled Barton and Lount Roads as a single lane, but in reality there is a short flare which could accommodate at least one vehicle. When considering this in the modelling, the LHA consider that the junction would be operating within its capacity. As such, the LHA consider it could not justify requesting mitigation measures for this junction. All other junctions continue to operate with spare capacity. Therefore it is considered that the proposal would have a negligible impact upon the capacity of the local highway network and LCC are satisfied with the Applicant's junction capacity assessments and that junctions within the vicinity of the site will not be severely affected by the additional development traffic in accordance with National Planning Policy Framework (NPPF).
- 8.70. The Transport Assessment takes in to account the preferred maximum walking distances to services of 1200m, table 5.2 of the assessment shows that the site is

within the maximum walking distance of most of the services available in Barlestone, including bus stops meaning walking is a realistic method of traveling indicating the sites location is accessible via this sustainable mode. The assessment also takes account of acceptable cycle distances and the services that are available within those distances. It is demonstrated that there are a number of areas accessible by bike providing additional services, including Market Bosworth and Ibstock.

- 8.71. The 153 and 159 bus services both provide an hourly service from Monday to Saturday and enable passengers to commute to and from various destinations including Leicester, Hinckley, Barwell, Market Bosworth, Coalville, Ellistown and Desford. The first services to Leicester which takes 45mins, leaves Barlestone at 06:08am, the first service to Hinckley which takes 35mins leaves at 6:45.

Travel Plan

- 8.72. A Travel Plan has been submitted with the application that sets targets for the reduction of car or van driver trips by between 5 and 10%, Indicates potential measures that can be implemented to achieve these targets; and provides details of how the TP will be managed, monitored and reviewed, LCC confirm that the Travel Plan is acceptable.
- 8.73. The proposal has been previously refused due to the perceived highway safety issues relating to an existing on-street parking issue and concerns that junctions in the vicinity of the site operate above capacity. However, LCC Highways do not object to the planning application and do not consider the highway network impacts of the proposal to be severe. LCC Highways are satisfied that the modelling provided in relation to the assessment of impact at adjacent junctions is acceptable and although it is recognised that the proposal would add traffic to surrounding junctions the resulting increase is not considered to warrant mitigation. Therefore, Officers do not consider that this is reason to refuse the application as it accords with Policy DM17 and the wider principles of the Framework.
- 8.74. Therefore, the Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with Policy DM17 of the SADMP or paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and planning obligations outlined in this report.

Flooding and Drainage

- 8.75. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.76. The site is located within Flood Zone 1 being at low risk of fluvial flooding and therefore passes the Sequential Test and does not require the Exception Test to be undertaken. However, the western and eastern parts of the site are at low risk of surface water flooding, there is a watercourse along this boundary, this watercourse flows from north-west to south-east, it is culverted under Bosworth Road. The watercourse is not designated as an Environment Agency Main River and so is classified as an Ordinary Watercourse.
- 8.77. A number of objections note that some surface water flooding occurs around once a year along Bosworth Road. The FRA notes this area of pluvial flooding located along the eastern boundary of the site, stating that this flow path originates on site and as such any precipitation falling on the development area will be captured and

managed within the surface water drainage system as to not exacerbate this issue. However, the FRA also notes that water is stagnated in this area and that it may be that the culvert is blocked.

- 8.78. The SuDS strategy proposed for this site includes the use of an attenuation basin to which surface water runoff from the site will be conveyed towards in surface water pipes and swales. This strategy shows feasibility that the site can be drained; however, at detailed design, inclusion of further SuDS elements could be considered. Albeit, underlying geology has been shown to not be suitable for a drainage strategy based solely on infiltration based SuDS. Discharge from the site is proposed to be restricted to pre-development Greenfield runoff rates as not to increase the flood risk to the surrounding area or to exacerbate flooding downstream from the development. Discharge will be into an existing ditch along the southern boundary ditch to provide connectivity to the watercourse to the south of the site. This is considered as the most appropriate surface water drainage solution.
- 8.79. The Lead Local Flood Authority notes that the Indicative Surface Water Drainage Strategy drawing shows the proposed attenuation basin to be within close proximity to the assumed line of a Severn Trent Water surface water sewer. The LLFA raise no objection to the proposal subject to conditions requiring the submission of a surface water drainage strategy which will require full construction detail. It is recommended in the FRA that finished floor levels should be set at or above the existing ground levels to not increase the risk of flooding to the properties. This can be conditioned.
- 8.80. Severn Trent Water commented on the proposal with regards to the proposed strategy for dealing with foul water. The proposal is a pumped solution which STW suggested would need a modelling assessment to determine the impact of flows from the site on the network. However, they have suggested a note to applicant is sufficient as the developer is required under separate legislation to provide suitable connections for foul water. Severn Trent Water has no comment to make on the discharge of surface water to the water course.
- 8.81. The Lead Local Flood Authority and HBBC Drainage have no objection to the proposals put forward for dealing with surface water drainage, subject to conditions. Therefore the proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

Ecology

- 8.82. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.83. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.84. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.

- 8.85. An Ecology Appraisal (FPCR, June 2019) was submitted in support of the application and was found to be satisfactory by LCC (Ecology). The site itself is of low ecological value being an arable field with no evidence of protected species noted on site and the site was generally considered to have a low potential to support protected species. However it was noted that some of the boundary trees and hedgerows are of more interest and had the potential for bat roosting, therefore a Bat Survey was submitted in support of the application. LCC Ecology, recommend that the development is carried out in accordance with the recommendations contained within the survey and lighting conditions will be added to minimise disruption to foraging areas. Further to this ponds are present nearby that could be potential habitat for Great Crested Newts, although these were not surveyed a working methodology was provided within the ecological report at section 5.45 to 5.56 to minimise any potential impact upon GCN, compliance with this working method should be conditioned. LCC Ecology also requests a buffer between the existing ecological features, including the hedgerows woodland and stream and the proposed development in the interest of ecological preservation.
- 8.86. The proposal does include areas of opportunity for net gain in biodiversity, of particular note is the SUDs features that should be designed for biodiversity and there is opportunity to the south of the site for species-rich grassland to be created. It should also be noted that only native species should be used in the landscaping scheme.
- 8.87. The tree survey and retention plan provided with the application show that the existing hedgerows and trees are to be retained.
- 8.88. Overall, the impact of the proposed development on protected species is accordance with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

Pollution

- 8.89. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.90. An air quality Assessment was provided with the application, this was based on the figures from the Transport Assessment. These figures were amended at the request of LCC Highways. The Air Quality Assessment was not amended, however, given the overall air quality found in the area, the changes were not so significant that this is considered necessary. There are not necessary air quality conditions or mitigation required.
- 8.91. Given the previous agricultural use of the land contaminated land conditions are suggested by HBBC EHO, it is considered that these conditions meet the six tests and are therefore appropriate.
- 8.92. The initial noise survey that was submitted did not take in to account the impact upon No.2 Cunnery Close, the closest neighbour to the proposed access. Further to this, concern was raised for both the internal and external noise levels and it was suggested that if this was not demonstrated mitigation via condition would be required, such as the use of mechanical ventilation. The noise consultant prepared a response to EHO, providing further detail. This set out that impact upon No.2 was taken in to account and noise exposure to this property from road traffic noise (resulting form additional traffic generated by the development) met British Standards and overall noise impacts are not overly onerous and mitigation is not likely to therefore be required. However, the response confirms that as the final layout is unknown it can not be demonstrated that internal and external 'desirable' noise levels are achieved to all plots. Thus a condition will be required that further

noise surveys are submitted with the layout reserved matters application. HBBC EHO do not object to this approach and suggested relevant conditions that are considered to meet the six tests of conditions.

- 8.93. A number of objections raised noise, dust and vibration concerns for during the construction phase. However, HBBC EHO have requested a condition to control the hours of construction to hours that are considered acceptable and the external noise levels that shall not be exceeded during those hours. Further to this a construction environmental plan is requested to detail how impact from dust, odour, noise, smoke, light and land contamination will be managed during the construction phase.

Archaeology

- 8.94. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.95. LCC (Archaeology) state that the Leicestershire and Rutland Historic Environment Record indicate that the proposed developed site has a potential for the presence of archaeological remains. A desk based assessment has been submitted with the application, however, the conclusions are not supported by LCC. The preliminary methodology is agreed to however further trial trenching is required. The low level of trial trenching carried out in relation to previous schemes is not a satisfactory assessment of the archaeological potential of the development area proposed. Therefore, a condition is required to ensure satisfactory investigation is carried out.
- 8.96. The Geophysical survey failed to pick up a number of modern feature on the site, it is therefore highly unlikely to have picked up shallow features of geological interest. Trial trenching previously conducted around the site (for previous applications) found additional remains not picked up by the survey completed at that time, and subsequently re-submitted with this application.
- 8.97. The pre-commencement conditions are therefore considered to meet the six tests of conditions and should be applied as requested. With the application of such conditions it is considered that the proposal would comply with the requirements of DM13 of the SADMP.

Infrastructure Contributions

- 8.98. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.99. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (As Amended) (CIL) and paragraph 56 of the Framework. The CIL Regulations and NPPF confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

- 8.100. The developer will be obligated to provide 40% affordable housing, with a tenure split of 75% affordable rented and 25% intermediate (shared ownership).
- 8.101. This obligation is considered necessary as the provision of affordable housing is required for compliance with Policy 15 of the Core Strategy. This policy is consistent

with Section 5 of the NPPF which seeks to deliver a sufficient supply of homes, to meet the needs of different groups within the community including those requiring affordable housing. Policy 15 seeks to provide affordable housing as a percentage of dwellings provided on site, therefore the obligation directly relates to the proposed development. The level of affordable housing represents the policy compliant position. The required (by condition) affordable housing mix is based on the most recent housing need assessment for Barlestone, and will be required to be delivered on a cascade approach with residents with a connection to Barlestone. Therefore the obligation is directly related to the proposed development. The extent of the affordable housing obligation is directly related in scale and kind to the development as it represents a policy compliant position, expected by all development of this typology. No issues of viability have been raised with this scheme.

Play and Open Space

- 8.102. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space, which is provided on site and what would be the requirements off site.

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 176 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	633.6	0	633.6
Casual/Informal Play Spaces	16.8	2956.8	24,400	0
Outdoor Sports Provision	38.4	6758.4	0	6758.4
Accessibility Natural Green Space	40	7040	0	7040

- 8.103. The nearest existing off site public open space is located off Bosworth Road BARL10 with a quality score of 78% and Cunnery Close BARL04 with a score of 69%. Bosworth Road Park provides Children's play equipment, Outdoor Sport Facilities and provisions for young people. The open space off Cunnery Close is incidental amenity green space, providing no formal equipment or provision, it is laid to grass.

- 8.104. In accordance with the Open Space and Recreation Study (2016) the number of dwellings proposed requires a Local Area of Play (LAP) to be provided on site. The submitted Development Framework indicates the provision of a LAP centrally located within the site, this has been confirmed as being 0.16ha in size, which is

appropriate for a LAP, however a 5m buffer to residential properties will be required. The study also requires the provision of a Locally Equipped Area for Play (LEAP) on site, however, given the proximity of the development to BARL10, it is not considered appropriate or necessary to provide more equipped play on site. However, a contribution towards this POS will be requested to address the quality score deficit of this open space, the target for which is 80%. Furthermore, the recommended walking distances from dwellings to LEAPs is 400m, which all of the proposed dwellings would be within of BARL10. However, not all of the properties, specifically those within the south west corner will be within 100m of a LAP, therefore the proposal on site is acceptable in addressing the local needs of the area.

- 8.105. The site is providing substantially more casual informal play space around the edges of the site and to the east, than is required by policy. This provision contains a footpath network connecting to existing footpath routes and potentially through to the adjacent playing fields off Bosworth Road. The area to the east does also include a SUDs feature, although despite this, there is still a large amount of accessible usable space.
- 8.106. To ensure this development provides sufficient open space in accordance with Policy 19 of the Core Strategy this contribution is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests. The monetary contributions are set out below.

	On site maintenance (20 years)	Off site provision	Off site maintenance (10 years)	Total
Equipped Children's Play Space	/	£115,270.85	£55,630.08	£170,900.93
Casual/Informal Play Spaces	£263,520.00	/	/	£263,520.00
Outdoor Sports Provision	/	£61,163.52	£29,061.12	£90,224.64
Accessibility Natural Green Space	/	£28,793.60	£49,984.00	£78,777.6
			Overall Total	£603,423.17

- 8.107. As the application is submitted in outline format the formula in The Open Space and Recreation Study (2016) can be used to calculate the contribution required as a percentage for each unit provided.
- 8.108. The developer will also be obligated to provide and then transfer the on-site open space area to a management company, together with a maintenance contribution or, in the alternative, requesting that either the Borough Council or the Parish Council maintain it. In the latter eventuality, the open space area would be transferred to the relevant authority together with a maintenance contribution.
- 8.109. The provision of Play and Open Space is required for compliance with Policies 11 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 11 requires development in Barlestone to address

existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative only layout of the proposed development suggests the provision of open space around the site to include a LAP and informal space. Using the adopted Open Space and Recreation Study (2016) the closest public open spaces to the proposed site fall below the quality scores set by the Open Space and Recreation Study and therefore the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

Highways

- 8.110. LCC (Highways) have requested a number of contributions to promote and encourage sustainable travel these include; Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass. It is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate. A sustainable transport scheme monitoring fee of £6,000.
- 8.111. There are services in Barlestone creating a sustainable community such as early years provision, primary school, shop, doctors, post office, community centre, public house and sports pitches and play areas which are within walking distance of the proposal and do meet the day to day needs of residents. However, given the lack of employment, secondary school, library and other services residents are likely to access (supermarket etc.) it is considered the bus pass and travel pack contributions are necessary. The bus passes and travel packs will be provided to the residents of the development and therefore they directly relate to the mitigating impact of new residents. The travel pack contribution covers the cost of the preparation and distribution of the packs and the buss pass is an optional service that there may not be a 100% take up of, therefore the contributions are reasonable and fair in scale and kind. The changes to the CIL regulations in 2019 provide for monitoring fees under regulation 122(a) as long as it reasonably relates in scale and kind, the sum of £6,000 is considered reasonable to monitor the sustainable transport scheme for the lifetime of the development, given the scale of the development it is reasonable to expect monitoring of this to expand over a number of years.

NHS West Leicestershire CCG - Health Care

- 8.112. The West Leicestershire CCG has requested a contribution of £89,127.72 towards addressing the deficiencies in services at Newbold and Desford Surgeries, which are the closest available GP practices to the development. The practices have seen significant growth due to housing development within their practice areas over the past 5 years, which is impacting on their capacity and resilience. An increase of 426 patients will significantly impact on patient demand in the area.

- 8.113. The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local Desford and Newbold Surgeries, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.
- 8.114. This request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was insufficient evidence to support the contributions being sought.

Education

- 8.115. LCC Children and Family Services have requested a contribution towards education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution is £1,507,469.45.
- 8.116. The obligation has increased since the request made on the previously refused application. The agent has queried this as nothing has changed. The total request is £1,507,469.45, this is an increase from £1,408,133.34. There was previously no request for Special Schools provision, they are now requesting £99,349.24 to this sector. The request indicates an increase in the deficit of places for this education sector and the fact that this was not requested previously does not preclude LCC from requesting this obligation on this new application as long as it is properly evidenced and found to be CIL compliant.
- 8.117. The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector (including the additional special school sector now requested) where there is an identified deficit of places, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

Civic Amenity

- 8.118. LCC Waste Management requested a contribution of £8,717.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development

would generate an additional 1.054 tonnes per annum of waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.

- 8.119. This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

Libraries

- 8.120. LCC Library services have requested a sum of £5,310 towards provision of additional recourses at Market Bosworth and Newbold Verdon Libraries, which are the nearest libraries to the development. However, there is question over the use of Market Bosworth library which is located within the grounds of a school. Newbold Verdon Library is a purpose built library and therefore it is considered that residents of the development are more likely to access this service, especially given its proximity to Barlestone. Therefore the s.106 should direct the contribution towards this service.

University Hospital Leicester (UHL)

- 8.121. UHL have requested a contribution to address NHS revenue shortfalls for acute and planned treatment. This is by way of a monetary contribution of £62,483.00 towards the 12 month gap in the funding in respect of A &E and planned care at the University Hospital, Leicester.
- 8.122. It is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid S106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by UHL to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. UHL is unable to demonstrate that the burden on services arises directly from the development proposed, opposed to a failure in the funding mechanisms for care and treatment. The request made is to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. UHL has not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Further to this there are issues with the data and methodology used by UHL for example the inflated population projections compared to those used by Leicestershire Authorities when calculating housing need, or the failure to address funding needs from housing projections set out in the Joint Strategic Needs Assessment and Joint Health Wellbeing Strategy referred to in their request, therefor it has not been demonstrated that the request fairly and reasonable relates in scale and kind to the development proposed.
- 8.123. A similar request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where the inspector concluded that there was

insufficient evidence from the UHL to warrant or justify the contribution sought against the CIL Regulations.

Other Matters

- 8.124. Some of the objections raise concern with a lack of minerals survey of the site. However, LCC (Minerals) have confirmed that they do not object to the proposal and a minerals assessment is not required.
- 8.125. HBBC (Street Scene Services) have requested a condition to detail the waste collection and recycling strategy of the site, it is considered that this is an appropriate condition that meets the tests.
- 8.126. There are no formal Public Rights of Way that require diversion as a result of the proposed development.
- 8.127. The site does not fall within a development high risk reporting zone and therefore a coal mining report is not required.
- 8.128. A number of objections question whether it is acceptable for the Council to accept a resubmission of an application, when no changes have been made. In accordance with regulation 9 of The Town and Country Planning (Fees for Applications, Deemed Applications, Requests and Site Visits) Regulations 2012, a planning application can be made following the refusal of a previous application subject to certain criteria- which this application accords with. Therefore, the Council are not in a position to return a valid submission.

9. Planning Balance

- 9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.2. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 9.3. The proposal would be in conflict with Core Strategy Policy 7 and 11 and Policy DM4 and DM10 of the SADMP. These policies are consistent with the Framework and are afforded significant weight. The proposal, whilst involving development on open land, has been found to have a moderate impact on the landscape character of the area and minor impact on the wider landscape character. There are also some minor adverse visual impacts identified, so there is some conflict with Policy DM4 and DM10 of the SADMP.
- 9.4 Weighed against this conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 176 houses (including up to 71 affordable homes). These additional houses and affordable houses have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 9.5 The proposal would result in the loss of agricultural land, using mapping available the land is identified as grade 3 Best and Most Versatile Land. Therefore, this does add to the value of the landscape, although given that the land is grade 3 and not 2

or greater and there is other agricultural land around Barlestone, it is not considered this has significant weight in the planning balance.

- 9.6 Barlestone is an identified Neighbourhood Plan Area; however, given the early stages that the preparation of the plan is at, this has very limited weight in the planning balance.
- 9.7 There are two previous refusals of planning permission issued by the Council that incorporates the application site. The first reason for refusal (2015) identified conflict with the strategic development plan policies Core Strategy 7 and 11 and SADMP Policy DM4. Conflict with the spatial distribution of growth has been identified with this current application. Further to this, harm has also been identified to the character of the countryside, consistent with the previous reasons for refusal. However, unlike the 2015 refusal, this application and the 2019 application are being considered against a tilted balance, and regard is given to the fact the Council can not currently demonstrate a 5 year land supply. This is a material consideration that tilts the balance with regards to the presumption in favour of development. In addition to this, the development parameters have been significantly reduced from those first considered in 2015. Therefore, despite the more recent reason for refusal (2019), this current recommendation is consistent with the Officers recommendation to Planning Committee when the 2019 application was determined. Application 19/00149/OUT also included a highway reason for refusal, however, as set out above officers do not consider that evidence submitted with the application and the response from LCC Highways as the statutory consultee and Highway Authority warrants a refusal of the application of highway grounds.
- 9.8 Paragraph 11 of the NPPF states that any harm identified should significantly and demonstrably out weigh the benefits of the scheme. It is therefore important to identify any further benefits. Using the three strands of sustainability as defined in the NPPF, the benefits are broken down into economic, social and environmental. There are a number of financial contributions associated with the s.106, however these existing to mitigate impact the proposed development would have and therefore can not be considered as benefits.
- 9.9 The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.10 As discussed the proposal could deliver up to 176 dwellings, of which 40% would be affordable housing. This would result in a significant social benefit to the area and also to the borough. The proposal would also involve the provision of an area of public open space (POS), which is greater in size than the policy-compliant position. The POS would be connected to existing pedestrian footpaths and potentially the adjacent playing fields, providing a benefit to the wider area.
- 9.11 Some environmental benefits would be provided such as additional planting through landscaping in the provision of open space. Additionally there would be some benefit for biodiversity associated with the reinforcement and new planting of hedgerow and trees around the site and the provision of SUDS which can be designed to include benefits to biodiversity, secured via condition.
- 9.12 It is considered that there would be minor to moderate harm to the character of the area caused by the landscape and visual impact built development in this location would have on the open character of the countryside which provides a rural setting to Barlestone. The proposal would extend development beyond the settlement boundary of Barlestone and it is considered that the proposal would result in harm

to the character and appearance of the area in conflict with Policy DM4 and DM10 of the SADMP DPD.

- 9.13 Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm has been identified, it is considered on balance that the harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

10. Equality Implications

- 10.1. 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.

- 10.2. 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.

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

- 10.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

11. Conclusion

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 11.2. The proposal, subject to conditions, is in accordance with Core Strategy Policies 15, 16 and 19 and Policies DM3, DM6, DM7, DM13, DM17 and DM18 of the SADMP.

- 11.3. An assessment against the historic assets within the vicinity finds that the proposal would have a neutral impact upon the historic environment of Barlestone and therefore accords with DM11 and DM12 of the SADMP and paragraphs 189 and 190 of the NPPF.

- 11.4. The housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date and the Council cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would

significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 11.5. The proposal would be in conflict with Policy 7 and 11 of the Core Strategy, DM4 and DM10 of the SADMP. These policies are in accordance with the Framework and have significant weight. The proposal, whilst involving development on open land, has been found to have a moderate adverse localised impact on the character of the area and so there is some conflict with Policy DM4 and DM10 of the SADMP.
- 11.6. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 176 houses (including up to 70 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 11.7. As such, although there is clear conflict with strategic Policies 7 and 11 of the Core Strategy and DM4 and DM10 of the adopted SADMP, there has only been moderate harm found.
- 11.8. On balance it is considered that the harm identified to the character and appearance of the countryside from new residential development would not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan. The application is therefore recommended for approval subject to the conditions and planning obligations listed above.

12. Recommendation

12.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing, 75% affordable rented and 25% shared ownership
 - £603,423.17 Play and Open Space
 - 0.16ha Local Area of Play
 - Travel packs (£52.85 per pack)
 - Bus Passes (£360.00 per pass)
 - £6000 Sustainable Travel monitoring fee
 - £1,507,469.45 Education
 - £5,310 Libraries
 - £8,717.00 Civic Amenities
 - £89,127.72 Health Care Provision (GP Practices)
- Planning conditions outlined at the end of this report.

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

12.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

12.4. Conditions and Reasons

1. Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun

not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c) layout of the site including, the location of electric vehicle charges points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes
 - d) scale of each building proposed in relation to its surroundings

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to the commencement of development a scheme which details the proposed market housing mix for the development shall be submitted to and approved in writing by the LPA?, this should be in accordance with the Council's adopted Development Plan. The development shall then be completed in accordance with the approved details.

Reason: To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy 2009.

4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - a) Site Location Plan 8867-L-01 received 3 February 2020
 - b) Proposed Access Strategy P19021-001B received 3 February 2020

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

5. The development hereby permitted shall be implemented in general accordance with the Development Framework Plan 8867-L-03G received by the Council 3 February 2020.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Prime drawing number P19021-001B have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

7. The Travel Plan reference P19021 shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework and Policy DM17 of the SADMP

8. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of 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 for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

9. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

10. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

11. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the guideline values for indoor ambient noise levels identified by BS 8233 2014 – Guidance on Sound insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

13. Construction work of the development, hereby permitted, shall not take place outside the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and there shall be no construction work on Sundays and Public Holidays unless otherwise agreed in writing.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

14. No development shall take place until details on an acoustic fence to the boundary of the access and No.2 Cunnery Close, on land within the application boundary, has been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall be occupied until the acoustic fence has been erected in accordance with the approved details.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

15. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

17. No development shall commence until drainage details for the disposal of surface water have been submitted in writing to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

18. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. 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.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

19. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. 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.

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 in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

20. No development shall take place/commence until a programme of archaeological work, comprising further post-determination trial trenching, specific metal-detecting and as necessary targeted archaeological investigation. The full programme and timetable will be detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site survey, investigation and recording (including assessment of results and preparation of an appropriate mitigation scheme)
 - The programme for post-investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis, interpretation and presentation of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works, with particular reference to the metal detecting survey, as set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved through condition.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

21. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

22. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. All landscape planting used within the informal/semi-natural open space and adjacent to the boundaries of the site shall be locally native species only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the

adopted Site Allocations and Development Management Policies Development Plan Document (2016).

24. The layout submitted at Reserved Matters shall provide a natural vegetation buffer zone of at least 5m alongside all retained hedgerows and at least 10m alongside the woodland and stream adjacent to the side boundaries.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

25. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats including SUDs and all landscaping to informal play space and natural open space should be comprised of native species wildflower grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP.

26. Prior to the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). Light spill onto retained hedgerows and the brook corridor shall be minimised to a value of 1lux or lower at the edge of habitats. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

27. The development shall be carried out in full accordance with the working methodology, specified in the ecological appraisal (FPCR, June 2019) received 3 February 2020.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

28. Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:

- Measures to prevent waste generation
- Information on local services in relation to the reuse of domestic items

- Information on home composting, incentivising the use of a compost bin and/or food waste digester
- Household Waste Recycling Centre location, opening hours and facilities available
- Collection days for recycling services
- Information on items that can be recycled

Reason: In accordance with the National Planning Policy for Waste (2014).

12.5. Notes to Applicant

1. 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>.
2. 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> 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.
3. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. 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>.
5. In relation to condition 16 and 17; advice from Health and Environment Services can be viewed via the following web address:- https://www.hinckley-bosworth.gov.uk/info/200075/pollution/177/contaminated_land site which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
6. With reference to condition 18 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 return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pervious paving details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

7. With reference to condition 19 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.
8. With reference to condition 20 details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
9. With reference to condition 21 the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

10. Attention is drawn to the contents of the attached advice note provided by The Coal Authority.
11. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not built close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. Should you require any further information please contact us on 02477716843 or Planning.APEast@severntrent.co.uk.
12. It is necessary, when carrying out works to tree(s) to be aware of the Wildlife and Countryside Act, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.

Planning Committee 16 June 2020
Report of the Planning Manager

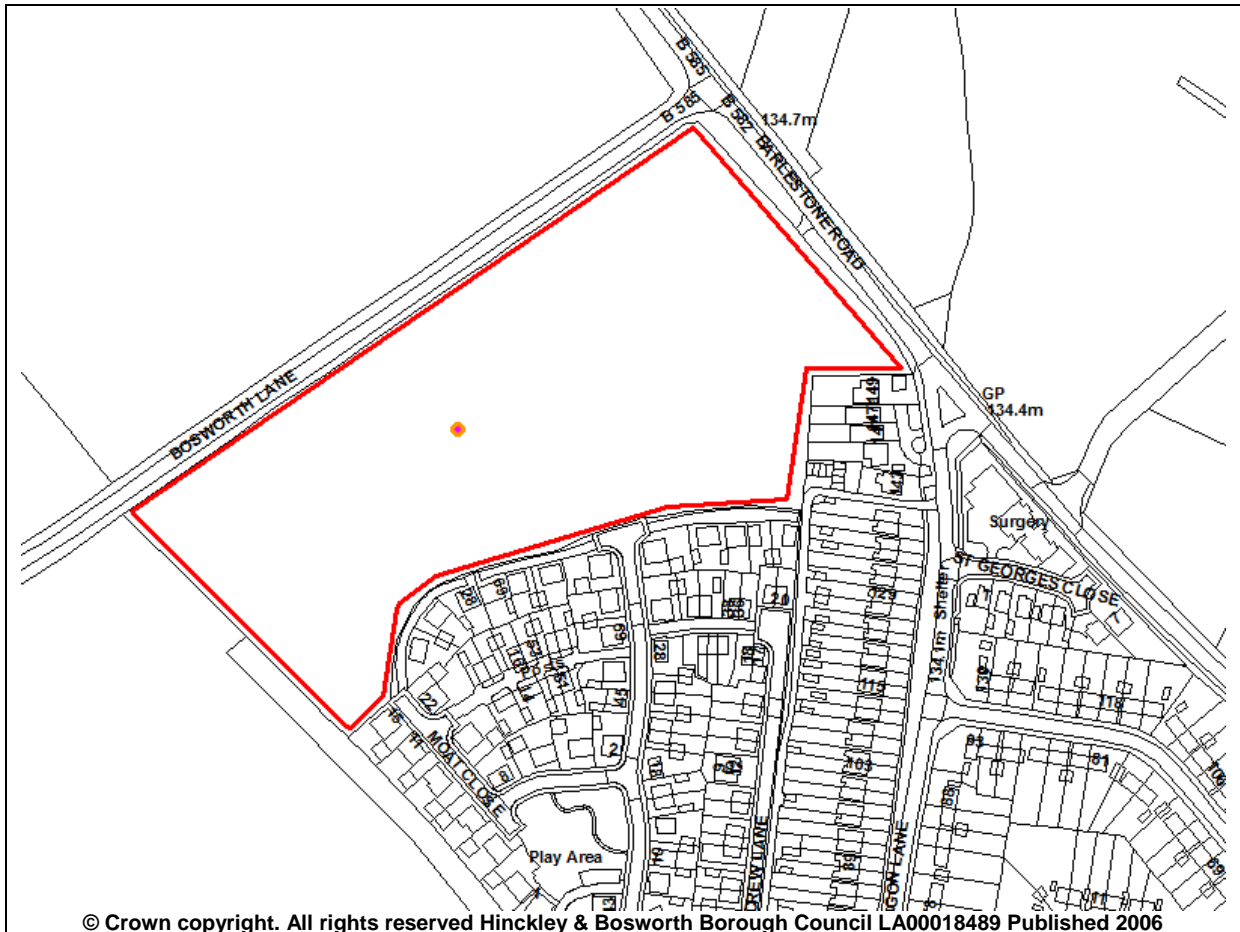
Planning Ref: 20/00143/FUL
Applicant: Miss Kate Fell
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Land South Of Bosworth Lane Newbold Verdon

Proposal: Residential Development of 116 Dwellings



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - NHS West Leicestershire CCG; £58,790.82
 - Education; £925,038.07
 - Civic Amenity; £5745.00
 - Libraries; £3,380
 - Affordable Housing; 40%
 - Play and Open Space; £243,203.28
 - Off site highway improvements to Bosworth Lane/Barlestone Road Junction
- Planning conditions outlined at the end of this report.

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

1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of 116 Dwellings with associated access, landscaping and infrastructure.

2.2. The proposed housing mix comprises a range of property sizes, types and tenures ranging from 1-4 bedrooms and includes, flats, terraced housing, semi-detached and detached housing. This also includes a mix of market dwellings and affordable dwellings. The affordable housing provision is 40% the site therefore proposes 46 affordable dwellings.

2.3. Access to the site is proposed from a priority junction off Bosworth Lane to the north. The proposal also includes a signalised junction at the Bosworth Lane/ Barlestone Road junction. The internal road scheme includes a network of secondary carriageways, shared surfaces and private driveways. The internal road network has been designed to adoptable standard. Here are also two pedestrian links shown between the proposal site and the adjoining phase 1 site.

2.4. The application site includes the proposal of an infiltration basin to the east accompanied by swales to the north boundaries.

2.5. The following documents were submitted in support of this application; Proposed Elevations; street scenes; Highways plans showing on and off site works; Landscaping Plan; Boundary treatment plan; materials schedule; Design and Access Statement; Statement of Community Involvement; Transport Assessment; Travel Plan; Tree Survey; Ecological Appraisal; Flood Risk Assessment and Drainage Strategy; Landscape and Visual Impact Assessment; Housing mix report; Minerals Assessment; Economic Benefits Statement; Historic Environment Desk Based Assessment.

3. Description of the Site and Surrounding Area

3.1. The application site is to the North West side of Newbold Verdon; adjoined to a recent 'phase 1' development by Bloor Homes. The site is an arable agricultural field covering some 3.85ha. The site is relatively flat but does slope west to east, with the lowest point of the site in the south east corner, the site elevates away from Barlestone Road. To the northern boundary is Bosworth Lane with open countryside beyond, this boundary contains some mature hedgerow trees. To the East the site is bound by Barlestone Road with open countryside beyond. Open countryside also lies to the west, which the site is divided from by an existing field boundary hedgerow, this hedgerow also encloses the existing western boundary of the residential development to the south of the application site including a Bloor development 'Phase 1' and older properties on Dragons Lane.

4. Relevant Planning History

None

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.

5.2. As a result of consultation 10 objections have been received from 8 addresses raising the following points:

- 1) Excess of traffic in the village created by Phase 1
- 2) Air quality and noise pollution
- 3) Village is now a small town with no facilities for elderly or children
- 4) There is supposed to be a footpath from Brascote Lane which was never delivered by the quarry, why should we trust other development
- 5) Mislead during the purchase of property on phase 1, told housing to the rear was market when affordable, now proposed more opposite
- 6) Devaluation of property
- 7) Village amenities and school are already overstretched
- 8) Road layout provides a rat run through Moat Close, cars should not be able to move between Phase 1 and 2, cycle and pedestrians is fine
- 9) Currently have far reaching views which will be impacted by development to the detriment of our wellbeing
- 10) Overlooking to rear of property as site is elevated
- 11) Plot 20 will lead to loss of light
- 12) Will impact upon visual amenity of village
- 13) Development bring Newbold Verdon and Newbold Heath closer together
- 14) The site floods
- 15) Capacity of foul sewer is a concern
- 16) Impact on bats in area
- 17) Size and scale of developer greater than the village needs, supported by the consultation responses to the development
- 18) Harm to countryside
- 19) 94 homes of the 110 in the NDP were delivered by phase 1 and there are other developments in the area.
- 20) The proposed access location is dangerous as in a dip

5.3. One letter of support was received, raising the following points:

- 1) The layout of the development has a large cluster of affordable units within a small area of the site undermining Policy H6 of the emerging NDP
- 2) The site does not provide for housing that meet M(4) of Building Regulations, wheelchair access homes contrary to Policy H1 of the emerging NDP
- 3) Erecting traffic lights will undermine the visual amenity of the area, leading to an urbanisation of the setting
- 4) Money towards the doctors is not enough, especially if to be shared with Desford

6. Consultation

6.1. No objection subject to conditions and or obligations have been received from the following:

HBBC Compliance and Monitoring Officer
HBBC Affordable Housing Officer
HBBC Planning Policy
HBBC Pollution
HBBC Waste
LCC Highways
LCC Ecology
LCC Drainage
LCC Archaeology
LCC Minerals
LCC Developer Contributions
Coal Authority

NHS West Leicestershire CCG
Leicestershire Police

6.2. Newbold Verdon Parish Council support the application with the following comments;

- 1) Distribution of social housing should be split and scattered around the site and not clustered in one area. This comment has already been made direct to Bloors
- 2) Adequate s.106 funding should be provided for the doctor's surgery and school to ensure the local infrastructure can cope and expand to meet the needs and demands of which additional housing and people will bring
- 3) An adequate balancing pond system is created to ensure no flooding occurs

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

7.2. Site Allocations and Development Management Policies DPD (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 DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Landscape Character Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide
- Emerging Newbold Verdon NDP (Submission Version)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies

- Affordable Housing, Housing Mix and Density
- impact upon the character of the countryside and character of the area
- Impact upon residential amenity
- Impact upon highway safety and Transport
- Flooding and Drainage
- Ecology and Arboriculture
- Pollution
- Archaeology
- Infrastructure Contributions
- Other Matters

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise, and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3. Paragraph 11 of the NPPF and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (2016) (SADMPDPD) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016). SADMPDPD.
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Newbold Verdon is identified as a Key Rural Centre within Policy 11 of the Core Strategy. To support its role as a Key Rural Centre, Policy 11 allocated a minimum of 110 new homes in Newbold Verdon. Focus is given to limited development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure and the Council is currently unable to demonstrate a 5 year housing land supply when using the standard method set out by MHCLG. Therefore, the application should be determined against Paragraph 11(d) of the NPPF whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 8.6. The consideration under Paragraph 11 (d) is weighed in the balance of the merits of any application and considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework.
- 8.7. This site lies outside of the settlement boundary of Newbold Verdon and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMPDPD seeks to protect the intrinsic

value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.

8.8. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
- It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.

and:

- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
- It does not undermine the physical and perceived separation and open character between settlements; and
- It does not create or exacerbate ribbon development;

8.9. The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.

8.10. The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages. A Neighbourhood Plan is currently being prepared for the Parish of Newbold Verdon, and a submission has been made to the Independent Examiner for their consideration. The application site aligns with the residential allocation (for a minimum of 100 dwellings) within the submission version of the Neighbourhood Development Plan (NDP).

8.11. The advice at paragraph 14 of the Framework is not applicable. However, the NDP is a material consideration in this decision-making process and the weight to be given to it is set out in paragraph 48 of the Framework. Factors to be considered in the weight to be given to the NDP include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum.

8.12. The NDP is at Examination stage, there is no indication of what amendments would be made to the policies, if any. Therefore due to the stage of the Examination, the document is afforded little weight in determining this application.

8.13. The site is grade 3 agricultural land the loss of this should be weighed in the balance of the merits of the scheme.

8.14. Therefore, although the application site is the preferred site in the emerging NDP and despite the limited objections received during the consultation process for this

application, the weight to be given to the NDP at the present time is limited. This application is for the development of housing outside the settlement of Newbold Verdon within the countryside it is contrary to Policy 7 and 11 of the Core Strategy and Policy DM4 of the SADMP. Therefore there is a conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Affordable Housing, Housing Mix and Density

- 8.15. Policy 15 of the Core Strategy requires residential development in rural areas to provide 40% Affordable Housing with a tenure split of 75% social rented and 25% intermediate housing. The details submitted with this application detail that this proposal provides 46 dwellings for affordable housing 34(74%) for rent and 12(26%) for intermediate tenure, this is consistent with policy. HBBC Housing Enabling Officer has confirmed that this in location this split is acceptable.
- 8.16. The application includes a range of dwelling types from 1-4 bedroomed dwellings. Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings using the most up to date housing market assessment or local evidence. The most up to date housing market assessment is the Housing Needs Study (2019). This identifies the suggested housing mix below.

Number of bedrooms	HNS (2019) market mix	Proposed market mix
1	5%	0%
2	30%	13%
3	45%	43%
4 +	20%	44%

- 8.17. A housing mix report was submitted in support of this application that confirms more 2 and 3 bedrooms are being provided than 4 which accords with policy H1 of the emerging NDP. This policy has limited weight, therefore notwithstanding this policy the proposal should accord with Policy 16 of the CS. It is clear that the proposed housing mix provides for a greater percentage of 4 bedroom properties on the site than the HNS suggests is required and lower percentages of 2 bedroom properties. This issue was raised at pre-application stage, where it was suggested for this mix to be supported adequate justification should be provided (albeit those comment were made in relation to the suggested housing mix set out in the HEDNA which is now superseded). The submitted housing mix report states that the policy context aims to provide housing mix to meet the needs of the local area (Newbold Verdon) and therefore the mix should be demonstrated to meet a local need, this is concurred. The report refers to a study conducted in support of the emerging NDP 'Housing Needs of Newbold Verdon' (2017) commissioned by the Council to understand the local housing needs, this survey revealed the greatest need for three bedroom houses and bungalows and four bedroom houses. However, this is based on the needs of households requiring housing in the short term (up to 2022) which is 19. However, the report acknowledges that this assessment data is yet to be tested at examination and the weight to be afforded to it is therefore limited. The HNS recognises that the above identified mix should be applied to individual sites using flexible approach, with regard should to the nature of the site and character of the area, and to up-to-date evidence of need as well as the existing mix and

turnover of properties at the local level. In this context the evidence available does suggest a greater demand for larger family housing than the HNS identifies. Generally the mix of housing and tenure types across the site as a whole including the affordable dwellings is varied, and would meet the needs of different people across the community in accordance with the broader policies of the NPPF. It is therefore acceptable for the site to provide for a mix of housing that does not strictly accord with the mix suggested by the HNS as nevertheless it is supported by some appropriate evidence.

- 8.18. The housing mix for affordable dwellings and the tenure split across these properties has been confirmed to be acceptable by the Affordable Housing Manager. This is formed of 8 one bedroom rented; 19 two bedroom rented; 6 two bedroom intermediate; 7 three bedroom rented; 6 three bedroom intermediate.
- 8.19. The Affordable Housing SPD requires that the affordable units should be visually indistinguishable from the equivalent market housing on the site and distributed in small clusters, evenly across the site. Policy H1 of the emerging NDP required developments to provide clusters of no more than 5 dwellings; however this policy has limited weight and notwithstanding objections received regarding the location of affordable dwellings across the site, the Council's Housing Enabling Officer has not objected to the proposed scheme and is satisfied that the proposed layout is acceptable in this regard. In addition to this, the design of the affordable units is acceptable, with the use of the same palette of materials and overall design approach. Therefore it is considered that the proposal is in accordance with the guidance set out in the SPD.
- 8.20. Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum net density of a least 30 dwellings per hectare within key rural centres such as Newbold Verdon. The density of the proposed site is approximately 40dph which is consistent with policy and the wider policies of the NPPF with regard to achieving efficient use of land and is consistent with the density of development in the adjacent residential area.
- 8.21. Policy H1 of the NDP also required 5% of the dwellings to meet Part M(2) (Accessible and Adaptable Buildings) and a further 5% to meet M(3) of Building Regulations (Wheelchair user dwellings). Despite there being no Local Plan policy requirement for this, 5 dwellings across the site have been provided to meet M4(2) of Building Regulations, these are the Tolkien house type and are all bungalow properties. There has been objection to the scheme due to there being no M4(3), however given the limited weight of this policy and there being no Local Plan policy requirement this does not weigh against the proposal.
- 8.22. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Design and impact upon the character of the area

- 8.23. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.24. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.

- 8.25. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.26. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193).
- 8.27. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should also ensure the significance of a conservation area is preserved and enhanced.

Landscape character

- 8.28. The Borough's Landscape Character Assessment (2017) identifies the site within the Newbold and Desford Rolling Character Farmland. This area is characterised by predominantly arable farmland with clustered areas of industry and recreational facilities near to the village fringes and clustered villages of varying sizes centred on crossroads. Large to medium sized field patterns are common in the area defined by single species hawthorn hedgerows. The application site is characterised by arable farm land following an existing field pattern and open views on the village edge, it is considered to demonstrate some of the characteristics prevalent in this landscape character area.
- 8.29. The application is supported by the submission of a Landscape and Visual impact Assessment (LVIA) the appraisal confirms that the site does not have any statutory landscape designations nor is it 'valued' landscape for the purposes of the NPPF. The appraisal considered that the overall effect on the landscape is negligible as a result of the retention of the existing hedgerow and trees and the proposed landscaping strategy. However, this is currently an open field, therefore the change to urban development is considered greater than a negligible impact upon the local landscape but negligible adverse impact to the wider landscape. The LVIA highlights that views in and out of the site are largely contained due to topography and layering of existing hedgerow and tree planting. There are two public footpaths to the east of the site and one to the east providing access to the wider countryside, however these do not cross the site and the site is viewed in immediate context with the settlement edge of Newbold Verdon from many of the surrounding view points. The LVIA provides a Zone of Theoretical Visibility and concludes that aside from some anomalies the site is largely contained to within 1km of the site. The greatest visual impacts are to the existing residential properties to the south, however this is not surmountable to harm of public interest and any consequence upon residential amenity is considered later in the report. The visual impacts are considered moderate adverse, from view points in close proximity. Therefore this moderate adverse harm is concluded to be localised harm visually and to the landscape.
- 8.30. The LVIA sets out a number of design features that are intended to mitigate the impact of the proposed development on the wider landscape. This includes setting back the development from the north and east boundaries and accommodating landscaping here; retention of the existing vegetation along the boundaries

(hedgerow and trees) and additional tree planting; limiting building heights to 2 storeys, all of which is welcomed.

- 8.31. The proposed soft landscaping scheme provides for Tussock grassland to the north and east boundaries of the site buffering an existing boundary hedgerow which other than at the access is retained. Specimen tree planting at regular intervals is shown along Bosworth Road and around the SUDS feature at Barlestone Road providing for visual interest, and filtering of views of the new development. The residential curtilages of properties fronting these highways are also buffered by proposed hedgerow planting and native hedgerow planting at the termination of highways. The existing western hedgerow is buffered by additional hedgerow planting. Each plot contains amenity grass, and hedgerow planting buffering the houses from the hard landscaped areas of the public highway, creating a pleasant highway and high quality visual environment. The streets are characterised by different planting schemes for each hierarchy of road from main and secondary streets and edges. Around and within the SUDS features is a wetland meadow mix planting to suit the ground in this area but will also provide visual and ecological benefits. The southern boundary where it adjoins phase one is to be planted with a mix of tussock grassland woodland edge planting mix, bulb planting and specimen tree planting. In areas of the site where there are large amounts of hard surfacing, this is broken up where possible by planting including trees. The planting mix has been confirmed to be acceptable by LCC Ecology.
- 8.32. The maintenance and on-going management of landscaping will be required by condition. This is considered to be necessary to ensure a high quality built environment.
- Urban Character
- 8.33. Landscape and Visual Impact Assessment (2017) describes the urban character of Newbold Verdon as a compact settlement with a historic core with modern development to the north and east. It is made up of traditional two storey buildings that face directly on to the pavement. The local vernacular is red brick or render with slate or tiled roofs with a strong sense of enclosure created by dwellings fronting the street enclosed by walls.
- 8.34. The proposed development is made up of 15 house types ranging from 1-4 bedrooms which are mostly two storey in scale with some bungalows, the properties have a mix of hip and gable end roof styles, tiles in a mix of grey and brown roof tiles providing for a varied and attractive roofscape of appropriate design and scale to assimilate well in to the wider area. The house types include a mix of three types of brick, render and some properties which include a mix of brick and render elevations. The materials are consistent with those used in phase 1 to ensure a strong identifiable character.
- 8.35. The layout has been designed to include dual frontage properties at corner plots using gables and bay windows, leading to the avoidance of blank elevations and legible streets benefiting from natural surveillance. The Design and Access statement sets out a number of design considerations including sensitive housing orientation to maintain the visual amenity and the implementation of pedestrian links to allow for internal view corridors. The use of regular plot widths along the primary routes and repetitive use of architectural detailing are used to define the character of the site.
- 8.36. The majority of the plots have in-curtilage parking, provided to the side of the dwelling and detached garages, a mix of single and double garages, which have roof design that reflect the main dwelling. Some dwellings do have parking to the front of the dwelling, although this is not significant and does not lead to the street

scene being dominated by parking. The Good Design Guide (2019) sets out that parking should be provided in a manner that does not dominate the street scene or impact upon the built character, it is considered that the proposed mix is appropriate and responds to the context of the part of the development the parking area is within, in accordance with this guidance. Where there are high levels of parking to the front, this has been addressed by providing soft landscaping to ensure that there is not a dominance of tarmac and therefore this is not considered detrimental.

- 8.37. The highway is tarmac to comply with LCC Highways standards for adoption, however there are areas of block paving. Each plot is enclosed by a mix of 1.8m high close-boarded fencing, panel fencing and brick walls, all of which is considered appropriate with walls being placed in key focal areas to give a high quality visual appearance to the development.
- 8.38. The site does not provide any Play Space on site, the site is within 600m of Dragon Lane Green Space (formal park) and 400m of the POS erected in phase 1 (Old Farm Lane) however, it is appropriate that the proposal makes a financial contribution to off site POS to mitigate the impact future residents of would have on the surrounding open spaces. There are areas of incidental public open space, notably to the south of the site, and the areas which contain SUDS. These areas are not sufficient to provide meaningful POS, therefore a contribution is necessary and relevant to the development notwithstanding this, residents of the proposal would have adequate access to other POS within the immediate area in accordance with the Open Space and Recreation Study.
- 8.39. Of the proposed dwellings 40% are affordable units. In accordance with the affordable housing SPD these units should be 'pepper-potted across the site'. There is a large group of affordable dwellings to the south of the proposed site, however, there are also market dwellings present, maintaining a mix across the whole site. This mix has been consulted upon with the Strategic Housing Strategy and Enabling officer who raises no concerns or objections to the mix proposed, or the way in which they are laid out across the site. Given the 40% provision, it is likely that there would be groups clustered together, the Neighbourhood Plan Policy requires clusters of up to 5 dwellings however, representations were made on this requirement by the applicant which outlines how smaller clustering would not allow for adoption by a Registered Provider and therefore to be able to deliver the 40% requirement larger groupings than 5 are required.
- 8.40. Therefore, the proposed layout and design considerations are reflective of the urban character of Newbold Verdon and provide for a well planned development that would assimilate well with the character of the area.

Historic Environment

- 8.41. Paragraph 189 of the National Planning Policy Framework (NPPF) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The desk-based assessment and landscape and visual impact appraisal includes a limited assessment on the direct physical and visual impact on heritage assets and their settings but in the opinion of HBBC Conservation officer the level of detail submitted as part of this application is proportionate and meets the requirements of paragraph 189.
- 8.42. Paragraph 190 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset).
- 8.43. The application has been supported by the submission of a Historic Environment Desk Based Assessment, which determines the presence or absence of designated heritage assets and the impact upon such assets on and in the vicinity of the site.

This report confirms that there are no designated assets within the site and there are no listed buildings within the site. There are other heritage assets located with Newbold Verdon, however there is no indivisibility with the development and these assets. The site shares no boundaries with Newbold Conservation Area.

- 8.44. Overall it is considered that the proposal would extend development beyond the settlement boundary of Newbold Verdon and it is considered that the proposal would result in some harm to the landscape character and have some adverse visual impact upon the appearance of the countryside and would therefore conflict with Policy DM4 and DM10 of the SADMP DPD. However, the proposal would have a neutral impact upon the historic environment of Newbold Verdon and therefore accords with DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraphs 189 and 190 of the NPPF.
- 8.45. Furthermore, the design and layout of the proposed development including the hard and soft landscaping schemes and proposed materials are acceptable in accordance with Policy DM10 of the SADMP.

Impact upon residential amenity

- 8.46. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.47. Objections have been received from local residents with regard to residential amenity by way of additional noise, traffic, pollution and flooding, these issues are dealt with separately. There have also been objections in relation to the loss of view which is not a material planning consideration. Concerns in relation to overlooking and privacy are dealt with below.
- 8.48. Plot 116 is adjacent to an existing property within Phase 1, on Moat Close. The proposed property at No.116 has been amended and repositioned closer to the boundary with this neighbouring property to alleviate concerns with the parking arrangements to serve this and adjacent plots. The proposed dwelling is a bungalow, which marginally projects to the rear of the existing dwelling on Moat Close. There are side facing windows on this property including a bay window. However, all of these windows at ground floor are secondary or serve non habitable rooms such as the utility. The bay window may not be considered secondary, however, there is another window facing out to the highway serving this room which is a large window, furthermore, the proposed bungalow is not directly to the front of this and any boundary treatment would prevent loss of privacy to this room. There are first floor side facing windows, however, given the scale of the proposed property adjacent to these there is limited adverse impact to these windows. There is also a footpath link proposed to the front of this property, however, given this is a public highway there are no concerns for loss of privacy or amenity from use of this footpath link. Concerns were raised that this is a vehicular access point that would create issues for noise and disturbance as well as other traffic related concerns. However, this is pedestrian only and can not be used for vehicles.
- 8.49. There are a number of properties along Moat Close and Old Farm Lane (Phase 1) that face out to the application site, currently an open field. The properties are set along shared driveways. These dwellings would be divided from the proposed development by the existing post and rail fencing and landscaping, beyond this there is a proposed soft landscaping and highway, with the proposed dwellings beyond that. Therefore, the separation distances between these properties,

although facing one another, is satisfactory in maintaining acceptable levels of privacy to the existing residents especially given the intervening highway.

- 8.50. There is a pedestrian link between the two developments also proposed adjacent to plot 52 of phase 1 (now Old Farm Lane), this pedestrian link is linked to the public highway and is not considered to present any issues for residential amenity.
- 8.51. There has been some concern raised for the positioning of affordable dwellings on the eastern side of the development across from some properties on Old Farm Lane, which also have affordable dwellings to the rear located within Phase 1. However, the position of the dwellings is considered to be acceptable, in accordance with the guidance in HBBC Affordable Housing SPD and issues with anti-social behaviour cannot be controlled by planning. The agent was made aware of the comments from surrounding residential properties and confirmed that they had also discussed the matters with residents that had raised issues through the consultation exercises. The new affordable plots in questions are two-bed M4(2) bungalows, the agent confirms that they have taken concerns into account and have delivered the best layout given the 40% affordable requirement and the requirements of Registered Providers they are not able to move the proposed locations.
- 8.52. Plot 20 is adjacent to existing properties 149 and 147a Dragon Lane. These properties back on to the application site and so are off-set from plot 20 by their rear amenity space. Plot 20 has pedestrian access to the rear along this common boundary and so is not immediately adjacent. The topographical survey of the site (BLO-NEW-2D-001 rev A) and the FFL of 149 shown on the site layout shows that plot 20 would be relatively level within this adjacent plot if the land is not proposed to be built up. Therefore, a levels condition is appropriate. The proposed dwelling at Plot 20 is set at 90 degrees to these existing dwellings and has one first floor side facing window, however this serves an en-suite and so would not overlook neighbouring amenity space. There are rear facing windows serving bedrooms, however as these area at 90 degrees to the rear amenity space of the properties on Dragon Lane they do not directly overlook.
- 8.53. The land does rise up to the south towards phase 1 along the common boundary with existing properties along Dragon Lane. However the properties along Dragon Lane that back on to the proposed site follow this same contour with the ridge heights of the properties increasing. Therefore, the land level changes do not present concern with regards to an overbearing nature the proposed development could have or any additional overlooking.
- 8.54. Crew Lane provides access to garages located at the rear of dwellings along Dragon Lane. There is land here with an extant planning permission 17/00747/OUT for the erection of a bungalow, however no RM has been submitted and no development implemented. Currently the building that occupies the land adjacent to the application site boundary is garages and is not in residential use. This is adjacent to the parking areas of proposed plots 45. This is currently a single storey flat roof building that does not adversely impact upon the residential amenity of this proposed plot. There is some concern for noise and disturbance from the use of these garages, however, there are only around 10 garages on the site and as they are situated forward of the plot this is not considered to be overly obvious above surrounding background noise. Any RM application submitted would have to take in to account the residential amenity of plot 45 should this be submitted following commencement of any planning permission granted.
- 8.55. Proposed plot 45 lines the rear boundary of 145 and 147 of Dragon Lane, however the dwelling proposed on this plot is a bungalow and the rear amenity space of these adjacent residential properties is sufficiently long for acceptable levels of

residential amenity to be maintained. As mentioned previously there is limited change in land level between these plots that would warrant concern, although a levels condition is appropriate.

- 8.56. The Good Design Guide (2019) (GDG) sets out that ensuring adequate space between and around buildings is recognised as a core component of residential amenity. For example habitable rooms within rear elevations of neighbouring properties should never be less than 21m apart. A habitable room within a rear elevation should ideally not be less than 8m from the blank side of a single storey neighbouring property, rising to 12m for a two storey property, and 15m for a three storey property. Across the proposed site the layout accords with the above standards, there are some examples where the separation distances are short, however this is never by a significant degree and in line with the guidance this can be acceptable where the site context allows for it. The proposed layout provides adequate levels of amenity for future occupiers.
- 8.57. The GDG also provides guidance on acceptable standards for garden sizes. It prescribes a minimum garden depth of 7m; 80 sqm for three bedroom houses; 60sqm for a two bedroom house. Across the site, most plots exceed or meet the guidance.
- 8.58. Therefore the proposal is considered to be in accordance with Policy DM10 as the amenity of neighbouring occupiers of the proposed development and potential future residents would not be adversely affected.

Impact upon highway safety and transport

- 8.59. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.60. Access to the site is proposed via a priority junction from Bosworth Lane to the north of the site. LCC Highways have confirmed that the design and location of this access is acceptable and is in accordance with the Leicestershire Highways Design Guide.
- 8.61. The proposal also includes for an off-site signalised junction at the Barlestone Road/ Bosworth Lane T-junction. The submitted Transport Assessment (TA) confirms that a signalised junction would operate at reserve capacity rate up to years 2036. The improvement is needed as the T-junction currently operated over capacity and is not considered suitable to accommodate the development traffic. The TA demonstrates that with a signal controlled junction in the future assessment year of 2036, with development, the junction is predicted to continue to operate with reserve capacity in both peak hour periods.
- 8.62. Policy H1 of the emerging NDP requires the allocated housing site to provide appropriate junction improvements to this junction and avoid additional traffic through the phase 1 development on the Dragons Lane. There is no vehicular access through the existing development, only pedestrian.

Travel Plan

- 8.63. The proposed development is well connected in to the existing vehicular and pedestrian networks and there are good opportunities for public transport. The Travel Plan aims to encourage a reduction in the number of car trips from the

development, particularly during peak hour periods. The need for this is also linked to the evidence provided in the Air Quality Assessment. A Travel Plan co-ordinator will be appointed who will monitor the Travel Plan process. It is considered reasonable to condition this and include the contributions towards the monitoring of this within the s.106, as per LCC (Highways) comments on this application. The Travel Plan also provides details of sustainable travel packs, to be provided to new residents, these shall be required by condition. The target the TP sets out is to reduce vehicle trips by 10%, achieved through liaison between the Travel Plan co-ordinator and LCC including monitoring and review.

- 8.64. Overall, the proposal does not have a significant adverse impact upon highway safety with adequate mitigation, the submitted Travel Plan satisfies the need to encourage sustainable transport and parking is provided in accordance with guidance, therefore the proposal is in accordance with the requirements of Policy DM17 and DM18 of the SADMP.

Flooding and Drainage

- 8.65. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.66. A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF. This also includes a proposed Drainage Strategy.
- 8.67. The FRA confirms that the site is entirely within Flood Zone 1 and so at low risk from flooding. The Drainage Strategy includes the use of SUDS which aim to replicate pre-development run off conditions through the use of infiltration basin and swales which have been designed to accommodate a 1 in 100 year flood event +40% climate change. The site investigation confirms that the site is suitable for infiltration methods of drainage.
- 8.68. A copy of a developer query submitted by the applicant to Severn Trent Water, has been provided in the report that confirms STW have confirmed that this is a foul water connection of Dragon Lane near to the site, however, due to topography of the site a pumping station will need to be constructed to connect to the existing network. The details of which will be required for submission via condition of any permission granted.
- 8.69. HBBC (Drainage) also commented on the application and have no objection subject to conditions in accordance with LCC (Drainage) response.
- 8.70. The Lead Local Flood Authority (LLFA) confirmed that the site is in flood zone 1 being at low risk of fluvial flooding. The site is at very low risk of surface water flooding. However, given the full application fixing the layout of the proposal the LLFA required more information relating to detailed design standard for all elements. Following the provision of the details in relation to the proposed drainage strategy the LLFA confirm that the information submitted is sufficient to merit a condition on infiltration testing. The applicant has also provided a topographical survey, sewer details and network simulation results for the proposed surface water drainage. Proposed infiltration SuDS has been designed with a safety factor of 10 (industry standard) with ground levels raised to provide cover to the groundwater table. Leicestershire County Council as Lead Local Flood Authority (LLFA) advises that the proposals are considered acceptable subject to conditions.
- 8.71. The proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk, subject to conditions.

Ecology and Arboriculture

- 8.72. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.73. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.74. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.75. An Ecology Appraisal was submitted in support of the application and was found to be satisfactory by LCC (Ecology). The report confirms that the site does not fall within any statutory designation for ecological importance or any local designations. No evidence of protected species was noted on site but the hedgerows were found to be used by foraging bats. The site was generally considered to have a low potential to support protected species, other than the hedgerow and trees which have the potential to support foraging and are to be retained (other than site access). LCC (Ecology) also recommend the inclusion of a condition for a badger survey prior to commencement and should badgers be found a mitigation strategy submitted.
- 8.76. The tree survey and retention plan provided with the application show that the existing hedgerows and trees are to be retained other than to accommodate access where a section of hedgerow would be removed. The report however confirms that the proposed new native rich hedgerow, flowering lawn and grassland areas with provide additional foraging habitats. Furthermore the report concludes that the inclusion of swales to the northern boundary and infiltration pond to the east will also provide biodiversity and ecology benefits.
- 8.77. LCC did, however, request the inclusion of a 5m buffer from the existing hedgerow. However, this application has been made in full and there is no buffer present, especially to the western boundary. The applicant has confirmed that this buffer can not be accommodated and that the development to the south does not include a buffer from this hedgerow. LCC have therefore confirmed that given the hedgerow is not of particular significance and is to be retained, this is acceptable. Furthermore, LCC Ecology confirmed that the planting mixes proposed are acceptable for biodiversity management, including the wetland seed mix proposed for the SUDS design. Therefore, Officers are satisfied that the proposal meets the required of para.170 of the NPPF.
- 8.78. An Arboriculture Report and Tree Survey were also submitted in support of the scheme. None of the trees surveyed is considered to be a veteran tree, two trees were considered to be category A, two category B and one hedgerow was considered to be category B the rest fell within category C. Both category A trees are Oak trees. The proposed development layout leads to the loss of only a section of lower quality (category C) hedgerow and is not considered to have a significant impact overall. The report recommends tree protection barriers during construction which is considered to be necessary as a condition.
- 8.79. Overall, impact of the proposed development on protected species is accordance with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

Pollution

- 8.80. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.81. HBBC (Pollution) requested that an Air Quality Assessment was conducted, due to the size of the development. This was carried out and concludes that the assessment has demonstrated that existing sensitive receptors (residential properties) and future residents will experience acceptable air quality, with pollutant concentrations below the air quality objectives. A number of mitigation measures will be implemented to minimise the impacts in the vicinity of the proposed development; including the preparation of a Travel Plan to encourage the use of sustainable transport (discussed earlier). Overall, the air quality effects of the proposed development in Newbold Verdon are judged to be 'not significant'.
- 8.82. HBBC (Pollution) raised no other issue with the site, however, due to the potential contamination from previous agricultural use of the land, a set of contaminated land conditions are requested. These conditions are considered to be necessary and reasonable. It is also requested that due to the close proximity of existing residential properties that a Construction Environmental Plan should be submitted detailing how during construction phase issues such as noise, dust and vibration will be dealt with this is also considered to be an appropriate condition.

Archaeology

- 8.83. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.84. LCC (Archaeology) have reviewed the proposal against the Leicestershire and Rutland Historic Environment Record and do not believe that the proposal would result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. It is noted that some investigation was carried out in 2001 with reference to Phase 1 and no significant finds were made. Therefore no further archaeological action is required. Therefore, the proposal accords with Policy DM13 of the SADMP.

Infrastructure Contributions

- 8.85. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.86. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

- 8.87. As this application is submitted in full, the amount of Affordable housing and the tenure split are known and it is not necessary for this to be an obligation of the developer via a s,106 so long as appropriate conditions are applied to the application to secure the development is built in accordance with the submitted details.
- 8.88. However, a legal agreement will obligate the developer to provide 40% of the dwellings as affordable units in perpetuity. This obligation is considered necessary

as the provision of affordable housing is required for compliance with Policy 15 of the Core Strategy. This policy is consistent with Section 5 of the NPPF which seeks to deliver a sufficient supply of homes, to meet the needs of different groups within the community including those requiring affordable housing. Policy 15 seeks to provide affordable housing as a percentage of dwellings provided on site, therefore the obligation directly relates to the proposed development. The level of affordable housing represents the policy compliant position. The required (by condition) affordable housing mix is based on the most recent housing need assessment for Newbold Verdon, and will be required to be delivered on a cascade approach with residents with a connection to Newbold Verdon . Therefore the obligation is directly related to the proposed development. The extent of the affordable housing obligation is directly related in scale and kind to the development as it represents a policy compliant position, expected by all development of this typology. No issues of viability have been raised with this scheme.

Play and Open Space

- 8.89. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In this instance no on site POS is provided, however residents are within the accessibility standards as recommended by the recreation study. The site is within 600m of Dragon Lane Green Space (Formal Park) and 400m of Old Farm Lane children’s equipped play area, provided by phase 1 of the development. Therefore, residents would have access to open space, Dragons Lane has a quality score of 68% and therefore an off site POS contribution is justified.
- 8.90. To ensure this development provides sufficient open space in contributions accordance with Policy 19 of the Core Strategy, The monetary contributions are set out below.

	Off site provision	Off site maintenance (10 years)	Total
Equipped Children’s Play Space	£75,973.97	£36,665.28	
Casual/Informal Play Spaces	£8,652.67	£10,523.52	
Outdoor Sports Provision	£40,312.32	£19,153.92	
Accessibility Natural Green Space	£18,977.60	£32,944.00	
		Overall Total	£243,203.28

- 8.91. Provision of Play and Open Space is required for compliance with Policies 8 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section of 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality

accessible green spaces. Using the adopted Open Space and Recreation Study (2016) the closest public open spaces to the proposed site fall below the quality scores set by the Open Space and Recreation Study and therefore the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

Highways

- 8.92. LCC (Highways) request a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel these include; Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass. It is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate). A Residential Travel Plan monitoring fee of £6,000 for Leicestershire County Council's Travel Plan Monitoring System. However, it is considered that the Travels Packs should be required by condition rather than obligation, as the developer is able to provide these details, however can pay money to LCC to provide this for them, however they are not obligated to provide the information via LCC, all other contributions are considered to be CIL compliant.

NHS West Leicestershire CCG - Health Care

- 8.93. The West Leicestershire CCG has requested a contribution of £58,790.82 towards addressing the deficiencies in services at Newbold Verdon Surgery, which is the closest available GP practice to the development. The practice has seen significant growth due to housing development within their practice area over the past 5 years, which is impacting on the capacity and resilience. An increase of 170 patients will significantly impact on patient demand in the area.
- 8.94. The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local identified Surgeries, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kind to the development proposed.

Education

- 8.95. LCC Children and Family Services have requested a contribution towards education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development taking in to account any other committed s.106 contributions from other development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution requested from this development is £925,038.07 towards primary, secondary and SEN. A request for £81,766.26 towards Early Years has not been included as it was decided that this request was not necessary in this instance.
- 8.96. The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

Civic Amenity

- 8.97. LCC Waste Management requested a contribution of £5745.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate an additional 1.054 tonnes per annum (multiplied by the net increase of residential units) of waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.
- 8.98. This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

Libraries

- 8.99. LCC Library services have requested a sum of £3,380 towards provision of additional recourses at Newbold Verdon Library, which is the nearest library to the development.
- 8.100. The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area. Newbold Verdon library is within 0.8km of the site, the request states that the proposed development will add 336 to the existing library's catchment population which would have a direct impact upon the local library facilities, this is accepted in this instance given that the library is within a reasonable walking distance of the site and is accessible by public footpaths, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to

all developments of this typology across the county and relates to the number of dwellings proposed, therefore the contribution relates fairly and reasonably in scale and kind.

University Hospital Leicester

- 8.101. UHL have requested a contribution to address NHS revenue shortfalls for acute and emergency treatment. This is by way of a monetary contribution of £41,182.00 towards the 12 month gap in the funding in respect of A &E and acute care at the University Hospital, Leicester.
- 8.102. It is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid S106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by UHL to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. UHL is unable to demonstrate that the burden on services arises directly from the development proposed, opposed to a failure in the funding mechanisms for care and treatment. The request made is to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. UHL has not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Further to this there are issues with the data and methodology used by UHL for example the inflated population projections compared to those used by Leicestershire Authorities when calculating housing need, or the failure to address funding needs from housing projections set out in the Joint Strategic Needs Assessment and Joint Health Wellbeing Strategy referred to in their request, therefore it has not been demonstrated that the request fairly and reasonable relates in scale and kind to the development proposed.
- 8.103. This request is therefore not considered to meet the test of the CIL Regulations.
- 8.104. A similar request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was insufficient evidence from the UHL to warrant or justify the contribution sought against the CIL Regulations
- 8.105. In addition to the above, the request was made outside of the timeframe for consultation responses.

Other issues

- 8.106. There are no Public Rights of Way affected by the proposal.
- 8.107. The site is not within an area recorded to require a Coal Authority mining report, therefore, the risk from coal mining is considered to be negligible. The Coal Authority Standing advice should be added as a note to the applicant.
- 8.108. HBBC (Waste) has commented that the bin collection points detailed on the plans are adequate should the highway be adopted and therefore do not require any additional information.
- 8.109. A Mineral Resource Assessment has been undertaken to support the application. The report demonstrates that any sand and gravel on the site can not be worked as

the site is too small and too close to housing. Therefore the site does not have any value as a minerals resource. LCC Minerals have responded to the application with no objection.

- 8.110. The site has potential to contain grade 2 agricultural land, as per Natural England Land Classification Maps, the loss of this should be weighed in the balance of the merits of the scheme.

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.

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

- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Planning Balance

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 10.2. The proposal would be in conflict with Policy DM4 of the SADMP. This policy is in accordance with the NPPF and has significant weight. The proposal, whilst involving development on open land, has been found to have a limited impact on the character of the area and so there is conflict with Policy DM4 and DM10 of the SADMP. Further to this, harm has also been identified to the character of the countryside.

- 10.3. The emerging NDP does not form part of the adopted Development Plan as it has yet to be 'made'. Nevertheless, the application site is the preferred housing site in the emerging NDP.

- 10.4. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies where the permission should be granted

unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole. It is therefore important to identify the benefits of the proposed development. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.

- 10.5. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the NPPF. The proposal would result in the delivery of up to 116 houses (including up to 46 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area and is a significant social benefit. As discussed above, Newbold Verdon has an identified local centre. Within that local centre, and in the surrounding areas of the village there are the following facilities: Newbold Verdon Medical Practice, Library, Baptist Church, Jehovah's Kingdom Hall, Methodist Church, St James' Church and Church Hall, Newbold Verdon Primary School, a funeral directors, a beauty/hairdressing salon, children's nursery and Sport facilities at Alan's Way Playing Fields, amongst other facilities. This is supported in the District, Local and Neighbourhood Centre Review (2015), and the Community Facilities Review (2013). This clearly shows that the village has an abundance of accessible community facilities serving the existing community, and any new residents of the future.
- 10.6. The proposal would result in economic benefits through the construction of the scheme through creation of jobs and construction spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services. Newbold Verdon has an identified local centre (NEW16L) 'Newbold Village Centre, Main Street and Arnold's Crescent'. In this local centre and in the surrounding areas there are several key services, as well as the following for economic activity: The Swan Pub, Jubilee Inn, the Co-operative shop, the pharmacy, a takeaway and other shops/food establishments. This is supported in the District, Local and Neighbourhood Centre Review (2015). In this sense Newbold Verdon is an economically sustainable settlement with the right economic infrastructure to support the new residents and vice versa.
- 10.7. Some environmental benefits would be provided such as additional planting through landscaping. Additionally there would be some benefit for biodiversity associated with the reinforcement and new planting of hedgerow and trees around the site and the provision of SUDS which are designed to include benefits to biodiversity.
- 10.8. Other provisions of the Planning Obligations are primarily to mitigate the development's own impacts and cannot be taken as benefits, including Council Tax revenue and community infrastructure.
- 10.9. Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm and limited wider harm has been identified it is considered on balance that the harm identified to the character and appearance of the countryside from new residential development would not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan. The application is therefore recommended for approval subject to conditions and planning obligations.

11. Conclusion

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning

permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 11.2. The proposal, subject to conditions, is in accordance with Core Strategy Policies 15, 16 and 19 and Policies, DM1 DM3, DM6, DM7, DM13, DM17 and DM18 of the SADMP.
- 11.3. The, proposal would have a neutral impact upon the historic environment of Newbold Verdon and therefore accords with DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraphs 189 and 190 of the NPPF.
- 11.4. The housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date and the Council cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.5. The proposal, whilst involving development on open land, has been found to have moderate localised harm and limited impact on the character of the wider area, so there is some conflict with Policy DM4 and DM10 of the SADMP. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 116 houses (including up to 46 affordable homes) These additional houses and affordable housing have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area and is a significant social benefit.
- 11.6. The proposal would result in economic benefits through the construction of the scheme through creation of jobs and construction spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 11.7. Some environmental benefits would be provided such as additional planting through landscaping. Additionally there would be some benefit for biodiversity associated with the reinforcement and new planting of hedgerow and trees around the site and the provision of SUDS which include benefits to biodiversity.
- 11.8. On balance it is considered that the harm identified to the character and appearance of the countryside from new residential development would not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the NPPF as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan.
- 11.9. The application is therefore recommended for approval subject to the conditions and planning obligations listed below.

12. Recommendation

12.1. Grant planning permission subject to:

- The completion within 3 months of this resolution of a S106 agreement to secure the following obligations:
 - NHS West Leicestershire CCG; £58,790.82
 - Education; £925,038.07
 - Civic Amenity; £5745.00
 - Libraries; £3,380

- Affordable Housing; 40%
 - Play and Open Space; £243,203.28
 - Off site highway improvements to Bosworth Lane/Barlestone Road Junction
- Planning conditions outlined at the end of this report.
- 12.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 12.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

13. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of two years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan Dwg No.MI 139-PD-001 received 10 February 2020
 Site Access Drawing WIE14930-SA-03-008-A01 received 25 February 2020
 Site Layout MI139-SL-001P received 29 May 2020
 Materials Layout MI139-SL-002 H received 29 May 2020
 Surface Materials Layout MI139-SL-003 F received 29 May 2020
 Means of Enclosure MI139-SL-004H received 29 May 2020
 Boundary Details MI139-PD-021 received 2 April 2020
 Boundary Details MI139-PD-020A received 2 April 2020
 Housetype Byron 372_372-1.PL-01 received 2 April 2020
 Housetype Lyttelton Byron 807.PL-01 and 807.PL-03 received 2 April 2020
 Housetype Drake Byron 812.PL-01 and 812.PL-05 received 2 April 2020
 Housetype Lyttelton Drake Byron 813.PL-01 and 813.PL-05 received 2 April 2020
 House type Brooke 472.PL-01; 472.PL-02; 472-1.PL-01; 472-1.PL-02 and 472.PL-05; 472-1.PL-05 received 2 April 2020
 House type Berry BSP102(2) and BSP102 received 2 April 2020
 House type Heaton 487.PL-01; 487-1.PL-01 and 487-1.PL-03 received 2 April 2020
 House type Kilburn 386_386-1.PL-01 and 386_386-1.PL-02 received 2 April 2020
 House type Langley 489.PL-01; 489.PL-06; 489-1.PL-01; 489-1.PL-03 and 489-1.PL-06 received 2 April 2020
 House type Lydgate 471.PL-01; 471.PL-06; 471-1.PL-01; 471-1.PL-06 received 2 April 2020
 House type Lyttelton 375.PL-01 and 375-1.PL-01 received 2 April 2020
 House type Skelton 474.PL-01; 474.PL-03; 474.PL-06; 474-1.PL-01; 474-1.PL-03; 474-1.PL-06 received 2 April 2020
 House type Wyatt 476.PL-01; 476.PL-03; 476.PL-06; 476-1.PL-01; 476-1.PL-03; 476-1.PL-06 received 2 April 2020
 Single (1) Garage GL01.PL-01 received 2 April 2020
 Single (2) Garage GL02.PL-01 received 2 April 2020
 House type Sinclair 24BP.PL-01; 861.PL-01; 861.PL-03 received 2 April 2020
 House type Sorley 3B5P.PL-01 received 2 April 2020

House type Swift 851.PL-01; 851.PL-03; 851-1. PL-01; 851-1. PL-03; received 2 April 2020

House type Sinclair Sorley 864.PL-01; 864.PL-03 received 2 April 2020

House type Tolkien M2BB3P(2).PL-01; M2BB3P.PL-01; received 2 April 2020

Soft Landscape Strategy 1 of 5 9154-L-01 C received 12 February 2020

Soft Landscape Strategy 2 of 5 9154-L-02 D received 19 May 2020

Soft Landscape Strategy 3 of 5 9154-L-03 D received 19 May 2020

Soft Landscape Strategy 4 of 5 9154-L-04 D received 19 May 2020

Soft Landscape Strategy Schedule and Key Plan 9154-L-05 D received 19 May 2020

Topographical Survey Drawing BLO-NEW-2D-001 A received 26 March 2020

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Construction work of the development, hereby permitted, shall not take place outside the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays. No construction work shall take place on Sundays and Public Holidays.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be

dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats including SUDs and all landscaping to informal play space and natural open space should be comprised of native species wildflower grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP.

8. The development shall be carried out in full accordance with the recommendations made in the Ecological Appraisal (FPCR, January 2020)

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

9. No site clearance shall commence until such time as an updated Badger Survey has been carried out on site and has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved survey and any mitigation measures required.

Reason: To ensure the impact upon protected species on site are identified and mitigated accordingly in accordance with DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document and Paragraph 109 of the NPPF.

10. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of 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 for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on WYG DWG NO. 102 Rev D1; have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

12. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4m by 60m north east bound and; 2.4m by 160m southbound have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

13. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of all private access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

14. No part of the development hereby permitted shall be first occupied until a full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 111 of the National Planning Policy Framework (2019).

15. The development hereby permitted shall not be occupied until such time as parking facilities for each dwelling has been provided, hard surfaced in accordance with MI139-SL-001 Rev M received 14th May 2020. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

16. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highways Design Guide. The private access drives should

be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

17. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

18. Notwithstanding the submitted plans, any garage doors shall be set back from the highway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors, 6.1 metres for up-and-over doors, 6.5 metres for doors opening outwards and thereafter shall be so maintained.

Reason: To enable a vehicle to stand clear of the highway whilst the garage/car port doors are opened/closed, to protect the free and safe passage of traffic, including pedestrians, in the public highway, to ensure that adequate off street parking provision is available to reduce the possibility of on street parking problems locally and in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 110 of the National Planning Policy Framework (2019).

19. The new vehicular access(es) hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular access(es) on Barlestone Road that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

20. Prior to the occupation of the first dwelling, a Travel Pack informing residents what sustainable travel choices are in the surrounding area shall be submitted to and approved in writing by the Council. The agreed Travel Packs shall then be supplied to purchases on the occupation of each dwelling.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of Sustainable modes of transport in accordance with the National Planning Policy Framework (2019).

21. The approved soft landscaping scheme shall be carried out in accordance with the Soft Landscape Strategy Schedule and Key Plan 9154-L-05 D 19

May 2020 in the first planting season following the first occupation of the dwelling to which it relates. 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 at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as per the approved details.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

24. Before any development commences on the site, protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, shall be erected to accord with the tree protection measures contained within FPCR Arboricultural Assessment January 2020. If any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

25. No development shall commence on site until such time as the proposed ground levels of the site, and proposed finished floor levels have been

submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

26. Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:

- Measures to prevent waste generation
- Information on local services in relation to the reuse of domestic items
- Information on home composting, incentivising the use of a compost bin and/or food waste digester
- Household Waste Recycling Centre location, opening hours and facilities available
- Collection days for recycling services
- Information on items that can be recycled

Reason: In accordance with the National Planning Policy for Waste (2014).

27. Prior to the commencement of development full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2019).

28. Development shall not begin until surface water drainage details and calculations, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the full details prior to the completion of development.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

29. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. 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.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

30. No occupation of the development approved by this planning permission until such time as details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. 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.

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 in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

31. Prior to commencement, infiltration testing shall be carried out to demonstrate the suitability of the site for the use of infiltration as a drainage element, the flood risk assessment (FRA) shall be updated accordingly to reflect the drainage strategy. The updated FRA and drainage strategy shall be submitted to and agreed by the Local Planning Authority. The approved details shall be implemented and completed prior to first occupation of the development.

Reason: To demonstrate that the site is suitable for the use of infiltration techniques as part of the drainage strategy to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

32. Prior to the commencement of development full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2019).

13.1. Notes to Applicant

1. This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.
2. In relation to condition 4 and 5; advice from Health and Environment Services can be viewed via the following web address:- https://www.hinckley-bosworth.gov.uk/info/200075/pollution/177/contaminated_land_site which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
3. Attention is drawn to the contents of the attached advice note provided by The Coal Authority.

4. 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 Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.
5. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email road.adoptions@leics.gov.uk. Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
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. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.
8. 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 Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>
9. 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 QBar greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 10 year plus climate change storm events.
10. 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.

11. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
12. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
13. Travel Packs can be provided through Leicestershire County Council at a cost of £52.85 per pack.

Planning Committee 16 June 2020
Report of the Planning Manager

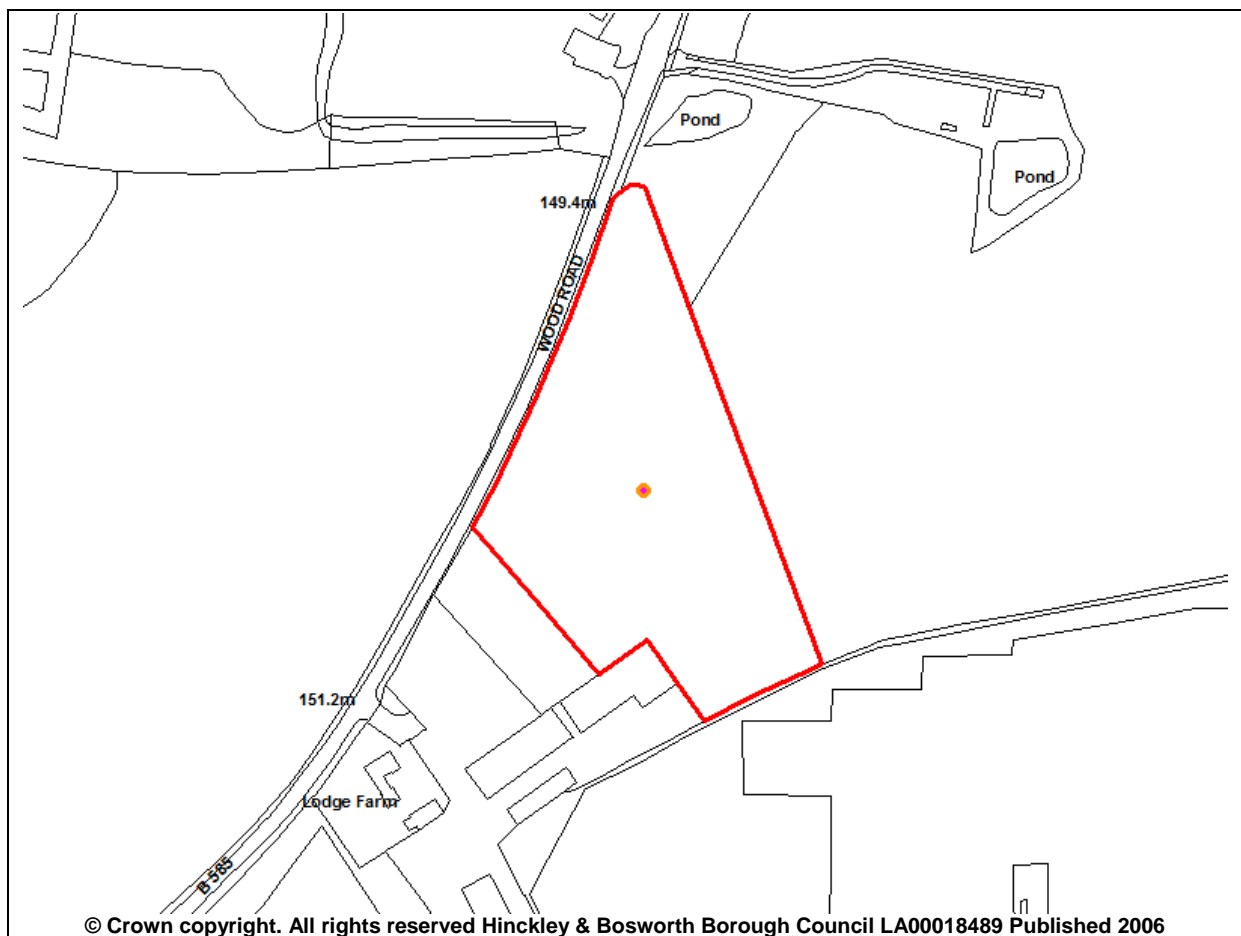
Planning Ref: 20/00020/FUL
Applicant: MW Conway
Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: Land Adjacent Lodge Farm Wood Road, Nailstone

Proposal: Change of use of part of land for the siting of storage container units (Use Class B8) and a machinery and maintenance building, vehicular access, screen wall and screen planting



1. Recommendations

1.1. **Refuse planning permission** for the reasons at the end of this report.

2. Planning Application Description

2.1. This application seeks full planning consent for the change of use of land for the siting of storage containers, the construction of a building and the creation of a vehicular access leading into the application site as well as serving the land to the north of the proposed storage container site. An area of some 0.2 hectares is proposed to the south of the site where 50 storage containers would be sited predominantly in two rows with some containers placed in the middle of these rows. Each storage container would have a footprint of 6m x 2.6m to a height of 2.6m.

2.2. The machinery store would measure some 9.15m x 6.1m to a height of 3.3 metres to its pitch. Comprising of concrete panelling to its base the building would be clad. The proposed access would involve a 7.3 metre wide access from Wood Road with 10m kerbed radii and hard surfacing for at least the first 15 metres. The length of access road into the site would be in excess of 150 metres in length for a width of 6 metres. A lorry turning area would be provided to the north of the proposed storage container area.

3. Description of the Site and Surrounding Area

3.1. The application site is part of a larger 2 hectare field located alongside Wood Road in an area of countryside. The vacant Nailstone Colliery site, which is allocated as an Employment Site in the SADMP, is located on the opposite side of Wood Road approximately 175 metres to the north. Country Parks proposed as part of the Employment Allocation at Nailstone Colliery are located to the east and north-west of the application site along with a commercial use taking place from former agricultural buildings at Lodge Farm to the west and a solar farm to the south. An area of broadleaved woodland lies to the north of the site.

3.2. There is an existing hedge and ditch along the road frontage. The site comprises a field of unmanaged rough grassland, tall ruderal vegetation and scrub with a damp substrate. There is no vehicular access into the site. An unauthorised access which is subject to an extant enforcement notice has been blocked with a fallen tree trunk and the area beyond it remains as grassland.

4. Relevant Planning History

08/00005/PP	Change of use to residential caravan site for four gypsy families with eight caravans including construction of access road, stables and hardstanding	Dismissed	09.07.2008
09/00014/PP	New access to a field	Dismissed	29.10.2009
09/00020/ENF	Appeal against an Enforcement Notice	Dismissed	21.12.2009
07/01305/COU	Change of use to residential caravan site for four gypsy families with eight caravans including construction of access road, stables and hardstanding	Refused	19.12.2007
09/00336/FUL	New access to a field	Refused	10.06.2009
09/00339/FUL	New access to field	Refused	10.06.2009
10/00970/FUL	Change of use of land to gypsy site for one caravan	Refused	02.02.2011
13/00018/FUL	New access to christmas tree plantation	Planning Permission	02.04.2013

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. No letters of representation have been received during the consultation period.

6. Consultation

- 6.1. No objections have been received from:
HBBC Environmental Services (Pollution) – subject to a condition
LCC Ecology – subject to a condition
LCC as Highway Authority – subject to conditions
HBBC Waste Services
- 6.2. No comments have been received from Nailstone Parish Council

7. Policy

- 7.1. Core Strategy (2009)
- Policy 17: Rural Needs
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM20: Provision of Employment Sites
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Landscape Character Appraisal (2017)

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon highway safety
 - Ecology
 - Other Matters

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF state that the development plan is the starting point for decision making and that the NPPF is a material consideration in determining applications.

- 8.3. The development plan in this instance consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016).
- 8.4. The proposed site lies outside of any settlement boundary and outside of any employment site allocation. As such, Policy DM4 in the SADMP applies to this site in the countryside. This policy allows for sustainable development within the countryside providing it meets certain criteria. The criterion which could apply for this commercial use would be:
- c) the proposal would significantly contribute to economic growth, job creation and/or diversification of rural businesses.
- 8.5. The proposal is to site storage containers on the land for use by domestic and commercial users to store items. The application form submitted with the proposal states that the equivalent of 2 full-time employees would be required to operate the business. This low level of employment would not be classed as a significant contributor to economic growth, job creation or diversification of rural businesses as required by Policy DM4 and so the proposal would not meet any of the criteria in Policy DM4. As such there is a clear conflict between the proposed development and the policy.
- 8.6. Policy DM4 also highlights a number of other factors which should be considered as part of this proposal in terms of the physical impact of the proposal on the countryside. It is acknowledged that the part of the site proposed to be used is located alongside a commercial use at Lodge Farm. Policy DM20 of the SADMP does state that proposals for new employment sites may be found to be acceptable where they are located adjacent to existing employment areas and there are no suitable alternative sites identified. The employment use at Lodge Farm is not a site allocated as an existing employment area in the SADMP. There is no evidence submitted with the planning application to demonstrate that there are no suitable alternatives in the Borough for a storage container use.
- 8.7. The land to the north east of the site on the opposite side of Wood Road, being the former Nailstone Colliery does have an extant planning permission for an employment use and this land is identified in the SADMP as an existing employment area where the principle of employment uses is accepted.
- 8.8. In comparison, the application site is allocated as countryside. It is not located adjacent to the employment site allocation at Nailstone Colliery for the purposes of Policy DM20. Instead, the application site is adjacent to the Country Park approved as part of this employment allocation. Indeed, as part of the Nailstone Colliery redevelopment scheme, the land to the north west and east of the site would remain as countryside through the creation of a country park and conservation area.
- 8.9. The applicant has questioned two recent planning permissions which they deem are similar proposals to this. Each planning application is assessed on its merits. One of these planning permissions is for storage containers under reference 18/00812/FUL. However, this application site related to previously developed land which has been used as a sewage treatment works and which was located alongside a site with a lawful use for storage containers. The second planning permission ref: 17/01186/REM related to the construction of commercial buildings following the grant of outline consent in 2015 for a significant employment site alongside an existing employment site and so the proposal was deemed to comply with Policy DM20 of the SADMP.
- 8.10. In comparison, the proposed application site is a greenfield site which forms an important part of the open countryside and a limited amount of employment would be generated by this commercial use. As such the principle of the proposed change

of use and creation of a vehicular access on this land for employment uses would not be accepted under Policies DM4 and DM20 of the SADMP.

Design and impact upon the character of the area

- 8.11. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development. Policy DM10 of the SADMP seeks to ensure that new development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12. The Borough's Landscape Character Assessment (2017) identifies the site within Landscape Character Area B - Charnwood Fringe Settled Forest Hills (LCA – B) an area recognised as being part of the National Forest and Charnwood Forest. The key characteristics of LCA-B relevant to the application site are its large scale irregular field pattern of mainly arable and some pasture, with smaller fields around settlements where fields are enclosed by hedgerows with scattered trees and its predominantly rural landscape with arable and rough set-aside, influenced by industrial/urban features. The application site is typical of the Landscape Character Area, with its small to medium field pattern enclosed by hedgerows and being rough set-aside land. The site is not a 'valued landscape' for the purposes of Paragraph 170 of the NPPF, does not have any national or local designations and is not unique or remarkable for any landscape purposes.
- 8.13. The application proposal would replace open land with 50 storage containers and a maintenance building. Whilst the proposed storage units would be low in height and sited away from Wood Road being located next to the buildings at Lodge Farm, the form and scale of development proposed across this 0.195 hectare site would introduce a built form to the detriment of the semi-rural character of this countryside.
- 8.14. Mitigation measures have been incorporated into the proposal. This includes landscaping to the north-west of the site along with an indication that the remaining land would be used as a Christmas Tree Plantation. However, being located outside of the application site, the LPA would not have control over the landscaping of the area outlined in blue. The landscaping proposed would still enable views of the proposal from the adjoining land to the east which is designated as a country park. The long access road required to reach this area of land would also be visible from this country park. Views from Wood Road and the land to the north west of the site which is also designated as a country park would also be possible. Indeed, such an expanse of hard surfacing would harm the landscape setting of the site with the creation of the vehicular access involving the removal and cutting back of vegetation along Wood Road.
- 8.15. The proposal would retain the existing hedgerows and trees where possible and screen planting is proposed. Nevertheless, the proposal would extend development beyond the settlement boundary of Nailstone into this area of open countryside and it is considered that the proposal would result in a moderate degree of harm to the character and appearance of the area which would conflict with Policies DM4 and DM10 of the SADMP.

Impact on Highway Safety

- 8.16. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.

- 8.17. The proposal would involve the creation of a vehicular access off Wood Road which is a Class II road (B585) with a 60 mph speed limit. A vehicular access has been created within the land edged in blue on the site location plan, however, this access is the subject of an extant enforcement notice which requires that the access is permanently closed and the kerb stones reinstated. The agent has indicated that this access would be permanently closed as part of the proposal.
- 8.18. The proposal would involve the creation of a site access from Wood Road. Being some 7.3 metres in width with 10 metre kerbed radii, the access would be hard surfaced for the first 15 metres along with a gate setback distance of 15 metres. The speed survey results submitted with the application details the 85thile speeds of 51mph in a northerly direction and 50 mph in a southerly direction. Based on guidance within the Leicestershire Highway Design Guide visibility splays of 2.4 x 160 metres should be provided at the access in each direction. Plans submitted with the application demonstrate that visibility splays of 120 metres in each direction can be achieved. The Highway Authority has stated that these visibility splays of 120 metres are satisfactory as they would meet the requirements set out in the Design Manual for Roads and Bridges one step below desirable minimum stopping sight distance standards given the measured 85th percentile speed. The Highway Authority also considers that visibility to the south of the access would, in reality be greater than 120 metres given the slight bend in the road. To achieve these visibility splays the roadside hedge would need to be cut back and this would need to form part of an appropriately worded condition.
- 8.19. The Highway Authority has confirmed that the storage units would generate a low level of daily trips. In addition to this, although not part of the proposal, the plans do indicate that the remaining land edged in blue would be used for a Christmas tree plantation. Such a use of land would be seasonal and so the level of trips would be low. As such it is stated that on a peak day the proposal would generate approximately 12 vehicle movements (6 arrivals and 6 departures) per day. The Highway Authority is also satisfied that the level of parking and manoeuvring space provided is sufficient for the use proposed.
- 8.20. Based on the above, it is considered that the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. Therefore, the proposal would be in accordance with Policies DM17 and DM18 of the SADMP (2016) and the National Planning Policy Framework (NPPF).

Ecology

- 8.21. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.22. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.23. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.24. A Great Crested Newt Mitigation Strategy has been submitted with the application. The site is located to the south-east of the former Nailstone Colliery site which is

currently being redeveloped and has been subject to extensive great crested newt mitigation recently. In close proximity to the application site are a series of former colliery lagoons and a recently created great crested newt mitigation area which supports a large population of the species. The submitted Strategy concludes that the site is unlikely to provide breeding habitat for great crested newts as, despite the damp substrate, any standing water on site is likely to be ephemeral in nature. However, it does provide highly suitable terrestrial habitat for great crested newts due to the unmanaged, dense nature of the vegetation. Mitigation proposals are detailed in the report to ensure that the favourable conservation status of the great crested newt population is maintained throughout the development.

- 8.25. LCC Ecology has found that the Mitigation Strategy submitted is satisfactory and that the application site itself is unlikely to provide any opportunities for breeding GCNs. However, the site is ideal terrestrial habitat for this species and so the mitigation measures outlined in the report will be required. To carry out these mitigation measures a pre-commencement licence would need to be obtained from Natural England and the mitigation would require the installation of 'temporary amphibian fencing' followed by a period of trapping for GCN, relocating any caught to the designated receptor site adjacent to the access track. A planning condition should be imposed on any consent granted to ensure compliance with this mitigation plan.
- 8.26. LCC Ecology further states that given the countryside location, locally native species should be used in any planting plans which should also form part of an appropriately worded condition.
- 8.27. Based on the above, it is considered that the impact of the proposed development on protected species is in accordance with Policy DM6 of the SADMP and the general principles of the NPPF.

Other Matters

- 8.28. The landowner, Mr Benjamin Smith, has submitted a sworn statutory declaration which states that should this planning application be approved then he will not make any further applications for a gypsy site. Should he dispose of the site then he would impose a restrictive covenant on any future owner prohibiting the use of the land as a gypsy site.
- 8.29. The Council's Planning Solicitor has advised that a statutory declaration is commonly used to establish a factual situation and is not, in his opinion, appropriate for declaring future intentions. The proper course for regulating the use of land by agreement is under Section 106 of the Town and Country Planning Act 1990 (as amended) and does not necessarily need to be linked to a specific planning application. Whilst in principle the Council could enter into a Section 106 outwith the remit of this application, to restrict the use would be challengeable as unreasonable in the circumstances.
- 8.30. Therefore, the legal advice is that the application should be considered on its merits and that no consideration should be given to the statutory declaration
- 8.31. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light. The Council's Environmental Health Officer has confirmed any noise from the proposed machinery store and change of use can be controlled through the restriction on the hours of working of the site. The agent has indicated that the building would only be used between the hours of 0800 to 1700 each day and these hours can form part of a planning condition.

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.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The application site is allocated as countryside and so Policy DM4 in the SADMP is relevant. The low level of employment generated would not be classed as a significant contributor to economic growth, job creation or diversification of rural businesses as required by Policy DM4 and so the proposal would not meet any of the criteria in Policy DM4. As such there is a clear conflict between the proposed development and the policy. The site is also not located adjacent to any employment site allocation as required for the purposes of Policy DM20. Indeed, as part of the Nailstone Colliery redevelopment scheme, the land to the north west and east of the site would remain as countryside through the creation of a country park and conservation area.
- 10.2. The proposal would not have any significant adverse impacts upon protected species or on vehicular or pedestrian safety. Whilst the proposal would retain the existing hedgerows and trees where possible and screen planting is proposed, the proposal would extend development into the countryside. As such it is considered that the proposal would harm the character and appearance of the area which would conflict with Policies DM4 and DM10 of the SADMP.
- 10.3. Having regard to Policy DM1 of the SADMP and the presumption in favour of sustainable development along with taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance that the proposed development does not constitute sustainable development. Therefore, the proposal is recommended for refusal.

11. Recommendation

11.1. **Refuse planning permission** for the reasons at the end of this report

11.2. **Reason**

1. The proposed scheme would result in moderate environmental harm to the intrinsic open, undeveloped character and appearance of the site which lies outside of any settlement boundary or employment site allocation as identified in the SADMP. The site currently makes a positive contribution to the wider landscape and in particular land allocated for use as country parks to the north, west and east of the application site as part of an employment allocation at Nailstone Colliery. The proposal would therefore result in a form of unsustainable development that would fail to complement or enhance the character and appearance of the surrounding area and would be in clear conflict with Policies DM1, DM4, DM10 and DM20 of the SADMP.

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 05.06.20

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
	OP	20/00208/ADV (PINS Ref 3253543)	WR	Mr Andrew Foster Space Outdoor Ltd Swan House Main Street Hickling Melton Mowbray	The Holywell Inn 56A London Road Hinckley (Installation of one freestanding internally illuminated advertising sign Installation of one freestanding internally illuminated advertising sign)	Awaiting Start Date	
	OP	20/00300/OUT (PINS Ref 3253082)	WR	Mrs Barbara Denton Walsgrove House Sheepy Road Sibson	Village Farm House Sheepy Road Sibson (Demolition of buildings; Residential development for four dwellings (Outline-access and layout only))	Awaiting Start Date	
	SW	19/00892/OUT (PINS Ref 3252017)	WR	Mr Gareth Xifaras Animal Pub Compamny Ltd 147 Station Lane Lapworth Warwickshire B94 6JH	The Prince Of Wales Inn 52 Coventry Road Hinckley (Demolition of public house and erection of 12 apartments (outline - access, layout and scale))	Appeal Valid Awaiting Start Date	13.05.20
	GS	19/01411/FUL (PINS Ref 3251812)	WR	Mr G & S Warren Invicta Universal Ltd Engine Block Unit 1 The Sidings, Merrylees Desford	39 Station Road Desford (Sub-division of and extensions to existing dwellinghouse to form 5 apartments, erection of 4 dwellinghouses and alterations to existing access)	Appeal Valid Awaiting Start Date	12.05.20
20/00015/FTPP	JF	20/00041/HHGDO (PINS Ref 3251699)	WR	Ms Joanne Haddon Fairway Cottage Leicester Road Hinckley	Fairways Cottage Leicester Road Hinckley (Rear extension measuring 8 metres in depth; 4 metres in height to the ridge; and 4 metres to the eaves)	Start Date Awaiting Decision	29.05.20

20/00014/F TPP	CG	19/01414/HOU (PINS Ref 3251309)	WR	Mr Ryan Jones 3 Grey Close Groby	3 Grey Close Groby (Re-modelling of existing dwelling including partial demolition, construction of a first floor to create an additional storey with rear dormer and rear single storey extension. Extension to existing garage to create a quadruple garage including the raising of the roof with 1 dormer windows to create a first floor to be used as an office/ annexe)	Start Date Awaiting Decision	29.05.20
20/00016/PP	OP	20/00140/OUT (PINS Ref 3250796)	WR	Mr Steve Walters 129 Leicester Road Glen Parva	2 Preston Drive Newbold Verdon Leicester (Residential development for one dwelling (Outline- all matters reserved))	Start Date Questionnaire Statement of Case Final Comments	03.06.20 10.06.20 08.07.20 22.07.20
	OP	19/01438/OUT (PINS Ref 3250575)	WR	Mr Stephen Hill 159 Coventry Road Burbage	159 Coventry Road Burbage (Residential development for one dwelling (Outline- access, layout and scale only))	Appeal Valid Awaiting Start Date	22.04.20
20/00013/PP	SW	20/00004/FUL (PINS Ref 3250144)	WR	Mr Harjeeve Bath 14 Station Road Ratby LE6 0JN	14 Station Road Ratby (Demolition of an existing garage and installation of 2 new residential dwellings in the rear garden of 14 Station Road, Ratby)	Start Date Statement of Case Final Comments	28.05.20 02.07.20 16.07.20
20/00012/ENF	WH	19/00004/UNBLDS (PINS Ref 3247752)	WR	Mr & Mrs Marcus & Gill O'Sullivan 122 Ashby Road Hinckley	122 Ashby Road Hinckley (Erection of a car port)	Start Date Statement of Case Final Comments	13.05.20 24.06.20 15.07.20
20/00011/F TPP	HW	19/01374/HOU (PINS Ref 3247571)	WR	Mr Paul Hodgson 24 Winchester Drive Burbage	24 Winchester Drive Burbage (Pitched roof to flat roof side extension)	Start Date Awaiting Decision	07.05.20
20/00010/PP	GS	19/00833/OUT (PINS Ref 3246720)	WR	Mr Christie Glenn 18a Coventry Road Burbage	20 Coventry Road Burbage (Erection of one dwelling (outline - access and layout only))	Start Date Awaiting Decision	11.03.20

20/00009/PP	EC	19/01145/HOU (PINS Ref 3245403)	WR	Mr York 14 Almond Way Earl Shilton LE9 7HZ	Thirlmere 42 Far Lash Burbage (Raising of ridge height and loft conversion to create a 1.5 storey dwelling, side extension and external alterations to the dwelling)	Start Date Awaiting Decision	09.03.20
	RH	19/01011/OUT	PI	Gladman Developments Ltd Gladman House Alexandria Way	Land South Of Cunnery Close Barlestone (Residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (SuDS) (Outline - access only))	Notification of intention to submit the appeal (Likely submission date of appeal 31.01.20)	17.01.20
20/00004/PP	SW	19/00934/OUT (PINS Ref 3244630)	WR	Ms J Cookes 2A Drayton Lane Fenny Drayton	2A Drayton Lane Fenny Drayton Nuneaton (Erection of one dwelling (Outline with layout to be considered))	Start Date Awaiting Decision	07.02.20
20/00007/VCON	OP	19/01079/CONDIT (PINS Ref 3244583)	WR	Mr Ricky Child 89 Hinckley Road Burbage	339 Hinckley Road Burbage (Removal of condition 9 (removal of permitted development rights) of planning permission 19/00413/FUL)	Start Date Awaiting Decision	18.02.20
20/00002/PP	GS	19/01049/FUL (PINS ref 3243667)	WR	Mrs Susan Birch Wrask Farm Desford Road Newbold Verdon	Land West Of Wrask Farm Desford Road (Erection of one dwelling)	Start Date Awaiting Decision	21.01.20
	CG	19/01164/CLUE (PINS Ref 3246256)	IH	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Appeal Valid Awaiting Start Date	05.02.20
	CG	19/00391/CLUE (PINS Ref 3238743)	IH	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Appeal Valid Awaiting Start Date	29.10.19

	CG	18/01255/CLUE (PINS Ref 3238520)	IH	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Appeal Valid Awaiting Start Date	29.10.19
20/00003/NONDET	RW	19/00253/CONDIT (PINS Ref 3236523)	IH	Mr Gerry Loughran Poundstretcher Limited c/o Landmark Planning Ltd	Crown Crest PLC Desford Lane Kirby Muxloe Leicester (Variation of Condition 11 of planning permission 10/00332/FUL and planning permission 12/00313/CONDIT to extend the permitted days and hours during which deliveries can be taken at, or dispatched from, the site to: Mondays to Fridays (including Bank Holidays) 06.00 to 23.00; Saturdays 08.00 to 18.00 and Sundays 09.00 to 13.00.)	Start Date Hearing	03.02.20 Date to be arranged

Decisions Received

20/00008/PP	CG	19/00714/FUL (PINS Ref 3246434)	WR	Keith Baxter Garden Farm Bagworth Road Narlestone	Forge Bungalow Main Street Cadeby (Demolition of existing bungalow and erection of 2 no dwellings)	ALLOWED	02.06.20
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Designation Period 1 April 2019 - 31 March 2021**Appeal Decisions - 1 April 2019 - 31 May 2020 (Rolling)****Major Applications**

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
8	5	3	0	0	1	0	2	3	0	0	1	0	1

April - Total No of all Major decisions made 43/Total No of appeals allowed 3 = 6.97%

May - Total No of all Major decision made 47/Total No of appeals allowed 3 = 6.38%

Minor/Other Applications

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
34	8	26	0	0	6	0	23	2	0	2	0	0	1

April - Total No of Minor/Other decisions made 855/Total No of appeals allowed 13 = 1.5%
 May - Total No of Minor/Other decisions made 910/Total No of appeals allowed 13 = 1.42%

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
5	0	5	0	0

Designation Period 1 April 2018 - 31 March 2020

Appeal Decisions - 1 April 2018 - 31 March 2020 (Rolling)

Major Applications

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
11	7	4	0	0	2	0	4	4	0	0	1	0	0

March - Total No of all Major decisions made 82/Total No of appeals allowed 5 = 6.1%
 April - Total No of all Major decisions made 82/Total No of appeals allowed 5 = 6.1%

Minor/Other Applications

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
69	16	52	1	0	15	1	47	1	0	4	0	0	1

March - Total No of Minor/Other decisions made 1566/Total No of appeals allowed 13 = 0.83%
 April - Total No of Minor/Other decisions made 1566/Total No of appeals allowed 13 = 0.83%

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
5	0	5	0	0

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