

Planning Committee: 19 May 2020
Report of the Planning Manager

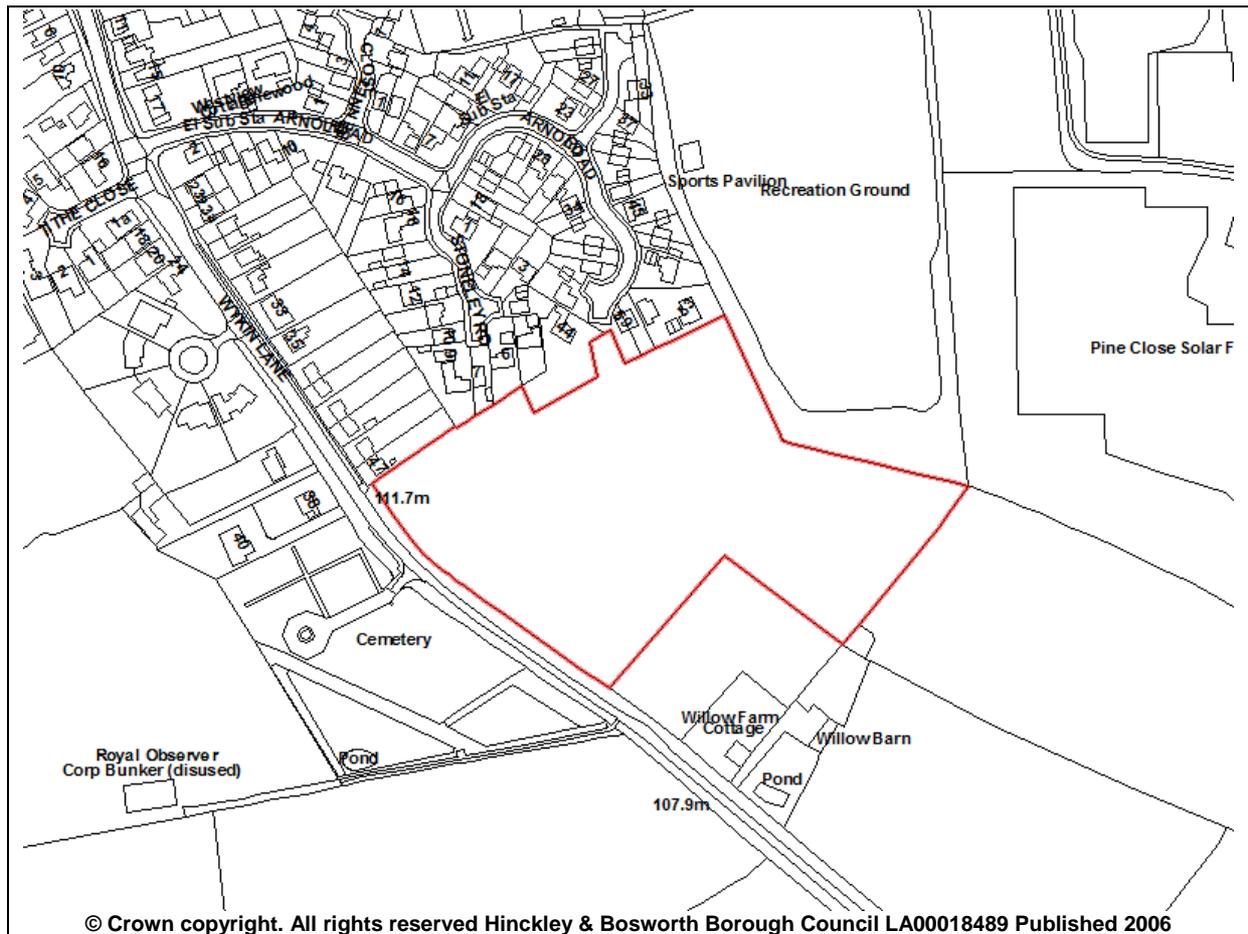


Hinckley & Bosworth
Borough Council

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

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. 254 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

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

6.2. Updated consultation responses to be received from:-

LCC Archaeology
LCC as Lead Local Flood Authority
Severn Trent Water

6.3. 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

6.4. 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

6.5. 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

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 bed roomed 2 person maisonettes. The preferred mix would be a mix of 4, 1 bed roomed 2 persons apartments or quarter houses, 6, 2 bed roomed 4 persons houses, 6, 3 bed roomed 5 person houses, with a mix of 2 and 3 bed roomed 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. During the course of the application, following comments from Leicestershire County Council (Archaeology), a trial trench evaluation of the site has been carried out, and further comments from LCC (Archaeology) will be reported by way of a late item of the assessment of this trial trenching.

Impact upon neighbouring residential amenity

- 8.34. 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.
- 8.35. 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.
- 8.36. 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.
- 8.37. 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

- 8.38. 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.
- 8.39. 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.
- 8.40. 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.

- 8.41. 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.
- 8.42. 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.
- 8.43. 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.
- 8.44. 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.
- 8.45. 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

- 8.46. 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.
- 8.47. 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.
- 8.48. 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.

- 8.49. 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.
- 8.50. 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.
- 8.51. 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

- 8.52. 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.
- 8.53. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.54. 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.
- 8.55. The application has been accompanied with a preliminary Ecology appraisal, which has been updated during the course of the application. This gives consideration to the habitat survey which has been completed and submitted as part of the application, which concludes that, the application site not a field of species rich grassland.
- 8.56. 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. In addition a full GCN survey is considered necessary shall be submitted prior to any reserved matter, and any mitigation incorporated within the proposed layout.

- 8.57. The Preliminary Ecological Appraisal indicates that no evidence of badgers was recorded on site, but had potential to support badger. 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 should 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.
- 8.58. Overall, subject to conditions, 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

- 8.59. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.60. The application has been accompanied with a Soils and Agricultural Quality Study and Phase 1 Ground conditions report.
- 8.61. 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.
- 8.62. 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.
- 8.63. The development is therefore in accordance with Policy DM7 of the SADMP.

Infrastructure Contributions

- 8.64. 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.
- 8.65. 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

- 8.66. 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

- 8.67. 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.
- 8.68. 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.

- 8.69. 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

- 8.70. 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.
- 8.71. 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.
- 8.72. 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

- 8.73. 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.
- 8.74. 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.
- 8.75. 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

- 8.76. 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
- 8.77. 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

- 8.78. 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.
- 8.79. 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

- 8.80. 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.
- 8.81. 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

- 8.82. 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.
- 8.83. 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

- 8.84. 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.
- 8.85. 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.
- 8.86. 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 16 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 outweigh 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 construction 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 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% 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. Any reserved matters shall be submitted with full updated Great Crested Newt Surveys and updated 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.