

**Planning Committee 16 June 2020  
Report of the Planning Manager**

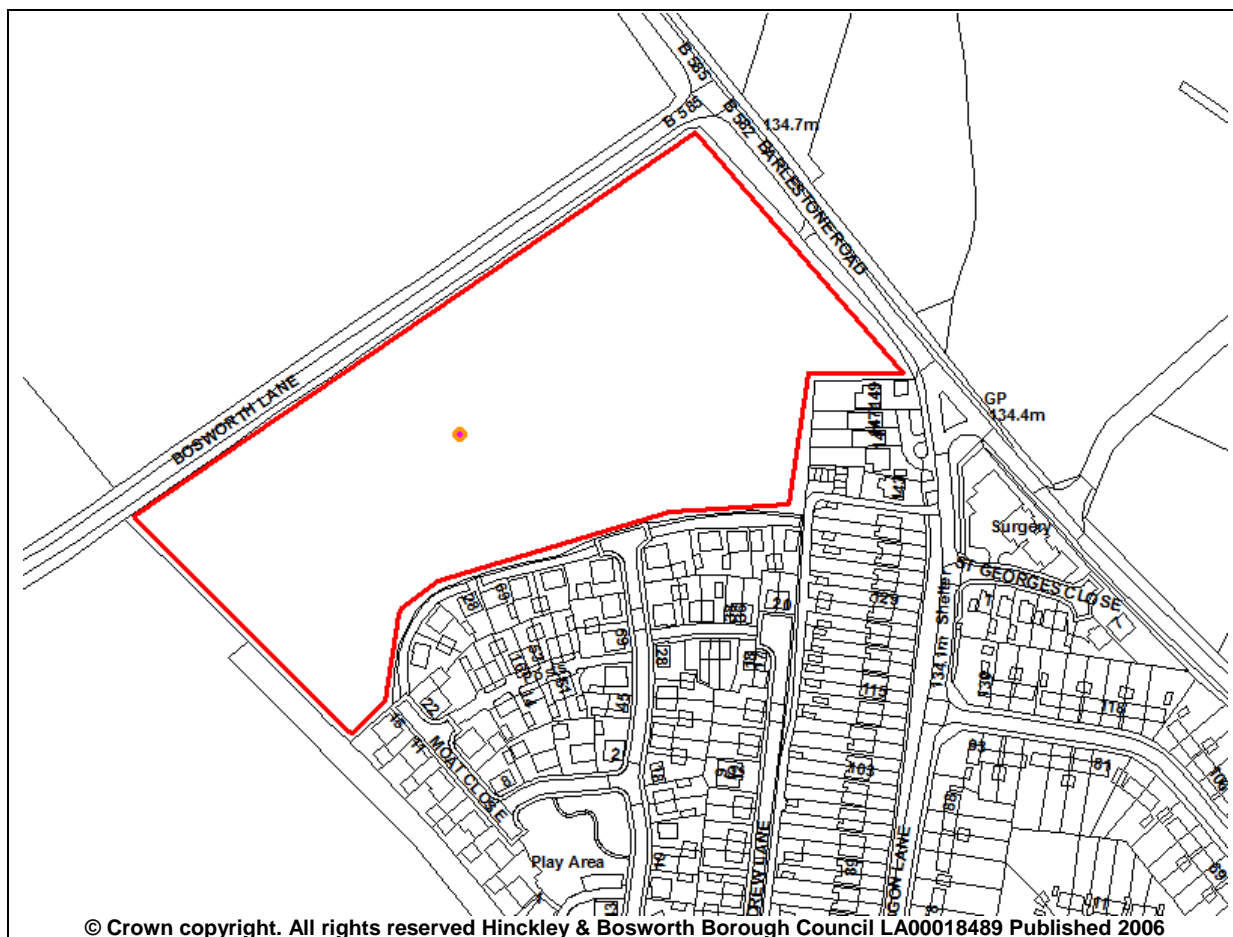
**Planning Ref:** 20/00143/FUL  
**Applicant:** Miss Kate Fell  
**Ward:** Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth  
Borough Council

**Site:** Land South Of Bosworth Lane Newbold Verdon

**Proposal:** Residential Development of 116 Dwellings



**1. Recommendations**

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

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

- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

## **2. Planning Application Description**

- 2.1. This application seeks full planning permission for the erection of 116 Dwellings with associated access, landscaping and infrastructure.
- 2.2. The proposed housing mix comprises a range of property sizes, types and tenures ranging from 1-4 bedrooms and includes, flats, terraced housing, semi-detached and detached housing. This also includes a mix of market dwellings and affordable dwellings. The affordable housing provision is 40% the site therefore proposes 46 affordable dwellings.
- 2.3. Access to the site is proposed from a priority junction off Bosworth Lane to the north. The proposal also includes a signalised junction at the Bosworth Lane/ Barlestone Road junction. The internal road scheme includes a network of secondary carriageways, shared surfaces and private driveways. The internal road network has been designed to adoptable standard. Here are also two pedestrian links shown between the proposal site and the adjoining phase 1 site.
- 2.4. The application site includes the proposal of an infiltration basin to the east accompanied by swales to the north boundaries.
- 2.5. The following documents were submitted in support of this application; Proposed Elevations; street scenes; Highways plans showing on and off site works; Landscaping Plan; Boundary treatment plan; materials schedule; Design and Access Statement; Statement of Community Involvement; Transport Assessment; Travel Plan; Tree Survey; Ecological Appraisal; Flood Risk Assessment and Drainage Strategy; Landscape and Visual Impact Assessment; Housing mix report; Minerals Assessment; Economic Benefits Statement; Historic Environment Desk Based Assessment.

## **3. Description of the Site and Surrounding Area**

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

## **4. Relevant Planning History**

None

## **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

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

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

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

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

## **6. Consultation**

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

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

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

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

## **7. Policy**

7.1. Core Strategy (2009)

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

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

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

## **8. Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies

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

#### Assessment against strategic planning policies

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

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

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

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

and:

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

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

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

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

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

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

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

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

#### Affordable Housing, Housing Mix and Density

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

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

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

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

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

#### Design and impact upon the character of the area

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



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

#### Landscape character

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

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

- 8.31. The proposed soft landscaping scheme provides for Tussock grassland to the north and east boundaries of the site buffering an existing boundary hedgerow which other than at the access is retained. Specimen tree planting at regular intervals is shown along Bosworth Road and around the SUDS feature at Barlestone Road providing for visual interest, and filtering of views of the new development. The residential curtilages of properties fronting these highways are also buffered by proposed hedgerow planting and native hedgerow planting at the termination of highways. The existing western hedgerow is buffered by additional hedgerow planting. Each plot contains amenity grass, and hedgerow planting buffering the houses from the hard landscaped areas of the public highway, creating a pleasant highway and high quality visual environment. The streets are characterised by different planting schemes for each hierarchy of road from main and secondary streets and edges. Around and within the SUDS features is a wetland meadow mix planting to suit the ground in this area but will also provide visual and ecological benefits. The southern boundary where it adjoins phase one is to be planted with a mix of tussock grassland woodland edge planting mix, bulb planting and specimen tree planting. In areas of the site where there are large amounts of hard surfacing, this is broken up where possible by planting including trees. The planting mix has been confirmed to be acceptable by LCC Ecology.

- 8.32. The maintenance and on-going management of landscaping will be required by condition. This is considered to be necessary to ensure a high quality built environment.

#### Urban Character

- 8.33. Landscape and Visual Impact Assessment (2017) describes the urban character of Newbold Verdon as a compact settlement with a historic core with modern development to the north and east. It is made up of traditional two storey buildings that face directly on to the pavement. The local vernacular is red brick or render with slate or tiled roofs with a strong sense of enclosure created by dwellings fronting the street enclosed by walls.
- 8.34. The proposed development is made up of 15 house types ranging from 1-4 bedrooms which are mostly two storey in scale with some bungalows, the properties have a mix of hip and gable end roof styles, tiles in a mix of grey and brown roof tiles providing for a varied and attractive roofscape of appropriate design and scale to assimilate well in to the wider area. The house types include a mix of three types of brick, render and some properties which include a mix of brick and render elevations. The materials are consistent with those used in phase 1 to ensure a strong identifiable character.
- 8.35. The layout has been designed to include dual frontage properties at corner plots using gables and bay windows, leading to the avoidance of blank elevations and legible streets benefiting from natural surveillance. The Design and Access statement sets out a number of design considerations including sensitive housing orientation to maintain the visual amenity and the implementation of pedestrian links to allow for internal view corridors. The use of regular plot widths along the primary routes and repetitive use of architectural detailing are used to define the character of the site.
- 8.36. The majority of the plots have in-curtilage parking, provided to the side of the dwelling and detached garages, a mix of single and double garages, which have roof design that reflect the main dwelling. Some dwellings do have parking to the front of the dwelling, although this is not significant and does not lead to the street

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

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

#### Historic Environment

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

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

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

Impact upon residential amenity

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

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

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

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

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

Impact upon highway safety and transport

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

Travel Plan

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

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

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

#### Flooding and Drainage

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

### Ecology and Arboriculture

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



### Pollution

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

### Archaeology

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

### Infrastructure Contributions

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

### **Affordable Housing**

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

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

### **Play and Open Space**

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

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

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

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

### **Highways**

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

### **NHS West Leicestershire CCG - Health Care**

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

## **Education**

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

## **Civic Amenity**

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

## **Libraries**

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

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

#### **University Hospital Leicester**

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

#### **Other issues**

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

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

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

## **9. Equality Implications**

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

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

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

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

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

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

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

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

## **10. Planning Balance**

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

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

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

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

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

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

## **11. Conclusion**

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

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

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

## **12. Recommendation**

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

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



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

### 13. Conditions and Reasons

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

May 2020 in the first planting season following the first occupation of the dwelling to which it relates. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

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

30. No occupation of the development approved by this planning permission until such time as details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

**Reason:** To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

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

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

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

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

#### 13.1. Notes to Applicant

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



4. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.
5. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
6. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
7. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) to progress an application.
8. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>
9. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent QBar greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 10 year plus climate change storm events.
10. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include

temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

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