

- 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 final terms of the S106 agreement including trigger points and claw back periods.

2. Planning application description

- 2.1. This is a full planning application for the development of 49 dwellings. The development includes 40% affordable housing, which equates to 20 affordable dwellings and 29 market dwellings. There is a mix of 10 x 4 bedroom, 27 x 3 bedroom, 8 x 2 bedroom and 4 x 1 bedroom dwellings proposed.
- 2.2. The site is proposed to be accessed from Beech Drive as a single point of access. Beech Drive is accessed through Hawthorn Drive which is accessed from Main Street. Parking is provided on site at a ratio of 3 parking spaces for each market dwelling, two parking spaces for the 2 and 3 bed affordable dwellings and 1 parking space for the 1 bed affordable dwellings.
- 2.3. The proposal includes the retention and management of the tree belt within the site with the creation of additional habitat and natural landscaped areas.

3. Description of the site and surrounding area

- 3.1. The site is adjacent to, but outside the settlement boundary of Thornton, to the south of Beech Drive/Hawthorne Drive/Main Street. Built development surrounds the site to the north and north east. To the south and west the site adjoins open countryside.
- 3.2. The site has significant changes in topography across the site. The site slopes down from Main Street to the south west and rises up from Beech Drive to the centre of the site and sloping back down to the southern boundary.
- 3.3. The site contains no buildings, however an overhead power line crosses the site south east – North West. A tree belt is within the site to the west, creating a divide within the field. A footpath runs through the site from the adjacent southern field to Main Street. A mature hedgerow with trees is along the southern boundary.
- 3.4. Beech Drive/Hawthorne Drive to the north of the site is a circa. 1970s residential estate accessed from Main Street. This estate was built upon land which had level changes similar to the application site and many of the properties include retaining structure to boundaries and the heights of buildings across the site differ due to the levels differences. The majority of properties on this estate are detached two storey houses, however there are bungalows along the Hawthorne Drive where it leads to Main Street.

4. Relevant planning history

04/00516/GDO

- Formation of agricultural access way
GDO
19.05.2004

10/00712/COU

- Change of use from existing agricultural land to pony paddock and the erection of a stable
Permission
01.12.2010

14/01274/OUT

- Residential development of up to 49 dwellings (Outline - access)
Refused
16.04.2015
Appeal submitted but withdrawn

16/00311/OUT

- Residential development of up to 48 dwellings (outline - access only)
(resubmission)
Refused
01.06.2016
Appeal submitted but withdrawn

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. Leicestershire County Councillor Peter Bedford has objected to the scheme raising concerns the development would have on the roads and local infrastructure and believes that the application would have a significantly adverse impact on the lives and amenities of local residents.
- 5.3. A total of 288 responses were received from 132 separate addresses. Concerns raised are:
 - 1) Access to the site is of great concern, increase traffic will make the situation unacceptable hazardous, already too much congestion
 - 2) Congestion during drop off and pick up at the school is a nightmare, this can last for hours as there are breakfast and after-school clubs
 - 3) Village cannot cope with increased traffic and people, impacting on the school, roads, parking and drainage
 - 4) Gradients of highway both existing and proposed and issues with inclement weather
 - 5) Concerns with how construction vehicles will get to the site safely
 - 6) Lack of visibility of Hawthorn Drive access onto Main Street issues for both drivers and pedestrians
 - 7) Speeding isn't a problem and a speed table would increase the problem
 - 8) No change from previously refused applications
 - 9) Drainage scheme will overload the existing sewer
 - 10) No housing requirement for Thornton within the SADMP
 - 11) Unsustainable development, fails to meet the requirement for a sustainable economic, social and environmental role
 - 12) Impacts upon pupils and parents getting safely to school
 - 13) Outside the settlement boundary of Thornton contrary to DM4 of the SADMP
 - 14) Concerns for extension from this site into the adjacent fields
 - 15) Significant changes in levels resulting in 6.5metres difference in roof heights
 - 16) Issues for Emergency vehicles on Main Street
 - 17) Impact upon school as already a number of temporary classrooms
 - 18) Local needs are already being catered for
 - 19) Infrequent bus service and lack of amenities
 - 20) Nearest Doctors, Dentist and Chemist are in Markfield or Desford but the bus service doesn't go there
 - 21) Extensive change to levels will result in a lot of soil movement will it be kept on site or taken off site

- 22) Who will be responsible for keeping the existing roads clean during construction?
- 23) Request for further cross sections
- 24) Speed pads are not cycle or bus friendly
- 25) Questions regarding the accuracy of the contour lines on plans and the details of the highway plans
- 26) Existing flooding issues in the village
- 27) Urbanising a well-used footpath
- 28) Thornton is a linear ridge settlement and this development will not preserve and follow the development plan
- 29) Concerns with bats and badgers
- 30) Density of development is low
- 31) Serious negative effects on all areas of the community
- 32) Swept path documents shows the bin lorry has to mount the footpath outside houses 28 and 29 to be able to negotiate the internal roads
- 33) Road positions don't match up with the amended site plans
- 34) Concerns with 13m rigid tucks being able to get in and out of Hawthorn Drive due to parked cars on Main Street
- 35) Work to 9pm at night is unacceptable
- 36) High voltage pylon at the bottom of the site within the area of public realm
- 37) National Grid, NHS England, Severn Trent Water, National Grid, LCC Education, Thornton and Bagworth Neighbourhood Plan or LCC Public Right of Way haven't been consulted and should be
- 38) Tandem parking is not very practical and will result in on road parking
- 39) New houses will overlook existing houses in particular 38/39 and 40 Hawthorne Drive and 178 and 180 Main Street harming privacy
- 40) Suitable surface water drainage plan has not been submitted
- 41) Congestion on roads already bad and farm traffic use Main Street.
- 42) The proposed Neighbourhood Plan does not allocate the site and would be disruptive to the execution of such plan if permission were granted
- 43) Concerns with impact on wildlife and insects
- 44) Traffic is worse since last applications
- 45) Reasons for refusal on last applications still stand
- 46) Impact on health from the pollution caused by the development and increased traffic
- 47) Impact on the well-being of Thornton's existing residents (physical and mental wellbeing)
- 48) This application has caused a lot of stress upon the residents
- 49) The site should be planted with trees rather than building housing
- 50) Traffic surveys are false readings as they were taken during lockdown and in half term week
- 51) Thornton is a highly visited tourist attraction with a lot of visitors on a daily basis, adding this development will worsen the congestion
- 52) Two developments are already approved in Thornton (reservoir pub and browns farm)
- 53) Could have purchased properties on Main Street to provide an additional access
- 54) Nowhere for lorries or emergency vehicles to turn around, they would have to reverse
- 55) Lack of amenities in Thornton
- 56) Re-alignment of footpath would lead to users accessing the footpath further along the village, making more people use the narrow village pavements with potential consequences to road safety
- 57) Parking area to maisonettes would result in an increase in noise and light pollution and possible anti-social behaviour

- 58) Concerns of impact and pressures on existing tree belt on the site
- 59) Impact of high voltage cables on health
- 60) Impact on life of residents by construction of development and long-term problems the development will bring
- 61) School cannot expand so S106 contributions cannot be spent on the school
- 62) Not a sustainable location
- 63) 10m buffer zone between the trees at the bottom of the site should be there as LCC Ecology requests
- 64) Amended plans barely address the issues raised by various local authority bodies and have not addressed one single issue raised by the local community
- 65) LCC Public Right of Way have not been consulted, no longer have access to the PROW through residents property
- 66) Regardless of the current 5 year housing land supply this development would cause an adverse impact on the local community that would significantly outweigh the benefits
- 67) On greenbelt land
- 68) Have details been submitted showing how the development will follow best guidance for sustainable use of materials, site management, disposal of waste materials and energy efficiency. New house must be built to a low-carbon, energy and water efficient and climate resilient.
- 69) Contrary to DM17
- 70) Does not appear to be a need for more housing
- 71) Devaluation of existing properties

6. Consultation

6.1. The following consultees raised no objections, some subject to conditions:

- Environment Agency
- National Forest
- Coal Authority
- LCC Archaeology
- LCC Highways
- LCC Ecology
- LCC Drainage
- HBBC Conservation Officer
- HBBC Affordable Housing Officer
- HBBC Waste
- HBBC Environmental Health

6.2. The following contributions have been requested

- LCC Developer contributions:
 - Libraries £1,420
 - Waste - £3,204
 - Education – Primary £116,736; Secondary - £134,338.14
- George Elliot Trust (NHS) - £73,006.00

6.3. Consultees consulted but provided no comment:

- Severn Trent Water
- Leicestershire County Council Tree Officer
- Western Power Distribution
- National Grid/Cadent
- Cycling UK
- The Friends of Charnwood Forest

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 10: Key Rural Centres within the National Forest
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 18: Green Space and Play Provision
- Policy 21: National Forest.
- Policy 22: Charnwood Forest

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 (2020)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Landscape Character Assessment (2017)
- Open Space and Recreation Study (2016)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide
- Agricultural Quality of Land Surrounding Settlements in the Hinckley and Bosworth District Report (2020)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Design and Landscaping
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications.

Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 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. Thornton is identified as a Key Rural Centre within Policy 7 of the Core Strategy. These are settlements which have a variety of facilities and services including a primary school, local shop, post office, GP, community/leisure facilities, employment and regular access to public transport to surrounding areas. To support its role as a Key Rural Centre focus is given to development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5 Policy 10 provides the policy framework for each Key Rural Centre within the National Forest. This supporting text identifies that the focus for these villages will be on creating a new 'sense of place', transforming these former mining villages into 'Forest Settlements' within woodland settings. The Policy does not allocate housing within Thornton, however a number of bullet points which are relevant to this application require that proposals should contribute to the delivery of the National Forest Strategy in line with Policy 21 of the Core Strategy; address the deficiencies in quantity, quality and accessibility of green space and play provision in line with Policy 19 of the Core Strategy; support proposals that contribute to the delivery of the Charnwood Forest Regional Plan.
- 8.6 On 25th March 2021, ONS published the latest median housing price to median gross annual workplace based earnings ratio used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for Hinckley and Bosworth is now 450 dwellings per annum (rather than 452 dwellings per annum using the previous ratio). In addition to this in May 2021 the Sketchley Lane appeal decision (APP/K2420/W/20/3260227) and Wykin Lane appeal decision (APP/K2420/W/20/3262295) both discounted some large sites included within the trajectory. Therefore, the Council can demonstrate a 4.44 year housing land supply.
- 8.7 The housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered and 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. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless material considerations indicate otherwise. The tilted balance of Paragraph 11d) (ii) of the NPPF is engaged, irrespective of the housing land supply figure, which is a product of the age of the plan and the out-of-date evidence base it relies upon. The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 450 dwellings per annum. This figure was derived from the East Midlands Regional Plan and was considered the 'end point'

for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 450 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2020-2039.

- 8.8 This is weighed in the balance of the merits of the application when 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. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.9 This site lies outside of the settlement boundary of Thornton and is identified as countryside on the Borough Wide Policies Map. Policy DM4 is applicable which seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.10 Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. A number of categories of development are identified which would be classed as being acceptable in the countryside. The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.
- 8.11 This proposal is therefore in conflict with the spatial policies of the development plan, specifically Policies 7 and 10 of the Core Strategy and DM4 of the SADMP. However, paragraph 11(d) (ii) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Impact upon the character of the area

- 8.12 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.
- 8.13 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.
- 8.14 Policy 10 of the Core Strategy seeks to identify Thornton as a 'forest settlement' and supports proposals that contribute to the delivery of the National Forest Strategy in line with Policy 21. Policy 21 of the Core Strategy requires new developments to reflect the Forest context in their accompanying landscape proposals, providing on-site or nearby landscaping that meets the National Forest development planting guidelines. The site is also within the Charnwood Forest, Policy 22 of the Core Strategy includes a number of bullet points that proposals should adhere to, the most relevant to this application being retain local character and complement the local landscape and enhance woodland and habitat provision and connectivity.

- 8.15 The Council's Good Design Guide SPD contains area-specific design guidance for each village. The site lies adjacent to the settlement boundary of Thornton. It is identified within the SPD that the village is situated on a ridge-top, and draws significant value from its landscaped context. Four design objectives are identified:
- Protect the landscaped setting of the village, particularly along its main approaches from the north-east and south-east/south-west, including the open edge of the reservoir and the setting of St Peter's Church
 - Protect and enhance the group of traditional farm structures to the north by avoiding an increase in density or loss of landscaping, and ensuring new development draws on traditional precedents for materials, detailing and orientation of farm structures
 - On Main Street, retain granite boundary walls and avoid further loss of architectural detailing, encouraging new development to draw on the settlement's agricultural and industrial vernacular past
 - As this settlement falls within the National Forest, development should meet the general design principles of the National Forest.
- 8.16 Within the Landscape Character Assessment for the borough the site is located within the Landscape Character Area B: Charnwood Fringe Settled Forest Hills. The key characteristics of this area is defined as:
- 1) Gently undulating landform with small plateaus on higher ground and rising to the adjacent Charnwood Forest area to the east.
 - 2) Contrast between areas which are visually open and enclosed depending on the elevation of the landscape and the presence of woodlands and vegetation.
 - 3) Large scale irregular field pattern of mainly arable and some pasture, with smaller fields around settlements. Fields enclosed by hedgerows with scattered trees.
 - 4) Industrial heritage of quarrying and mining resulting in areas of restored land.
 - 5) Part of the National Forest and Charnwood Forest with areas of new woodland plantations associated with former industrial areas.
 - 6) Dispersed pattern of former mining villages following a linear pattern on ridgetops, either located close to a colliery or providing housing for mine workers. Good public access and footpath network throughout, especially within National Forest area.
 - 7) Predominantly rural landscape with arable and rough set-aside, influenced by industrial / urban features such as masts, poles and pylons
- 8.17 The key sensitivities and values for this area are identified as:
- 1) Woodlands, copses and individual trees are important as areas of connective habitats such as hedgerows and river corridors which link to the nearby woodlands of the National Forest. They are also important for their recreational value for local communities.
 - 2) Rural character and the dispersed pattern of villages where the landscape away from the settlements is characterised by dark skies at night and a sense of tranquillity.
 - 3) Recreational value of the restored mining sites including Bagworth Heath Woods Country Park as well as the value for leisure and access provided by the network of footpaths and bridleways including the Leicestershire Round.
 - 4) Thornton Reservoir which provides a popular recreational facility on the edge of Thornton village.
 - 5) The historic and cultural associations with mining in the area related to the former pits.

- 6) The historic character of the landscape evident in the presence of Scheduled Monuments and the pattern of irregular fields of piecemeal enclosure and the small irregular fields surrounding settlements. Hedgerow boundaries and mature trees reinforce this character which also provides visual interest and biodiversity value.
- 7) Semi-improved grasslands and lowland meadow habitats which are particularly valued in the area due to the relative scarcity of biodiversity assets as a result of intensive farming regimes.

8.18 The Landscape Strategies for this area are:

- 1) Support the vision of the National Forest Strategy – to unify the forest area by planting native and mixed species woodland– as well as for areas beyond the National Forest boundary, encouraging, connecting and enhancing habitats such as hedgerows, tree planting, farm woodlands and lowland meadows.
- 2) Conserve and enhance the historic core of village settlements and ensure extensions are well integrated within this wooded landscape.
- 3) Restore typical zones of woodland types from alder, crack willow, hazel and grey willow in valleys, to oak/birch woodland on higher slopes; developing and managing transitional scrub communities between woodland and adjoining habitats.
- 4) The siting and design of new development should complement the existing settlement pattern. New developments, extensions or alterations should be of appropriate materials, scale, massing and location within their plot to the rural context of the area. Removal of traditional building features such as crown chimney pots and boundary walls of brick, stone, metal railings and timber fences should be avoided.
- 5) Conserve the historic features of the landscape including industrial heritage of mining villages, railways

8.19 The Landscape Character Assessment identifies Urban Character Areas (UCA); Thornton is UCA 13. It is identified that Thornton appears in local views from the wider landscape as a relatively small, ridgeline settlement; however it is acknowledged that views from the south around Bagworth Heath are towards modern development that extends onto the lower slopes and the settlement character departs from this linear pattern. Seven townscape strategies have been identified for Thornton:

- 1) Ensure that new development maintains or enhances local identity and setting of the village. Particular consideration should be given to the materials, scale, layout and form of new development in the context of the characteristics of the existing place, and discouraging inappropriate boundary treatments and placeless cul-de-sacs.
- 2) Maintain and enhance the rural character of the village by careful consideration of new lighting and encouraging protection of traditional features such as farm buildings, stone and brick garden walls, hedges and railings as well as important trees and open spaces.
- 3) Protect important views of the church and out into the open countryside.
- 4) Maintain and promote recreational links to surrounding open spaces and woodlands including the sites forming part of the National Forest network.
- 5) Encourage continued tree planting as part of the ongoing National Forest initiative, including planting of street trees and continued maintenance of existing open spaces.
- 6) Enhance the southern entrance into Thornton along Thornton Reservoir such as by framing views towards the church spire.
- 7) Consider visual impact on views from the wider countryside when planning new development, encouraging reinforcement of its linear form.

- 8.20 This application is supported with a Landscape and Visual Impact Assessment (LVIA). This identifies that the site is of medium value and the susceptibility to the type of change is medium and therefore the overall sensitivity of the site itself is considered to be medium. It is concluded that the impact upon the wider landscape would in the worst case be minor. The magnitude of change to the character of the site overall is assessed as very high, meriting an overall major/moderate adverse level of affect. Looking forward following the completion of the development it is considered by the report that maturation of the landscape strategy, in addition to vegetation within the local context, and in combination with the overall general acceptance of the scheme within the landscape, the magnitude of change at year 15 is likely to reduce to a high magnitude of change, yielding a moderate adverse effect upon the site and its immediate context. In regards to the wider local landscape character of the LAC the report considers due to the retention of existing mature landscape fabric, with the exception of the loss of views from the footpath internal to the site the development would not obscure views of the wider LCA and would largely be seen with existing development at Thornton yielding a very low magnitude of change. The report concludes that at worse case the impact upon the wider LCA would be minor adverse level of effects at year 1 and year 15.
- 8.21 The submitted LVIA also identifies the impacts on visual amenity and concludes that the impact upon the PROW which is within the site would be major and following the maturing of the landscaping this will alter to major/moderate after year 15. A further PROW lies within close proximity of the south-west of the site the impact is considered to be moderate at year 1 and moderate/minor after year 15. Other identified PROW within a 3km radius of the site are considered to experience a minor effect at both year 1 and 15 due to the visual containment of the site, residential context of the view and the short sections of the PROW from which the site is visible. Minor roads are considered to have a major/moderate effect during year 1 changing to moderate/minor affect after 15 years. The LIVA also identifies that residential receptors, namely those bounding the site, as having an overall major effect at year one, reducing to moderate after year 15 due to the views being softened by landscaping of the development along with the general establishment and general acceptability of change over this duration.
- 8.22 It is therefore concluded by the submitted LVIA that the development of this site for 49 residential dwellings would result in harm to the character of the immediate area to a major/moderate effect and the wider area to a lesser degree having a minor effect. The impact upon visual receptors within and adjacent to the site (neighbouring properties and the PROW within and nearby the site) would be higher than those within the wider landscape.
- 8.23 The site is bound by development on two sites. The development would result in the extension of Beech Drive and further housing to the rear of Main Street, which would impact further the erosion of the village`s linear form along Main Street, contrary to Point 7 of the townscape strategy for Thornton. This would therefore cause harm to the landscape setting of the village of Thornton not only visually, but also to its historic plan form. It must however be acknowledged that the residential estate of Hawthorn Drive and Beech Drive has already encroached down the ridge from Main Street and altered the historic linear character of Thornton. Additionally, to the south east of the site the residential estate of Highfields, St Peters Drive and Oakwood Close has also established an area which alters the linear form of Thornton. The introduction of residential development on the application site would extend the Hawthorn Drive/Beech Drive estate. This would leave six fields (5 thin linear fields and one larger field) between the Highfields/St Peters Drive/Oakwood Close Estate, which is a distance of approximately 300 metres. Therefore, the linear

form of Main Street could still be appreciated in some areas and would not be lost completely.

- 8.24 Due to Main Street being an elevated ridge position and the site being on the slope the visual impact of the development when standing on Main Street would be limited. Along the section of Main Street adjacent to the application site the majority of properties being two storey built in close proximity to one another. There are some gaps within the built form along Main Street which provide views to the site and the wider countryside. These views would alter but it would not remove the views of the wider countryside as the views of the site would be limited to the roofscape of the development due to the topography and levels proposed for the scheme. The village will therefore retain its rural views from Main Street; however, it would be altered by the introduction of built form (largely roofs of the proposed development) within the immediate setting of a small stretch of Main Street.
- 8.25 The site contains a Public Right of Way, as discussed previously which the proposal seeks to divert through the residential development. This would significantly alter the experience of users of this public right of way within the site from rural edge to within an urban area. Amendments have been provided to provide a green and open transition from the footpath when entering the site from the countryside to the south-east. Whilst this impact to the users of the footpath would be significant, it is noted that the footpath does enter the village to the northern edge of the site and does experience an urban character and therefore this experience would be brought forward by approximately 150 metres.
- 8.26 The application would result in harm to the landscape character of the area contrary to Policy DM4 of the SADMP.
- Design and Landscaping
- 8.27 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. The Council's Good Design Guide (SPD) sets out the process to be followed to ensure good quality design for new residential development
- 8.28 A number of amended schemes have been submitted following officer comments and comments from consultees. This has resulted in an alteration to the housing layout, amendments to landscaping, highways alterations and clarification of levels proposed.
- 8.29 Due to the existing topography of the site there are significant challenges for this scheme which include providing levels on site to achieve an acceptable gradient for the highway, useable private gardens, usable and practical open space provision. The applicant has provided sections through the proposed scheme to illustrate how the scheme would sit alongside existing development and also how the levels will change throughout the site. These challenges have resulted in the layout of the site being rigid to get the levels acceptable.
- 8.30 The existing building line along Beech Drive is generally mirrored by the proposal and the built form including the garden areas do not extend any further south west into the countryside than the existing garden boundary line. This ensures the development respects the existing form and character of the adjacent urban form.
- 8.31 The garden sizes for each property exceed the identified minimum garden sizes outlined within the Council's Good Design Guide and also exceed the minimum garden length. Separation distances are all in line with the requirements of the Good Design Guide. There are instances where some corner plots (10, 18, 21, 43, and 48) do not meet the back-to-side distance of 14 metre, however these are the

Wentworth House types which do not have any principal windows within the rear elevation and therefore it is not considered that the 14 metre distance is necessary in these instances.

- 8.32 There are 13 house types proposed for the site which are a mix of detached, semi-detached and maisonette dwellings. Several design features are included within the house types, including bay windows, chimney, eaves detailing and porch canopies. The designs of the house types are harmonious with one another however provide enough difference to provide interest within the street scene.
- 8.33 A large element of parking on site is within the curtilage of the dwelling which removes the dominance of the car from the street scene. Plots 30-33 are maisonettes and therefore a parking court is required for 4 parking spaces. Due to its positioning, it's small scale and the overlooking from the Maisonettes and other properties it is considered that this small parking court is acceptable and would not result in an area of anti-social behaviour. Plots 34 – 39 have parking to the frontage of the properties, this parking is broken up with landscaping to reduce the amount of hard landscaping within this area. This is the only instance of frontage parking within the development and opposite at plots 23-27 parking is to the side and these properties have front gardens, it is therefore considered that this frontage parking would not be harmful to the overall character of the development and is acceptable.
- 8.34 Due to the levels differences across the site a number of retaining walls will be necessary within the site, however these are within the rear gardens of properties, the largest structures being within the gardens of Plots 10-17. The submitted sections show that plot 10 would have a 3.6 metres (approx.) retaining structure along the boundary with Plot 29, this reduces to 1.2 metres (approx.). Retaining structures are present within the Beech Drive/Hawthorne Drive Estate both within the public areas and also within private gardens. This would not be an alien feature within the area and once the landscaping has matured the prominence of these structures will reduce.
- 8.35 Concerns have been raised through the consultation that the dwellings would be higher in height than the existing properties along Hawthorn Drive/Beech Drive. A section plan has been provided by the applicant which indicates on Section CC the properties along Beech Drive/Hawthorn Drive. This does show that the properties would be higher in height than the existing properties, however this is not considered to be a significant change in height which would be detrimental to the overall character of the area. The distance between the existing properties and the proposed range from 20-33 metres (approx.) and therefore the distance and perspective you would gain when viewing the properties together would not make the differences in height between the properties prominent and therefore is considered acceptable.
- 8.36 The site contains a belt of trees within the south western area of the site running north west – south east. The tree belt is to remain. Concerns were raised by Leicestershire County Council Ecology regarding the proximity of the trees to the proposed garden boundaries of Plots 1-9 and potential pressure for removal in the future. Following discussions between the applicant, LCC Ecology and the Case Officer the applicant provided a heads of terms for a Woodland Management Plan. The aim of the Management Plan is to secure the long-term protection and enhancement of the woodland's ecological and arboricultural value. This identifies that some trees will be removed to allow for better management and also to lessen the impact of the trees upon the proposed garden areas. LCC Ecology are satisfied with this amended strategy and raise no reason for refusal.
- 8.37 Additionally, the National Forest requested a site plan quantifying the areas of woodland and other green infrastructure which are proposed to be delivered as

there is capacity on site to do so. The Woodland Management Plan also includes a Post-Development Site-Wide Strategy Plan which identifies the National Forest planting typologies for the site and a table which identifies the breakdown of typologies in hectares. The document shows a total of 1.36ha National Forest Green Infrastructure across the site, which is in excess of the 20% or 0.61ha of National Forest Green Infrastructure required by Policy 21 of the Core Strategy. The National Forest have been consulted on the updated document, however comments have not been received to date.

- 8.38 Landscaping plans have been submitted with the application, however due to amendments to the scheme and comments from the National Forest these need to be updated. The applicant is currently working on the amendments to these plans but they have not yet been received at the time of writing this report and therefore a condition is required to secure the final landscaping plans for this scheme.
- 8.39 The applicant is providing a landscaped area to the south western part of the site, beyond the tree belt. This includes a SUDs feature and a footpath through, however no formal play space is proposed here due to the lack of overlooking and potential for anti-social behaviour issues. This area will include enhanced grassland to form a parkland style landscape. Around the perimeter of the site are areas of open space, this also will be planted with enhanced grassland with some tree planting. None of these pockets of open space north of the tree belt are of a sufficient size to accommodate a usable formal play area. Also due to the topography of the site the needs to accommodate this would require more land to allow for the levelling of the area for the safety of the play equipment. Therefore in this instance a formal play area on site is not provided. Thornton Community Play Area is 200 metres away from the north eastern boundary of the site (where the footpath meets Main Street). The site is therefore within an acceptable walking distance of an existing play area, therefore in this instance due to the site constraints it is reasonable for this development to contribute towards the enhancement of this formal play space rather than provide it on site.
- 8.40 The proposal would result in a well-designed scheme with a significant amount of landscaping, including existing and new tree planting to meet the aspirations and requirements of Policies 10 and 21 of the Core Strategy and Policy DM10 of the SADMP and the principles and requirements of the Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 8.41 Policy DM10 of the 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. The Good Design Guide also identifies separation distances and other principles which should be adhered to ensuring existing and proposed residential amenity is protected.
- 8.42 The development site is adjacent to a number of properties along Main Street, Hawthorne Drive and Beech Drive. The Good Design Guide SPD identifies that a separation distance of 21 metres should be provided between principal windows to habitable rooms of neighbouring properties. Plots 30 – 42 back onto the properties along Main Street (nos. 120 – 132 and 178 – 186), the separation distances do not fall below the required 21 metres. In addition to this the proposed dwellings would be at a lower level than the existing properties (as shown by the site section plans) along Main Street and therefore would not have an overbearing impact upon the residential amenities of these properties.

- 8.43 The Maisonette flats (Plots 30-33) are designed to be dual fronted at both the front and side elevations and therefore provide a front to rear relationship to No. 7 Hawthorne Drive. The distance between the proposed dwellings and the existing is over 24 metres and is considered to be an acceptable distance that would not result in a harm to privacy or overbearing impact to that property. The Maisonettes are also separated from the boundary of Nos. 5 and 7 by a footpath and a landscaped area.
- 8.44 Plot 29 results in a side to back relationship with No.9 and 11 Hawthorne Drive, the separation distance between the existing properties and the proposed Plot 29 is over 33 metres. Additionally the properties are separated by a large area of landscaping. The distances are in excess of the 14 metre requirements of the Good Design Guide SPD. Plot 29 is not considered to detrimentally impact the amenity of Nos 9 and 11 Hawthorne Drive or any other existing dwellings within the vicinity.
- 8.45 Plot 10 is positioned to overlook the landscaped area and would provide a front to side relationship to No 7 Beech Drive. The separation distance between the two would be 24 metres (approx.). This distance is considered acceptable and Plot 10 would not have a detrimental impact to no7 Beech Drive in terms of privacy or overbearing.
- 8.46 Plot 1 is a blank side elevation and is 20 meters (approx.) from the side elevation of 12 Beech Drive. There is no harm to residential amenity from Plot 1 to no. 12 or any other neighbour within the vicinity.
- 8.47 As discussed above the separation distances between the proposed dwellings and the garden sizes either meet or are in excess of the requirements of the Good Design Guide SPD. It is considered that the proposal would provide acceptable living conditions for future residents.
- 8.48 Several responses have been received raising the negative impact upon mental health the development would have to existing residents. Whilst it is noted that a number of residents do not want this site to be developed there is no evidence to demonstrate how the development would impact upon mental health. As discussed above the development would include appropriate separation distances and is not considered to harm existing residential amenity in line with DM10 of the SADMP.
- 8.49 Concerns with construction have been raised through a number of consultation responses. Construction is a temporary impact, which is unavoidable with development, however mitigation measures can be implemented to limit the impact as much as possible. The applicant has submitted a construction environment management plan (CEMP) to indicate how the site would be managed during construction. This identifies that the construction hours would be 0800hrs – 1800hrs Monday to Friday and 0900 hrs – 1300hrs Saturday and no construction work on Sundays or Bank Holidays. The document also indicates that car parking would be provided on site for the ground workers. Deliveries would be restricted to the construction hours. The document also notes that delivery times will be managed to avoid the drop off and pick up times at Thornton's primary school and to avoid wagons waiting outside the site, suppliers will be advised to wait at the services on the A5111 by the M1 J22. Concerns have been raised that this services is now closed, therefore the document will need to be updated to identify a more suitable location for lorries to park. The document also identifies that wheel washers, sweepers, speed limits of construction traffic will be implemented to avoid dust and dirt during construction. The noise and vibration will be kept to a minimum by methods of work and will confirm where required with the 'Code of Practice for Noise and Vibration Control on Construction and Open Sites'. The document also notes that the developer will keep residents informed of activities through letter

drops, informing of large deliveries, any highway safety issues and a designated point of contact in case of problems.

8.50 Environmental Health have commented on this plan and requested that the plan will need to be updated to detail potential impact from light during the construction phase, i.e. if temporary lighting is to be installed, also it will need updating if piling is necessary on site. Therefore a condition to require a Construction Environmental Management Plan will be required to ensure the construction of the development is managed in a way to mitigate the impact of the development during construction.

8.51 The proposal would not result in a detrimental impact to both existing and proposed residential amenity and subject to the submission of an amended CEMP secured by condition the development is in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

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

8.53 The proposal seeks vehicular access from Beech Drive, which is an unclassified road with a 30mph speed limit. The access to Beech Drive from Thornton Village is via the Hawthorne Drive/Main Street junction.

8.54 To support the proposed development an Automatic Traffic Counter was placed on Main Street, just east of its junction with Hawthorne Drive, to record the volume and speeds of traffic in both directions between Monday 24 February 2020 and Thursday 5 March 2020. This showed 85th percentile speeds on Main Street of 28.7mph northbound and 28.3mph southbound.

8.55 Given the recorded speeds, the LCC Highways would expect the Applicant to demonstrate visibility splays of 2.4m x 43m in line with table DG4 of the Leicestershire Highway Design Guide (LHDG). However, the Applicants have used the calculations from Manual for Streets for stopping sight distance based on 85th percentile speeds, which concludes that visibility splays of 40m would be sufficient in this location. LCC Highways accept that given the location of the site, the proposed method of calculating the visibility is considered acceptable.

8.56 The visibility drawings demonstrate that northbound visibility is restricted by the hedge at the corner of Hawthorne Drive, which overhangs the highway. The existing telegraph pole also partially obstructs the visibility. The Transport Assessment states that the achievable distance is 30m to a point 1m off the kerb line. However, a site visit by LCC Highways was conducted on the 23rd July 2020, during which maximum visibility splays of 23m southbound and 34.5m northbound were measured, these visibility splays are considered to be substandard.

8.57 Notwithstanding the above, the LCC Highways are mindful of the environment, (terraced housing, parked vehicles and the steep gradient of Hawthorn Drive), and that speeds are restricted along Main Street to 20mph during school drop off and pick up hours.

8.58 A further review of the visibility of the junction is being undertaken by LCC Highways and also by the Council's Highway Consultant. The outcome of this review will be reported to Committee as part of the late item along with any mitigation measures required.

- 8.59 LCC Highways have also raised that the proposed road layout does not conform to an adoptable standard, however have outlined a number of points to be addressed if the applicant wishes for the internal layout to be considered for adoption. The applicant has indicated that they would seek for the road to be adopted and will submit an amended plan to overcome the issues raised. Any changes made prior to the committee meeting will be raised through a late item.
- 8.60 LCC Highways also commented upon the Public Right of Way on site and note that this is to be diverted, they have no objections to the principle of this and acknowledge that the final details can be resolved via the imposition of conditions to any planning permission.
- 8.61 Parking provision is three spaces for all market dwellings both 3 and 4 bedroom dwellings, two parking spaces for the affordable 2 and 3 bedroom dwellings and 1 parking space for the 1 bed affordable dwellings. This is in accordance with the parking standards within the Leicestershire County Council Highways Design Guide and is therefore in accordance with Policy DM18 of the SADMP.

Impact upon the Historic Environment

- 8.62 In determining applications, paragraph 189 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As confirmed by the Council's Conservation Officer, the submitted Heritage Statement does provide a reasonable and proportionate assessment of the impact of the proposal on affected heritage assets and their settings.
- 8.63 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.64 Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 190 of the NPPF also requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal. There are no designated or non-designated heritage assets within the site itself. Paragraph 193 states that 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 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.65 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.66 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.

- 8.67 The applicant has submitted an Archaeological and Heritage Statement which identifies that the designated heritage assets within the wider landscape surrounding the application site (which includes two listed buildings – Grade I listed St Peter’s Church and the grade II listed Corner Cottage and a scheduled monument) would not be adversely affected by the proposed development either in terms of an effect on their physical form/fabric or through change to the contribution made by their setting.
- 8.68 The Council’s Conservation Officer is in agreement with this assessment and finds no conflict with Policies DM11 and 12 of the SADMP and the Section 16 of the NPPF.
- 8.69 Leicestershire County Council Archaeology have noted that prehistoric and roman activity are recorded in the vicinity of the site and note that the site has been subject to geophysical survey of which the results of the work were largely inconclusive. For this reason it is considered that further intrusive archaeological investigation is necessary in order to test the archaeological potential of the site and to complete any necessary archaeological mitigation prior to the commencement of development. A condition is therefore recommended that requires a written scheme of investigation with an initial stage of trial trenching to be submitted to and approved in writing by the Council prior to the commencement of development. This is considered necessary to ensure necessary mitigation is in place. Subject to this condition the proposal is in accordance with Policy DM13 of the SADMP.

Drainage

- 8.70 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.71 The applicant has submitted a Flood Risk Assessment alongside the application. The site is located within Flood Zone 1 being at low risk of fluvial flooding. There is a low risk of surface water flooding along the western boundary of the site. The application has demonstrated that the surface water for the scheme is to discharge via an attenuation basin into the watercourse located to the south-west of the site and the post development discharge rate would match the current greenfield run-off rate.
- 8.72 Leicestershire County Council as the Lead Local Flood Authority (LLFA) have stated that the proposals are acceptable and request 3 conditions in regards to surface water drainage for the proposed development, surface water drainage during construction and the long term maintenance of surface water drainage for the site. The drainage consultant for HBBC has raised no objections to the proposals and advises 3 conditions in line with the LLFA.
- 8.73 Subject to the imposition of the identified conditions the proposal would not create or exacerbate flooding and is in line with Policy DM7 of the SADMP.

Ecology

- 8.74 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.
- 8.75 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.76 An Ecology Survey has been submitted with the application. No evidence of protected species have been found on site, however badgers are a possibility in the future and their status on the site should be kept under review. The grassland is

moderately species-rich however it does not meet the Local Wildlife Site (LWS) criteria. These findings are the same as previous surveys on site for earlier applications.

- 8.77 A veteran Oak Tree has been identified as meeting the LWS criteria. This tree is to be retained on site within a landscaped area outside of private gardens.
- 8.78 A biodiversity impact assessment has been carried out and has confirmed a net biodiversity loss to habitats, however off site compensation is suggested by the applicant. LCC Ecology are accepting of the strategy as none of the habitats on site are of particular significance or require conservation in situ apart from the mature Oak Tree, which is being retained with adequate protection.
- 8.79 As discussed previously the landscaping plans are currently being update as a result of comments from consultees and the woodland management plan. The general landscape strategy is accepted by LCC Ecology and subject to a condition requiring final plans this is acceptable.
- 8.80 LCC Ecology recommend conditions requiring a 5 metre buffer zone between hedgerows and private gardens. The scheme identifies a 3 metre gap between the hedgerows and the garden boundaries of the properties, whilst this is less than the requested 5 meters it is not considered sufficient to refuse the application on this issue and therefore the condition is not considered to be necessary. A condition requiring the retention of the veteran Oak (T9) with natural open space within the crown is also requested, this can be accommodated within the landscaping plans which are secured by condition. A condition requiring plans demonstrating on site biodiversity enhancements to the value outlined in EDP's report this information has been provided within the woodland management strategy and therefore a condition is not considered necessary. Off site enhancements to the value identifies in EDPs report is also requested and will be secured by a Section 106 obligation. LCC Ecology also request that an updated badger survey within three months prior to site clearance is required by condition, this condition is considered necessary to mitigate the impacts of the development upon protected species. Subject to these conditions it is considered the development would not harm the nature conservation of the site and is in accordance with Policy DM6 of the SADMP.

Contaminated Land

- 8.81 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.82 A Geo-environmental Assessment has been submitted alongside the application. Environmental Health have commented on this document stating that the report does not consider potential impact from pesticides owing to previous agricultural use which should be justified or considered. The applicant has confirmed that 'no pesticides have ever been used on the field. They have been farming the site for over 50 years. They have cut the grass for hay this year so no animals have been on land this year.' Environmental Health have confirmed that this adequately addresses the question. Additionally the report states that Severn Trent should be given the opportunity to comment regarding water supply pipes. Severn Trent water were consulted twice during the course of this application but no comments have been received. It is therefore considered necessary to include a condition requiring a contaminated land assessment to be submitted prior to the commencement of development.
- 8.83 Details of noise are discussed within the residential amenity section above, however Environmental Health have requested construction times be conditioned to the 0730hrs – 1800 hrs Monday – Friday, 0800hrs – 1300 hrs Saturday and no working on Sundays/Bank Holidays. This is considered reasonable to ensure

residential amenity is protected from disturbance of construction in accordance with Policy DM7 and DM10 of the SADMP.

Housing Mix and Affordable Housing

- 8.84 Policy 15 of the Core Strategy includes a requirement for 40% affordable housing to be provided on the site with a tenure split of 75% social or affordable rent and 25% intermediate tenure.
- 8.85 Policy 16 of the Core Strategy states that on sites of 10 or more dwellings a starting point for housing mix is the most recent housing needs survey. Additionally the policy requires a density of at least 30 dwellings per hectare within the rural areas, unless exceptional circumstances individual to the site can dictate lower densities are acceptable.
- 8.86 The applicant is providing 40% affordable housing on site with the provision of 20 dwellings, 4 x 1 bedroom, 8 x 2 bedroom and 8 x 3 bedroom properties. Of which 15 are to be rented and 5 for intermediate tenure. This meets the Policy requirements of Policy 15 of the Core Strategy. The affordable housing officer has noted that this would provide a 'good mix of property types and the dwellings are of an acceptable size'. Additionally, the affordable housing evenly spread in clusters across the site and provides an acceptable distribution. The Housing Register on 14th May 2021 shows a total of 161 applicants on the waiting list for affordable rented housing in Thornton, of which 4 have a local connection. A local Housing Needs Survey was carried out in Thornton in January 2017 which identified a need for 12 affordable homes; 5 x 1 bed, 2x 2 bed and 2 x 4 bed for affordable rent and 1 x 1 bed and 1 x 4 bed for shared ownership. Due to the site being within the rural area of the borough a local connections policy shall be included within the S106 agreement to allow people with a connection to the parish of Bagworth and Thornton to be considered first and in the absence of applicants with a connection to the parish a connection to the Borough will be considered.
- 8.87 The residential development area/developable area (excluding Green Infrastructure areas, open space and SuDS) amounts to circa 1.7ha, which equates to a density of 29 dwellings per hectare (dph). This is 1 dwelling less than the required 30 dph of Policy 16, however it is considered due to the topography of the site this small reduction is acceptable and would not result in an underutilisation of the land.
- 8.88 The overall housing mix for the site is:
- 10 x 4 bed dwellings (20% of site wide dwellings/)
 - 27 x 3 bed dwellings (55% of site wide dwellings)
 - 8 x 2 bed dwellings (17% of site wide dwellings)
 - 4 x 1 bed dwellings (8% of site wide dwellings)
- 8.89 The most recent housing needs study is the Housing Needs Study (2020) which identifies a suggested mix for Market Housing this identifies that the provision of market housing should be more focused on delivering smaller family housing for younger households. Whilst there is a higher percentage of 4 bedroom dwellings and no 2 bedroom dwellings for market housing, this does not reflect the suggested housing mix on site. However, taking into consideration the affordable provision on site this results in a good mix of housing sizes and tenures on site to meet the housing needs of the borough and the village. The deviation of the housing mix from the most up to date housing needs survey is not considered in this instance sufficient to warrant refusal on this issue.
- 8.90 Infrastructure Contributions

- 8.91 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.
- 8.92 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.
- 8.93 No issues of viability have been raised by the applicant and a draft heads of terms has been submitted by the applicant.

Play and Open Space

- 8.94 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.
- 8.95 The table below provides the policy requirements for open space on site for the development in accordance with Policy 19 of the SADMP and the Open Space and Recreation Study 2016. It is acknowledged that equipped children's play space and casual informal play spaces are not to be provided on site, for the reasons given earlier in this report and therefore a provision and maintenance contributions is not required.

| | Policy Requirement per dwelling (sqm) based on 2.4 people per dwelling using CENSUS average | Requirement of open space for the proposed development of 49 dwellings (square metres) | Onsite maintenance contribution (20 years) if the open space is to be transferred to the Parish/ Council | Provision Contribution | Off site maintenance (10 years) |
|-----------------------------------|---|--|--|------------------------|---------------------------------|
| Equipped Children's Play Space | 3.6 | 176 | None | £32,092.45 | £15,487.92 |
| Casual/ Informal Play Spaces | 16.8 | 823 | None | £3,655.01 | £4,445.28 |
| Outdoor Sports Provision | 38.4 | 1882 | N/A | N/A | N/A |
| Accessibility Natural Green Space | 40 | 4400 | £159,040.00 | None | None |

- 8.96 The nearest off site public open spaces which provides equipped children's play space and casual/informal play space is Thornton Community Play Area (THO06) and Thornton Recreation Ground (THO07), which have quality scores of 78 and 70 respectively. The target quality score is 80% and therefore a contribution is considered justified and necessary in this instance. There is no outdoor sport provision within the parish of Bagworth and Thornton and therefore it is not

considered reasonable to request an off-site contribution towards outdoor sports provision in this instance.

Education Contributions

- 8.97 Leicestershire County Council Education have identified that the site falls within the catchment area of Thornton Primary School, which has a net capacity of 140 and 148 pupils are projected on the roll should this development proceed resulting in a deficit of 8 pupil places. The development would create a need for 14 pupil places. There are currently no pupil places being funded from S106 agreements from other developments within the area. Therefore the deficit of pupil places created from this development must be mitigated. A contribution of £116,736.00 is requested towards the improving, remodelling or enhancing facilities at Thornton Primary School or any other school within the locality of the development to accommodate the additional pupil places required by this development.
- 8.98 It has also been identified that the site falls within the catchment area of South Charnwood High School (secondary school) which has a net capacity of 714 and 890 pupils are projected on roll if this development were to proceed, factoring in existing S106 agreements this results in a deficit of 174 pupil places. This development would result in a need for 8 pupil places. There is one other school within a three mile walking distance – Bosworth Academy which has a deficit of 29 (after deducting S106 funded places). There is an overall deficit of 203 pupil places and the 8 pupil places generated by this development cannot be accommodated at nearby schools. Therefore a contribution of £134,338.14 is requested towards improving, remodelling or enhancing the facilities at South Charnwood High School or any other school within the locality of the development to accommodate the additional pupil places required by this development.
- 8.99 These contributions are considered necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Civic Amenity

- 8.100 LCC Waste Team have identified based upon residents generating approximately 1.054 tonnes of waste per household it is considered that approximately 20% of this is processed through household waste recycling centres (HWRC). It is therefore concluded that the development would generate an additional 10 tonnes of waste to a HWRC and would therefore place additional demand on the site and a request of £3,204 is requested to mitigate this impact at Coalville HWRC site. In addition to this in accordance with paragraph 8(c) of the NPPF which seeks to mitigate the impacts of the development and reduce waste arising from the development a condition is requested requiring a Waste Minimisation and Recycling Pack to be provided to each property upon occupation. Both the condition and the contribution are considered acceptable and necessary to mitigate the impacts of the development.

Libraries

- 8.101 LCC Libraries have identified that the proposed development would add 141 people to the existing libraries catchment population. The nearest library to the development is Markfield Library which is 3.2km away from the site. In order to provide the additional materials to meet the needs of the increased population and mitigate the impacts of the development a contribution of £1,420 is requested.

NHS West Leicestershire CCG – Health Care

- 8.102 No response has been received from West Leicestershire CCG, if one is received following the publication of this report then a late item will provide an update to the request.

George Elliot NHS Trust

- 8.103 GEHT requested a contribution to address NHS revenue shortfalls for acute and emergency treatment. This is by way of a monetary contribution of £73,006.00 towards the 12 month gap in the funding in respect of A &E and acute care at GEHT.
- 8.104 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 GEHT to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. GEHT is unable to demonstrate that the burden on services arises directly from the development proposed, as 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. GEHT 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 GEHT 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.
- 8.105 This request is therefore not considered to meet the test of the CIL Regulations.
- 8.106 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 Hospital Trusts to warrant or justify the contribution sought against the CIL Regulations.

Other Issues

- 8.107 HBBC's Agricultural Quality of Land Surrounding the Settlements in Hinckley and Bosworth District Report (2020) estimates that the element of the majority of the site before the tree belt is estimated subgrade 3a with a small element estimated to be subgrade 3b, the land beyond the tree belt is estimated to be subgrade 3b agricultural land. Due to the topography of the site and its wetness limitations this limits the agricultural quality as modern commercial farm machinery cannot be used in a safe and efficient manner and the risk of soil erosion for land under cultivation is also a limiting factor. The loss of this land is should be given limited weight when balancing the merits of the scheme.
- 8.108 The application site does not fall within the defined Development High risk Area and is located within the defined Development Low Risk Area, no requirement for a Coal mining Risk Assessment to be submitted or for The Coal Authority to be consulted.
- 8.109 HBBC (Waste) has recommended a condition requiring adequate provision for waste and recycling storage and collection

- 8.110 Concerns have been raised with the development impacting the value of properties, this is not a material planning consideration and cannot be taken into account when assessing the application.
- 8.111 Loss of views were raised through the consultation, there is no right to a view and this is not a material planning consideration. A full review of the impact upon residential amenity has been undertaken in an early section of the report.
- 8.112 Concerns have been raised with the high voltage line running across the site. The developer has confirmed that this cable will be ran underground within the development site.

9. Planning Balance

- 9.1 The Council cannot demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) (ii) 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 Framework taken as a whole.
- 9.2 The proposal would be in conflict with Policy DM4 of the SADMP and Policy 10 of the Core Strategy as the site is within open countryside. These policies are consistent with the Framework and are afforded significant weight. The proposal would extend built development beyond the settlement boundary of Thornton and would result in a major/moderate degree of harm to the immediate landscape at year 1 occupation which would conflict with Policy DM4. The development however would have a minor degree of harm within the wider landscape area, due to the existing and proposed planting and would read against the existing residential development on Main Street and the Beech Drive/Hawthorne Drive estate.
- 9.3 The proposal would result in the loss of agricultural land estimated to be grade 3a and 3b Agricultural Land. However the topography of this site limits the quality and therefore the loss of this agricultural land is given limited weight.
- 9.4 Weighed against this conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of 49 houses (including 20 affordable homes). The Development Plan does not allocate dwellings for the village of Thornton as it seeks to allocate housing in Bagworth to improve the provision of services for the village. Thornton is identified as a Key Rural Centre in Policy 10 and has a number of services including a Primary School, a Community Centre, a Local Shop, Public House and a Garden Centre and is therefore considered a sustainable location for residential development.
- 9.5 Paragraph 11 (d) (ii) of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 9.6 The proposal would result in economic benefits through the construction of the scheme albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.7 The provision of 49 dwellings, of which 20 are affordable, would provide a social benefit to both the village and the borough and would help maintain and support local services of Thornton. The proposal would also contribute towards improvements of the existing play provision for the village.

- 9.8 Some environmental benefits would be provided by the development with additional tree planting, the creation of accessible natural green space and the creation of habitats and better management of the existing woodland on site..
- 9.9 A careful balance must be made with this application due to the harm identified to the character of the area; however due to the limited impacts upon the wider landscape it is considered that the harm would not be significant and demonstrable to warrant refusal in this instance. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

10. Equality implications

- 10.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 10.3 There are no known equality implications arising directly from this development.
- 10.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

11. Conclusion

- 11.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 11.2. The proposal, subject to conditions, is in accordance with Core Strategy Policies 15, 16 and 19 and Policies DM3, DM6, DM7, DM11, DM12, DM13, DM17 and DM18 of the SADMP.
- 11.3. The housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date, additionally the Council cannot demonstrate a 5 year housing land supply. The 'tilted' balance in paragraph 11(d) (ii) of the Framework applies where 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.
- 11.4. The proposal is outside the settlement boundary of Thornton and is therefore contrary to Policy 10 of the Core Strategy. The proposal is within countryside and therefore Policy DM4 applies. Residential development is not identified in Policy DM4 as an acceptable use within the countryside.

- 11.5. The proposal is identified to have major/moderate adverse impacts upon the immediate localised landscape and the public footpath running through the site. To the wider landscape the harm is identified at a minor low level adverse impact.
- 11.6. The design of the proposal is considered to be acceptable in line with the Council's Good Design Guide SPD, with a mix of house types, appropriate garden sizes and separation distances. There is no identified harm to existing residential amenity due to the layout, separation distances and levels of the site.
- 11.7. The proposal provides both social benefits through the provision of market and affordable housing and the provision of accessible natural green space. Some economic benefits arise both temporarily from construction and from the spending of future residents from the development. Whilst there is identified environmental harm to the landscape, there are also environmental benefits with additional tree planting and green infrastructure on site in line with the National Forest requirements. Biodiversity net loss is identified on site; however the developer is seeking to provide a contribution to mitigate this loss to provide a natural impact to biodiversity.
- 11.8. The identified harm to the immediate landscape is not considered to be significant and demonstrable and therefore the benefits of the scheme outweighs the harm.

12. Recommendation

12.1 Grant planning permission subject to

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% affordable housing provision on site
 - Play and open space – off site provision £55,680.66; on site - £159,040.00 (if the open space on site is transferred to the Parish of Council)
 - Education – Primary £116,736.00; Secondary - £134,338.14
 - Civic Amenity - £3,304
 - Library - £1,420
 - Off-site biodiversity improvement contribution or works
- Planning conditions outlined at the end of this report

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

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

12.4 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:

Dwg No. 3520 - 04A - Parking Layout.pdf

Dwg No. ADC1092-DR-066-P1 Swept Paths Refuse

Dwg No. 3520 - 06Z Proposed Site Plan

Dwg No. ACD1092-DR-005-P1 Internal Layout Design Layout

Dwg No. ADC1092-DR-110 P3 S38 Works Horizontal Annotation

Dwg No. ADC1092-DR-115 P2 S38 Works Vertical Annotation
Received 13/05/2021

Dwg No. 3520 - 02C - Materials Plan
Dwg No. 3520 - 03C - Hard Landscaping & Boundaries
Dwg No. 3520 - 10A - Tatton
Dwg No. 3520 - 11A - Lyme +(Render)
Dwg No. 3520 - 12A - Lyme +
Dwg No. 3520 - 14A - Sudeley V
Dwg No. 3520 - 15A - Sutton +
Dwg No. 3520 - 16 – M2
Dwg No. 3520 - 17A - HQI 3-1
Dwg No. 3520 - 18A - HQI 2-1
Dwg No. 3520 - 23A - Wentworth
Dwg No. 3520 - 24A - Wentworth (Render)
Dwg No. 3520 - 25A - Holdenby detached
Dwg No. 3520 - 26A - Waddesdon (Half Render)
Dwg No. 3520 - 27A - Double Garage
Dwg No. 3520 - 28A - Single Garage
Dwg No. 3520 - 29 - Cropston
Dwg No. 3520 - 30D Site Sections
Dwg No. 3520 - 31 - Cropston (Half Render)
Dwg No. 3520 - 32 - Street Scenes
Dwg No. 3520 - 33 - HQI 3-1 detached
Dwg No. 3520 - 34 - Sutton
Dwg No. 3520 - 35 - Waddesdon
Received 12/05/2021

Dwg No. ADC1092-DR-100 P4 S38 Works General Arrangement – received
16/06/2021

Edp6140_r006-A-HoT for Woodland Management Plan – received 23/06/2021

Site Location Plan – received 01/06/2020

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

4. 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).

5. No part of the development hereby permitted shall be occupied until such time a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include measures to ensure surface water shall not drain into the Public Highway.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2019).

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

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document 2016.

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

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document 2016.

8. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. 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 development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Construction work of the development, hereby permitted, shall not take place outside of the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays or at any time on Sundays and Public and Bank Holidays unless other agreed in writing by the Local Planning Authority.

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).

10. 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).

11. No development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

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

12. Before any development commences on the site, including site works of any description, a Biodiversity & Woodland Management Plan, in line with the approved edp6140_r006-A-HoT for Woodland Management Plan – received 23/06/2021, and Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity and have a long-term management and

maintenance plan in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

13. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC General Arrangement drawing number ADC1092-DR-100 revision P4 have been implemented in full.

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

14. No part of the development hereby permitted shall be occupied until such time as forward vehicular visibility splays of 25 metres have been provided at the speed control bends fronting plots 18 & 21. 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 the National Planning Policy Framework (2019) and Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document 2016.

15. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with ADC General Arrangement drawing number ADC1092-DR-100 revision P4. 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 the National Planning Policy Framework (2019) in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document 2016.

16. No development shall commence on site (including any site clearance/preparation works), until a Construction Environmental Management and Method Statement has been submitted to the Local Planning Authority for approval in writing and has been so approved. Details shall provide the following, which shall be adhered to throughout the construction period.

- a) the parking of vehicles of site operatives and visitors;
- b) loading/unloading and storage of plant, materials, oils, fuels, and chemicals
- c) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing;
- d) wheel washing facilities and road cleaning arrangements;
- e) measures to control the emission of dust during construction;
- f) a scheme for recycling/disposing of waste resulting from site preparation and construction works;
- g) measures for the protection of the natural environment;
- h) hours of construction work, including deliveries and removal of materials;
- i) full details of any piling technique to be employed, if relevant;

- j) location of temporary buildings and associated generators, compounds, structures and enclosures
- k) full details of any floodlighting to be installed associated with the construction of the development
- l) 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;
- m) details of how such controls will be monitored;
- n) the procedure for the investigation of complaints.

The agreed details shall be implemented throughout the course of the development.

Reason: To minimise detrimental effects to the neighbouring amenities, the amenities of the area in general, detriment to the natural environment through the risks of pollution and dangers to highway safety, during the construction phase in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. No development shall take place until a scheme (including timetable for its implementation and completion) for the treatment of the Public Right of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction, fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable. In designing the scheme, the developer should include the following elements –

- a) Where a Public right of way crosses a carriageway, drop kerbs shall be provided
- b) No trees shall be planted within 1 metre of the edge of the Public Right of Way. Furthermore, any trees or shrubs planted alongside a Public Right of way should be non-invasive.
- c) Any changes to the existing boundary treatments running along the Public Right of Way must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.
- d) The need to adapt or remove any existing street furniture within the boundary of the existing or proposed route of the Public Right of Way. Any changes to street furniture must be undertaken prior to the first occupation of the development
- e) A comprehensive signing scheme in respect of the Public Right of Way will be installed prior to the completion of the development.

Reason: To protect and enhance access for all to Public Rights of Way and by promoting ease of use, enhancing facilities and reducing instances of overgrowth of the path in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

18. An updated Badger Survey shall be submitted to and approved in writing by the Local Planning Authority within 3 months prior to the site clearance. The development shall be carried out in accordance with any mitigation measures outlined within the survey.

Reason: To ensure the development does not harm protected species and provides adequate mitigation in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document 2016.

- 19 The development hereby permitted shall not be commenced until such time as a scheme to treat and remove suspended solids from surface water run-off during construction works has been submitted to, and approved in writing by, the local planning authority. The scheme shall be implemented as approved.

Reason: Section 3 of the FRA indicates that the "underlying ground conditions appear to be impermeable in nature" and therefore these measures are required to minimise the risk of pollution to local watercourses due to contaminated runoff during the construction phase in accordance with DM7 of the Site Allocations and Development Management Policies DPD.