

Planning Committee 18 January 2022
Report of the Director Environment and Planning

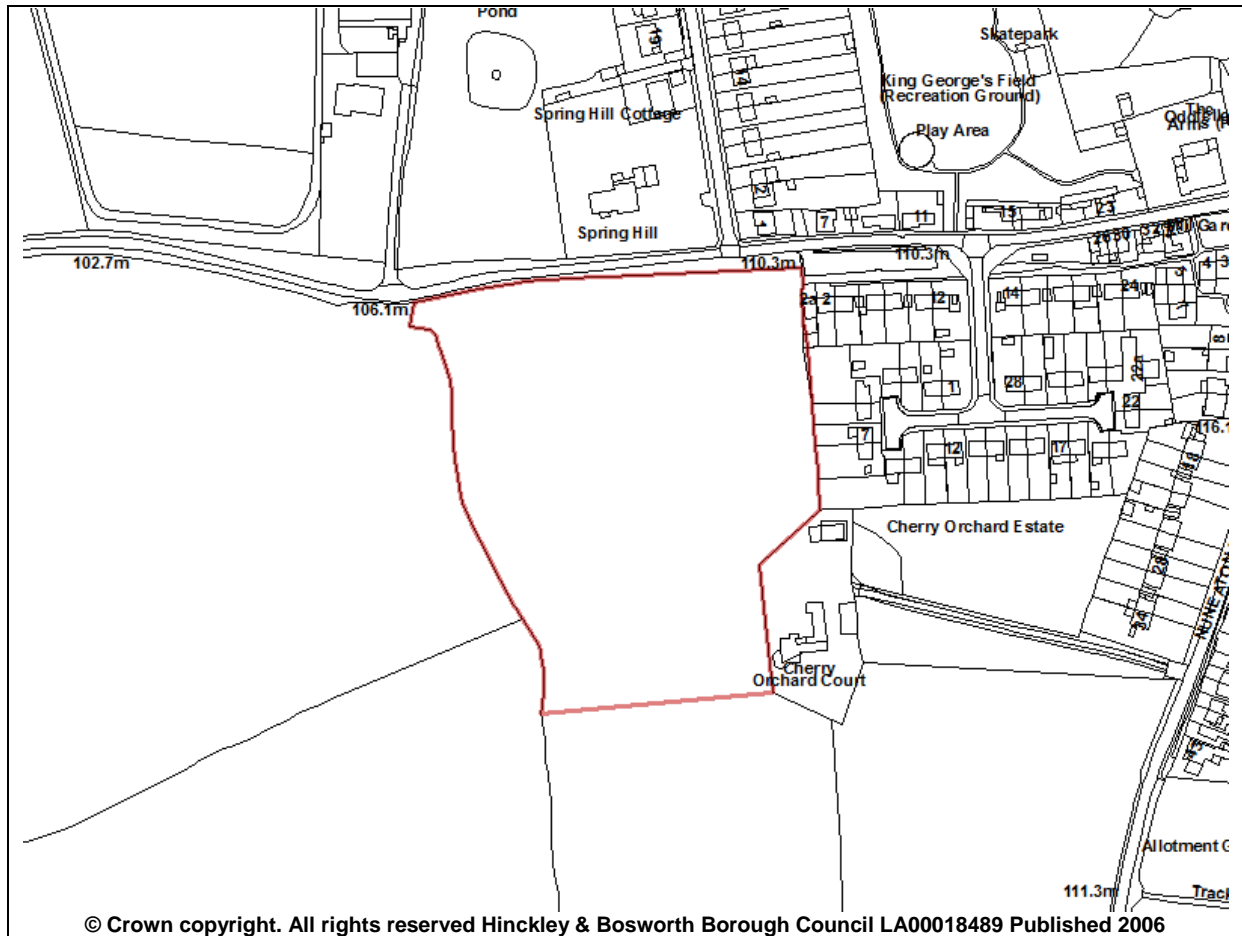
Planning Ref: 21/01147/OUT
Applicant: Mr R Jones
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Land Off Wood Lane Higham On The Hill

Proposal: Residential development for up to 61 dwellings, including a shop, open space, new access and associated works (Outline - access only)



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 6 months of this resolution a S106 agreement to secure the following obligations:
 - Affordable housing at 40% with a split of 75% as social/affordable rented and 25% as intermediate tenure (shared ownership)
 - Location connection requirement for the affordable housing for rent and cascade mechanism
 - Maximum of 100 square metres of shop floorspace (Use Class Ea)
 - Marketing Strategy for the shop (Use Class Ea)
 - On-site open space requirement of 1,330sqm informal/casual play space and a 20 year maintenance cost (minimum of £14,364.00)

- Off-site equipped open space contribution of £39,951.83 towards HIG04 and a 10 year maintenance cost (minimum of £19,280.88)
 - Off-site outdoor sports provision contribution of £21,198.72 towards site HIG04 and 10 year maintenance of £10,072.32
 - On-site accessibility natural green space requirement of 2,440sqm along with a 20 year maintenance cost (minimum of £34,648.00)
 - Civic Amenity contribution of £3,021 towards Barwell Household Waste Recycling Centre
 - Library services contribution of £1,850.00 towards provision of additional resources at Hinckley Library, Lancaster Road, Hinckley
 - Education contribution of £556,918.51 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Higham-on-the-Hill Church of England Primary School (£335,914.80), Redmoor Academy (£182,156.44) and Hinckley Academy and John Cleveland Sixth Form Centre (£38,847.27)
 - NHS Health care contribution (to be confirmed)
 - Travel Packs (1 per dwelling)
 - 6 month travel passes (2 per dwelling)
 - Raised kerb provision at the nearest two bus stops (ID's 2032 & 2035) at a cost of £3,500.00 per stop (total of £7,000.00).
 - Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods based on the terms agreed by the planning committee.
- 2. Planning application description**
- 2.1. This application seeks outline planning permission for up to 61 dwellings, including a shop, open space and a new access. The matter of access is the only matter to be determined at this stage.
- 2.2. The application is supported by:
- Site Location Plan
 - Illustrative Masterplan
 - Design and Access Statement
 - Planning Statement
 - Ground Contamination Report
 - Air Quality Assessment
 - Noise Impact Assessment
 - Ecological Assessment
 - Arboricultural Assessment
 - Transport Assessment
 - Landscape and Visual Impact Assessment
 - Statement of Community Involvement (within planning statement)
 - Heritage Statement (within planning statement)
 - Topographical Survey
 - Geophysical Survey
 - Archaeological Desk Based Assessment and Written Scheme of Investigation

- 2.3. During the course of the application the applicant has responded to consultee comments and submitted a Transport Assessment and Ecological Assessment.

3. Description of the site and surrounding area

- 3.1. The application site is located within Higham-on-the-Hill Parish. It is located to the north of Nuneaton which is in a neighbouring authority boundary. Hinckley is located approximately 3km to the south east and Stoke Golding is approximately 2.4km to the northeast. Immediately north of Higham on the Hill is MIRA Technology Park, which is an enterprise zone. The site is approximately 2.6 hectares in size and consists of part of an arable field. The site is adjacent to Wood Lane to the north, the rear gardens of dwellings on Cherry Orchard Estate to the east, arable fields to the south and west.
- 3.2. The site is adjacent to existing built development on two sides; to the east are dwellings on Cherry Orchard Estate and to the north are dwellings along the northern side of Wood Lane. The dwellings to the north do not extend the full width of the site. The site is outside of but adjacent to the defined settlement boundary of Higham on the Hill and as such is located within open countryside.
- 3.3. The site boundaries are defined by hedgerows to the north and west. To the east there is a hedgerow but it is lower and maintained for the most part. There are also 1.8 metre close boarded boundary fences to the rear of the most of the residential properties.
- 3.4. The land slopes in a north-south direction from its centre. The submitted topographical survey shows these levels changes. There is one existing field gate access points to the site from Wood Lane at the north-eastern corner of the site.

4. Relevant planning history

None relevant.

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. 52 letters of objection have been received regarding the following matters:
- 1) Unsustainable development - A community hub, doctors surgery and improved bus service is needed
 - 2) Lack of infrastructure within the village
 - 3) Additional pollution from cars and construction
 - 4) Impact upon privacy of neighbouring properties
 - 5) Overdevelopment of the village – increase of 20%
 - 6) Development not in accordance with local needs - Contrary to paragraphs 78 and 79 of the NPPF
 - 7) Single carriageway access road – unsafe access
 - 8) Volume of traffic using the village without the development is already unacceptable
 - 9) School already over capacity
 - 10) Wood Lane is used for cycling and walking - part of the Sustrans cycle route
 - 11) Higham losing its identity as a rural village
 - 12) Development located outside of the settlement boundary
 - 13) Adverse impact upon health and wellbeing of residents
 - 14) Higham will end up becoming a suburb/extension of Nuneaton - already too much new housing being built along the A5
 - 15) Brownfield should be considered first as set out by national government

- 16) The development does not accord with para 11a of the NPPF
- 17) Wood Lane should be made an access only road to prevent the increasing traffic within the village
- 18) Hedgerow and the verge to the front of the site would be completely removed and therefore the wildlife and biodiversity would be a significant loss
- 19) Site should be protected due to the landscape views of Hartshill Hayes Country Park
- 20) Loss of countryside views for neighbouring properties
- 21) The site is of biodiversity interest and development will have an impact upon wildlife
- 22) Will exacerbate flooding in the neighbouring gardens
- 23) MIRA is within the Parish and contributes significantly the council tax therefore this development is not needed and can go elsewhere
- 24) HBBC will not refuse the application for the following reasons; they will not benefit financially and having to find alternative land to meet HBBC's need would be a hindrance
- 25) Junction of Station Road onto Main Street is a blind corner and the introduction of the new access will make the highway even more unsafe
- 26) Loosing greenspace in a rural area does not adhere to the framework in terms of para 11a
- 27) A green field zone should be implemented around the settlement boundary of Higham on the Hill
- 28) Natural fauna and flora will be lost
- 29) The site contains a strip of land which is 'Common Ground' which means all residents in Higham on the Hill have access to it
- 30) Higham's housing quota up to 2026 has been met
- 31) No significant public consultation undertaken
- 32) Detriment to the character of the hillside settlement
- 33) Views within the conservation area map should be assessed and taken into consideration
- 34) Development for profit only as it is not likely to provide affordable housing for long time villagers
- 35) Peak hour traffic issues
- 36) Pubs, shops and post office are all now closed
- 37) Damage to road surfaces
- 38) Wood lane is an unsafe exit onto the A5
- 39) Pub needs to be reopened
- 40) Access is onto a dangerous country road and visibility down wood lane is very poor
- 41) Loss of open countryside and views
- 42) Urbanisation of rural plot
- 43) Increase in carbon footprint
- 44) Errors in the transport statement
- 45) Higham should be protected as a rural settlement
- 46) Sets a precedent for further development
- 47) Wood Lane is an unsafe country road for pedestrians and cyclists which the development will make worse
- 48) Impact upon local residents mental health
- 49) Emissions from the additional vehicles will be detrimental to the health and well-being of residents
- 50) The verges along Wood Lane have recently qualified for 'Urban Verges' under the Blue Heart Scheme
- 51) The road is used by farmers who should have priority over new vehicles
- 52) The proposal does not enhance or help to maintain the vitality of the rural community therefore is contrary to national policy

- 53) Out of character
- 54) COVID-19 has showed how much communities need green space not more housing
- 55) Increase in private car use increasing greenhouse gas emissions and not mitigating for climate change
- 56) Increased traffic levels making Higham on the Hill a rat run
- 57) Development would ruin the surrounding countryside
- 58) Visibility splay does not conform to national guidelines
- 59) Sembhi stores has been closed for 18 months and The Fox Inn has been closed for 10 years and is now a house therefore the transportation report is wrong
- 60) Regular road traffic accidents on the country road where the development is proposed

5.3. In addition, the following objections have been received from the ward councillor:

- 1) Valuable countryside views will be lost
- 2) The village has limited infrastructure as it stands
- 3) Development is not sustainable
- 4) The school is over capacity
- 5) Highways safety impacts and increases in traffic
- 6) Loss of a field and its wildlife
- 7) Urban Verges for wildlife lost

6. Consultation

6.1. No objections (some subject to conditions/contributions) from:

- LCC Highways
- LCC Ecology
- HBBC Pollution
- HBBC Affordable Housing
- HBBC Drainage
- HBBC Conservation Officer
- HBBC Waste
- LCC Archaeology
- National Highways Historic England
- Nuneaton and Bedworth Borough Council
- Leicestershire Police

6.2. LCC Developer Contributions requests are detailed within the infrastructure contributions section.

6.3. No comments have been received from:

- National Grid/Cadent
- Hinckley Area Committee
- Western Power Distribution
- Arboricultural Officer
- Cycling UK
- NHS England
- Higham on the Hill Parish Council

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 14: Rural Areas: Transport

- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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
- Policy DM21: Locating Sustainable Town Centre Uses

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2020)
- Community Infrastructure Levy (CIL) Regulations (2010)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide
- Higham on the Hill Conservation Area Appraisal and Map (2009)

8. **Appraisal**

8.1. Key Issues

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

Assessment against strategic planning policies

8.2. Objections have been received regarding the development being located outside of the settlement boundary, Higham's housing quota up to 2026 being met and Higham losing its identity as a rural village and that it should be protected as such.

8.3. Objections have also been received regarding the development not according with paragraphs 11a, 78 or 79 of the NPPF. The pubs, shops and post office are also now all closed. These objections will be addressed in this section.

- 8.4. Paragraph 2 of the National Planning Policy Framework (NPPF) (July 2021) 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.
- 8.5. 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) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.6. Objections have been made in regards to the development not according with paragraph 11a of the NPPF. This part of paragraph 11 relates to plan-making and not decision-taking and therefore is not directly relevant to this application. The application has been assessed in regards to HBBC's planning policies within its current local plan as set out in paragraph 8.5 above.
- 8.7. Objections have been received in regards to the proposal being contrary to paragraph 78 and 78 of the NPPF. Paragraph 78 states that decisions should be responsive to local circumstances and support housing development that reflects local needs. Paragraph 79 states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.8. The Emerging Local Plan for 2020-39 has reached Regulation 18 draft stage (June-August 2021) and thus can be given only limited weight at this stage as it will be further revised before submission. The Emerging Local Plan sets out a presumption that each key rural village (including Higham on the Hill) will provide for a minimum of 50 dwellings (paragraph 4.19). The draft requirement can be given limited weight at this stage. The next stage of the Local Plan is the pre-submission consultation stage. On the 18/11/21 the Council's Scrutiny Commission considered a report regarding the next steps for the Local Plan, and the Pre-Submission consultation is expected to take place January-February 2022. The Scrutiny Commission report included the list of proposed allocations for the Pre-Submission Local Plan in the annex. In Higham, the application site is proposed to be allocated for 71 dwellings. This indicates the site is an emerging housing allocation, but given that the Pre-Submission Plan is not yet published, the weight that can be given to this draft allocation is limited.
- 8.9. The Core Strategy (CS) (2009) sets out the settlement hierarchy for the Borough during the plan period 2006-2026. The urban area is the focus for development and within the rural area the hierarchy of settlements is as follows; Key Rural Centres, Rural Villages and Rural Hamlets. The CS identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Higham on the Hill is identified as a Rural Village within Policy 12 of the Core Strategy, these are settlements which have limited services and are the least sustainable settlements other than rural hamlets, car travel will be required in most cases to access employment and services, although some development may be acceptable to support existing services. In rural villages focus is given to limited development and providing 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. Policy 12 seeks the provision of 40 new homes for Higham on the Hill, the adopted Site Allocations and Development Management Policies DPD allocates land for a minimum of 40 dwellings for Higham on which 44 new dwellings have been completed.

- 8.10. The site is located outside of the settlement boundary of the village as set out in the SADMP inset map, but adjacent to it. Policy DM4 of the SADMP states that the countryside will first and foremost be safeguarded from unsustainable development, to protect its intrinsic value, beauty, open character and landscape character. The policy sets out the circumstances (a to e) where development in the countryside will be considered sustainable and such development needs to also meet certain criteria (i to v). The proposed development does not meet any of the criteria a to e.

The presumption in favour of sustainable development

- 8.11. The Council acknowledges that it cannot currently demonstrate a 5 year housing land supply. The standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG results in a local housing need for the Borough of 444 dwellings per annum as of 1st April 2021. With a 5% buffer added as per the requirements this gives HBBC a need of 466 dwellings per annum for the next 5 years. As set out within the Residential Land Availability Assessment at 1st April 2021, the Council can demonstrate a 4.45 year supply of housing land.

- 8.12. Footnote 8 to paragraph 11 of the 2021 NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five year supply of deliverable housing sites and therefore paragraph 11(d) of the NPPF is triggered. The NPPF is a material consideration. Paragraph 11(d) states:

“Plans and decisions should apply a presumption in favour of sustainable development.

For decision taking this means:

(d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 8.13. Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly where their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.

- 8.14. Both the CS and the SADMP are over 5 years old, and paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Therefore, this report sets out the relevant CS and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

Proposed Shop

- 8.15. Policy DM21 seeks applications for new main town centre uses to firstly be located with town, district or local centres, secondly at the edge of these centres and thirdly out of centres.
- 8.16. This site proposes a new shop (use class Ea) and is not within a town, district or local centre. Policy DM21 states that *'out of centre sites would only be considered where:*
- a) *It can be demonstrated that the site is sustainably located in terms of access to public transport, walking and cycling;*
 - b) *There are no suitable in-centre sites; and*
 - c) *There are no suitable edge of centre site*
- The above sequential approach will not be applied for the following developments:*
- d) *Small scale rural development;*
 - e) *Those which demonstrably relate to enhanced provision of tourism related activities in line with Core Strategy Policy 23: Tourism Development.'*
- 8.17. The proposed shop is not greater than 2,500sqm and therefore an impact assessment is not required in line with Policy DM21 of the SADMP.
- 8.18. This site is classed as a small scale rural development and therefore the sequential approach is not relevant in this case. Higham on the Hill is classed as a Rural Village which *'are villages with more limited services than Key Rural Centres. A primary school, community and/or leisure facilities and bus services are considered essential. A public house or hot food take-away is desirable, but not essential.'*
- 8.19. Paragraph 4.44 of the Core Strategy states that within these villages *'the key aim is ensuring existing services, particularly primary schools, are supported.'* And that *'some level of development is considered necessary to ensure existing services and community cohesion is maintained.'*
- 8.20. Policy 12 of the Core Strategy seeks to support existing services in rural villages by resisting the loss of local shops. In this case the local shop closed in 2019 and has not re-opened. This application seeks to establish a new shop which is supported by policy 12.
- 8.21. Paragraph 84 of the NPPF (2021) also seeks the retention and development of accessible local services and community facilities, such as local shops.
- 8.22. The proposed shop would be a maximum of 100 square metres and would meet the needs of the local community and provide a key service since the existing local shop has closed.
- 8.23. Therefore the proposed shop complies with both local and national policy.

Strategic policies conclusion

- 8.24. In conclusion, the proposed development is outside the village boundary of Higham on the Hill and the village has met the 40 dwelling minimum for 2006-26 as set out in CS policy 12. Conflict is therefore identified with Policy 12 of the CS. The proposal is contrary to policy DM4 of the SADMP as it does not meet any of the criteria (a to e) to be considered sustainable development in the countryside. Therefore, there is a clear conflict between the proposed development and the policy. This Policy is consistent with the NPPF and is afforded significant weight.
- 8.25. The Housing Policies in the adopted Development Plan are considered to be out of date. The emerging Local Plan for 2020-39 identifies the site as an emerging

housing allocation but the Pre-Submission draft Local Plan is not yet published and so at this early stage of production it can be given very little weight.

- 8.26. The NPPF in paragraph 49(b) advises that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both the following are met:
- (a) “the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”
- 8.27. The current proposal for 61 dwellings and a shop is not considered to undermine the plan-making process. The site is not within a neighbourhood plan area and the local plan review is not at an advanced stage. The site is a proposed allocation in the emerging Local Plan and so the consideration of this application does not pre-determine that process. The current development proposal for the site is therefore to be considered on its merits.
- 8.28. As the housing policies in the adopted Development Plan are considered to be out of date, the presumption in favour of sustainable development in paragraph 11d of the NPPF, ‘the tilted balance’ applies. Therefore, in principle, planning permission should be granted unless the presumption in favour of sustainable development can be displaced by any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. To achieve sustainable development, the NPPF states that the planning system has three overarching objectives; economic, social and environmental, which are interdependent. The housing delivery position as set out above is a material consideration in the planning balance discussed at the end of this report.

Housing mix and density

- 8.29. Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a ‘very good’ rating against Building for Life, unless unviable. A minimum density of 30 dwellings per hectare is required in rural areas, a lower density may be required where individual site circumstances dictate and are justified.
- 8.30. The Good Design Guide SPD advocates the use of the Building for Life assessment.
- 8.31. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The above policy allows for the most recent evidence to be taken into account in decisions and thus policy 16 is considered up to date in this regard.
- 8.32. Objections have been received in regards to the overdevelopment of the site and the scale of the village increasing by 20%.
- 8.33. The Planning Statement states that the site is 2.6 ha. The developable area of the site is approximately 2.1ha therefore the net density is approximately 29 dwellings per hectare. Final number and mix of dwellings will be determined at reserved matters stage, but the Illustrative Layout shows a mix of types and sizes can be accommodated. The density is just below the 30dph policy requirement however the proposed development is similar to the local context of the village. The

development is for up to 61 dwellings and the appropriate density and layout will be determined at reserved matters stage. The proposal would increase the population of the village by a maximum of 16%. The southern and western edge of the development will be the village edge and will be a key consideration at detailed design stage and should be softened by landscaping, and less dense and with a varied building line.

- 8.34. The applicant has not undertaken a Building for Healthy Life Assessment (the replacement for Building for Life). A detailed assessment should be provided at reserved matters stage.
- 8.35. In conclusion, the illustrative layout shows that a mix of dwellings can be provided on site and a detailed scheme for housing mix can be secured by condition to be submitted at reserved matters stage, to secure compliance with policy 16 of the CS.

Affordable Housing provision

- 8.36. Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%.
- 8.37. Objections have been received referring to the fact that the development is only for profit and that it will not provide affordable housing for 'long time villagers'.
- 8.38. The Borough has an unmet affordable housing need and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.
- 8.39. Information on the demand for Higham on the Hill on 24.9.21, shows the following demand on the Council's Housing Register. The numbers are differentiated between applicants who are interested in being rehoused in Higham on the Hill, and those who state they have a local connection to the village:

Property size	General register	Those with a local connection
1 bed	52	1
2 beds	29	1
3 beds	15	1
4 or more beds	8	
Total	104	3

- 8.40. There is no recent local Housing Needs Survey for the settlement so the housing register provides the most up to date evidence of affordable housing need. Although the greatest need is for 1 bedroom accommodation, there is greater turnover of this stock than family homes, so that the priority would focus more towards a requirement for 2 bedroomed 4 person houses and 3 bedroomed 5 person houses for both rented and shared ownership properties, with a small number of 1 bed flats or quarter houses. The 1 bed properties should avoid communal areas being included in the design.
- 8.41. The development will meet the 40% requirement and the affordable housing officer has no objection to the proposal. The housing officer requires 75% social or affordable rent and 25% intermediate tenure (shared ownership). Properties for affordable housing should meet the larger property type for the bedroom size, so 1 bedroom 2 person properties, 2 bedroom 4 bedrooms, 3 bedroom 5 person and 4 bedroom 6 person. The homes should meet Nationally Described Space Standards (NDSS).

- 8.42. The application will deliver 40% affordable housing and therefore meets the requirements of policy 15 of the CS. The affordable housing should be spread evenly through the site in small clusters as set out in the Affordable Housing SPD, this would be considered at Reserved Matters Stage. The affordable housing provision will be secured by the S106 agreement. As this site is in the rural area, the section 106 agreement will contain a cascade that the affordable housing for rent is offered firstly to people with a connection to the parish, and secondly to people with a connection to the Borough of Hinckley and Bosworth.
- Design and impact upon the character of the area (including landscape)
- 8.43. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.44. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment. The SPD sets out minimum separation distances between dwellings and a general guideline for garden sizes of 7.0m minimum length and size of 60sqm for a 2 bed house, and 80sqm for a 3 bed house. The SPD states the design objectives for Higham are to protect the main approaches to the village focusing on low-density development and to retain the diverse but unified character of the undulating Main street, halting the encroachment of generic modern styles/elements that will ultimately lead to a disjointed street scene, instead responding to a rural vernacular style.
- 8.45. Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF. Policy DM10 is therefore consistent with the NPPF (2021).
- 8.46. The site is located in open countryside therefore Policy DM4 of the SADMP also applies. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development. Policy DM4 still holds significant weight although it is classed as out of date as discussed earlier in this report.
- 8.47. The following objections will be addressed within this section:
- 1) The development would be out of character
 - 2) Loss of open countryside and views
 - 3) Urbanisation of rural plot
 - 4) Site should be protected due to the landscape views of Hartshill Hayes Country Park
 - 5) Development would cause a detrimental impact to the character of the hillside settlement and surrounding countryside
 - 6) Loss of countryside views for neighbouring properties
 - 7) Loss of village identity

- 8.48. Firstly it should be noted that the right to a view for neighbouring properties is not a material planning consideration and therefore cannot be taken into account as a material planning consideration. The 'views' referred to in 8.47 above have therefore been assessed in terms of the LVIA only.
- 8.49. In addition, it should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be contrary to Policy.
- 8.50. The application is supported by a Planning Statement (PS), Design and Access Statement (DAS) and a Landscape and Visual Impact Assessment (LVIA). The submitted Planning Statements describes the proposal:
- "The built form of the development would be located in line with the prevailing built form to the east, whilst the open space and SUDs pond would be sited in the southern section of the site to make best use of the natural topography of the site. The intention is to retain and enhance the existing landscape around the periphery of the site to ensure the development respects the rural nature of the location as well as views into and from the site."*
- "The dwellings themselves would be set back from the frontage so that they continued the building line set by the properties in Cherry Orchard Estate and Mill Gardens. Although the intention at this stage is for the application to be submitted in outline form, none of the dwellings would exceed 2 storeys in height and appropriate materials would be utilised to reflect the local vernacular"*
- 8.51. The Borough's Landscape Character Assessment (2017) identifies the site as being within Landscape Character Area E 'Stoke Golding Rolling Farmland. The key characteristics of LCA E which are of relevance to the site and its context are described as;
- 'Undulating arable and pasture farmland with gentle valleys ...
 - Small to medium scale rectilinear field pattern divided by low hedgerows and mature hedgerow trees typical of parliamentary enclosure, with smaller pasture fields around settlements, creating a largely unified field pattern and providing continuity with the agricultural past.
 - Rural settlement pattern with former agricultural villages typically demonstrating a historic core, modern outskirts and sporadic farmsteads on the outer edges, within a strong rural setting.
 - Historic villages occupying higher ground with attractive red brick cottages fronting onto the road and connected by rural lanes with grass verges and well-maintained hedgerows.'
- 8.52. The assessment includes Landscape Strategies for each of the LCAs. Landscape Strategies for LCA E which are of relevance to the proposed development are;
- 'Maintain the rural character of the landscape. Ensure development is fully integrated into and informed by the landscape with its rural, harmonious pattern of small villages which are well integrated in the landscape, and local vernacular styles and materials.
 - Conserve rural views and setting of settlements.
 - Create new and conserve existing notable habitats, in particular deciduous woodland and mesotrophic grassland.
 - Encourage tree planting to regenerate mature/ veteran trees as they come to the end of their lives.
 - Improve the integration of settlement edges with planting and use of materials appropriate to the rural character.'

- 8.53. The Landscape and Visual Impact Assessment (LVIA) was prepared based upon the Guidelines for Landscape and Visual Impact Assessment, third edition (GLVIA3) and has been assessed using the Landscape Institute Technical Guidance Note 'Reviewing Landscape and Visual Impact Assessments and Landscape and Visual Appraisals' January 2020.
- 8.54. The site and its wider landscape context are not subject to any national, local or other landscape designations. The LVIA states that 'the Hinckley and Bosworth Landscape Sensitivity Assessment assesses the Higham on the Hill area as having a Medium-High sensitivity to residential development. However, this is a relatively expansive area and the assessment states that this is *'an overall sensitivity for the majority of the area but does not include variation of sensitivity within the area.'* The site itself lies adjacent to the settlement edge and is enclosed on three sides by a combination of development and vegetation. There is also a general lack of inter-visibility between the site and the village's historic core including the church.'
- 8.55. The submitted LVIA states that the site and the immediate landscape is of Medium landscape value. 12 viewpoints are identified with the LVIA which the Council agrees are appropriate and representative. A summary of the conclusions within the LVIA are provide below:
- The site is situated off Main Street / Wood Lane on the western extent of the village of Higham on the Hill. The site comprises part of an agricultural field with Main Street / Wood Lane running adjacent to the north beyond a boundary hedgerow and hedgerow trees. To the east, properties off Main Street and the Cherry Orchard Estate adjoin the site as well as 'Cherry Orchard Court', a large property located to the south of the Cherry Orchard Estate. To the west, a line of existing trees run adjacent to the site's boundary beyond which are located further agricultural fields. To the south, the site's boundary with adjacent agricultural land is open.
 - In the wider context, the existing settlement is located to the north and east of the site with the village centre located beyond residential areas to the east. To the north, beyond residential development is a former railway line and vehicle testing facility. Agricultural fields are located to the south and east through which Nuneaton Lane and the A5 pass. To the south west, adjacent to the A5, are buildings at Lindley Lodge Farm and King's Lodge.
 - The proposals comprise a residential development of up to 61 dwellings, associated infrastructure, public open space including a sustainable drainage basin and a shop. Access is to be provided off Wood Lane.
 - The site and its wider landscape context are not subject to any national, local or other landscape designations. The site comprises agricultural farmland on the fringes of the settlement with hedgerows and trees along its boundaries. The Higham on the Hill Conservation Area is located approximately 65m to the east of the site at its nearest boundary. Overall, it is judged that the site and the immediate landscape is of **Medium** landscape value.
 - The site lies within National Character Area 72 and forms a very small part of this wide character area. Development of the site will seek to retain characteristic features, such as its rectilinear form. It is considered that there will be **Negligible** effects on the overall character area.
 - At a regional scale, the site falls within LCT 5a 'Village Farmlands' within the East Midlands Regional Landscape Character Assessment. The proposals include the retention of existing site vegetation wherever possible and new planting to help integrate the new development into the landscape. Effects upon the 'Village Farmlands' Landscape Character Type are considered to be **Minor Adverse/Negligible** in both the short and long term.

- The site falls within LCA E 'Stoke Golding Rolling Farmland' within The Hinckley and Bosworth Landscape Character Assessment. The proposals would result in an area of agricultural land becoming built form and associated infrastructure. The GI proposals for the site include proposed planting, particularly to the site boundaries, and habitat creation which respond to the Landscape Strategies for LCA E, within the character assessment. Effects upon LCA E will be **Minor Adverse** in the short term with the potential to become **Minor Adverse/Negligible** as proposed planting within the site's GI matures.
- In terms of the site and its immediate context, the primary change would arise as a result of the replacement of pastoral farmland with residential development and associated infrastructure. Built development would inevitably alter the character of the site, though the proposals will retain and enhance existing landscape features such as boundary vegetation where feasible. It is anticipated that existing field boundaries and trees will be retained with the exception of a section of hedgerow / hedgerow trees to provide site access.
- The site's proposed GI will provide opportunities for habitat creation and new planting including planting to reinforce the tree line along the site's western boundary and to enclose the site to the south. In the longer term this planting will help integrate the proposed development into the landscape. Effects upon the site and its immediate context are considered to be **Moderate Adverse** in the short term with the potential to become **Moderate/Minor Adverse** at year 15.
- The visual envelope of the site is enclosed to the north and the east by the existing settlement edge, with vegetation along the disused railway acting to visually enclose Higham on the Hill to the north-west. From the west, the established tree line along the site's western boundary helps filter views of the existing settlement edge. Views towards the site from the south are more readily available due to the open nature of the site's southern boundary.
- Visual effects are greater for sensitive receptors in close proximity to the site. Nearby residential receptors such as those at Cherry Orchard Court, properties off Cherry Orchard Estate, off Main Street and off Station Road will experience **Moderate Adverse** effects in both the short and long term. Effects upon residential receptors at North Wood Stud Farm to the north of the site are considered to be **Moderate Adverse** in the short term becoming **Moderate/Minor Adverse** at year 15. Effects upon other identified residential receptors range from **Minor Adverse** to **Negligible**.
- The nearest PROW to the site is Footpath T51 to the east. Views from this route are generally limited to its western extent owing to surrounding vegetation. Effects are considered to be no greater than **Minor Adverse**. Effects upon PROW T50 to the east of the site will be **Minor Adverse/Negligible** upon completion becoming **Negligible** in the long term as proposed planting in the south of the site matures.
- Effects upon users of Main Street/Wood Lane are considered to be **Moderate Adverse** in the short term with the potential to become **Moderate/Minor Adverse** at year 15.
- The development proposals for the site have considered the landscape and context of the site by retaining existing landscape features where possible, setting back proposed development from site boundaries and incorporating mitigation into the site's proposed GI which will help mitigate potential landscape and visual effects in the long term. Overall, it is considered that the proposed residential development of the site, following an appropriate and well-considered layout, has the potential to be successfully integrated into the local surroundings.

- 8.56. It is considered that there is no cumulative impact from other developments in the LVIA assessment area and officers agree with this conclusion. The LVIA notes that the site is currently unlit but that the surrounding roads and dwellings are. As such, the impact from lighting should be considered. A condition can secure full lighting details at reserved matters stage.
- 8.57. From the site visit, it is considered that the key views of the site have been assessed. The greatest impacts (a moderate adverse impact) will be on road users, residents closest to the site and users of the nearest PROW. It is considered that this impact will lessen as the proposed planting within the site's GI matures. It is agreed that the harm to the immediate context will be greater than any harm to the wider landscape character. The impact identified will be re-assessed at reserved matters stage to deem if the level of harm identified at residential properties close to the site results in residential amenity harm in regards to the detailed permission. It is considered harm is unlikely to be identified if the site accords with the Good Design Guide (2020). It is noted that No.2a Main Street has a number of side facing habitable room windows, although this would be a matter for any reserved matters application the indicative layout shows a two storey property immediately adjacent to these which would present residential amenity concerns. However, as the layout is illustrative at this stage this element can be re-designed at reserved matters stage. The development is for up to 61 dwellings and therefore this dwelling could be removed.
- 8.58. The final design of the development is not to be determined at this stage, as all matters except access are reserved matters and would be subject to a further application. It is considered that the illustrative layout shows an appropriate layout to the scheme and as such it is recommended that broad compliance with the illustrative layout is secured at this stage. Key elements of the layout are considered to be:
- Locating the large area of open space to the south of the site to soften the impact upon the countryside
 - Retention of hedgerows to the north, east and west
 - Landscape buffers to the north, west and southern boundaries
 - New southern hedgerow boundary to soften the edge of the development
 - Footpath connections to the bus stops in Higham
 - Primary and secondary streets within the site to aid legibility and soften the northern and western edges of the development
 - Retention of existing trees and hedgerows and further planting on boundaries and in the open space
 - Maximum height of 2 storey to reflect the local context unless fully justified.
 - Built development away from hedgerow boundaries and trees to minimise light impact
 - Landscaped primary and secondary streets

Urban Character

- 8.59. Higham on the Hill is described within the Landscape Character Assessment as "a small village comprising attractive red brick cottages with blue brick detailing. New development has occurred to the north and appears incongruous to the village core due to the use of modern building materials". Any reserved matters application should reflect the local vernacular.
- 8.60. The illustrative masterplan indicates a landscape buffer to the north, west and south. This is welcomed with regards to integrated the development in to the landscape as well as maintaining the strong tree lined frontage to Main Street and the existing mature landscape buffer to the west. Whilst a matter for reserved

matters the proposal appears to incorporate dual fronted properties on key junctions and in curtilage parking is provided in most instances.

- 8.61. The design of the proposed shop will be assessed at reserved matters stage but should comply with the Good Design Guide and Policy DM23 of the SADMP.
- 8.62. Policy DM10 also seeks to ensure acceptable levels of residential amenity are achieved and the GDG assists with this by ensuring adequate space between and around buildings, which is recognised as a core component of residential amenity. For example habitable rooms within rear elevations of neighbouring properties should never be less than 21m apart. A habitable room within a rear elevation should ideally not be less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two storey property and above. The GDG also provides guidance on acceptable standards for garden sizes. It prescribes a minimum garden depth of 7m; 80sqm for three bedroom houses; 60sqm for a two bedroom house. This will be assessed in full at reserved matters stage.
- 8.63. In conclusion, the proposal will have a minor adverse effect on the wider landscape and a moderate adverse effect on the landscape character of the site. The visual effects of the development on public footpath users will be limited and the most notable effects would be limited to the road users and residents closest to the site (significant moderate to minor adverse effect). The impacts can be minimised and mitigated by the recommended measures as set out in the Landscape and Visual Appraisal and shown on the Illustrative Layout. Therefore, subject to a condition to secure the compliance with the Illustrative Layout the proposal is considered to comply with policy DM10 (c, d & e), the Good Design Guide SPD and the NPPF. It is acknowledged that the identified landscape and visual harm is to be weighed against the benefits of the scheme within the planning balance.

Heritage

- 8.64. Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications to pay special attention to the desirability of preserving or enhancing the character or appearance of any Conservation Area. Section 66 of the same Act places a duty on the local planning authority when determining applications that affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy DM11 states that the Council will protect, conserve and enhance the historic environment throughout the Borough. Development with the potential to affect a heritage asset or its setting will be required to demonstrate an understanding of the significance of the asset and its setting, the impact of the proposal on the asset and its setting, how benefits of the proposal may outweigh any harm caused and any impact on archaeology in accordance with policy DM13.
- 8.65. Policy DM12 states that 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. Comments have been received stating that views within the conservation area map should be assessed and taken into consideration. The application has been assessed by HBBC's Conservation Officer.

- 8.68. The application site consists of an agricultural field to the south of Wood Lane situated on the south-western edge of the settlement of Higham on the Hill. There are designated heritage assets located within a proportionate study area from this application site including the Higham on the Hill Conservation Area, approx. 150m to the east from the site entrance, and the scheduled monument Remains of Lindley Chapel which is c. 1.4km to the north-west of the site. The Higham on the Hill Conservation Area includes a small number of listed buildings with the tower of St. Peter's Church, which is a grade II* listed building, being a prominent feature within the historic settlement core and the surrounding rural landscape.
- 8.69. Paragraph 195 of the National Planning Policy Framework (NPPF) requires local planning authorities to identify and assess the significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. An Archaeological Desk-Based Assessment has been submitted to accompany the planning application and this includes reference to the scheduled monument to satisfy the requirements of paragraph 194 of the NPPF. The Assessment does not include an assessment on built heritage but the required assessment has been undertaken by the local planning authority below.
- 8.70. There are no designated heritage assets located within the application site. There is no particular inter-visibility between the application site and any of the designated heritage assets identified above due to the presence of built form, vegetation and topography, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal it is considered that none of the designated heritage assets would be sensitive to or affected by appropriate development within the application site.
- 8.71. It is therefore considered that the proposal will have no effect upon the significance of any designated heritage assets.

Archaeology

- 8.72. 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.
- 8.73. LCC Archaeology have assessed the application and Following appraisal of the above scheme, including consideration of the submitted desk-based assessment and geophysical survey, the site has been identified of archaeological interest. The Leicestershire and Rutland Historic Environment Record (HER) notes the presence of archaeological remains from the application site and within its immediate vicinity. It is further likely that the site has the potential to include as yet unidentified heritage assets with archaeological interest (NPPF para 194).
- 8.74. The site was subject to a fieldwalking survey in 2004 which identified scatters of prehistoric flint and Roman pottery that are strongly indicative of associated settlement activity in this area. The proposed development site is located within an area of high potential for the presence of archaeological remains and therefore the need for a programme of trial trenching in order to test the conclusions of the applicant's assessment and geophysical survey is recommended. This work is required in order to assess the particular significance of any heritage asset that may be affected by a proposal, and to take this into account when considering the impact of the development on those remains. The preservation of archaeological remains is a "material consideration" in the determination of planning applications. The proposals include operations that may destroy any buried archaeological

remains that are present, but LCC Archaeology state that the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, they recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals. A field evaluation by trial trenching was therefore requested by LCC Archaeology.

- 8.75. In accordance with National Planning Policy Framework (NPPF), Section 16, paragraphs 194 and 195, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 205, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.
- 8.76. In this instance it is considered that the investigation by trial trenching can be undertaken prior to commencement on site and as this is an application for outline permission with all matters reserved bar access the reserved matters application can be designed around any archaeological discoveries. Therefore, subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording the proposal is considered to be in accordance with Policy DM13 of the SAMDP.

Impact upon neighbouring residential amenity

- 8.77. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.78. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.79. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.80. Objections have been received in regards to impact upon the privacy of neighbouring properties.
- 8.81. The nearest residential properties to the site are the dwellings to the north-east on Main Street and the dwellings to the east on Cherry Orchard Estate. The Illustrative layout demonstrates that 61 dwellings can be accommodated on the site and that the minimum standards in the SPD can be achieved. The only exception to this is the proposed conflict with 2a Main Street which has habitable windows to primary rooms on the side elevation facing the site. As the layout is illustrative it is considered that this conflict can be designed out at reserved matters stage and that 61 dwellings could still be accommodated on site in line with the key aspects of the masterplan identified in the character section of this report.

- 8.82. The site is opposite properties on northern side of Main Street / Wood Lane. With the proposed screening from the retention of the majority of the landscaping to the front of the site, the proposed landscape buffer and the separation distance shown on the illustrative layout it is considered that there would be no adverse impact upon the residential amenity of these neighbouring dwellings.
- 8.83. The dwelling to the east of the site of those on Cherry Orchard Estate which rear gardens back onto the site and Cherry Orchard Court. The scale of the built development does not project outwards to Cherry Orchard Court, it is the SUD's and open space which is situated to the rear of the site. In regards to the properties on Cherry Orchard Estate the illustrative layout shows that the distances in the GDG can be met.
- 8.84. 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.
- 8.85. With the imposition of conditions, the proposal is considered to meet policies DM10(a) and (b) of the SADMP, the Good Design Guide SPD and national policy in the NPPF.

Pollution

- 8.86. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented and seeks to ensure that development does not have an adverse impact upon light, noise, or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity and air quality.
- 8.87. Policy DM10 of the SADMP identifies that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.
- 8.88. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.89. A noise assessment, ground contamination report and air quality assessment have been submitted in support of the application.
- 8.90. Objections have been received in regards to pollution from cars and construction.
- 8.91. In regards to air quality the report concluded that the air quality screening exercise indicates that the proposed development will result in a negligible impact.
- 8.92. The noise report included predictive modelling of the potential operational noise impacts based upon the existing noise environment with additional traffic as a result of the proposed development. The conclusion was that the proposed noise impacts across the whole site is likely to be negligible to low-risk categories.
- 8.93. The Phase I Contamination Report concludes that the environmental risk is low with the principle risk drivers being potential contamination associated with historical agricultural activity, localised Made Ground and migration of gas and contamination from off-site sources. Therefore it is concluded that there are no significant contamination issues.

8.94. The Environmental Health officer has reviewed the application and raises no objection to the proposal, subject to a conditions following recommendations within the above reports. These conditions would secure a scheme of ventilation for the proposed shop, noise attenuation to protect the dwellings from the proposed shop and existing sources, a Construction Environment Management Plan, construction hours and a scheme of investigation of any potential land contamination.

8.95. Therefore, subject to conditions, it is considered that the proposal complies with Policy DM7 and DM10 of the SADMP and the wider policies of the NPPF.

Impact upon highway safety

8.96. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

8.97. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible. This would be assessed and secured at reserved matters stage.

8.98. Paragraph 111 of the NPPF (2021) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

8.99. Objections have been received in regards to errors in the transport statement, for example Sembi stores has been closed since 2019 and The Fox Inn for 10 years. The transport statement has been amended through the course of this application and errors have been corrected.

8.100. The following objections will be considered within this section:

- 1) Increase in private car use increasing greenhouse gas emissions and not mitigating for climate change
- 2) Increased traffic levels making Higham on the Hill a rat run
- 3) Access is onto a dangerous country road and visibility down wood lane is very poor
- 4) Peak hour traffic issues
- 5) Damage to road surfaces
- 6) Junction of Station Road onto Main Street is a blind corner and the introduction of the new access will make the highway even more unsafe
- 7) Wood Lane is used for cycling and walking - part of the Sustrans cycle route
- 8) Single carriageway access road – unsafe access
- 9) Volume of traffic using the village without the development is already unacceptable
- 10) Emissions from the additional vehicles will be detrimental to the health and well-being of residents
- 11) Wood lane is an unsafe exit onto the A5
- 12) Wood Lane is an unsafe country road for pedestrians and cyclists which the development will make worse
- 13) Visibility splay does not conform to national guidelines
- 14) Regular road traffic accidents on the country road where the development is proposed

8.101. The following objections have also been made as part of this application however the application has no control over these raised issues:

- Wood Lane should be made an access only road to prevent the increasing traffic within the village
- The road is used by farmers who should have priority over new vehicle

8.102. A Transport Statement was submitted in support of the proposals and has been amended based on comments received from both the public and LCC Highways.

Sustainability of the location

8.103. Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

8.104. The location of the site is adjacent to the existing settlement boundary and the design and access statement shows that the site is close to local facilities, for example the site is approximately 600m from the primary school, 500m from a place of worship and 450m to the closest bus stop. The site is also proximately 200 metres from the nearest open space and equipped play area. The pub is currently closed however the community are trying to purchase it in order to reopen it. The site layout shows that the site would include pedestrian connections to village and the existing bus stops and its services.

8.105. The village does not have existing employment provision although it is adjacent to MIRA technology park. Nevertheless it is acknowledged that the village is deficit of local employment and that the bus service does not run before 9am and therefore residents would be heavily reliant upon private cars to access most services.

8.106. The current application site is located within accessibility distances to bus stops on Main Street, served by the Arriva 6, 6A, 6B and 65 services. The 6, 6A and 6B services are from Burbage to Nuneaton (currently there are approximately hourly services Monday to Friday 07:03 to 18:01) and the 65 service from Sir Robert Peel Hospital to George Elliot Hospital (currently there are approximately hourly services Monday to Saturday 06:45 to 18:20). These services would allow commuting to these larger centres such as Burbage, Hinckley, Nuneaton and Stoke Golding. Overall, the site is considered to be a within a sustainable village and the location and scale of the development proposed will support local services and future residents will be able utilise sustainable transport choices.

8.107. In the view of the LHA, the provision of a shop within the site would improve the transport sustainability of Higham on the Hill as the existing convenience store within the village has closed. The Section 106 will secure the floorspace and adequate marketing of the proposed shop.

8.108. As part of any future Section 106 agreement and in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use, the LHA would require the Applicant to provide 1 x Travel Pack (currently £52.85 if supplied by LCC) and 2 x 6 month bus passes (Currently £360 per pass for Arriva services) per plot.

Site Access

8.109. Access to the site is proposed off Wood Lane, an unclassified road subject to a 30mph speed limit. Details of the site access have been provided on SDD drawing number LE5166-3PD-003. This details a 5.50 metre wide access with 2.0m wide footways on either side and a 6.0m junction radii. This is in accordance with Part 3, Tables DG1 and DG5 of the Leicestershire Highway Design Guide.

- 8.110. In order to ascertain the vehicular visibility splays at the site access, the Applicant undertook a speed survey as part of an Automatic Traffic Count (ATC) between Tuesday 20 - Monday 26 April 2021 in the vicinity of where the speed limit changes from 30mph to the national speed limit. The survey indicated 85%ile speeds of 32mph in a westbound direction and 33mph in an eastbound direction. As per Part 3, Table DG4 of the LHDG, this would require visibility splays of 2.4 x 54 metres in both directions. These have been detailed on SDD drawing number LE5166-3PD-004 and are considered acceptable to the LHA.
- 8.111. The drawing also details the visibility available along the vertical plane, given the gradients along Wood Lane, which confirms the splays could be achieved from a 1.05m drivers eye height to a 0.26m object height. The LHA has also visited the site and is satisfied the visibility splays could be achieved, however it should be noted that the existing (non-highway) roadside hedgerow/ trees are likely to require removal in order to achieve the splays.
- 8.112. Vehicle tracking of a refuse collection vehicle has also been provided detailing the vehicle arriving and departing from the site in all directions.
- 8.113. The RSA raised one problem in respect of pedestrian dropped kerbs and two additional considerations in respect of drainage and amendments to an existing road sign. The Applicant has submitted SDD drawing number LE5166-3PD-003 Rev A in respect of problem 1 in order to resolve the issue and has advised the additional considerations would be picked up at detailed design. This is accepted by the LHA.
- 8.114. Overall, the LHA therefore consider that the site access arrangements detailed on SDD drawing number LE5166-3PD-003 Rev A to be acceptable.

Highway Safety

- 8.115. The Applicant has undertaken a review of Personal Injury Collisions (PIC's) for the study area identified within Figure 10 of the TS, which includes Wood Lane and also its junction with the A5. The review was originally undertaken for the five year period between 2016 - 2020 although the LHA was unclear on precise dates as these had not been provided. This identified one PIC had occurred within the study area between these dates. Given the application was submitted in autumn 2021, the LHA consider the PIC analysis to be out of date and therefore asked for it to be updated to consider the most recent five year period.
- 8.116. The PIC data was resubmitted for the five years between 01/07/16 - 31/08/21. This details no additional PICs have occurred during this time. This is accepted by the LHA and it is considered the proposals are unlikely to exacerbate any existing road safety concerns.

Trip Generation

- 8.117. The Applicant originally considered the approximate level of trips for the proposed development however the LHA asked for amendments to the assessment. Following this the LHA reviewed the updated assessment.
- 8.118. The Applicant has reviewed trip generation and now proposes the residential vehicular trip rates which are acceptable to the LHA. Consideration has also been given to the level of trips the proposed shop could generate.
- 8.119. It has been advised that while there is no precise scale for the shop at present, it could comprise a maximum gross floor area of 100 square metres. The Applicant has reviewed the TRICs database for convenience stores and advised the proposed shops could generate 9 arrivals and departures in both the AM and PM peaks.

- 8.120. Based on the location of the shop, the Applicant has advised it would be considered sensible to assume an internalisation factor of 40%, whilst the remaining 60% of vehicular trips generated from outside the development would likely be split 40% diverted (already on the network) and 20% new trips. The Applicant does not consider that the small local shop would attract any trips from the A5 to the south, especially given the A5 junction is a left in / left out only arrangement. As such, the proposals would result in four 'new' trips on the local highway network, with 7 existing trips being 'diverted' into the site, whilst the remaining 7 'internalisation' trips have already been counted within the residential trip generation.
- 8.121. The LHA considers the above analysis to be reasonable in respect of the shop and therefore accepts the Applicants trip rates.

Junction Capacity Assessments

- 8.122. Due to the anticipated level of traffic the development could generate, the Applicant has undertaken a capacity assessment of the site access with Wood Lane
- 8.123. The Applicant has studied application reference 15/00188/OUT (850 dwellings, 500m² of retail units, a primary school, community facilities including sports pitches, parkland, children's play areas, allotments, sustainable urban drainage systems, a new access and associated infrastructure. Land North East Of Triumph Motorcycles Ltd, Normandy Way, Hinckley) and advised that this does not have an impact on the roads within Higham on the Hill as vehicular trips do not route through the village. This is accepted by the LHA.
- 8.124. Following the increase in trip rates generated by the proposed residential development, along with consideration of vehicular trips which could be generated by the proposed shop, the Applicant has updated their capacity assessment of the site access. Covid-19 uplift factors have also been obtained from Leicestershire County Council for the baseline Automatic Traffic Count (ATC) data. The information confirmed that on average, flows were 90.8% and 86.6% of 'typical' total flows in the morning and evening peak hours respectively. As such, an uplift factor of 9.2% in the morning peak and 13.4% in the evening peak has been applied by the Applicant to the baseline ATC flows. The previously accepted TEMPro traffic growth factors have also been applied to factor traffic flows up to the future year of 2026.
- 8.125. Given the level of trips the proposals are now forecast to generate the Applicant has also undertaken a capacity assessment of the Nuneaton Lane / Main Street priority junction. The Applicant undertook a manual classified count on Tuesday 23 November 2021 and again obtained Covid-19 uplift factors from LCC. The information confirmed that flows were 97% and 90% of 'typical' total flows in the morning and evening peak hours respectively. As such, an uplift factor of 3% in the morning peak and 10% in the evening peak has been applied to the manual classified count. TEMPro growth factors of 1.0352 in the morning peak and 1.0343 in the evening peak were then applied to the baseline traffic flows, in order to determine the 2026 Design Year flows.
- 8.126. Ratio of Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically a value of 0.85 is seen as the practical capacity, with results higher than this more likely to experience queuing or delay.
- 8.127. The RFC of both junctions is not proposed to exceed 0.85 with the development in place in 2026. The LHA is satisfied the junctions will operate well within capacity. The LHA is now satisfied that no further work is required by the Applicant in respect of junction capacity assessments.

Off-Site Implications

- 8.128. As detailed on SDD drawing number LE5166-3PD-003, the Applicant has proposed to widen Wood Lane to 5.50 to the east of the site access to the junction of Station Road as some sections currently narrow down to approximately 4.0m. This is welcomed by the LHA as it is considered that the existing carriageway widths along this section of Wood Lane would not be suitable for an increase in development traffic. A 2.0m footway is also proposed along the site frontage with an uncontrolled dropped crossing point proposed to the east of Station Road.
- 8.129. The LHA has reviewed whether any bus stop improvements are considered necessary and can advise that raised kerbs should be provided at the two existing bus stops on Nuneaton Lane (ID's 2032 & 2035) currently at a cost of £3,500 per bus stop. These should be secured as part of the Section 106 agreement to support modern bus fleets with low floor capabilities.

Internal Layout

- 8.130. The internal layout of the development is not for consideration at this stage, therefore the LHA have not studied the indicative layout in detail. It should be noted however that the internal road network would need to be designed to an adoptable standard, should the Applicant wish for it to be considered for adoption by Leicestershire County Council. In addition, the LHA advise that appropriate parking provision would need to be provided for both the proposed dwellings and the shop.
- 8.131. The concerns of the local residents are noted. However, with the suggested conditions and the S106 obligations the proposal is considered to satisfy policies DM17 and DM18 of the SADMP and the NPPF.

Impact upon Ecology and trees

- 8.132. 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.
- 8.133. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.134. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.135. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.136. Public comments have raised concerns over the loss of greenspace in a rural area. Whilst the site is a greenfield site it is not designated as a public open space. Concerns have been raised over the loss of the grass verges to create the access as they have recently qualified as 'Urban Verges' under the Blue Heart Scheme.
- 8.137. The public have also commented that the site is of biodiversity interest and therefore development will impact wildlife, the loss of the hedgerow and verge to the front of the site would have a significant biodiversity loss and natural fauna and flora will be lost. Lastly that a greenfield zone should be implemented around the

settlement of Higham on the Hill as COVID-19 has shown how much we need greenspaces and not more housing.

- 8.138. As stated within the landscape character section there are no designations on the site and it is not for the decision-making process to create designations but for the plan-making process. The site is not a local green space or designated open space.
- 8.139. An Ecological Assessment and Arboricultural Assessment have been submitted to support the application. The Ecological Assessment concludes that the site is of little biodiversity interest, consisting of species poor improved and reseeded grassland, with no indicators of lowland meadow priority habitat present. The hedgerows along the boundaries are mostly dominated by hawthorn or elm and contain no mature standards. It is acknowledged that some of the grassland on the community urban verge on Wood Lane would be lost. However, new areas of meadow grassland could be created and maintained within the informal open space on site. This would offset the loss of any grassland on the urban verge. The verge could also be enhanced by cutting back any encroaching woody vegetation and potentially seeding or planting with additional wildflower species, this would be considered at reserved matters stage when the landscaping details are submitted. It is therefore considered that the conditions imposed will secure the necessary mitigation for this loss at a later stage in the development.
- 8.140. The Arboricultural Assessment found that the proposed development will not have a significant impact upon the arboricultural resource or amenity of the area. The development provides an opportunity to provide new planting that will be of benefit to the area. As there are no significant trees within the site, the primary aim of the design should be how to protect the trees, groups and hedgerows, particularly category A & B elements on the boundaries. Three of the fifteen trees along the front boundary will have to be removed in order to create the new access and visibility splays, with the access encroaching upon the root protection area of 2 other trees. The work to trees within the visibility will consist of minor pruning and crown raising. The illustrative masterplan shows how landscaping proposed within the site can mitigate this loss. This will also be secured by conditions.
- 8.141. LCC Ecology have assessed the proposal. The Preliminary Ecological Appraisal report (Philip Irving, April 2021) is satisfactory. No evidence of protected species was recorded, and no further surveys are required. The site was dominated by species-poor improved and reseeded grassland and considered to be of little biodiversity interest. The reptile and amphibian avoidance measures recommended in the report will be made a condition of development.
- 8.142. LCC Ecology suggest that the following should be integrated into the landscape design at reserved matters to improve the biodiversity value of the scheme:
- The provision of 5-10m buffers for existing boundary vegetation.
 - The attenuation pond should be designed sympathetically for wildlife, for example: given a natural shape; gently sloping sides (max 1:3 slope); contains some permanent water; native marginal planting; and some native shrub planting. See RSPB's Sustainable Drainage Systems (2012) document for guidance.
 - Areas of public open space should incorporate wildflower meadow.
 - All boundary planting should be locally native.
- 8.143. These measures should be detailed in a Landscape and Ecological Management Plan (LEMP) at reserved matters stage. I believe that this, along with some additional enhancement measures outlined below, will be sufficient to provide a net gain in biodiversity at the site.

- 8.144. The following, with reference to the ecology report, should also be included in the LEMP:
- Provision of minimum x10 bird and x10 bat boxes integrated into the proposed built structures
 - Small holes (13cm square gap) should be provided at the base of any solid boundary features such as closeboard fencing to maintain habitat connectivity and access to foraging and nesting opportunities for hedgehogs.

- 8.145. Due to the significant biodiversity enhancements shown on the illustrative masterplan and the low value of the existing biodiversity on site it is considered that the site can easily have a net gain in biodiversity. In conclusion, subject to the conditions, the proposal is considered to satisfy policy DM6 of the SADMP and paragraph 174 of the NPPF.

Flood Risk and Drainage

- 8.146. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. A Flood Risk Assessment should be submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.147. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.148. Concerns have been raised by the public in regards to the development exacerbating flooding in the neighbouring gardens.
- 8.149. The site is located within flood zone 1 indicating a low probability of flooding. The site is predominantly at low risk of surface water flooding. The public comments have raised concerns regarding flooding and drainage implications of the development.
- 8.150. A drainage strategy has been prepared in support of the application. The introduction of hardstanding on the site will result in an increase in surface water runoff rates and volumes. Surface water drainage will be controlled via an attenuation pond. All methods of surface water discharge have been assessed.
- 8.151. HBBC Drainage and the LLFA have no objections subject to conditions to secure details of a surface water drainage scheme, surface water management, long-term maintenance details and infiltration testing.
- 8.152. Therefore, subject to the conditions, the proposal is considered to accord with policy DM7 and national policy in the NPPF.

Infrastructure contributions

- 8.153. 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.
- 8.154. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirements 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.

- 8.155. Objections have been received in regards to the lack of infrastructure in the village, that the development will be unsustainable due to a community hub, doctor's surgery and improved bus service being needed and that the school is already over capacity.

Play and Open Space

- 8.156. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identifies the requirements for open space, which is provided on site and what the requirements off site would be.
- 8.157. The illustrative masterplan shows that the site can accommodate approximately 3,700sqm informal open space. Open space calculations should not include the hedgerow boundaries or the attenuation features where they are not part of accessible and useable open spaces. Areas of space within the development that contain SUDS would not be considered to provide casual or informal open space, therefore a formal application should provide details of the quantum of each typology removing any SUDS feature.
- 8.158. Financial contributions are also set out below using the current figure for provision and maintenance per metres squared a likely contribution request is as follows:

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 61 dwellings (square metres)	Provided on site (illustrative only at outline stage – secured as minimum through Section 106)	On-site maintenance (20 years)	Provision cost	Off-Site maintenance (10 years)
Equipped Children's Play Space	3.6	219.6	0	£0.00	£39,951.83	£19,280.88
Casual/Informal Play Spaces	16.8	1024.8	1330	£14,364.00	£0.00	£0.00
Outdoor Sports Provision	38.4	2342.4	0	£0.00	£21,198.72	£10,072.32
Accessibility Natural Green Space	40	2440	2440	£34,648.00	£0.00	£0.00

- 8.159. In accordance with the Open Space and Recreation Study (2016) all residents should be within 400m of a children play area and 700m of natural areas. All residents of Higham on the Hill are outside the catchment for a natural semi-natural open space (of less than 10ha) and therefore this is required to be provided on site in line with the above table. Equipped Play Space (LEAP) is not provided on site however, King George V Playing Field (HIG04) is to the north-east of the site access and within

400m of potential residents. This play area has a quality score of below the 80% target and so off site contributions for equipped children's play space are sought towards this POS. HIG04 contains equipped children's play and outdoor sports facilities, therefore the contributions for outdoor sports provision will also be directed here. There is also a deficiency of amenity green spaces allowing for opportunities for casual recreation and play space within the village, which therefore must be provided on site in accordance with the above table. The Informal play spaces will be provided on site and therefore residents will also be within the accessibility requirements for a LAP – an over provision of informal space is provided and therefore the maintenance contribution has been altered to reflect this.

- 8.160. Given that the application is for outline planning permission, the sums of money above are indicative and will be dependant of final layout submissions, however, any agreed s.106 would obligate the developer to provide the minimum policy requirements.
- 8.161. The developer will also be obligated to provide and then transfer the on-site open space area to a management company, or, in the alternative, request that either the Borough Council or the Parish Council maintain it. If the land is transferred to the Borough Council or Parish Council, the open space area would be transferred to the relevant authority together with a maintenance contribution.
- 8.162. The provision of Play and Open Space is required for compliance with Policies 12 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 12 requires development in Higham on the Hill to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative layout of the proposed development suggests the provision of open space around the site to include a LAP, casual informal play and a large area of natural green space.
- 8.163. Using the adopted Open Space and Recreation Study (2016) the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

Civic Amenity

- 8.164. LCC Waste Management requested a contribution of £3,021.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate over 12 tonnes per annum of additional waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.
- 8.165. This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The

contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

Libraries

- 8.166. LCC Library services have requested a sum of £1,850.00 towards provision of additional resources at Hinckley Library, Lancaster Road, Hinckley, which is the nearest local library facility to the development.
- 8.167. The contribution towards addressing the impact of the development upon library facilities is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area. The Hinckley Library is within 7km of the site, the request states that the proposed development will add 183 to the existing library's catchment population which would have a direct impact upon the local library facilities, this is accepted in this instance as the library is a reasonable distance away and bus access is available from the bus stop which is an accessible distance from the site, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and relates to the number of dwellings proposed, therefore the contribution relates fairly and reasonably in scale and kind.

Education

- 8.168. LCC Children and Family Services has requested a contribution towards primary school education, secondary school education and the post 16 sector based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution is £556,918.51 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Higham-on-the-Hill Church of England Primary School (£335,914.80) to accommodate the deficit of 39 pupil places (19 existing and 19 from this development), Redmoor Academy (£182,156.44) to accommodate 9 pupil places and Hinckley Academy and John Cleveland Sixth Form Centre (£38,847.27) to accommodate 3 pupil places which arise from the development.
- 8.169. The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and would address the impacts of the development on essential infrastructure within the local area. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and has only been requested where there is an

identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

NHS West Leicestershire CCG – Health Care

- 8.170. Comments have not been received from the West Leicestershire CCG and therefore if a contribution is required it will be confirmed through the late items to committee.

Affordable Housing

- 8.171. See details in earlier section above.

Highways

- 8.172. See details in earlier section above.

Viability issues

- 8.173. The applicant has not raised viability as an issue for this proposed development.

Infrastructure Summary

- 8.174. It is considered that the above contributions will enable the required infrastructure to be developed that is required for the development. The requests are considered to be CIL compliant and therefore local and national policy is complied with.

Other matters

- 8.175. HBBC (Street Scene Services) have requested a condition to detail the waste collection and recycling strategy of the site these details can be dealt with at the reserved matters stage through the appearance and landscaping and therefore a condition to ensure any reserved matters application shall include these details is necessary.
- 8.176. The Planning Statement confirms that the site is made up of a mix of Grade 2 and 3 agricultural land. Grade 2 is very good quality land with minor limitations which affect crop yield, cultivations or harvesting. The site is approximately 60% grade 2 and 40% grade 3. Grade 3 land is good and moderate quality land with moderate/strong limitations that affect the crop, timing and type of cultivation/harvesting or level of yield. The grade 2 land is located to the north of the site. The loss of the agricultural land should be weighed in the balance of the merits of the scheme.
- 8.177. The following objections have been made in regards to the development of the site:
- Brownfield should be considered first as set out by national government
 - Higham will end up becoming a suburb/extension of Nuneaton - already too much new housing being built along the A5
 - Sets a precedent for further development
- 8.178. Every application has to be considered on its own merits and the submission has been assessed in line with this and not compared to other potential schemes.
- 8.179. Comments have been received that the public house in the village needs to be re-opened. This application has no control over this and the public house is not within the red line of the application or the applicant's ownership.
- 8.180. Comments have been received that MIRA technology park is within the parish and contributes to council tax therefore this development is not needed and can go elsewhere. The council tax is not considered within the merits of the application and nor is the overall council tax contributions from the parish.

- 8.181. The public have commented that a strip of land within the site is 'Common land' meaning all Higham residents have access to it. The applicant's lawyer has confirmed that this is indeed incorrect and that the site is private land only.
- 8.182. Comments have been received in regards to HBBC not refusing the application as they will not benefit financially if they do and they would have to find alternative land to meet HBBC's housing requirement which would take more work. This statement is incorrect, as stated previously every application is assessed on their own merits and HBBC has to assess every application submitted to them by any applicant as a public authority.
- 8.183. Finally, comments have been received in regards to there being no significant public consultation undertaken before the submission of the application. The applicant set up a website with the master plan and a brief description of the proposals on together with a comment form. A leaflet drop was then carried out to approximately 200 dwellings in the village to advise the residents of the website and the consultation period which was 3 weeks. The scheme was revised from 70 dwellings to 61 and a shop was introduced to the proposal following this consultation. It is noted that there was not an in person consultation event however due to COVID this is been particularly hard in the last couple of years therefore it is deemed that the consultation was adequate in this instance.

9. Equality implications

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

10. Conclusion and Planning Balance

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The 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) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 10.3. The proposed housing development is outside the settlement boundary of Higham-on-the-Hill and is thus contrary to adopted Policy 12 of the CS and DM4 of the SADMP. Although out of date, these policies are in accordance with the Framework and have significant weight in the planning balance.
- 10.4. The emerging Local Plan for 2020-39 (Regulation 18 draft) sets out a presumption that each rural village (including Higham on the Hill) will provide for a minimum of 50 dwellings. The application site is an emerging housing allocation (for 71 dwellings) that will be included in the Pre-Submission Local Plan, due for consultation in Jan/Feb 2022. However, as this plan is not yet published, the emerging allocation of the site for housing can be given little weight.
- 10.5. Weighed against the conflict with the adopted Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 61 houses (including up to 24 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in boosting the supply of housing in the Borough.
- 10.6. The proposed shop would be a small scale rural development which would meet the needs of the local community and increase the sustainability of the settlement (subject to provisions within the Section 106 agreement). This application seeks to establish a new shop which is supported by policy 12. This element of the proposal would comply with Policy 12 of the CS, Policy DM21 of the SADMP and paragraph 84 of the NPPF.
- 10.7. The proposal, whilst involving development in the countryside, could be designed to be appropriate to the area, and it would have a minor adverse impact on the wider landscape and a moderate adverse impact on the landscape character of the site. The proposal would have a limited visual impact on users of public footpaths and the most notable visual effects would be limited to the road users and residents closest to the site (significant moderate adverse effect). The Illustrative Layout shows that the impacts can be minimised and mitigated by the recommended measures as set out in the LVIA. This would accord with policy DM10 of the SADMP, the Good Design Guide SPD and the NPPF.
- 10.8. With the imposition of conditions and S106 contributions, the development will secure an appropriate mix and density of housing and provide 40% affordable housing. This would accord with policies 15 and 16 of the CS
- 10.9. The proposal will have a neutral impact causing no harm to the significance of designated heritage assets. The site will be conditioned to pre-commencement trial trenching investigation to confirm the site contains no significant archaeological remains. This proposal therefore accords with policies DM11, DM12 and DM13 of the SADMP and the NPPF.
- 10.10. The proposed development will not have an unacceptable impact upon amenity and would accord with policy DM10(a) and (b) of the SADMP, the Good Design Guide SPD and national policy in the NPPF.
- 10.11. The ecological impact of the proposal has been assessed and a net gain in biodiversity can be achieved. Existing trees and hedgerows will be retained other than for access routes. This would accord with policy DM6 of the SADMP and paragraph 174 of the NPPF.

- 10.12. The highways impact of the proposed development and the proposed access is acceptable and this would accord with policies DM17 and DM18 of the SADMP and the NPPF.
- 10.13. The development will not have an adverse impact on flooding and surface water and foul drainage can be satisfactorily accommodated. This would accord with policy DM17 and the NPPF. The site is a mix of grade 2 and grade 3 agricultural land. The loss of this land is weighed in the balance of the merits of the scheme.
- 10.14. The proposed development will secure on-site and off-site open space provision, and contributions to civic amenity provision, libraries, local education services and highways infrastructure. This would accord with policy DM3 of the SADMP and the NPPF.
- 10.15. Therefore, although there is clear conflict with strategic policy 12 of the Core Strategy and DM4 and DM10 of the adopted SADMP, there has only been minor harm found.
- 10.16. The benefits of the development include the delivery of housing, including affordable housing, and the site will help to meet the outstanding need for housing in Higham on the Hill for the period 2020-39 early on in the plan period. This is a significant benefit of the scheme. The development would provide employment in the construction period and this is given moderate weight as it is time limited. The development would provide open space (in particular accessible natural greenspace) to the western part of Higham on the Hill and this is a benefit that carries moderate weight also. The biodiversity net gain of the scheme is a benefit of moderate weight. The S106 contributions mitigate the effect of the development rather than provide new or enhanced facilities and thus have a neutral effect.
- 10.17. On balance, the proposal will result in minor harm to the local landscape and harmful visual effects to users of local public footpaths, nearby road users and the residents closest to the site (significant moderate adverse effect). The most notable visual effects are localised to those closest to the site and can be minimised and mitigated as shown in the Illustrative Layout. In addition, the proposal will result in the loss of the small area of agricultural land. On balance, these adverse impacts are not considered to significantly and demonstrably outweigh the benefits of the development. Therefore, in accordance with paragraph 11(d) of the NPPF, it is considered that planning permission should be granted, subject to the conditions and S106 contributions set out in this report.

11. Recommendation

11.1 Grant planning permission subject to:

- The completion within 6 months of this resolution a S106 agreement to secure the following obligations:
 - Affordable housing at 40% with a split of 75% as social/affordable rented and 25% as intermediate tenure (shared ownership)
 - Location connection requirement for the affordable housing for rent and cascade mechanism
 - Maximum of 100 square metres of shop (Class Ea) floorspace
 - Marketing Strategy for the shop
 - On-site open space requirement of 1,330sqm informal/casual play space and a 20 year maintenance cost (minimum of £14,364.00)
 - Off-site equipped open space contribution of £39,951.83 towards HIG04 and a 10 year maintenance cost (minimum of £19,280.88)
 - Off-site outdoor sports provision contribution of £21,198.72 towards site HIG04 and 10 year maintenance of £10,072.32

- On-site accessibility natural green space requirement of 2,440sqm along with a 20 year maintenance cost (minimum of £34,648.00)
 - Civic Amenity contribution of £3,021 towards Barwell Household Waste Recycling Centre
 - Library services contribution of £1,850.00 towards provision of additional resources at Hinckley Library, Lancaster Road, Hinckley
 - Education contribution of £556,918.51 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Higham-on-the-Hill Church of England Primary School (£335,914.80), Redmoor Academy (£182,156.44) and Hinckley Academy and John Cleveland Sixth Form Centre (£38,847.27)
 - NHS Health care contribution (to be confirmed)
 - Travel Packs (1 per dwelling)
 - 6 month travel passes (2 per dwelling)
 - Raised kerb provision at the nearest two bus stops (ID's 2032 & 2035) at a cost of £3,500.00 per stop (total of £7,000.00).
 - Planning conditions outlined at the end of this report
- 11.2. That the Planning Director be given powers to determine the final detail of planning conditions.
- 11.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods based on the terms agreed by the planning committee.
- 11.4. **Conditions and Reasons**
1. Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
 2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c) layout of the site including, the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.
 - d) scale of each building proposed in relation to its surroundings have been submitted to and approved, in writing, by the Local Planning

Authority. The development shall be carried out in accordance with the approved details.

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

3. With the submission of the first Reserved Matters (and any subsequent reserved matters relating to housing) a scheme which details the proposed market housing mix for the development shall be submitted, this should be in broad accordance with the Council's adopted Development Plan. The development shall then be completed in accordance with the approved details.

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

4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - a) Site Location Plan Drawing number: D03 received on 14.09.21
 - b) Site Access SDD drawing number LE5166-3PD-003 Rev A received on the 18.10.21

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

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on SDD drawing number LE5166-3PD-003 Rev A 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 (2021).

6. The layout submitted at reserved matters shall be broadly in accordance with the Illustrative Masterplan Drg No: 00001-FPCR-ZZ-ZZ-DR-L-00001-05 received 14/09/21.

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

7. The layout submitted at reserved matters shall provide a natural vegetation buffer zone of at least 5 metres alongside all retained hedgerows.

Reason: To retain the historic landscape features, provide a soft edge to the development and to secure a net gain in biodiversity in accordance with DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The existing hedges along the northern and western boundaries of the site shall be retained at a minimum height of not less than two metres. Notwithstanding the details shown on approved site access plan SDD drawing number LE5166-3PD-003 Rev A received 18/10/21, full details of hedgerow removal and re-provision along the northern boundary and within the site to facilitate vehicular access shall be submitted and approved at reserved matters stage. All existing trees as specified in the Tree Constraints Plan Overlay Drg No: HOH/TCP/OLD/05/21/01 (Page 25 of the Arboricultural

Assessment) received 14/09/21 shall be retained. Any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason: To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Any reserved matters application shall be accompanied by a 'Building for Healthy Life Assessment' of the proposal.

Reason: To ensure the development is appropriate to the local area and meets amenity standards in accordance with policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the Good Design Guide Supplementary Design Guide (2020).

10. Full details of external lighting on the site, to be implemented during construction and to be incorporated within the development, shall be submitted with any reserved matters application for approval. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles) and demonstrate that the lighting will not cause harm to protected species or their habitats (bats). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM6, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2021).

12. An Ecological Management Plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted with any reserved matters application. The management plan shall be in accordance with the Ecological Appraisal (received 22/10/21) and include provision of bird & bat boxes, and details of the proposed planting which must consist of locally

native species only. The landscape management plan shall be carried out as per the approved details.

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

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

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of Sustainable modes of transport in accordance with the National Planning Policy Framework (2021).

14. a) No development shall take place until a scheme for ventilation of the shop premises, which shall include installation method, maintenance and management has been submitted to and agreed in writing with the Local Planning Authority.
- b) The approved scheme shall be implemented in accordance with the agreed details before the shop premises are first brought into use for the development hereby approved and maintained in use thereafter.

Reason: To safeguard amenities of neighbouring properties in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. Development shall not begin until a scheme for protecting the proposed dwellings from noise from the proposed commercial uses has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

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

16. a) Development shall not begin until a scheme for protecting proposed dwellings from noise from existing sources and from sources associated with the development and existing dwellings from noise associated with the development has been submitted to and approved by the Local Planning Authority
- b) All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure that the proposed residents are protected in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail

how such controls will be monitored.

The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

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

18. Site preparation and construction shall be limited to the following hours;
Monday – Friday 07:30 – 18:00
Saturday 08:00 – 13:00
No working on Sundays and Bank Holidays

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

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

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

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

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

21. 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 114 of the National Planning Policy Framework (2021).

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

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

23. The first reserved matters application shall include within it a scheme that makes provision for waste and recycling storage and collection across the site. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

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

24. No development shall take place/commence until a programme of archaeological work, comprising post-determination trial trenching, specific metal-detecting and as necessary targeted archaeological investigation. The full programme and timetable will be detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site survey, investigation and recording (including assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis, interpretation and presentation of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works, with particular reference to the metal detecting survey, as set out within the Written Scheme of Investigation.

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

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

25. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

28. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

30. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on SDD drawing number LE5166-3PD-003 Rev A 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 (2021).

31. No part of the development shall be occupied until such time as the offsite works shown on SDD drawing number LE5166-3PD-003 Rev A (carriageway widening/ pedestrian footway works) have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

32. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 54 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

33. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: 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 (2021).

34. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on Wood Street that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2021).

35. The reserved matters application shall show a shop (Use Class E(a)) of no more than 100 square metres of convenience retail floorspace.

Reason: To ensure adequate access and parking arrangements are provided on site in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2021).

36. The recommendations for reptiles and amphibians avoidance measures within the Ecological Appraisal (received 22.10.2021) shall be adhered to.

Reason: To ensure satisfactory protection of protected species in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

11.5.

Notes to applicant

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and

satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at

2. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
3. Travel Packs can be provided through Leicestershire County Council at a cost of £52.85 per pack.
4. A drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
5. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
6. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
7. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.
8. In relation to conditions 19 and 20 advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
9. Attention is drawn to the recommendations within the Ecological Appraisal.