

Planning Committee Report 12 April 2022
Report of the Planning Manager (Development Management)

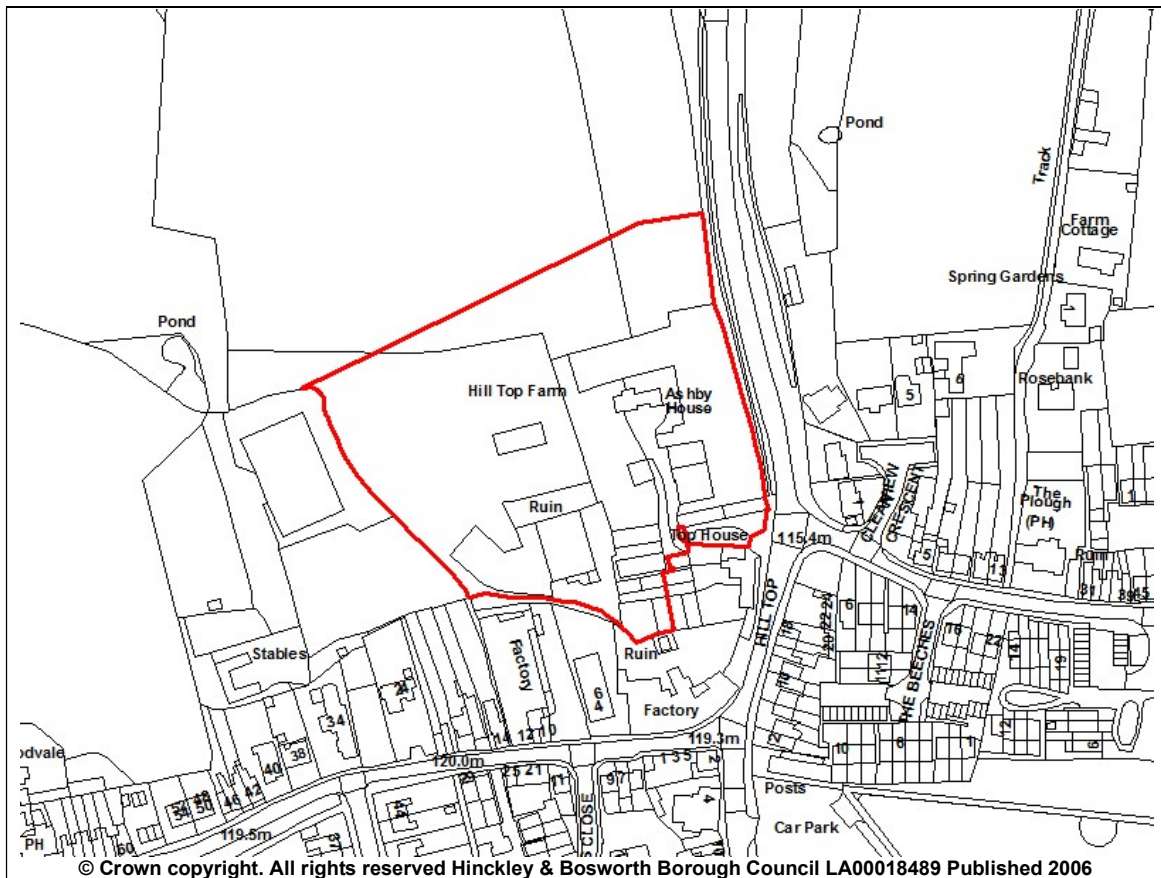
Planning Ref: 20/00916/FUL
Applicant: Midland Heart
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Ashby House Hill Top Farm Hill Top Earl Shilton

Proposal: Demolition of farm buildings and Ashby House and development of 50 dwellings comprising 49no. affordable houses and 1no. bungalow to replace Ashby House, with access road off Leicester Road, open space, landscaping, drainage basin, and foul pumping station.



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
- 2 x 6 month bus passes per dwelling (currently £360 per pass for an Arriva bus service).
- 1 x travel pack per dwelling (currently at a cost of £52.85 per pack if supplied by LCC).
- Waste £2457.00
- Libraries £1500.00
- Leicestershire CCG (health) - £20,137.43

- Education - Secondary School (11-16) Sector Requirement £146,279.31 and Post 16 Sector Requirement £31,251.76
Totalling = £177,531.07
 - Open space – 100sqm LAP and 1908.4sqm of natural green space on site and an off-site contribution of £17,376.00 toward outdoor sports provision and associated off site maintenance contribution.
 - 49x affordable dwellings comprising: 26 units for affordable rent (22 x 2 beds & 4 x 3 beds) and 23 units for shared ownership (9 x 2 Beds & 14 x 3 beds).
 - Planning conditions outlined at the end of this report
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning application description

- 2.1. This is an application for residential development comprising 50 dwellings, 49 of which are proposed to be affordable housing. A bungalow is also proposed as a replacement dwelling to Ashby House for the vendors of the site. The proposal also includes the provision of on-site public open space, landscaping, drainage and foul pumping station and also access arrangements for the development.
- 2.2. All the affordable units proposed are two storey in height and will comprise two off street car parking spaces for each dwelling. The proposed housing mix will provide 31x 2 bed units and 18x 3 bed units and a 2 bed bungalow for the vendor. Since the bungalow is a replacement for the existing dwelling that will be demolished, there is no net increase in non-affordable dwellings as a result of the proposal.

3. Description of the site and surrounding area

- 3.1. The application site extends to 1.6 hectares approximately and lies to the northern edge of Earl Shilton, outside but adjacent to the settlement boundary. The eastern boundary of the site is Leicester Road and the western edge of the site follows a curving hedge line. The southern boundary is irregular and runs along part of an embankment and also an outbuilding retained with Hill Top House.
- 3.2. The site topography falls generally from north to south but some areas have been levelled for farm buildings most notably at the southern end of the site. Buildings to the southern part of the site are derelict and large areas are overgrown due to inactivity over the years.
- 3.3. The application site is a mixed greenfield and brownfield site and the site is within Flood Zone 1 (low risk of fluvial flooding) and therefore at low risk of surface water flooding.
- 3.4. The site contains two historic barn buildings within the south-eastern corner of the site, these were originally associated with Top House Farmhouse which is situated immediately to the south of the application site. The remainder of the buildings within the site date from the latter half of the twentieth century and includes Ashby House and a collection of farm and storage buildings of various forms. The site is currently accessed via a communal trackway from Hill Top in the south-eastern corner of the site. The track is laid to concrete.

4. Relevant planning history

80/00784/4

- Removal of agricultural restriction on dwelling house
Refused
22.07.1980

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. Three responses from local residents have been received. Two letters of objection and a letter neither supporting nor objecting to the scheme has been received. Objection comments relate to loss of green space, encroachment of the countryside, removal of trees, traffic concerns and that the village has enough housing. The neutral letter requests that consideration be given to a retaining wall on the boundary of the site in order to help prevent a landslip.

6. Consultation

- 6.1. HBBC Affordable Housing - the provision of 2 and 3 bedroomed family housing is an acceptable mix of dwellings. Developments in Earl Shilton meet the needs of housing applicants for the whole Borough and therefore the section 106 agreement should require a connection to the Borough of Hinckley and Bosworth as set out in the Council's Housing Allocations Policy.
- 6.2. HBBC Conservation Officer – No objections but requires confirmation from Leicestershire County Council Planning Archaeology as to whether the submitted Historic Building Survey consists of a satisfactory programme of archaeological recording.
- 6.3. HBBC Environmental Health (Pollution) – No objections subject to conditions in respect of noise, contaminated land, a construction and environmental management plan (CEMP) and construction working hours.
- 6.4. LCC Highways – No objections– this scheme is acceptable in highway terms as a stand-alone application and in conjunction with the neighbouring application site 21/00135/OUT.
- 6.5. LCC Ecology – No objections. The proposed landscape plan is now acceptable, as the species Beech has been removed from the proposed planting, as requested.
- 6.6. LCC Archaeology – Further information requested.
- 6.7. Earl Shilton Parish Council – Strongly object on highway grounds.
- 6.8. HBBC Drainage - In general the drainage strategy for the development is satisfactory in principle, however there is an issue with the provision of attenuation within private areas – to ensure the long term maintenance and operational integrity of the drainage system, all SuDS elements should be located within publicly accessible areas.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 2: Development in Earl Shilton
 - Policy 5: Transport Infrastructure in the sub regional centre
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
 - Policy 19: Green Space and Play Provision
 - Policy 20: Green Infrastructure

- Policy 24: Sustainable Design and Technology
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM3: Infrastructure and Delivery
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of biodiversity and geological interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 Earl Shilton and Barwell AAP 2006-26 (2014)
- Policy 21: Infrastructure and Delivery
 - Policy 22: Development and Design
- 7.4 National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.5 Other Relevant Guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highways Design Guide
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Assessment (2017)
 - Open Space and Recreation Study (2016)
 - Housing Need Study (2019)
 - Affordable Housing SPD (2011)

8. Appraisal

- Key Issues
 - Assessment against strategic planning policies
 - Landscape and Visual Impact
 - Design and Layout
 - Heritage impacts
 - Archaeology
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Drainage
 - Ecology
 - Infrastructure Contributions

Assessment against strategic planning policies

- 8.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.3 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.
- 8.4 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) and the Earl Shilton and Barwell AAP (2014).
- 8.5 The Emerging Local Plan for 2020-39 has reached regulation 19 stage and is currently out for consultation (February-March 2022) and thus can be given only limited weight at this stage as the outcome of the consultation remains to be determined.
- 8.6 Currently, a five year housing land supply cannot be identified in the borough. The most recent Residential Land Availability Monitoring Statement confirms HBBCs five year housing land supply position as of 1st April 2021. The Council have a 4.45-year supply of housing land. The tilted balance is therefore engaged by reason of the lack of a five year housing land supply for the purposes of footnote 8 and paragraph 11 (d) of the NPPF.
- 8.7 The Core Strategy sets out the settlement hierarchy for the Borough during the plan period 2006-2026. The urban area is the focus for development. Earl Shilton is identified as an urban area which provides for a number of services and facilities.
- 8.8 The application site is located adjacent to, but outside of, the adopted settlement boundary of Earl Shilton. The site is therefore designated as 'open countryside'. As such, the principle of the location of the proposed residential development conflicts with Policy DM4 of the Development Plan.
- 8.9 Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The proposal for new build residential development is not a form of development supported by Policy DM4 of the SADMP in this location. The proposal would therefore be in conflict to that development plan policy which has been acknowledged in recent appeal decisions as a policy that still carries weight as it is consistent with the requirements and objectives of the NPPF.
- 8.10 However, it is also to be noted that in a recent appeal (Sketchley Lane Burbage) it is recognised that there remains an acute need for affordable housing within the Borough and therefore, the provision of an affordable housing scheme is a significant benefit of the application and should be given significant weight
- 8.11 The Core Strategy highlights that Earl Shilton contains pockets of significant deprivation particularly in relation to income, education skills and training, employment and health.

- 8.12 It is also to be acknowledged that the Barwell and Earl Shilton AAP (2014) set out that the housing needs for Barwell and Earl Shilton could be delivered by the provision of two sustainable urban extensions which are still yet to be delivered.
- 8.13 Paragraph 78 of the NPPF states that in rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.
- 8.14 The CS seeks to deliver a minimum of 2,090 affordable houses during the plan period (2006-2026). The Council's Residential Land Availability Statement (1 April 2020- 31 March 2021) identifies that as of 1 April 2021 a gross total of 1390 affordable dwellings have been completed over a 15 year period (since 2006). The CS affordable housing target does not represent the most up to date evidence of affordable housing need. The Council's Housing Needs Study (Nov 2019) provides the most up to date consideration of affordable housing needs within the Borough and estimates a need of 271 affordable houses per annum and a total net need of 4867 affordable units between 2018 and 2036. This represents an increase in the need compared to the CS and a need that is significantly higher than the levels of affordable housing currently being delivered within the Borough.
- 8.15 Policy DM4 of the SADMP is relevant as the site lies adjacent to but outside of the settlement boundary for Earl Shilton and is therefore in countryside. This policy reinforces the value of maintaining the physical and perceived separation between settlements across the Borough. The proposal does not comply with parts a) to e) of Policy DM4 but due to the fact the Council does not have a 5 year housing land supply it is considered that this application should be considered on its own merits and in the context of the NPPF para 11 tilted balance and as part of the planning application submission a landscape and visual impact assessment has been submitted in order that the site can be judged against the requirements i) to v) of Policy DM4.

Landscape and Visual Impact

- 8.16 Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.17 The Council's Landscape Character Assessment (2017) makes assessment of Urban Character, it describes how the north of the settlement of Earl Shilton provides a rural setting to part of the historic settlement by the church and castle site, and at Hill Top Road in the north of the settlement, the location of application site. The key characteristics of this urban character include:
- Ridgetop settlement with views over the open landscape to the north and south, visible on the skyline in views from the countryside to the north.
 - Defined, wide, high street with a range of retail and non-retail services.
 - Residential development in the outskirts of the town is of mixed character.
 - Workers terraces and factory buildings of red brick are a reminder of the industrial heritage of the town from the boot and shoe industry in the 19th and 20th centuries.

- Modest scale of predominantly two storey buildings fronting directly onto the street.
- Some interesting and architecturally distinctive buildings.
- Red brick and white or off-white cement render are common building materials/finishes, with slates or plain tile roofs.
- The Church of St Simon and St Jude, is a landmark feature.
- The historic site of a former motte and bailey castle and adjacent Hall Field open space

The key sensitivities and values of the urban character area are;

- Views to the surrounding rural landscape (to the north and south) provide a sense of place and suburban character.
- The northern settlement edge which is modest in the scale of buildings, with the church spire creating a generally well-integrated visual balance with the surrounding landscape and is vulnerable to change.
- The legacy left by the boot and shoe industry in the remnant factory buildings and terraced workers' cottages provides a sense of local identity.
- Interesting buildings and historic features including the Red Lion pub add local distinctiveness.
- The area of the church, castle site and Hall Field provides a sense of history and green open space, enhanced by views to the open landscape beyond the town to the north.
- The Church of St Simon and St Jude is a local landmark with historic and architectural interest, forming a visible skyline feature in views from the surrounding rural area to the north.
- Public footpaths and bridleways connecting the settlement with the surrounding countryside which are tied into the local history of the area (e.g. Oak and Ash tree footpath to Peckleton).
- The rural gateways to the town from the south and north are provide links with the surrounding countryside.

8.18 It is to be noted that the area is not a 'valued landscape' for NPPF purposes. Indeed there are no landscape or environmental designations or sensitivities of note for the site and its immediate surroundings.

8.19 The Council's Landscape Sensitivity Assessment (2017) is a detailed assessment of the sensitivity to development of various part of the landscape around the Borough's settlements. The site falls within Assessment Area 10, which wraps around the northern fringes of Barwell and Earl Shilton. The size of Area 10 means the proposal site is a very small fraction of it and the assessment does not describe any specific aspect of the application site. However, it does suggest that new development should:

- Seek opportunities to maintain the rural character of the landscape and, where possible, conserve rural views and the setting of settlement.
- Plan for successful integration of potential new development in the landscape through sensitive design and siting, including use of sensitive materials and use of landscape mitigation to enhance sense of place.
- Seek to retain the pattern of hedgerows and hedgerow trees where possible.
- Protect localised areas that retain a natural character and encourage tree planting to replace mature/veteran trees as they begin to deplete.
- Seek to conserve rural views and maintain views to church spires and towers on the wooded skyline.
- Aim to maintain and enhance historic assets and their surrounding environment.

- Seek to maintain and enhance the recreational assets including rights of way network.
 - Consider opportunities to create and promote an integrated green infrastructure network linking with the waterways with the urban area.
- 8.20 The present state of the site is considered to be poor from a visual amenity standpoint and is dominated by derelict buildings and therefore at odds with the essentially open nature of the adjacent landscape character identified in the LSA. The proposed development will be sited well below the buildings to the south and will not break the skyline when viewed from the north, which is considered to be critical to minimising the scheme's landscape impact.
- 8.21 To help mitigate the scheme in landscape terms, a new continuous hedgerow is proposed, with trees, linking the hedge along Leicester Road to that on the western side of the site and the wider network. This will also better link in the current east-west hedge which is to be retained and which forms part of the original field system on the edge of the town. Crucially, a gap is maintained to the western boundary hedge so views from the north can still appreciate that feature.
- 8.22 This scheme introduces new landscaping features and as part of the layout and consideration of the scheme has sought to conserve rural views and the setting of Earl Shilton. The proposal retains and reinforces the pattern of hedgerows and hedgerow trees within the site and proposed tree planting will generate mature/veteran trees with wider landscape value. The proposal will conserve rural views and views to church spires and towers on the wooded skyline are not adversely affected.
- 8.23 It is considered that the site is more closely associated with the edge of the built-up area of Earl Shilton due to existing adjacent development and the extensive range of farm buildings. It is considered overall that the minor landscape impact which will occur as a result of the development is acceptable with the proposed mitigation and landscape provision. Therefore, whilst the proposal conflicts with Policy DM4 it is considered the benefits the scheme will provide in terms of affordable housing provision outweigh the minor impact on landscape and visual amenity considerations.

Design and Layout

- 8.24 Policy DM10 of the adopted 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 that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally. 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.
- 8.25 Policy 16 of the Core Strategy requires a minimum net density of 40 dwellings per hectare on sites in Earl Shilton - with a net developable area of about 1.2ha the proposal will achieve a net density of at least 41dph and therefore will comply with the policy.
- 8.26 The proposed bungalow is a replacement for the existing dwelling that will be demolished. The position and size of the bungalow is as required by the vendor and includes two parking spaces and a field access gate on the northern boundary. The bungalow is to be delivered at an early stage as a replacement for Ashby House so that it can be demolished to allow site preparation to commence. This would include

provision of a short section of the access road to serve as a means of access to the bungalow. The proposed layout of the development also provides for the following:

- An access road off Leicester Road and new roads for adoption within the site, and a pedestrian link to Hill Top adjacent to the current site entrance;
- Provision of public open space (POS) and structural landscaping (20% of the site); including retained hedgerows alongside the western and eastern boundaries and within the site, a new northern boundary hedgerow, feature trees and wildlife meadow planting in the western POS;
- A sustainable drainage scheme including an attenuation pond alongside the northern boundary; and
- A foul pumping station alongside the northern boundary (an underground feature with vehicle access for pumping).
- 49 affordable dwellings

8.27 Amendments to the original layout and design of the scheme were requested by the local planning authority to help provide for better surveillance across the site, ensure that the scheme provides frontage and definition and has a better relationship with Leicester Road when compared to the original submission to improve its overall design and appearance and relationship with Earl Shilton. Improved/enhanced boundary treatment details were sought for quality reasons in addition to a revised landscaping plan to ensure that native tree/plant species are to be used across the site wherever possible. The applicant agreed to revise the layout details and a re-consultation was carried out with consultees during the end of November and into December 2021. No objections have been received on the revised design and layout plans. A letter from a local business/resident raises a concern about land levels and the need for a retaining wall to help prevent a landslide. The applicant has confirmed that a retaining wall will be constructed along the southern boundary as shown in the site section drawing submitted with the application details.

8.28 The proposed materials for the development respects the local vernacular and the two storey scale of the dwellings also complements existing urban form in this part of Earl Shilton. A condition is recommended to request samples of the proposed materials in order to ensure overall quality and to ensure the scheme respects the surrounding area in design terms. This application is therefore considered to be acceptable with respect to design and layout matters and complies with DM10 of the SADMP and the Good Design Guide SPD.

Housing mix

8.29 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 but as set out above is considered to be out of date. The application proposes 49x affordable dwellings comprising 26 units for affordable rent (22 x 2 beds & 4 x 3 beds) and 23 units for shared ownership (9 x 2 Beds & 14 x 3 beds). This housing mix as proposed is supported by the housing officer and contributes towards the local housing need for predominantly starter/smaller family homes.

8.30 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.

8.31 The affordable housing provision will be secured by the S106 agreement. In housing terms therefore this application is considered to be acceptable and accords with development plan policy and the requirements of the NPPF.

Heritage impacts

- 8.32 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.33 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 203 states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 8.34 Paragraph 206 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.35 Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.
- 8.36 There are no designated or non-designated heritage assets within the site itself. The closest designated heritage assets are:
- Top House, Hill Top - a grade II listed building sited immediately to the south of the south-eastern section of the application site
 - Hill Top House, 7 High Street – a grade II listed building sited approximately 130m south of the south-eastern section of the application site
 - Church of St Simon and St Jude, Church Street – a grade II* listed building sited approximately 280m east of the eastern section of the application site
 - Earl Shilton Motte and Bailey Castle – a scheduled monument sited approximately 200m east of the eastern section of the application site
- 8.37 As well as the site being adjacent to the historic settlement core (Historic Environment Record (HER) ref: MLE9535) a small number of local heritage assets (non-designated heritage assets in terms of the NPPF) are also located within the vicinity of the application site:
- Shoe factory, 2 Keats Lane – a late-C19 former boot and shoe factory sited approximately 30m south of the southernmost section of the site (HER ref: MLE17888)
 - Shoe factory, 12 Keats Lane – a late-C19 former boot and shoe factory sited approximately 10m south-west of the site (HER ref: MLE17889)
- 8.38 Due to the siting of Top House on higher ground above the application site the listed building is visible from within the application site and the listed building and application are visible together in views from within the surrounding area. The application site is therefore considered to fall within the setting of this designated heritage asset. Due to their elevated position upon the ridge top on Keats Lane the rear ranges of the factory complexes at 2 Keats Lane and 12 Keats Lane are clearly visible from within the application site and these buildings and the application are visible together from various vantage points within the surrounding area. The

application site is therefore considered to fall within the setting of these two non-designated heritage assets.

- 8.39 There is a historic functional relationship between the Grade II listed building Top House and the surrounding agricultural land which includes the application site and the small historic building range located upon it. The proposed demolition of the historic building range would lead to the loss of a surviving remnant of the original Top House Farm complex having an adverse impact upon the significance of the listed building. The level of impact is considered to be low given that the barns are no longer in agricultural use and are no longer under the ownership of Top House. The proposed development will transform the character and use of application site from a semi-rural area into a housing development. This will alter the northern setting of Top House. An increase in noise and dust from the construction phase will impact upon its quiet rural setting, although this impact will be temporary. The occupation phase will permanently change the setting of Top House to urban; this would be experienced both within the site and from a wider context including from the public right of way network where the development of the site would be clearly noticeable due to the rising topography of the site. As the functional historical relationship between Top House and its formerly associated land has been diminished in visual terms slightly by the presence of Ashby House and some other development upon the site, the introduction of comprehensive residential development within the site is considered to have a minor adverse impact upon the significance of Top House by severing the historic relationship between the site and this listed building, and reducing the ability of the observer to appreciate the significance of the building and its setting from its wider rural context.
- 8.40 It is considered that the proposal would have an adverse impact upon the significance of the grade II listed building Top House by virtue of the demolition of its formerly associated farm buildings and the introduction of a high level of residential development within its immediate setting. However, the level of adverse impact is considered to be minor, resulting in less than substantial harm (in terms of the NPPF) and towards the lower end of this spectrum of less than substantial harm.
- 8.41 As the proposal would cause less than substantial harm to the grade II listed building Top House, the harm caused to this designated heritage asset must be carefully weighed up against the public benefits of the proposal as required by Policies DM11 and DM12 of the SADMP and paragraphs 199, 200 and 202 of the National Planning Policy Framework. Paragraph 199 of the NPPF states that great weight should be given to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be. Paragraph 200 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification.
- 8.42 The benefits demonstrated by the proposal include the provision of affordable dwellings towards the future housing supply of the borough and employment offered by the construction of the development and the use of local services by future occupants of the development. The conservation officer does not object to the proposal and is of the view that the scheme would result in minor harm to the identified heritage assets (on the lower end of spectrum). Therefore, it is the local planning authority's view that the proposal's benefits specifically its supply of 49 affordable units considerably outweighs the less than substantial harm identified to heritage and as a result is considered to be acceptable subject to conditions and in accordance with Policies DM11 and DM12 of the SADMP and paragraphs 199, 200 and 202 of the National Planning Policy Framework.

Archaeology

- 8.43 Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.
- 8.44 The application was accompanied by a Heritage Impact Assessment which considered the archaeological potential of the site and did not identify any specific potential within the site. With regards to medieval archaeology the report noted recorded sites/findspots in the vicinity as comprising the partial overlap of the site with the broadly-defined historic core of Earls Shilton, as well as the location of findspots (two pennies and a mortar), a pinfold, church and churchyard in the wider area. Following the submission of the application, a geophysical survey was completed, which surveyed those areas of the site that are free of built form using detailed magnetometry survey (Sumo 2021). It concluded that:
- “The survey at Earl Shilton has not identified any anomalies of definite archaeological interest. Three former field boundaries have been mapped, while the remainder of the data are dominated by areas of strong ferrous disturbance and made ground. The area of made ground identified is likely to be associated with a ruined building and its debris noted within the site.”*
- 8.45 However, a consultation response from LCC Archaeology dated 13th December 2021 stated that the results of the desk-based assessment and geophysical survey were inconclusive and requested a programme of pre-determination trial trenching. Further information/clarification was sought from the agent/applicant who stated that further predetermination evaluation was not considered to be proportionate in this instance and any further works required could be imposed as a pre commencement condition. They concluded that when the results of the previous surveys are considered in combination with the extent of the area likely to have experienced previous disturbance and the disturbance and made ground indicated by the geophysical survey, it is clear that the entire site has been either:
- Tested proportionately through geophysical survey (northern most currently open area);
 - Subject to significant previous disturbance, as demonstrated by the geophysical survey (western area and south-eastern area of currently open land); or
 - Subject to disturbance, due to the previous construction of farm buildings and associated works (extant or partially extant).
- 8.46 Given the level of work completed to date, it is considered that any further details could be secured by means of a pre-commencement condition in this instance. As such with a condition requesting the necessary details prior to development taking place this proposal is considered to be acceptable with respect to archaeological considerations and complies with the relevant development plan policies and the NPPF.

Impact upon neighbouring residential amenity

- 8.47 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.
- 8.48 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.

- 8.49 Amendments have been made to the scheme throughout the application process to improve and enhance the amenity provision for the dwellings on site to ensure suitable separation distances between windows, garden size and any noise mitigation required by virtue of the site's location relative to Leicester Road.
- 8.50 In respect of noise issues, the environmental health team have not objected on noise grounds but have requested suitably worded conditions to ensure that any noise pollution can be mitigated for and that living conditions for future residents will be protected in this regard.
- 8.51 The application has a suitable relationship with existing properties backing onto and/or adjacent to the site in terms of separation distances and levels of privacy. Subject to conditions and the amended plans provided this application is considered to be acceptable in residential amenity terms and is in compliance with Policy DM10 (a) and (b) of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Impact upon highway safety

- 8.52 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)).
- 8.53 Paragraph 111 of the NPPF 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.
- 8.54 The Local Highway Authority (LHA) previously requested additional information in respect of the proposals within its observations submitted to the Local Planning Authority on 29 October 2021. The additional information requested was as follows:
- Additional detail in respect of the site access, including the full extents of the visibility splays measured in accordance with LHDG guidance and footway tie in details;
 - Removal of the proposals to relocate the 30/50mph speed limit;
 - A designers response which addresses the problem in the Road Safety Audit (RSA); and
 - Amendments to the internal layout.
- 8.55 The applicant has submitted revised access details which illustrate a footway at the site access tying in with existing provisions, removal of proposals to relocate the existing 30/50mph speed limit and the full extents of visibility splays at the site access. The local planning authority has confirmed in a consultation response dated 14 Dec 2021 that visibility at the site access is fully achievable within the existing extents of the public highway, along with forward visibility for southbound vehicles along Leicester Road on the approach to the site access. The LHA advise the access to the site is considered to be acceptable and that no amendments to the existing speed limit are required.
- 8.56 Historically, it is to be noted that the LHA gave consideration to the site access arrangements of this application as a standalone proposal based on the current

layout of Leicester Road, however they stated that there could be potential conflicts between the access point of this application and the access to application 21/00135/OUT (a neighbouring site) should both sites be permitted by the LPA in the future, as well as a proliferation of accesses being created along Leicester Road. It was originally stated by the LHA that were they to consider the two sites cumulatively, this application would be resisted on the grounds of highway safety.

- 8.57 The local planning authority did reach out to both parties (applicants) to ascertain whether a combined highway solution could be discussed and negotiated. In response to this request the applicant for this proposal stated that they had sought legal advice and that there was no legal reason preventing the application being determined either by delegated powers or planning committee, as they have a highways solution that is acceptable for this site.
- 8.58 Taken on its own merits therefore, in highway terms, this application is considered to be acceptable and plans and information submitted as part of the application show highway access, layout, parking and safety matters to be satisfactory and in accordance with development plan policy and the NPPF subject to conditions and section 106 contributions.
- 8.59 More recently, the applicant for the neighbouring development proposal 21/00135/OUT provided an updated and revised highway solution for assessment and consideration. The local highway authority have responded to say that the proposals are now acceptable from a highway safety and cumulative impact perspective and that there is no longer conflict with Paragraph 111 of the NPPF. Therefore, it is recommended to Planning Committee that this application is acceptable as both a standalone proposal and taken cumulatively with the neighbouring application 21/00135/OUT in highway terms, subject to conditions and planning obligations as detailed within the report this application accords with Policy DM17 of the SADMP and Paragraph 111 of the NPPF.

Drainage

- 8.60 Policy DM7 of the Site Allocation and Development Management Policies DPD 2016 requires that adverse impacts from pollution and flooding are prevented and mitigated for. 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.
- 8.61 The Drainage Team have raised no objections to the application proposal but have queried the location of the drainage provision. The applicant's drainage consultants have confirmed that the attenuation basin for the development basin is located at the front of the site with the driveways constructed from permeable material and that the attenuation basin is on the applicants land and therefore not on any private land.
- 8.62 Subject to suitably worded conditions, it is therefore considered that the scheme is acceptable with respect to surface water disposal and flooding matters and therefore accords with Policy DM7 of the SADMP.

Ecology

- 8.63 Policy DM6 of the Site Allocation and Development Management Policies DPD 2016 states that development proposals must demonstrate how they conserve and

enhance features of nature conservation and geological value including long term future management. 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.

- 8.64 A protected species survey was submitted as part of the application submission and the findings found to be satisfactory by the Ecology Officer. Conditions have been recommended in relation to badger mitigation and mitigation measures for reptiles and bats as set out within the submitted survey details.
- 8.65 Landscape details were also submitted as part of the application submission and the ecologist initially responded with some concerns over the proposed use of Beech Trees for the development's planting scheme. This plan has been revised to omit the use of Beech from the landscape details and introduce more native species. It is now considered to be acceptable. Subject to the requested conditions it is considered that this proposal is acceptable with respect to ecological considerations and complies with Policy DM6 of the SADMP.

Infrastructure Contributions

- 8.66 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. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions.
- 8.67 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- necessary to make the development acceptable in planning terms;
 - directly related to the development; and
 - fairly and reasonably related in scale and kind to the development.
- 8.68 The contributions sought are detailed below:

Education

- 8.69 The site falls within the catchment area of Heath Lane Academy. Negotiation of the S106 agreement for the Barwell SUE is ongoing which will have a significant impact on the capacity of Heath Lane Academy going forward. As part of the Earl Shilton and Barwell AAP (2014), any surplus places forecast within the secondary school sector are to be apportioned pro-rata between the two SUEs. This development would be expected to yield 9 secondary age pupils. In order to provide the additional secondary school places anticipated by the proposed development, the County Council requests a contribution for the secondary school sector of £146,279.31. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Heath Lane Academy or any other school within the locality of the development. The contribution would be spent within 10 years of receipt of final payment.
- 8.70 The nearest Post 16 provision to the site is Hinckley Academy and John Cleveland Sixth Form Centre. The Post 16 provision has a net capacity of 300 and 364 pupils are projected on roll should this development proceed; a deficit of 62 pupil places. A

total of 12 pupil places are being funded at this school from S106 agreements for other developments in this area which reduces the total deficit for this school to 50 pupil places (of which 48 are existing and 2 are created by this development). There are no other post 16 schools within a three mile walking distance of the site. A claim for an education contribution in this sector is therefore justified.

- 8.71 In order to provide the additional post 16 school places anticipated by the proposed development, the County Council requests a contribution for the post 16 school sector of £31,251.76. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Hinckley Academy and John Cleveland Sixth Form Centre or any other school within the locality of the development. The contribution would be spent within 10 years of receipt of final payment.

- 8.72 Total Education contribution required = £177,531.07

Health

- 8.73 West Leicestershire CCG notes that the proposed development applies for 50 dwellings. Based on agreed household averages of 2.42 per dwelling this development will result in a patient population of 121. The closest surgery to this proposed development is the Heath Lane Surgery, based in Earl Shilton. It can be assumed that this surgery will feel the impact of this significant development.

- 8.74 The additional population from this development will impact on practice resilience and as a minimum they would need to extend to provide an additional consulting/treatment room on top of their current provision. The practice is therefore seeking S106 healthcare contributions to support extension of clinical facilities.

- 8.75 Total Health contribution required = £20,137.43

Civic Amenities/Waste

- 8.76 The County Council's Waste Management Team considers the proposed development is of a scale, type and size which would not be able to be accommodated at the existing waste facilities and be able to maintain the existing service levels. The nearest HWRC site to the proposed development is located at Barwell and residents of the proposed development are likely to use this site. In general, residents use the closest HWRC to deposit their waste and this is observed within surveys. The contribution is determined by multiplying 49 units by the current rate for the Barwell HWRC site which is £49.53 (subject to indexation and reviewed on at least an annual basis).

- 8.77 Total Waste contribution required = £2427.00

Libraries

- 8.78 The library facilities contribution is outlined in the Leicestershire Planning Obligation Policy (adopted 10th July 2019). The County Council consider the proposed development is of a scale and size which would have an impact on the delivery of library facilities within the local area. The proposed development on Hill Top is within 0.70km of Earl Shilton Library on Wood Street, being the nearest local library facility which would serve the development site.

- 8.79 Post code analysis using 2015 mid-year population estimates demonstrates that the catchment population for Earl Shilton library is 12,531. It is estimated that the proposed development will add 149 to the existing library's catchment population. This will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought to provide materials e.g. books, audio books, newspapers, periodicals for loan and reference use, and associated equipment or to reconfigure the library space to account for additional

usage of the venue for residents to hold meetings, including book reading and activity sessions.

- 8.80 Total Library contribution required = £1500.00

Highways

- 8.81 The local highway authority have advised that in order to encourage sustainable travel to and from the site, the following contributions are required to promote alternative transport options for the development:

- 2 x 6 month bus passes per dwelling (currently £360 per pass for an Arriva bus service).
- 1 x travel pack per dwelling (currently at a cost of £52.85 per pack if supplied by LCC)

Affordable housing

- 8.82 The scheme is seeking to provide 49 affordable dwellings on site made up of the following:

- 26 units for affordable rent – 22x 2 bed units and 4x 3 bed units
- 23 units for shared ownership – 9x 2 bed units and 14x 3 bed units

In terms of housing mix, tenure and bedroom numbers the housing officer is satisfied with the proposed details but notes that developments in Earl Shilton meet the needs of housing applicants for the whole Borough and therefore the Section 106 agreement should require a connection to the Borough of Hinckley and Bosworth as set out in the Council's Housing Allocations Policy.

Open Space

- 8.83 The application site is within 400m of Halls Fields Farm Park which is identified as a 'neighbourhood park and green,' has equipped children's play and scores well (98%) in terms of quality. The site meets the requirement for natural green space provision. Therefore the scheme is proposing a 100sqm LAP and 1908.4sqm of natural green space on site. The applicant (Midland Heart) has confirmed that they will maintain the open space provision on site and as such no maintenance contribution is sought. An off-site contribution of £17,376 toward outdoor sports provision and associated maintenance contribution of £8256.00 is also required in this instance.

- 8.84 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.

Planning Balance

- 8.85 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.
- 8.86 The Council cannot demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is 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.

- 8.87 The provision of 49x affordable housing units is considered to be a significant benefit of the proposal and weighs heavily in favour of the scheme.
- 8.88 The scheme does not fully comply with Policy DM4 of the SADMP but the impact on landscape and visual amenity has been assessed and is considered to be minor for this development and the provision of affordable housing is considered to outweigh the minor impact identified.
- 8.89 The local highway authority have stated that this application is acceptable in highway safety terms and the access provision for this site is suitable.
- 8.90 In all other regards the application is considered to be acceptable subject to suitably worded conditions.

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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. For the reasons set out above it is considered that this proposal is acceptable subject to conditions and a Section 106 legal agreement to secure financial contributions in relation to education, health, waste, libraries, off site sports provision, the provision of affordable housing on site and on site open space.

11. Recommendation

- 11.1 **Grant planning permission** subject to:
- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 2 x 6 month bus passes per dwelling (currently £360 per pass for an Arriva bus service).

- 1 x travel pack per dwelling (currently at a cost of £52.85 per pack if supplied by LCC).
- Waste £2457.00
- Libraries £1500.00
- Leicestershire CCG (health) - £20,137.43
- Education - Secondary School (11-16) Sector Requirement £146,279.31
- Post 16 Sector Requirement £31,251.76 Totalling = £177,531.07
- Open space – 100sqm LAP and 1908.4sqm of natural green space on site
- Off-site contribution of £17,376.00 toward outdoor sports provision and
- £8256.00 off site maintenance contribution.
- 49x affordable dwellings comprising: 26 units for affordable rent
- (22 x 2 beds & 4 x 3 beds) and 23 units for shared ownership (9 x 2 Beds & 14 x 3 beds).
- Planning conditions outlined at the end of this report

11.2 That the Planning Manager 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.

11.4 **Conditions and Reasons**

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

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

2. The development hereby permitted shall not be carried out other than in accordance with the following plans:

Site Location Plan drawing number 40963 005

Proposed Layout Plan drawing number 40963 008 Rev L

Boundary Treatment Plan drawing number 40963 009 Rev G

Birmingham 2B4P and Bromwich 2B4P drawing number 40963 010 Rev D

Birmingham 2B4P and Bromwich 2B4P drawing number 40963 011 Rev D

Birmingham 2B4P x3 drawing number 40963 014 Rev C

Birmingham 2B4P x2 drawing number 40963 016 Rev D

Birmingham 2B4P x2 Hipped drawing number 40963 017 Rev B

Birmingham 2B4P x2 Rendered drawing number 40963 018 Rev B

Cosford 3B5P x2 Hipped drawing number 40963 020 Rev D

Cosford 3B5P x2 drawing number 40963 022 Rev B

Cosford 3B5P x2 Rendered drawing number 40963 023 Rev B

Material Distribution Plan drawing number 40963 024 Rev G

Cosford 3B5P x2 Hipped and Rendered drawing number 40963 025 Rev C

Bungalow drawing number 40963 026 Rev C

Birmingham 2B4P and Bromwich 2B4P OP drawing number 40963 028 Rev C
Birmingham 2B4P+Bromwich 2B4P hipped drawing number 40963 030 Rev C
Presentation Layout Plan drawing number 40963 031 Rev G
Birmingham 2B4P and Bromwich 2B4P x3 drawing number 40963 040
Landscape Character Plan drawing number 40963 041 Rev C
Site Sections drawing number 40963 042 Rev A
Road adoption/Land use drawing number 40963 043 Rev D
Birmingham 2B4P and Bromwich 2B4P drawing number 40963 044
Birmingham 2B4P and Bromwich 2B4P drawing number 40963 045
Drainage Strategy P05 10015653-ARC-XX-XX-SK-C-0006

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

3. 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).
4. 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).
5. No development shall commence until a scheme for protecting the proposed dwellings from noise from Leicester Road and the adjacent industrial/commercial operations has been submitted to and approved by the Local Planning Authority. All works which form part of the approved scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure that the development is protected from nearby noise sources in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

6. 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).

7. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays ; there shall be no construction work at any time on Sundays and Public and Bank Holidays unless other agreed in writing by the LPA.

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).

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

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

9. Prior to commencement of development details in relation to the long-term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

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

10. No development shall commence until a scheme to provide a sustainable surface water drainage system in accordance with the agreed Drainage Strategy dated July 2020 has been submitted to and approved in writing by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding and ensure satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management DPP (2016).

11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Arcadis drawing number 10015653-ARC-XX-XX-SK-C-0007 Rev P.02 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2021).

12. No part of the development hereby permitted shall be occupied until such time as vehicular and forward visibility splays shown on Arcadis drawing number 10015653-ARC-XX-XX-SK-C-0007 Rev P.02 have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2021).

13. No part of the development hereby permitted shall be occupied until such time as details of a scheme to widen the pedestrian footway to a minimum of 2.0 metres between the site access and the junction of Leicester Road/ Hill Top/Church Street has been submitted to the Local Planning Authority and agreed in writing. Thereafter the approved scheme shall be implemented in full prior to occupation of any dwelling.

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

14. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with

RG+P Drawing Number 40963/008 Rev L. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

15. Prior to the occupation of the first dwelling on site a scheme that makes provision for waste and recycling storage and collection across the site shall be submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details before the occupation of the first dwelling.

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

16. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG20 of the Leicestershire Highways Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2021).

17. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2021).

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

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

19. The approved hard and soft landscaping scheme shall be carried out in accordance with the Landscape Character Plan drawing number 041 Rev C in the first planting season following the first occupation of the dwelling to which it relates. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

20. During the construction period, none of the trees or hedges indicated to be retained on the submitted Landscape Character Plan (40963/041C) shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2021).

21. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

22. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance 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. No development shall commence above foundation level until a scheme for the installation of electric vehicle charging points shall be submitted to and

approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full details of the location fitting and timetable for installation of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

24. No development shall 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 this 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. Prior to commencement of development, a badger mitigation strategy shall be submitted to and approved in writing by the local planning authority and shall include a plan which identifies a buffer area to be provided for the active badger sett and details of existing vegetation to be retained within this buffer area and any other suitable landscaping requirements. The strategy shall also include mitigation measures for the outlier badger sett. The development shall only be carried out in accordance with the agreed measures within the submitted strategy and retained as such thereafter.

Reason: To ensure that badgers are protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and Section 15 of the NPPF.

26. The development shall be carried out in full accordance with the measures and recommendations for reptiles and bats as set out within The Protected Species Report by Arcadis dated August 2020.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site and to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and Section 15 of the NPPF.