

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
- Waste Management contribution = £6934.00
- Library contribution = £4,230.00 (rounded up to the nearest £10).
- Contributions sought in respect of Secondary Education = £417,940.88.
- Contributions sought in respect of Post 16 Education = £89,290.74.
- Contributions sought in respect of SEN = £79,027.80
- Health contribution = to be reported
- Highways contribution = £7,500 (in order to revoke the existing one way system on the arm of Shilton Road).

- 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)
- (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.
- Improvements to the wider Rights of Way Network (footpath T94) linking the application site with Earl Shilton at a cost of £40,000.
- 20% affordable housing – comprising 28 dwellings (21 units for social or affordable rent weighted towards 1 bed 2 person flats or quarter houses and 2 bed 4 person houses and 7 units for intermediate tenure comprising a mix of 2 and 3 bed roomed houses).
- Off-site Outdoor sports contribution = £48,652.80 and the associated maintenance contribution = £23,116.80.
- On site open space to be provided alongside any associated maintenance costs comprising:  
504 sq metres of equipped children's play space,  
2352 sq m of casual/informal space,  
5600 sq m of accessibility natural green space
- 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.

## **2. Planning application description**

2.1. This is an outline application with all matters reserved except for access considerations for residential development of up to 140 dwellings including Public Open Space, a children's play area, landscaping and a sustainable drainage system.

2.2. The proposal includes the provision of 20% affordable housing on site (28 units).

## **3. Description of the site and surrounding area**

3.1. The site is located to the north of Earl Shilton, outside the settlement boundary on land north of Hill Top Farm and to the west of Leicester Road. The site comprises agricultural fields within open countryside and is approximately 9.45 hectares in size.

3.2. The site access is situated approximately 1km from the centre of Earl Shilton.

3.3. The settlement of Earl Shilton can be clearly viewed on a ridge top, development along Keats Lane being the most elevated point the land slopes down to the north away from the settlement.

3.4. The majority of the southern boundary of the application site adjoins open countryside and the application site 20/00916/FUL, beyond which lies built development along Keats Lane and the settlement of Earl Shilton. The eastern edge of the site is bound by Leicester Road, with adjoins Shilton Road to the north. The north and north east boundary of the site adjoins open countryside. A very small portion of the southern boundary adjoins built development and the settlement boundary of Earl Shilton. The south western boundary is enclosed by Allotments, allocated as such within the SADMP (2016), although still within the countryside.

- 3.5. Within the wider context of the site, in the north, east and west directions from the site are open countryside used for either agriculture or recreational purposes such as equestrian or allotments. The settlement of Earl Shilton extends to the south west where it eventually merges with Barwell.
- 3.6. The site is crossed by three public rights of way, which connect the site to the settlement of Earl Shilton and out to the wider countryside. Public Footpath U28 follows a north westerly alignment from Keats Lane intersecting the middle section of the site and adjoining public footpath T94 at the western boundary of the site. Footpath T94 runs south to north along the western side of the application site, dividing the western field of the application site from the remainder of the site. Public footpath T93 traverses the site in a north easterly direction adjoining public footpath T94 and U28 at a junction of the footpath network in the west.
- 3.7. The application site boundaries are a varied mix of mature hedgerow vegetation and trees, there is little tree coverage within the application site, other than at the boundaries.
- 3.8. The site has no statutory landscape designations, it contains no protected trees and there are no designated or non-designated heritage assets within the site.

#### **4. Relevant planning history**

##### **20/00239/OUT**

- Residential development for up to 190 dwellings, with public open space, landscaping and sustainable drainage system (SuDS) (Outline- with access)
  - Refused
  - 04.11.2020
- 4.1 This site was historically subject to the above application (reference: 20/00239/OUT) which was determined by Hinckley and Bosworth Borough Council on 4th November 2020. The applicant states that this application responds positively to the issues raised during the determination of the first application. New housing is located within the southern and eastern section of the site with the central field kept free from built development and the western field retained in agricultural use.

#### **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. Seven letters of objection have been received and a summary of concerns is set out below:
- Loss of countryside/greenfield land
  - Aesthetically the site is visually pleasing
  - Traffic/highway concerns – more traffic, busier roads, parking problems, local junctions will become more hazardous
  - The peak journey traffic movements am/pm seem to be too low for 140 dwellings
  - Erosion of the public footpath will become worse
  - The development will affect the structural integrity of my house

- Development will alter the landscape and erode the character of the town/northern edge of the settlement
- Properties are standing empty and unused – we don't need development – use existing stock
- The development will put the town's services and facilities under stress e.g. schools, GPs etc
- The site is not appropriate for development – poor design and visually overbearing
- Loss of wildlife, wildlife corridors and natural habitat
- Flooding concerns
- The development will cause overlooking and loss of privacy to existing properties backing onto the site
- The development will create increased pollution, noise, dust and light
- The development will cause property prices to fall
- The development will result in an increase in anti social behaviour
- The allotments will be negatively impacted
- It is a car reliant scheme – not near existing facilities

## **6. Consultation**

- 6.1. Ramblers Association - As 3 PROWs (T93, T94,U23) cross the site we are concerned that the proposed application will have a detrimental effect on the public enjoyment of those paths. However the applicant states that these paths will continue to run on their existing routes and therefore no Extinguishment or Diversion Orders will be necessary. The Local Highway Authority have requested that part of path T94 be widened and its surface upgraded. We would object to any proposal to upgrade the status of the paths (e.g. to Bridleway / Cycleway) which would potentially increase the danger of injury to pedestrians. Subject to these conditions being met, we are minded to make no objection.
- 6.2. Cadent Gas – No objection.
- 6.3. HBBC Affordable Housing - Affordable housing policy, as set out in policy 15 of the Core Strategy requires 20% provision to be for affordable housing; 75% for social or affordable rented and 25% for intermediate tenure. This would give 28 units for affordable housing, 21 for social or affordable rent and 7 for intermediate tenure. The applicant has indicated that the site will provide the policy requirement of 28 dwellings for affordable housing. The greatest need for affordable rented housing in the Borough is for smaller units of accommodation to assist single people or childless couples, and small families of 1 or 2 children. A mix of rented housing should therefore be provided, but with a weighting towards 1 bed 2 person flats or quarter houses and 2 bed 4 person houses. To maximise the flexibility of the housing, properties should meet Nationally Described Space Standards for the unit type. The intermediate tenure properties should be a mix of 2 and 3 bed roomed houses. 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.

- 6.4. LCC Minerals - the Minerals Planning Authority does not have an objection to raise but advises that the Local Planning Authority satisfies itself that there is an overriding need for the proposed development in accordance with Policy M11 (iv) of the Leicestershire Minerals and Waste Local Plan.
- 6.5. S106 Monitoring Officer – The application is looking to provide equipped and informal open space on site which would be welcomed for the new residents to have without having to travel. The Equipped area should be at least 504sqm and adequate equipment, Casual to be 2352sqm and Accessibility Natural Green Space of 5600sqm (if they are providing this through the balancing ponds). The appropriate maintenance contribution should be secured Equipped £88,502.40 Informal £25,401.60 & £79,520.00 all based on 140 dwellings. An outdoor sports provision and maintenance should be secured for off-site and this should be discussed with ESTC to see where best this should be secured for.
- 6.6. Earl Shilton Town Council – No objections but have the following comments:
- Any traffic modelling by County Highways using their most recent software update must include the Marlpit Farm (20/01225/FUL) and Ashby House (20/00916/FUL) development applications.
  - Highways on all the (three) developments must be built to an adoptable standard by LCC Highways.
  - The 30 mph zone must commence well before the Kirby/Shilton/Leicester Rd junction.
  - The bus stops and 'uncontrolled crossing' points must be clearly marked on the application before the LPA make their decision(s).
  - All conjoint developments must be made to work together regarding the ingress/egress off the Leicester Rd as well as traffic flows to prevent 'stifling', (LCC Highways policy refers using this term), of Earl Shilton and must importantly provide for the safety of all highways users.
- 6.7. Leicestershire Police – No objections.
- 6.8. HBBC Environmental Health (Pollution) No objections subject to conditions in relation to contaminated land, noise mitigation and a construction environmental management plan to help mitigate air pollution.
- 6.9. LCC (Developer contributions)
- Waste -  
Waste Management contributions sought = £6934.00
  - Libraries -  
Contributions sought in respect of Libraries = £4,230.00 (rounded up to the nearest £10).
  - Early Years -  
Contributions sought in respect of Early Years = £106,884.
  - Education -  
Contributions sought in respect of Secondary = £417,940.88. Contributions sought in respect of Post 16 = £89,290.74.  
Contributions sought in respect of SEN = £79,027.80
- 6.10 LCC Drainage – No objections subject to conditions.
- 6.11 HBBC Drainage – No objections subject to conditions.
- 6.12 LCC Ecology – No objections subject to conditions.

- 6.13 HBBC Waste – No objections subject to conditions.
- 6.14 HBBC Conservation - Consideration should be given to planting a strong native species hedgerow at the back of the visibility splays to the new access from Leicester Road to re-establish a key landscape feature typical of the setting of the Grade II listed Top House.
- 6.15 LCC Archaeology – No objections subject to conditions.
- 6.16 LCC Highways - The LHA submitted initial observations in respect of the proposed development advising approval subject to conditions and contributions on 22 March 2021. The LHA did however advise that this was on a standalone basis and that the applicants for both this application and application reference 20/00916/FUL have not considered access on to Leicester Road cumulatively with each other.

The Applicant for this application subsequently submitted Prime drawing number P21008-100-2C and a Stage 1 Road Safety Audit with the view of demonstrating that a revised access, located further north in comparison to the original proposals, would not conflict with application reference 20/00916/FUL to the south. The LHA have concerns that the relocated junction would be too close to the existing (southern arm/northbound only) junction of Leicester Road with Shilton Road to the north as well as the proliferation of junctions along this stretch of Leicester Road if both this application and application reference 20/00916/FUL were approved. However, as per the 22 March 2021 observations, the LHA do not have any objections to the previous access design. When considering the two possible access locations and on a standalone basis, the LHA consider the previous access arrangement (Prime drawing number P21008-001) to be the most suitable access to serve the site. While the Applicant could investigate mitigation measures in respect of the access shown on drawing number P21008-100-2C, the LHA currently have no reason and no justification to require the Applicant to undertake any further work in respect of a relocated access. Therefore despite the LHA's concerns in respect of the relocated junction, it is considered not necessary to locate the junction closer to Shilton Road. On the basis the Applicant has submitted drawing number P21008-100-2C, this is considered to be the most recent and current access arrangement proposed by the Applicant. Given the LHA has concerns with the proximity of the proposed junction to the junction of Leicester Road with Shilton Road, the LHA advise the LPA it would advise refusal of the proposal on the grounds of highway safety.

Notwithstanding the above, should the LPA be able to consider the application on the basis of the previous access arrangements, the LHA advise that it would continue to advise approval of the proposals with conditions and contributions as per the 22 March 2021 observations.

- 6.17 Further response received by the local highway authority on 18 March 2022  
The Local Highway Authority Advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the National Planning Policy Framework (2021), subject to the conditions and/or planning obligations/financial contributions outlined in this report.
- 6.18 University Hospitals of Leicester NHS Trust requests health contribution of £55,557.00.

## **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)**

- 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 Highway Design Guide
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Minerals and Waste Local Plan

## **8.0 Appraisal**

### **8.1 Key Issues**

- Assessment against strategic planning policies
- Housing mix and affordable housing

- Landscape and Visual Impact
- Design and Layout
- Heritage impacts
- Archaeology
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology
- Drainage
- Infrastructure Contributions
- Other matters

#### 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 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 which states that:

‘Development in the countryside will be considered sustainable where;

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

And

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

- 8.10 The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case. It is to be noted that in recent appeal decisions the policy still carries weight as it is consistent with the requirements and objectives of the NPPF.

Housing mix and affordable housing

- 8.11 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.
- 8.12 The Good Design Guide SPD advocates the use of the Building for Life assessment.
- 8.13 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.
- 8.14 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 development is for up to 140 dwellings and the appropriate density and layout will be determined at reserved matters stage. 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 and is requested as a condition.

- 8.15 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%. 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.
- 8.16 The housing officer has requested 28 units for affordable housing (20% provision) made up of 21 units for social or affordable rent and 7 units for intermediate tenure. The greatest need for affordable rented housing in the Borough is for smaller units of accommodation to assist single people or childless couples, and small families of 1 or 2 children. A mix of rented housing should therefore be provided, but with a weighting towards 1 bed 2 person flats or quarter houses and 2 bed 4 person houses. To maximise the flexibility of the housing, properties should meet Nationally Described Space Standards for the unit type. The intermediate tenure properties should be a mix of 2 and 3 bed roomed houses. 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. Subject to these requirements being met through completion of a Section 106 legal agreement, this proposal is deemed to be acceptable with respect to housing mix and affordable housing provision.

#### Landscape and visual impact

- 8.17 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.
- 8.18 A Landscape and Visual Impact Assessment has been submitted as part of the outline planning application.
- 8.19 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.

8.20 The Councils 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 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.

8.21 The site comprises a series of pastoral fields on the northern edge of Earl Shilton. All of the landscape features are confined to its boundaries and the internal field boundaries, and these generally comprise hedgerows with occasional hedgerow trees and small tree groups. A tree survey has been carried out for the site which grades the site's trees and hedgerows in terms of their arboricultural quality and life expectancy. The vast majority of the site's vegetation is assessed as being of

Category B and C arboricultural quality, and Medium - Low landscape quality. A single Category A ash tree is located on the western site boundary and is assessed as being of high landscape quality.

8.22 The character of the site exhibits some qualities that are typical of the Stoke Golding Rolling Farmland LCA within which it lies, including the public rights of way which cross it, the hedgerow field boundaries and the opportunity for long distance views northwards from the upper parts of the site. However, the site is in part used for equestrian land uses, which together with its proximity to the existing built up area, exert urban fringe influences over the site and make it less typical of the wider rural landscape which makes up the Stoke Golding Rolling Farmland LCA. Accordingly, the site is assessed as being of Medium landscape quality.

8.23 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. The Natural England Agricultural Land Classification Maps show it as Grade 3.

8.24 The previous application for this site ref (20/00239/OUT) was refused in 2020 on the following grounds:

*'the development would be at odds with the open character of the area caused by the landscape and visual impact from built development extending beyond the settlement boundary which provides a rural setting to the ridge top settlement of Earl Shilton which is appreciated from the public footpaths T94, T93 and U28, as well as the wider public footpath network. The development has significant adverse impact on the landscape and visual character of the area and therefore does not protect the intrinsic value, beauty and open character of this countryside location'.*

8.25 The current application has reduced the number of dwellings proposed from 190 to 140 and has also considered the following key landscape and visual principles which include:

- The Site's westernmost field to be retained in agricultural use;
- Retention of the existing public footpaths which cross the site on their current alignments, and incorporating these route into areas of open space;
- Restricting the extent of built form to south of public footpath T93, in order to retain long distance views from this footpath route looking north;
- Provision of generous areas of public open space across the site, including a new area of parkland in the north of the Site, with new recreational routes including a trim trail, native planting, SUDs features and a children's play area; and
- Retention of the Site's existing boundary vegetation where possible augmenting this with new structural native tree and hedgerow planting

A key principle which has informed the design of the proposed development is the retention of long distance views looking north from public footpath T93. By restricting the extent of proposed built form to south of this footpath, the long distance views experienced from this footpath will be retained. The application seeks to limit the location of the new housing to within the southern and eastern sections of the site whilst keeping the central field free from built development and the western field retained for agricultural use. A landscaping and ecology management plan has been requested by the County Ecologist and will form the subject of a condition attached to the outline permission if Planning Committee are minded to approve the scheme. This will further help to ensure that the development is sensitively developed and includes appropriate mitigation and management measures.

8.26 Overall, it is considered that the proposal has sought to overcome the concerns raised previously in relation to landscape and visual impact matters. Whilst the proposed development will have an overall impact upon the existing site from a

landscape and visual impact perspective this is considered to be a moderate to minor impact and as such the weight to be afforded to this is relatively limited. This is considered as such when taking into account the Council's lack of 5 year housing land supply and because this scheme will provide 140 dwellings comprising 20% affordable housing.

#### Design and layout

- 8.27 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.
- 8.28 This is an outline application and therefore detailed layout and appearance considerations are not being assessed at this stage, however, they will form details at the reserved matters stage if the outline application is approved. Notwithstanding, the indicative plans illustrate that the development will comprise up to 140 dwellings with access into the site taken from Leicester Road. Internal access routes and development parcels are concentrated to the eastern and southern areas of the site with the provision of public open space, landscape and recreational areas focused towards the north western part of the site. A sustainable drainage system feature is shown to be located at the lowest point of the site – to the northern edge. A children's play area is also proposed.
- 8.29 The total developable area of the application site measures approximately 3.52 hectares. The application proposes 140 dwellings and so the housing density for this scheme equates to approx. 40 dwellings per hectare (rounded up).
- 8.30 Earl Shilton has a highly varied character and there is a diverse range of architectural styles largely formed from twentieth century buildings peppered with surviving 18<sup>th</sup>/19<sup>th</sup> century housing and social infrastructure. The reserved matters stage will provide details on scale, layout, appearance and landscaping should the outline application be approved.

#### Heritage Impacts

- 8.31 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.
- 8.32 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. Paragraph 197 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. 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.”

- 8.33 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.
- 8.34 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.
- 8.35 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 approximately 100m south of the eastern section of the application site
  - Hill Top House, 7 High Street – a grade II listed building sited approximately 220m south of the eastern section of the application site
  - Church of St Simon and St Jude, Church Street – a grade II\* listed building sited approximately 300m south-east of the eastern section of the application site
  - Earl Shilton Motte and Bailey Castle – a scheduled monument sited approximately 250m south-east of the eastern section of the application site.
- 8.36 As well as the site being adjacent to the historic settlement core (Historic Environment Record (HER) ref: MLE9535) a number of local heritage assets (non-designated heritage assets in terms of the NPPF) are also located within the vicinity of the application site:
- Dog and Gun, 72 Keats Lane - a mid-C20 public house immediately adjacent to the southern section of the application site (HER ref: MLE22102)
  - Shoe factory, 2 Keats Lane – a late-C19 former boot and shoe factory sited approximately 130m south of the eastern section of the site (HER ref: MLE17888)
  - Shoe factory, 12 Keats Lane – a late-C19 former boot and shoe factory sited approximately 100m south of the eastern and southern sections of the site (HER ref: MLE17889)
- 8.37 There is intervening built form between the application site and Hilltop House (a grade II listed building) and the Earl Shilton Motte and Bailey Castle (a scheduled monument) so there is no inter-visibility between these assets and the application site nor is there any known key historic, functional or other relevant relationships between them. The application site is therefore not considered to fall within the setting of these two designated heritage assets and due to the form of the proposal it is considered this position would not be altered following the development. There is also varying levels of intervening built form between the application site and Top House (a grade II listed building) and the Church of St Simon and St Jude (a grade II\* listed building), however due to the siting of Top House on higher ground above the application site and the prominence of the spire of the Church both are clearly visible from a number of points within the site. The application site is therefore considered to fall within the setting of these two designated heritage assets.

- 8.38 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 and the rear elevation of The Dog and Gun are all clearly visible from a number of points within the application site. The application site is therefore considered to fall within the setting of these three non-designated heritage assets.
- 8.39 The Heritage Statement and other relevant evidence strongly suggests that the application site has predominantly been in agricultural use since at least the start of the post-Medieval period so there is no apparent direct functional or historic connection between the site and the church. Despite the topography of the land and the scale of the church building with its prominent spire, there is a limited visual connection between the church and the application site with the upper sections of the spire being visible occasionally looking south-eastwards when located on the public footpath network from within the site. These glimpses so demonstrate the importance of the church within the wider landscape, although due to the limited extent of the view the significance of the church can barely be appreciated. It is therefore considered that the application site only allows for a negligible appreciation of the significance of the Church of St Simon and St Jude.
- 8.40 The grade II listed Top House is located c.100 south of the eastern section of the application site. This is a traditional farm house located at the northern edge of the settlement, adjacent to the junction of Hill Top and Church Street, and dates from the late 18th or early 19th century. As a grade II listed building the farm house is a building of high significance. Although possibly forming part of an earlier enclosed small holding prior to the 1778 Act of Enclosure which first formally enclosed Earl Shilton's open fields, the farm house appears contemporary in age with the subsequent period of agricultural change. It is marked on the 1856 tithe map, by which time a number of fields to the north and north-west, which include the application site, have subsequently been enclosed. As a result Top House is considered to be of moderate historic interest. The building is of three storeys and is built of red brick with a slate roof and moulded wooden eaves cornice to a low parapet. It has 4 brick chimney stacks. The regular four window front comprises 20th century casement windows in the original openings. A central 6-panel door with blind radiating fanlight in an arched surround with flanking columns and open pediment sits centrally on the front elevation. As a result the architectural interest of Top House is considered to be high.
- 8.41 The wider landscape to the north and north-west of Top House, which includes the application site, does make a contribution to the significance of the building, as a house of this type and nature would characteristically be adjacent to the agricultural land and associated landscape features, such as Enclosure hedgerows, that formerly supported and resulted from its function and use. There are views of the side and rear elevations of Top House from within the application site due to its raised position, however due to the distance between the site and the building and the presence of subsequent intervening built form the historic functional relationship between the site and Top House has been diminished. Therefore it is considered that the application site makes a negligible contribution to the significance of Top House.
- 8.42 With respect to the Boot and Shoe factories (2 and 12 Keats Lane) there is no historic, functional or any other relevant relationship between the application site and these buildings, and although their rear elevations are visible from within the application site the site it is not considered to make any direct contribution to or allow for any particular appreciation of their significance. Due to the form of the proposal it is considered this position would not be altered following the development. Additionally, there is no historic, functional or any other relevant relationship between the application site and the public house (Dog and Gun), however the architectural interest of its rear elevation, including its clay tile roof, projecting gables and tall

chimney stacks, is evident when viewed from within the application site so it is considered that the site allows for a negligible appreciation of the significance of this local heritage asset.

- 8.43 This proposal affects the significance of two designated heritage assets (the grade II\* listed building the Church of St Simon and St Jude and the grade II listed building Top House) and one non-designated heritage asset (the Dog and Gun, Keats Lane) by being located within their setting. It is considered that the proposal will have a neutral impact causing no harm and is therefore compatible with the significance of the listed buildings and will retain the significance of a local heritage asset. Consequently the proposal accords with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.44 Overall, the proposal is not considered to have an adverse impact on the significance of the affected heritage assets and the conservation officer raises no objections but does suggest that should this proposal progress to reserved matters stage the applicant should give consideration to planting a strong native species hedgerow at the back of the visibility splays to the new access from Leicester Road to re-establish a key landscape feature typical of the setting of the grade II listed Top House. Subject to a suitably worded condition in relation to the planting of hedgerow details of which can be submitted at the reserved matters stage this application is considered to be acceptable in heritage terms and complies with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### Archaeology

- 8.45 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.
- 8.46 Assessment of the Leicestershire and Rutland Historic Environment Record (HER), supported by the results of the archaeological evaluation of the development area, shows that the site lies in an area of significant archaeological potential. A prehistoric surface was excavated in Trench 3, towards the northern extent of Field 2. The initial interpretation is that this could be a cobbled or metalled surface dating to the late Bronze Age/Iron Age. The surface may have been part of a very truncated trackway, or possibly the remains of a building floor surface. Flints found in the topsoil and subsoil layers may suggest a 'general, low level of early prehistoric activity in the landscape'. In Trench 11 a number of levelling layers, a possible surface, and several steep sided features were discovered, possibly indicating the presence of a medieval structure connected to the nearby historic settlement core of Earl Shilton.
- 8.47 In line with the National Planning Policy Framework, Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 199 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.



- 8.48 It is recommended that prior to the impact of development the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This will involve the excavation of two mitigation areas. Additionally, it is advised that the applicant commissions targeted exploratory trial trench evaluation for further clarification. It is therefore recommended that subject to suitably worded conditions the application is acceptable and in compliance with the NPPF and Policy DM13 of the SADMP with respect to archaeological considerations.

#### Impact upon neighbouring residential amenity

- 8.49 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.
- 8.50 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.
- 8.51 This is an outline application with access as the only detailed consideration. The details relating to scale, layout etc will form part of a future reserved matters application should this outline application be approved. However, with respect to pollution and noise considerations no objections have been raised by the Environmental Health Team subject to conditions in relation to contaminated land, noise mitigation and a construction environmental management plan to help mitigate air pollution.
- 8.52 It is considered that subject to the conditions recommended above that the proposal is acceptable in outline form and complies with Policy DM10 of the SADMP.

#### Impact upon highway safety/access and parking

- 8.53 Access is a detailed consideration as part of this outline application.
- 8.54 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)).
- 8.55 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.
- 8.56 It is to be noted that Leicestershire highways have been involved and consulted on this application and its amendments throughout the life of this application.
- 8.57 The Local Highway Authority (LHA) previously submitted detailed observations in respect of the proposals on 22 March and 29 October 2021. The highway observations in March 2021 advised approval of the proposal subject to conditions and contributions on the basis of a standalone application. However if the application

was considered cumulatively with an undetermined application LPA reference: 20/00916/FUL that it may not be possible for the Applicant to deliver the access and off-site works in accordance with the approved plans.

- 8.58 The Applicant at their own discretion subsequently submitted revised plans with the view to remove the LHA's concerns in respect of the cumulative issue with application 20/00916/FUL. Within the October observations, the LHA advised that should the application be considered by the Local Planning Authority on the basis of the original access proposals accepted within the March 2021 observations, the LHA would continue to advise approval of the proposals as per the conditions and contributions in those observations. However, the cumulative issue with application 20/00916/FUL remained. The LHA also advised that should the LPA wish to determine the application based on the more recent access proposals put forward by the Applicant, the LHA would advise refusal of the proposals on the basis that there were concerns with the proximity of the proposed site access to the southern (northbound only) junction of Leicester Road with Shilton Road.
- 8.59 Following the LHA advice, the Applicant submitted a revised Technical Note (Technical Note A dated February 2022) with the view of resolving the LHA's concerns to both the cumulative issue with application reference 20/00916/FUL and the concerns in respect of the revised access location's proximity with the junction of Leicester Road with Shilton Road.
- 8.60 Details of the proposed access arrangements provided on drawing number P21008-100-2 Rev D illustrates the proposed access arrangement in the location previously put forward by the Applicant to remove potential conflict with the access to application 20/00916/FUL, as well as closure of the southern (northbound only) arm of Shilton Road to motor vehicles. In addition, a diverging taper would be provided at the remaining Shilton Road/ Leicester Road junction to the north allowing left turning traffic to decelerate largely away from the main carriageway. The closure of this southern arm provides the opportunity to allow traffic-free use for pedestrians and cyclists and details an indicative shared use footway/ cycleway along the route and measures to prevent vehicular access. The Applicant has also stated that they would be prepared to fund the Traffic Regulation Order to ban the use of motor vehicles on the southern arm of the junction. The LHA advise a £7,500 contribution would be required in order to revoke the existing one way system on this arm of Shilton Road.
- 8.61 The Applicant therefore has advised that the closure of the junction would rationalise the number of access points along Shilton Road. The Stage 1 Road Safety Audit (RSA) has been updated to include the amendments to the Shilton Road junction. It is noted that the five problems which were raised as part of the RSA were all raised in the previous RSA and that no new problems have been identified in respect of the closure of the southern arm of Shilton Road.
- 8.62 After reviewing the latest site access proposals and off-site works, the LHA has now advised that the revised access proposals would be acceptable if the application was to come forward as part of a standalone application or cumulatively with application reference 20/00916/FUL. The LHA has reviewed the junction modelling provided by the applicant and accepts the junction will operate within capacity in 2026. While the LHA does not require an assessment of the junction up to 2036, it is noted that it would still operate with considerable spare capacity. As such, given the assessment of the revised information it is now considered that the highway impacts of the proposed development are acceptable and accord with Policy DM17 of the SADMP and Paragraph 111 of the NPPF subject to conditions and a financial contribution to revoke the existing one way system on the specified arm of Shilton Road and other contributions to promote sustainable travel including monies towards the upgrade of the wider Rights of Way Network (specifically footpath T94) linking the application

site with Earl Shilton at a cost of £40,000 and bus passes and travel packs for all new dwellings at cost to the developer.

### 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 The Ecological Impact Assessment (EIA) (CSA Environmental, January 2021) submitted in support of this application is considered to be satisfactory by the Ecology Officer. The mitigation measures proposed on site are also considered to be acceptable subject to the following conditions:
- A sensitive lighting scheme allowing no more than 1 lux of light spill onto bat foraging corridors.
  - A Reptile Mitigation Strategy should be submitted to the LPA for approval.
  - A Landscape and Ecology Management Plan (LEMP) outlining any other mitigation and management measures
- 8.65 The ecologist has also flagged offsite badger setts located to the south-east of the site. It is considered important in this instance to maintain connectivity through the site in order to prevent this population from becoming isolated. Although the scheme does provide a good vegetated corridor, some traffic calming measures to reduce the risk of badger casualties on the spine road through the development would be of benefit. As such the Ecologist also recommends a condition in relation to badger mitigation measures.
- 8.66 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.

### Drainage

- 8.67 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.
- 8.68 The application site is a greenfield site totalling 9.45 ha in size with the developable area being 3.52 ha. It is estimated that 1.58 ha of the developable area will be impermeable. The site is within Flood Zone 1 (low risk of fluvial flooding) and at a generally very low risk of surface water flooding, although there is a moderate to high risk of surface water flooding in the central and southern parts of the site. The surface water proposals seek to discharge to two on site attenuation basins before being discharged at a QBar discharge rate of 15.4 l/s to an existing ditch on-site. A ditch running north-south through the centre of the site is currently shown not to

intercept surface water flows. The ditch is to be cleared in order to provide formalised flow route. Surface water is proposed to be discharged to this ditch. Ground raising works are proposed regarding the eastern attenuation basin to ensure that gravitational drainage can be achieved. Cross sections demonstrating that these works are feasible should be provided at the detailed design stage. Evidence that the watercourse outside of the site boundary, which is proposed to accept the attenuated surface water flows from the site, is in a condition to accept these additional flows without increasing flood risk and has suitable connectivity to the wider drainage network.

- 8.69 The drainage team at LCC and the HBBC have raised no objections to the proposals but have requested the imposition of conditions regarding management and maintenance of the surface water drainage system. Subject to suitably worded conditions this application is considered to be acceptable with respect to flooding and drainage matters and complies with Policy DM7 of the SADMP.

#### Infrastructure Contributions

- 8.70 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.

- 8.71 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:

- a) necessary to make the development acceptable in planning terms;
- b) directly related to the development; and
- c) fairly and reasonably related in scale and kind to the development.

- 8.72 The contributions sought are detailed below:

#### Civic Amenities/Waste

- 8.73 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 140 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).

Total Waste contribution required = £6934.00

#### Libraries

- 8.74 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 0.78km of Earl Shilton Library on Wood Street, being the nearest local library facility which would serve the development site.

- 8.75 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.

Total Library contribution required = £4,230.00

#### Early Years

- 8.76 LCC have requested a claim for an Early Years contribution, LCC have stated that there are currently no childcare provisions within 1 mile of the site radius and therefore a full application is needed. Having taken the above factors into account, where it can be demonstrated that the number of Early Years children generated by the development is greater than the space capacity in current or planned Early Years provision, the County Council will require a contribution to fund the provision of the additional Early Years places required.

The request for an early years contribution is noted, however the request is not specific to any early years provider in the locality. The request is not considered to meet the relevant CIL regulations tests with a lack of information provided and the request therefore not being necessary to make the development acceptable and not directly related to the development.

Total Early years contribution required = £0

#### Education

- 8.77 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 £417,940.88. Based on the table above, this is calculated from the number of deficit places created by the development, rounded to 2 decimal places (23.38) multiplied by the DFE cost multiplier in the table above (£17,876) which equals £417,940.88. 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 pay
- 8.78 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 £89,290.74. Based on the table above, this is calculated from the number of deficit places created by the development, rounded to 2 decimal places (4.62) multiplied by the DFE cost multiplier in the table above (£19,327) which equals £89,290.74. 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.
- 8.79 There are five Area Special Schools in Leicestershire. The closest school to this development is the Dorothy Goodman School Hinckley. The school currently has

capacity for 338 pupils and 354 pupils are projected on roll should this development proceed, a deficit of 16 pupil places. A total of 2 pupil places are included in the forecast for this school from S106 agreements for other developments in this area and have to be deducted. This reduces the total deficit for this school to 14 pupil places. There is no other Special School in the locality of the development. Any contributions towards special education provision will be pooled, if appropriate, and used to provide additional capacity at the school nearest to the development.

- 8.80 Therefore, in order to provide the additional SEN school places anticipated as a result of the proposed development, the County Council requests a total contribution for the special school sector (primary and secondary) of £79,027.80.

Total Education contribution = £586,259.42

Health

- 8.81 UHL have requested a contribution to address NHS revenue shortfalls for acute and emergency treatment. This is by way of a monetary contribution of £58,578.00 towards the funding gap in respect of A & E and acute care at the University Hospital, Leicester.

- 8.82 It is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid S106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by UHL to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. UHL is unable to demonstrate that the burden on services arises directly from the development proposed, opposed to a failure in the funding mechanisms for care and treatment. The request made is to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. UHL has not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Further to this there are issues with the data and methodology used by UHL for example the inflated population projections compared to those used by Leicestershire Authorities when calculating housing need, or the failure to address funding needs from housing projections set out in the Joint Strategic Needs Assessment and Joint Health Wellbeing Strategy referred to in their request, therefore it has not been demonstrated that the request fairly and reasonable relates in scale and kind to the development proposed.

This request is therefore not considered to meet the test of the CIL Regulations.

A similar request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was insufficient evidence from the UHL to warrant or justify the contribution sought against the CIL Regulations.

Another more recent appeal APP/P1133/W/18/3205558 although not within the Borough was reviewed and agreed by the Secretary of State.

Total Health contribution = £0

## Affordable Housing

- 8.83 This scheme would provide 28 units for affordable housing, 21 for social or affordable rent and 7 for intermediate tenure. The greatest need for affordable rented housing in the Borough is for smaller units of accommodation to assist single people or childless couples, and small families of 1 or 2 children. A mix of rented housing should therefore be provided, but with a weighting towards 1 bed 2 person flats or quarter houses and 2 bed 4 person houses. To maximise the flexibility of the housing, properties should meet Nationally Described Space Standards for the unit type. The intermediate tenure properties should be a mix of 2 and 3 bed roomed houses. 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

- 8.84 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.

- 8.85 The applicant has completed the open space calculations based upon the proposed dwelling numbers. The proposal will seek to provide the following on-site open space provision and associated maintenance or utilise a management company:

Equipped Children's play space = 504 sq metres (£88,502.40 maintenance)

Casual/informal play space = 2352 sq metres (£25,401.60 maintenance)

Accessibility natural green space = 5600 sq metres (£79,520.00 maintenance)

Outdoor Sports Provision will be provided off-site. The contribution for outdoor sports will be £48,652.80 and the associated maintenance contribution is calculated to be £23,116.80.

## Highways

- 8.86 A £7,500 contribution toward the consultation process for the revocation of the existing one way system on an arm of the Shilton Road/ Leicester Road junction and in order to close the arm to vehicular traffic.
- 8.87 Furthermore, in order to comply with Government guidance in NPPF and commensurate with Leicestershire County Council Planning Obligations Policy the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets and reducing car use:
- Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack)
  - 6 month bus passes, two per dwelling (2 application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at £360.00 per pass).
  - STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.

- Improvements to the wider Rights of Way Network (footpath T94) linking the application site with Earl Shilton at a cost of £40,000.

#### Other Matters

- 8.88 The northern most part of the proposed site falls within a sand and gravel safeguarded area as defined in the Leicestershire Minerals & Waste Local Plan (2019). Leicestershire County Council – Policy M11: Safeguarding of Mineral Resources sets out specific circumstances when planning permission will be granted for development that is incompatible with safeguarding mineral within a Mineral Safeguarding Area. This includes circumstances where there is “an overriding need for the incompatible development”. As highlighted throughout the report there is a clear need for affordable and market housing in this location. It is not expected that the proposed development would inhibit the future working of the wider resource area and the Minerals and Waste Team at LCC have not objected to the scheme. It is therefore considered that the application is acceptable with respect to mineral and waste considerations and would not conflict with Policy M11 of the Minerals and Waste Local Plan.

#### The Planning Balance

- 8.89 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.
- 8.90 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.
- 8.91 The provision of 28x affordable housing units and 112 market dwellings is considered to be a significant benefit of the proposal and weighs heavily in favour of the scheme.
- 8.92 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 moderate to minor for this development and the provision of much needed housing is considered to outweigh the minor impact identified. The scheme is deemed to be acceptable subject to conditions and also the requirements and financial contributions as part of a signed Section 106 Agreement.

### **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**

- 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 highways, 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:

- Waste Management contribution = £6934.00
- Library contribution = £4,230.00 (rounded up to the nearest £10).
- Early Years contribution = £106,884.00
- Contributions sought in respect of Secondary Education = £417,940.88.
- Contributions sought in respect of Post 16 Education = £89,290.74.
- Contributions sought in respect of SEN = £79,027.80
- Health contribution = £55,557.00
- Highways contribution = £7,500 (in order to revoke the existing one way system on the arm of Shilton Road).
- 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)
- (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.
- Improvements to the wider Rights of Way Network (footpath T94) linking the application site with Earl Shilton at a cost of £40,000.
- 20% affordable housing – comprising 28 dwellings (21 units for social or affordable rent weighted towards 1 bed 2 person flats or quarter houses and 2 bed 4 person houses and 7 units for intermediate tenure comprising a mix of 2 and 3 bedroomed houses).
- Off-site Outdoor sports contribution = £48,652.80 and the associated maintenance contribution = £23,116.80.
- On site open space to be provided alongside any associated maintenance costs or confirmed use of a management company comprising:
  - 504 sq metres of equipped children's play space (£88,502.40 maintenance)
  - 2352 sq m of casual/informal space (£25,401.60 maintenance)

- 5600 sq m of accessibility natural green space (£79,520.00 maintenance)
  - 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 finalise the terms of the S106 agreement including trigger points and claw back periods.

#### 11.4 Conditions and Reasons

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not exceed 140 dwellings in total and shall be in accordance with the following approved details:
  - Site Location Plan drawing number CSA/4519/104/Rev C
  - Development Framework plan drawing number CSA/4519/108/Rev M
  - Proposed access strategy and junction amendment P21008-100-2D

**Reason:** To ensure the number of units accords with the details/information submitted to inform planning obligations in accordance with Policy DM3 of the Site Allocations and Development Management Policies DPD 2016.

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

**Reason:** To ensure satisfactory archaeological investigation and recording in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD 2016 and Section 16 of the NPPF.

5. As part of any future reserved matters submission in respect of layout and landscaping the applicant? must provide for approval by the LPA details in respect of planting a strong native species hedgerow at the back of the visibility splays to the new access from Leicester Road in order to re-establish a key landscape feature typical of the setting of the grade II listed Top House.

**Reason:** To protect and enhance the historic environment and heritage assets and setting of Top House a Grade II listed building in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Plan DPD 2016 and Paragraph 206 of the NPPF.

6. No occupation of any dwelling shall take place until a scheme that makes adequate provision for waste and recycling storage of containers and collection across the site has been submitted to and approved in writing by the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers. The approved details shall be implemented prior to the occupation of the dwelling/unit to which the waste facilities are associated.

**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).

7. Prior to commencement of development a badger mitigation plan shall be submitted to and approved in writing by the local planning authority including updated badger surveys. In order to maintain habitat connectivity and reduce badger casualties, the mitigation strategy should also include traffic calming measures such as rumble strips to be installed where the spine road

intersects retained green corridors through the development. The mitigation measures shall be implemented in accordance with agreed details and timeframes.

**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.

8. No development shall commence until a scheme to provide a sustainable surface water drainage system in accordance with the Flood Risk Assessment and Outline Surface Water Drainage Strategy dated January 2021 has been submitted to and approved 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).

9. 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 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)

10. 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 shall 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.

11. 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 and in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016.

12. Development shall not begin until a scheme for protecting the proposed dwellings from noise from Leicester Road, Earl Shilton has been submitted to and approved by the Local Planning Authority; and all works which form part of the mitigation 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).

13. 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).

14. 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).

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

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).

16. Prior to commencement of development a landscape and ecology management plan shall be submitted to and approved in writing by the local planning authority. The plan shall provide details on the mitigation and management measures required by this development to ensure that the flora and fauna is appropriately considered and protected. The development shall only be carried out in accordance with the approved details and timescales.

**Reason:** To protect and enhance the landscape, flora and fauna in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016.

17. 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).

18. Prior to commencement of development, a reptile mitigation strategy shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

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

19. Prior to commencement of development a lighting scheme shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting scheme shall ensure there shall be no more than 1 lux of light spill onto bat foraging corridors. The lighting shall be installed, maintained and operated in accordance with the approved details.

**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).

20. 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.
21. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Prime drawing number P21008-100-2 Rev D 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).
22. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 120 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).
23. No part of the development shall be occupied until such time as the offsite works, the shared use footway and uncontrolled pedestrian crossing point shown in general accordance with Prime drawing number Prime drawing number P21008-100-2 Rev D 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).
24. No development shall take place until a scheme for the treatment of the Public Rights of Way (T93, T94 and U28) has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.
- Reason:** In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2021).
25. The agreed Travel Plan (dated February 2020) shall be implemented in accordance with the approved details.

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

26. A 'Building for a Healthy Life' assessment shall be submitted as part of the reserved matters submission details for this development. The details of the development shall incorporate the 12 considerations set out within the 'Building for a Healthy Life' document (Homes England) and parameters shall be agreed with the local planning authority and implemented on site in accordance with the approved details.

**Reason:** To ensure the site is delivers design quality, health and wellbeing provision and an integrated neighbourhood in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD and Paragraph 130 of the NPPF.