

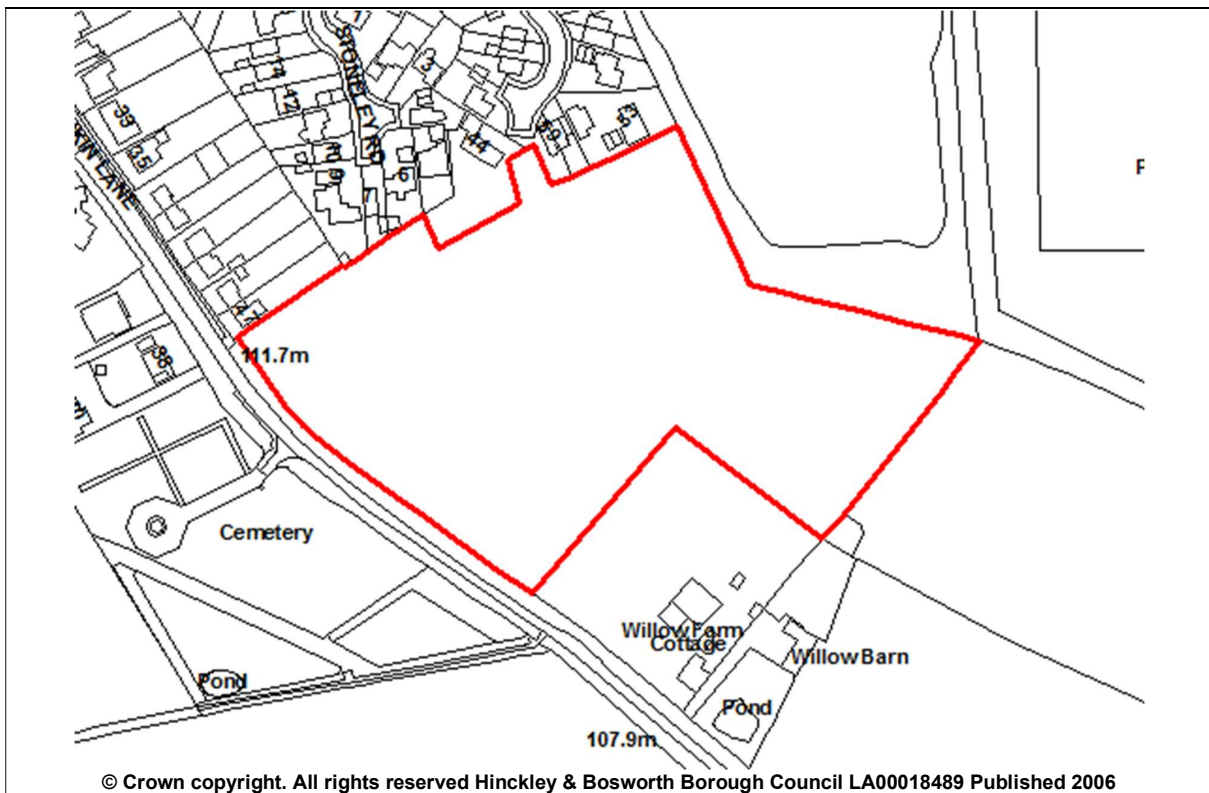
Planning Committee 22 November 2022
Report of the Planning Manager (Development Management)

Planning Ref: 22/00845/REM
Applicant: Davidsons Homes
Ward: Ambien



Site: Land South East Of 47 Wykin Lane Stoke Golding

Proposal: Approval of reserved matters of Outline planning permission 19/01324/OUT
Residential development of up to 55 dwellings (Outline - access only)



1. Recommendations

1.1. Grant permission subject to:

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions to be delegated to the Planning Manager

2. Planning application description

- 2.1. This is a reserved matters application for the residential development of 55 dwellings with associated open space and children's play area. This reserved matters application is for the consideration of appearance, landscaping, layout and scale following the approval of outline permission 19/01324/OUT for the erection of up to 55 dwellings at appeal in May 2021.
- 2.2. The housing mix proposed comprises 33 market properties and 22 affordable homes which are split between 16 affordable rent and 6 shared ownership properties. The mix of housing sizes is as follows:
- 6 x 1 bed
 - 18 x 2 bed

- 18 x 3 bed
 - 7 x 4 bed
 - 6 x 5 bed
- 2.3. The application includes two areas of open space; a small area on the Wykin Lane frontage immediately south of the access into the site and a larger area around an attenuation pond to the rear, north-east, of the site. To the south of the attenuation pond a pumping station is proposed. A footpath link to the east of the attenuation pond is shown to the Stoke Golding Park to the north.
- 2.4. The one-bed properties have one parking space and the two-bed have two parking spaces. Each of the three-bed properties have two parking spaces with some having an additional garage. All the four bed properties have at least 2 parking spaces and a garage with some having more and all the five-bed properties have at least 3 parking spaces and a double garage with some having more. Each home is equipped with an electric vehicle charging point.
- 2.5. The properties are designed to a very high standard and are traditional in nature featuring many details including bay windows, projecting windows, brick detailing, limited use of render, stone or brick headers and cills, additional tax windows to key gable elevations, chimneys and half timbering. The predominant material is red brick and all properties have pitched tiled roofs. All of the properties would be built to a height of two storeys with four of the five-bed properties having accommodation within the roof space. All garages are brick built with pitched tiled roofs. In total six different red bricks are used for the main elevations with two additional red bricks being used for additional detailing. In total there are 22 different house types across the site.
- 2.6. Boundary treatments comprise 1.8m high close boarded fencing to rear gardens including new fencing to rear boundaries with any adjoining property set slightly in from the existing boundary. 1.8m brick boundaries are provided to key plots that side or front on the highways.
- 2.7. Affordable housing is clustered in two separate areas; one to the north west overlooking the attenuation pond and the footpath link to the adjacent park and another in the southern extent of the site.
- 2.8. Most dwellings take access direct from main access into the site which is to be adopted with a small number being served by shared access drives as is typically found to avoid a predominance of hard surfacing. Properties face onto roads, set back with small front gardens and/or parking spaces.

3. Description of the site and surrounding area

- 3.1. The application site comprises a single field of 2.12 hectares adjacent to the southern boundary of Stoke Golding. To the north the site is bounded by residential development on Wykin Lane, Stoneley Road and Arnold Crescent and to the north-east by the Stoke Golding Park. To the east the site is bounded by existing hedgerows beyond which is farmland and to the west, on the opposite side of Wykin Lane is the Wykin Lane Cemetery. The site is not publicly accessible and there are no public rights of way through or within the site.
- 3.2. The landscape character of the area is of small to medium sized rectilinear fields divided by low hedgerows and mature hedgerow trees. The boundary to Wykin Lane is marked by particularly mature hedging and many trees.
- 3.3. There are no designated or non-designated heritage assets within the vicinity of the site. The Stoke Golding Conservation Area lies approximately 250 metres to the north of the application site and the closest Listed Building, the Grade II Listed Royal Observer Corps underground monitoring post is located approximately 200 metres to the west.

4. Relevant planning history

19/01324/OUT

- Residential development of up to 55 dwellings (Outline – access only).
- Refused
- 17.06.2020

20/00038/PP

- Residential development of up to 55 dwellings (Outline - access only)
- Appeal Allowed
- 21.05.2021

22/00595/CONDIT

- Variation of Condition 14 (Biodiversity Management Plan) and Condition 16 (Vegetation Buffer) of Planning Permission ref: 19/01324/OUT (Construction of up to 55 dwellings, all matters reserved, except for access, at land at Wykin Lane, Stoke Golding, Nuneaton CV13 6JG) dated 21/05/2021. Variation to include; for Condition 14: removing the need to provide on-site mitigation for great crested newts as their mitigation is being addressed wholly off-site and for Condition 16: to reduce the extent of buffers proposed and references to great crested newts.
- Planning Permission
- 04.11.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to 13 neighbouring properties. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. One objection has been received from a resident of Dadlington. No objections have been raised from any of the 13 addresses notified specifically of the application. The following concerns were raised:
 - 1.) It is too close to the cemetery
 - 2.) Wykin Lane can't cope with so much extra traffic

6. Consultation

- 6.1. Stoke Golding Parish Council – Objects to the application.

The Parish Council's initial response was responded to by the applicant and further information was supplied. A further response has been submitted by the Parish Council that raises the following points.

Some of the issues raised have been addressed but there are still outstanding issues on housing mix, landscaping, wildlife (including management and biodiversity), impact on neighbouring properties and buffer zones for hedgerows that need to be resolved. The Parish Council continues to believe that more consultation is required on this application before it can go forward.

Housing Mix – There are more four and five-bed homes than set out in the Neighbourhood Plan. The applicant argues that a particular housing mix should have been secured by condition at outline stage. However, the outline application was allowed before the Neighbourhood Plan was adopted and it includes a policy on housing mix. The Neighbourhood Plan is now part of the development plan for the Borough and its policies apply to planning applications and other matters where a planning decision has not been rendered prior to the adoption of the Plan. This is a matter of applicable policies, not planning conditions.

Officer comment: The applicant is correct on this point. Had a specific mix been required a condition would have had to be attached at outline stage. The Inspector did not attach any such condition. This matter is addressed in greater detail below.

Landscaping including New Tree and Hedgerow Protection

Other than planning two new trees, the landscaping scheme does not explain what will be done to enhance and strengthen the boundary vegetation along the lane to reduce the impact on the landscape. The appeal decision expected properties to be set back behind landscaping to minimize the visual damage caused by the development. The Inspector noted that it was intended that boundary vegetation along the lane would be retained and enhanced. He was satisfied that sufficient mitigation could be secured as part of the reserved matters stage and that the development would be well contained and that the development would be glimpsed only, due to the retention and enhancement of the planting.

Officer comment: In accordance with the approved access details only a very small section of the existing boundary treatment is to be removed and any gaps in the hedgerow are to be supplemented by additional native species hedgerow planting. The remaining vegetation will provide a strong permanent boundary which will provide effective screening.

Badger Protection – The Parish Council requires the method statement referred to in Condition 15 of the Inspector's decision to be submitted.

Officer comment: Condition 15 requires that an updated survey be submitted with any reserved matters application. This has been done and the County Ecologist confirms that the details are acceptable. The document sets out the Method Statement covering checks before site clearance takes place, working hours, mitigation measures during construction and general good practice to be followed. The information submitted accords with the requirements of Condition 15 and the condition requires that work places place in accordance with the submitted details.

Great Crested Newts – The applicant is seeking to deal with newts by way of a district level licence. If this is acceptable to the Borough Council the Parish Council would also support this providing that mitigation measures are agreed for any newts already on the site. The Parish Council notes the comments of the County Ecologist who has said that the Local Planning Authority needs evidence that appropriate and legal mitigation impacts on Great Crested Newts have been made through entry into the district level licensing scheme and that the application must not be determined until it has been received.

Furthermore, the Parish Council disagrees that the district level licence removes the need to provide on-site mitigation for great crested newts. Great crested newts within the site are at great risk from the development works and this needs to be mitigated by having an ecologist present during vegetation clearance to search and relocate any newts to a place of safety.

Officer comment: The government's own website specifically states that "if you are a developer proposing to develop land where great crested newts live, you can pay to join a district level licensing scheme if there is one in that area. By joining a scheme, you do not need to plan and carry out mitigation work to move the newts to safety."

Management of Biodiversity – The mitigation measures and proposals for biodiversity net gain are not available. Policy SG11 requires that a biodiversity net gain is provided.

Officer comment: Condition 14 of the Inspector's decision letter requires that no development commences until a Biodiversity Management Plan which includes a strategy for enhancing biodiversity and its subsequent management have been submitted to and approved in writing by the Local Planning Authority. These details do not therefore need to be included in the current application but can be dealt with under a separate application to discharge the requirements of the condition. The Parish Council will be consulted when such an application is received. The condition ensures that a biodiversity net gain will be provided and secured once development is completed.

Impact on Neighbours – Residents of the Arnold Road estate will be particularly impacted by this development and the Inspector's decision letter makes clear that the design needs to minimize the impact on outlook, light and privacy for these residents.

Additionally, Policy SG15 requires that air quality, noise, light pollution and loss of daylight/sunlight is not significantly adversely affected. The proposed layout offers minimal distances between the new homes and the existing properties, claiming that these distances meet all the relevant requirements. The Parish Council does not understand what requirements are being referred to by the applicant. The proposal doesn't meet the requirements of either the Inspector or the Neighbourhood Plan.

Officer comment: Interface distances as required by the Council's Good Design Guide are provided and secure appropriate levels of amenity for both existing neighbours and new occupiers. This issue is addressed in greater detail below.

Variation to Condition 16 re buffer zones to hedges – The applicant has requested that for the approximately 400 metres of hedgerow on the site that the 5 metre buffer required by the Inspector in Condition 16 be reduced to 3 metres from the centre of the hedge. The site plan shows neither of these and instead proposes a five metre buffer strip from the centre of the hedgerow. The Parish Council opposes an alteration to the planning condition which was set by the Inspector to protect the hedgerows:

The layout submitted at reserved matters shall provide a natural vegetation buffer zone of at least 5 metres alongside all retained hedgerow which do not relate to plot boundaries and a 4.5 metre uncut buffer provided as referenced in Section 3.1.2 of the Great Crested Newt Mitigation Strategy dated February 2020.

This buffer zone supports Stoke Golding Neighbourhood Plan Policy SG12 on trees and hedgerows.

The Parish Council asked the Planning Inspectorate for guidance on variation of their conditions and a member of the customer team at the Planning Inspectorate stated that:

A reserved matters application should be consistent with the terms of the outline permission. If it is not, the application could be dismissed on the basis that the submitted details are not authorized by the outline permission. In such situations, there could be a risk that interested parties might be prejudiced. This is because the application would have been advertised as a reserved matters application and not as a full application where there are material changes to the scheme.

Officer comment: This issue is addressed in greater detail below. One of the requirements of any condition is that it is precise. The wording of Condition 16 of the Inspector's decision letter is considered to fail the test of precision as it does not make clear where the 5 metres is to be measured from. Is it from the outer extremity of the hedge or is it from the centre. When the hedge is trimmed is the 5 metres from the outer extremity before or after trimming. It is considered that the only reasonable meaning of the condition is to take the 5 metres from the centre of the hedge, or more precisely from the line on which the individual plants that form the hedge are planted and where there is a double row then the centre point between the two lines. This is what the application does and therefore officers are satisfied that the reserved matters application is submitted correctly and ensures that a suitable natural vegetation buffer zone is provided.

- 6.2. Leicestershire County Local Highway Authority (LHA) – 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 in the information provided, the development therefore does not conflict with paragraph 111 of the NPPF.

The LHA provides advice on measures needed to enable adoption of the internal road network and these amendments have been undertaken by the applicant. The LHA are satisfied that an appropriate level of car parking has been provided and the provision of an electric car charging point for each plot is also welcomed. Standard highway conditions are proposed.

- 6.3. Severn Trent Water – No objections subject to a condition regarding surface water

and foul sewage.

- 6.4. Leicestershire Ecology Team – The badger survey is acceptable. The recommendation is that the 5m buffer remains to allow for maintenance and outgrowth of hedges (which reach 2m+ in a season) It is up to the planning authority though whether this advice is applied or not – it is a question of what the planning authority feels is reasonable.

It is also acceptable for the applicant to choose the District level licensing option for great crested newts, which removes the need for on-site mitigation for impacts on great crested newts. The LPA needs evidence that appropriate and legal mitigation for impacts on great crested newts has been made through entry into the District level licensing scheme.

Officer comment: This evidence has been received.

- 6.5. HBBC Drainage – No objections.
- 6.6. HBBC Conservation – The Inspector for the outline application concluded that dwellings on the site would not have an adverse effect upon the setting and significance of heritage assets within the vicinity of the site. This conclusion remains valid and it is considered that the proposal will have no adverse effect upon heritage assets or on the historic environment.
- 6.7. HBBC Affordable Housing – As this scheme is in a rural area 40% of the dwellings should be for affordable housing. This will require 22 affordable homes. Of these 75% should be for social or affordable rent and 25% for intermediate tenure which would provide 16 properties for rent and 6 for shared ownership. The mix of dwellings types meets the identified housing need and the properties meet the space standards required for the dwellings.
- 6.8. HBBC Environmental Services – No comments to make
- 6.9. HBBC Waste – No objections subject to a condition

7. Policy

7.1. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

7.2. Site Allocations and Development Management Policies DPD (SADMP) (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 DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Stoke Golding Neighbourhood Plan (SGNP) (2022)

- Policy SG1: Housing Requirement
- Policy SG4: Housing Mix
- Policy SG5: Affordable Housing
- Policy SG7: Areas of Separation
- Policy SG11: Ecology and Biodiversity
- Policy SG12: Trees and Hedgerows
- Policy SG15: 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)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide

8. Appraisal

8.1. In this instance the principle of development of the site has already been established through the Inspector appointed to hear the public inquiry into the refusal of application 19/01324/OUT allowing the appeal. The Stoke Golding Neighbourhood Plan has been adopted since that decision was made but takes account of the Inspector's decision and includes the site within the settlement boundary of Stoke Golding. The proposal is acceptable in principle subject to all other planning matters being satisfactorily addressed. The key issues therefore in the determination of this application are considered to be:

- Design and Impact upon the Character of the Area
- Housing Mix
- Impact upon Residential Amenity
- Impact upon Highway Safety
- Ecology and Biodiversity

Design and Impact Upon the Character of the Area

8.2. Policy DM10 of the SADMP requires development to enhance the character of the surrounding area, appropriate use of building materials, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the Borough Council's adopted Good Design Guide 2020. Policy SG15 of the SGNP requires development to reflect the traditional character of Stoke Golding, whilst creating a sense of place, integrating into the surroundings, protecting existing features and provide attractive public and private spaces. The site is a greenfield site, which is relatively open. The outline application identified that the development of the site would have an impact upon the immediate area, however the wider impact would be limited, subject to appropriate landscaping and design. This is due to the sites positioning outside, but adjacent to, the existing limits of development in Stoke Golding.

8.3. Policy SG15 of the SGNP states that only development that reflects the traditional character of Stoke Golding will be supported unless the development is of exceptional quality or innovative design. It also requires that development must also comply with 12 points relating to detailed design that include that the development is in keeping with the scale, form and character of its surroundings and that it protects and where possible enhances important features such as hedges and trees.

- 8.4. Paragraphs 126 and 130 of the NPPF (2021) states that good design is a key aspect of sustainable development and planning decisions as it creates better places in which to live and work and helps make development acceptable to communities. Decisions should ensure that development; will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate landscaping, are sympathetic to local character, establish/maintain a strong sense of place and optimise the potential of the site.
- 8.5. The Good Design Guide provides detailed advice to developers on standards that will be expected when delivering new development.
- 8.6. The layout has been designed to provide 'tenure blindness' between the open market and affordable units. Affordable dwellings are provided in two separate areas within the site.
- 8.7. The layout sets development back from the tree and hedges planting on Wykin Lane and from open countryside to the eastern boundary of the site, provides overlooking and surveillance to areas of open space, defines key plots with corner turning buildings or buildings that address their key location and provides a variety of house types that add interest to the street scene and provides different designs that all feature significant levels of brick detailing with use of several different but complementary bricks that add further design quality to the development.
- 8.8. It is considered that the proposed development is designed to a high standard that accords with the requirements of both policies DM10 of the SADMP and SG15 of the SGNP as well as meeting the standards that are set out in the Good Design Guide.

Housing Mix

- 8.9. Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 30 dwellings per hectare within Key Rural Centres.
- 8.10. The SGNP sets out an appropriate housing mix for market and affordable housing as follows:

	1 bedroom	2 bedroom	3 bedroom	4+ bedroom
Market Housing	5%	30%	45%	20%
Affordable Home ownership	10%	50%	30%	10%
Affordable housing (rented)	25%	40%	30%	5%

- 8.11. The site delivers 55 dwellings in accordance with the outline permission and a range of densities across the site, with an average of 35 dwellings per hectare. Higher density development is located towards the central and southern areas of the site, with a reduced density near the site's boundary with the open countryside.
- 8.12. The proposal includes a policy compliant provision of 40% affordable housing with a tenure split of 75% affordable rented and 25% shared ownership. The affordable housing mix includes one, two, three and four bedroom properties. This mix has been consulted upon with the Strategic Housing Strategy and Enabling Officer who raises no concerns or objections to the tenure mix proposed. The proposed layout differs slightly from the prescribed mix in the SGNP, providing a greater number of one and two bedroom affordable properties than set out in the SGNP. No prescriptive mix is set out by condition.

- 8.13. The Parish Council objects on the grounds that there is a larger number of four and five bedroomed homes than set out in the SGNP. The combined and then market and affordable mix is set out for comparison purposes below:

Combined

- 6 x 1 bed proposed – SGNP 6.25
- 18 x 2 bed proposed – SGNP 19.3
- 18 x 3 bed proposed – SGNP 21.45
- 7 x 4 bed proposed – SGNP for 4 and 5 bed combined 8
- 6 x 5 bed proposed

Market

- 0 x 1 bed proposed – SGNP 1.65
- 6 x 2 bed proposed – SGNP 9.9
- 15 x 3 bed proposed – SGNP 14.85
- 6 x 4 bed proposed – SGNP for 4 and 5 bed combined 6.6
- 6 x 5 bed proposed

Affordable Rent

- 6 x 1 bed proposed – SGNP 4
- 7 x 2 bed proposed – SGNP 6.4
- 3 x 3 bed proposed – SGNP 4.8
- 0 x 4 bed proposed – SGNP for 4 and 5 bed combined 0.8
- 0 x 5 bed proposed

Shared Ownership

- 0 x 1 bed proposed – SGNP 0.6
- 5 x 2 bed proposed – SGNP 3
- 0 x 3 bed proposed – SGNP 1.8
- 1 x 4 bed proposed – SGNP for 4 and 5 bed combined 0.6
- 0 x 5 bed proposed

- 8.14. It is considered that whether the mix is looked at on a combined basis or by way of individual tenure type there is a broad mix of properties and tenures achieved that does not reveal any great differences between what is set out in the SGNP and what is proposed. The thrust of the concerns set out in the SGNP is that a greater proportion of smaller properties is required. In this case two and three bed properties form by far the greatest proportion of dwellings proposed. Only one fewer two-bed house is provided and only four fewer three-bedroom house are provided. Instead five additional dwellings with four or more bedrooms are provided. The Council's Affordable Housing Officer is satisfied with the mix proposed.
- 8.15. The Parish Council does not articulate the harm that would be caused by this slight difference in the number of houses/bed types. It is not considered that this variance would cause demonstrable harm to the existing local community.
- 8.16. Furthermore, given that the Inspector did not require any specific mix of dwelling sizes to be provided it would not be considered reasonable to now require that the applicant meets the housing mix set out in the Neighbourhood Plan to the letter. Officers consider that the proposed housing mix is acceptable for the site and will provide a broad range of house types and tenures that will make a significant contribution to the needs of the community.

Impact upon Neighbouring Residential Amenity

- 8.17 Policy DM10 of the SADMP seeks to ensure that development would not have significant adverse effect upon the privacy or amenity of nearby residents and occupiers of adjacent buildings, and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.

- 8.18 Policy SG15 of the SGNP requires that the amenities of residents in the area should not be significantly adversely affected, including by loss of daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.19. The Good Design Guide sets out that principal windows to habitable rooms of neighbouring properties should be not less than 21 metres apart, unless they are across a road.
- 8.20. Residential dwellings border the site on just a single boundary to the north. No objections have been received from any neighbour bordering the site. The site layout demonstrates that at least 21 metres is provided between all existing and proposed habitable room windows where any issues of overlooking or loss of privacy may arise. Some ground floor interface distances are less than 21 metres but as 1.8 metre close boarded fences are located between these windows no actual overlooking or loss of privacy arises.
- 8.21. The relationship between 53 Arnold Road and the proposed dwelling at plot 11 is unusual in that an extension to the existing property was allowed that provided several windows in close proximity to the boundary with the then field that allowed significant views across the field. In this instance the dwelling on plot 11 is set at least 12 metres from the existing property as well as being sited so that no habitable room window directly faces the property.
- 8.22. All future occupiers are provided with adequate levels of amenity and have gardens that comply with the guidance on garden sizes within the Good Design Guide.
- 8.23. Concerns have been raised by the Parish Council with regard to the amenity of existing local residents, particularly those on Arnold Road but the Parish Council does not refer to any specific issues.
- 8.24. It is not considered that the development, once completed would have a significant detrimental impact upon any of any existing neighbouring dwellings in terms of any overbearing impact or overlooking. Conditions are included within the outline permission for a construction environmental management plan and limited construction hours which seek to protect existing and proposed residential amenity during the course of the development.
- 8.25. Therefore, when having regard to layout, scale and appearance of the proposed development, it is not considered that the proposal would have an adverse impact upon residential amenity and would accord with Policy SG15 of the SGNP and Policy DM10 of the SADMP.

Impact Upon Highway Safety

- 8.26. Policy DM17 of the SADMP requires that applications meet a number of criteria, the most relevant for this application is c) demonstrate that there is not a significant adverse impact upon highway safety. This policy also requires proposals to reflect the highway design standards that are set out in the most up to date guidance, this is the Leicestershire Highways Design Guide.
- 8.27. Policy SG15 of the SGNP requires that development be designed in a way that encourages low vehicle speeds and that ensures that parking is integrated so that it does not dominate the street.
- 8.28. The point of access into and out of the site was approved at outline stage. The Local Highway Authority has no objections to the detailed internal road layout and confirms that sufficient parking is provided. The detailed changes to the highway layout have been made so that the main internal roads within the site can be adopted.
- 8.29. No objections to the application have been received on highway grounds. During the application, amended plans have been received following comments from the Local Highways Authority. The revised plans have been submitted to ensure roads are designed to meet adoptable standards and can be adopted by the LHA. The layout of the spine roads has been designed to incorporate speed control measures and adequate forward visibility.

- 8.30. Subject to conditions, the proposals would not have significant impact on highway safety and in accordance with Policy SG15 of the SGNP, Policy DM17 of the SADMP and the NPPF.
- Ecology and Biodiversity
- 8.31. Policy DM6 of the SADMP states that major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long term.
- 8.32. Policy SG11 of the SGNP states that development proposals should provide for biodiversity net gain.
- 8.33. Policy SG12 of the SGNP states that development that damages or results in the loss of ancient trees, hedgerows or trees of good Arboricultural and amenity value will not normally be supported unless this is demonstrated not to be possible. Proposals should be designed to retain ancient trees, hedgerows or trees of arboricultural and amenity value
- 8.34. The Parish Council objects to the application on the grounds that the buffer zones provided do not accord with those required by the Inspector in Condition 16 of his decision letter.
- 8.35. The application has been subject to consultation with the Leicestershire County Council Ecology Team who have confirmed there is no objection to the proposed development. It is noted that Leicestershire County Council (Ecology) confirmed during the determination of the outline application that no further ecological works were required. The development therefore accords with Policy DM6 of the SADMP.
- 8.36. The Certificate referred to by the County Ecologist has been submitted and is counter-signed by Natural England. The government's own website specifically states that "if you are a developer proposing to develop land where great crested newts live, you can pay to join a district level licensing scheme if there is one in that area. By joining a scheme, you do not need to plan and carry out mitigation work to move the newts to safety."
- 8.37. Inspectors do not give reasons for their conditions in their decision letters. The Inspector's Condition 16 does though replicate the wording set out in the Borough Council's list of conditions submitted to the Inspector prior to the Planning Inquiry on application 19/01324/OUT. The reason for the condition proposed during the appeal was "to ensure that the development has a satisfactory landscaping scheme in the interests of ecology in accordance with Policy DM6 of the SADMP." Paragraph 3.1.2 of the Great Crested Newt Mitigation Strategy deals specifically with hedgerows. It states that the 4.5m uncut buffer will enhance connectivity at the site and to the wider landscape through permanent green corridors that will run from the existing great crested newt breeding pond to the north of the site and the proposed receptor pond at the east of the site.
- 8.38. The District Level Licensing removes the need for on-site mitigation and therefore effectively removes the reason for the buffer as identified in the Great Crested Newt Mitigation Strategy referred to in the condition. The Parish Council have referred to Policy SG12 of the Neighbourhood Plan as justification for the 5m wide buffer. Policy SG12 states though that development that damages or results in loss of hedgerows will not normally be supported and that proposals should be designed to retain hedgerows of amenity value. The proposals are designed to retain hedgerows and provide for suitable vegetation buffer zones.
- 8.39. Policy DM6 requires that on site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long term. The County Ecologist has expressed an understandable preference for a 5m buffer but the reason given is to allow for maintenance and outgrowth of hedges.

- 8.40. Policy SG12 makes no reference to buffers, and it is considered that the proposed development meets the requirements of both Policies DM6 of the SADMP and Policy SG12 of the SGNP.
- 8.41. Policy SG11 of the SGNP relates to ecology and biodiversity but simply requires the creation of connections between the network of features identified in the policy that includes the Playing Field Oak that is situated beyond the northern boundary of the site. The policy does not refer to buffer zones.
- 8.42. The applicant has signed up to the District Level Licensing scheme that allows mitigation regarding great crested newts to be dealt with off-site. It also deals with any great crested newts that are on the site. The adoption of the Stoke Golding Neighbourhood Plan makes no material change to the policy background as it relates to the determination of this application. The County Ecologist is satisfied that the proposals are acceptable and has no objections and the necessary information regarding the Impact assessment and Conservation Payment Scheme has been submitted by the Applicant as required.

Other Matters

- 8.43. Should permission be granted the development would be subject to all conditions attached at outline stage which includes conditions relating to construction hours, a Construction Environmental Management Plan, contamination, surface water drainage, levels, a Biodiversity Management Plan, native species planting, improvements to the passing bays and provision of new passing bays on Wykin Lane/Stoke Lane, waste and recycling, external lighting and broadband.

9. Equality implications

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

10. Conclusion

- 10.1. The principle of development has been established through the Inspector allowing the appeal regarding the outline planning permission 19/01324/OUT. The

appearance, landscaping, scale and layout of the proposed development is considered acceptable in accordance with the national and local planning policy as set out in the NPPF, the SADMP and the SGNP.

- 10.2. The proposed development would not have any significant adverse impact upon highway safety, residential amenity, biodiversity or ecology. The proposal would provide a broad mix of house sizes that is considered reasonable and acceptable. It would retain and improve hedgerows and trees bordering the site and is considered to meet the relevant requirements of the Stoke Golding Neighbourhood Plan and the Site Allocations and Development Management policies Development Plan Document as well as the Good Design Guide.

11. Recommendation

13.1 Reserved Matters be approved subject to:

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions to be delegated to the Planning Manager

13.2 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application drawings as detailed on the Drawing Submitted Schedule revision P03

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

2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Davidsons Drawing No. 1189_100 Rev P02. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Plan.

3. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG17 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

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

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

Reason: In the interests of pedestrian safety, and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

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

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

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

Reason: To enable a vehicle to stand clear of the highway whilst the garage doors are opened/closed, to protect the free and safe passage of traffic including pedestrians in the public highway and to ensure that adequate off street parking provision is available to reduce the possibility of on street parking problems locally in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

8. The development hereby permitted shall be carried out in full accordance with the findings and recommendations contained within the Focus Environmental Consultants Badger Survey Report and Method Statement (August 2021).

Reason: In order to protect badgers and their habitat in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016.

13.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an

agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.

4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>