

Planning Committee 20 December 2022
Report of the Planning Manager (Development Management)

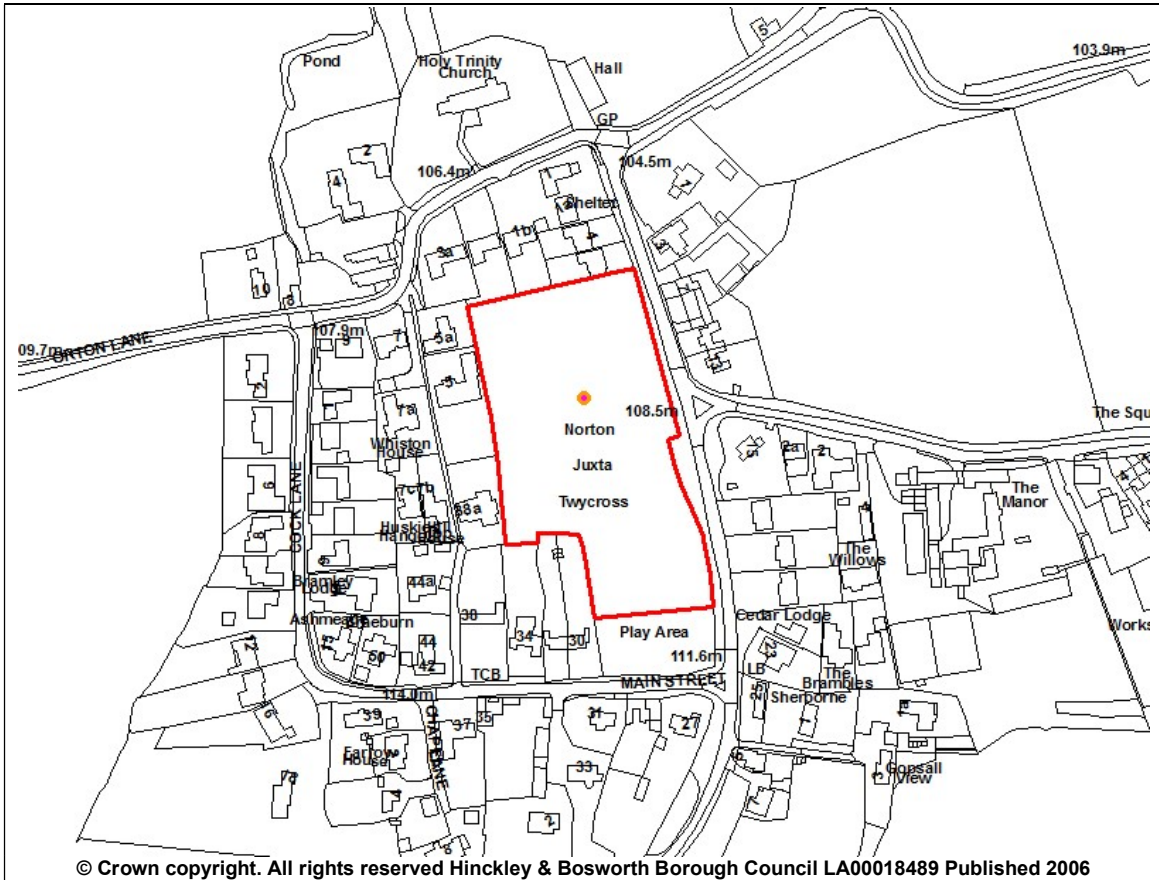


Hinckley & Bosworth
Borough Council

Planning Ref: 22/00503/FUL
Applicant: Mr Andrew Cartwright
Ward: Twycross Sheepy & Witherley

Site: Land West of Main Street Norton Juxta Twycross

Proposal: Erection of 8no. detached dwellings, with associated amenity space, landscaping, car parking and refuse/recycling facilities



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - A commuted sum of £367,812 for off-site affordable housing contribution;
 - Play and open space contribution of £7,768 for off-site equipped children's play space and maintenance;
 - Provision and future management and maintenance of on-site public open space
- Planning conditions outlined at the end of this report.

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

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

2. Planning Application Description

- 2.1. This application seeks full planning permission for development of a vacant, formerly overgrown infill site to provide eight detached houses and associated garaging, on-site public open space in the form of a 'village green' type feature with attenuation basin and associated access and landscaping.
- 2.2. The scheme would provide a total of 8 x two-storey detached dwellings with associated garaging, hardstanding for parking and large private gardens. The mix includes 3 x 4 bedroomed dwellings, 4 x 5 bedroomed dwellings and 1 x 6 bedroomed dwelling. The dwellings would be served by a single vehicular cul-de-sac type access from Main Street connecting to a private drive, along with two pedestrian access points, one to Main Street and one to link to the existing public children's play area to the south.
- 2.3. The on-site public open space would occupy the eastern part of the site and incorporate a large pond within a surface water attenuation basin, trees, lawns and footpaths and retention of a majority of the existing boundary hedgerow.
- 2.4. A Design and Access Statement, Planning Statement, Phase II Geo Environmental Assessment, Arboricultural Method Statement, Written scheme of investigation for Archaeological Mitigation works, Landscape and Habitat Management Plan, Updated Ecological Appraisal have been submitted to support the application.

3. Description of the Site and Surrounding Area

- 3.1. The application site is roughly rectangular in shape, measures approximately 1.19 hectares and occupies a central location within the settlement boundary of the rural hamlet of Norton Juxta Twycross immediately to the west of Main Street. It comprises an area of unused land that has recently been cleared of overgrown scrub which covered a majority of the site, although pockets of trees and spoil remain.
- 3.2. There is residential development surrounding the site to all sides except to part of the southern boundary where there is a public children's play area. The site is well enclosed to the east, south and most of the north boundary by mature hedgerows. The west boundary is less robust with a variety of sometimes sparse hedgerow, lower hedgerow and part timber fencing.
- 3.3. Community facilities within the hamlet include the Church of Holy Trinity which is a grade II* listed building located approximately 90 metres north of the application site, a Village Hall adjacent to the churchyard, the aforementioned public children's play space and an employment site approximately 180 metres to the east on Wood Lane (Henton's Engineering).

4. Relevant Planning History

18/00786/FUL

- Erection of 8 dwellings, formation of a community open space, associated landscaping and access
- Planning Permission
- 01.04.2021

Planning permission was granted for the erection of 8 dwellings, formation of a community open space, associated landscaping and access on 1 April 2021 (application reference number 18/00786/FUL).

The differences between the approved scheme and the current scheme are set out in greater detail in Section 8 of the report.

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.

As a result of public consultation responses from 7 separate addresses have been received. The responses raise a number of objections and/or concerns on the following grounds:-

- 1) Overlooking of 1B Orton Lane from double height glazing panel and roof lights of Plot 2.
- 2) Overlooking of properties on Main Street from Plot 1
- 3) Loss of mature trees and bat roosts
- 4) Disproportionate size of the dwellings
- 5) Living space in roofs has increased the height of the dwellings
- 6) Gated access would prevent access to the community amenity space and to the site by delivery vehicles/visitors
- 7) Number of parking spaces equates to a potential doubling of traffic along Main Street.
- 8) The impact on sewerage and surface water management systems in the village has not been addressed
- 9) No information is provided on construction and materials access
- 10) Contamination is an issue
- 11) Re-drawing of the boundary between site and 30 Main Street
- 12) Annoyed that the updated Ecological Appraisal was only a 'walkover survey'
- 13) Potential for light pollution
- 14) Colour of render not in keeping
- 15) Pedestrian access off main street to plot 1 will encourage on road parking

6. Consultation

- 6.1. No objection, some subject to conditions, has been received from:-

- Leicestershire County Council (Highways)
- Leicestershire County Council (Archaeology)
- Leicestershire County Council (Ecology)
- Environmental Health (Drainage)
- Environmental Health (Pollution)
- Street Scene Services (Waste)

- 6.2. Twycross Parish Council notes that the design of the 8 new dwellings proposed off Main Street has changed and asks the Council to ensure that this does not adversely impact on those existing residents who live close to the site.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets
- Policy 15: Affordable Housing
- Policy 19: Green Space and Play Provision

- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development

- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- Planning (Listed Buildings and Conservation Areas) Act 1990

7.4. Other relevant guidance

- Affordable Housing SPD
- Open Space and Recreational Facilities Study (2016)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Impact on the setting of nearby listed buildings, other local heritage assets and archaeology
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact on drainage/flooding
- Impact on biodiversity/ecology
- Affordable housing and infrastructure contributions
- Other issues

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) 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 state that decisions should apply a presumption in favour of sustainable development and approve development proposals that accord with an up-to-date development plan without delay.
- 8.3. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4. Policy 13 of the adopted Core Strategy identifies Norton Juxta Twycross as a rural hamlet. Rural hamlets generally have limited services and rely on surrounding larger settlements for a majority of everyday services and facilities.
- 8.5. The principle of the residential development of this site has already been established by the grant of planning permission 18/00786/FUL. This proposal predominantly incorporates changes to the proposed house types and associated layout and design changes.

- 8.6. The adopted SADMP does not identify any allocations for residential development for Norton Juxta Twycross however Policy 13 of the adopted Core Strategy does support housing development within the settlement boundaries of rural hamlets that provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16. Policy 16 imposes no housing density, mix and design requirements on developments of fewer than 10 homes. Policy 15 allows for affordable housing provision to be negotiated on a site-by-site basis, and allows for the Council to accept commuted sums in lieu of on-site affordable housing. The submitted Heads of Terms includes a financial contribution towards the provision of off-site affordable housing.
- 8.7. By virtue of its position within the settlement boundary of Norton Juxta Twycross and the small scale of development for only 8 new dwellings, the proposal would be in accordance with Policy 13 of the adopted Core Strategy and would not have any significant conflict with the spatial strategy for the Borough. Furthermore there is an extant planning permission for the development of 8 dwellings on the site approved under application 18/00786/FUL.
- Impact on the setting of nearby listed buildings, other local heritage assets and archaeology
- 8.8. In reaching a decision on this planning application it is important that Members consider the analysis undertaken by statutory consultees and officers in relation to heritage considerations and that Members have full regard to the statutory duties which are placed on the Council under Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990, relevant adopted development plan policies and national guidance within Section 16 of the NPPF, as set out below.
- 8.9. 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's setting and any features of special architectural and historic interest which it possesses.
- 8.10. Section 16 of the NPPF provides national guidance on conserving and enhancing the historic environment. Paragraph 197 of the NPPF 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 (and the more important the asset the greater the weight should be).
- 8.11. Policy DM11 of the adopted SADMP seeks to protect, conserve and enhance the historic environment. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate an understanding of the significance of the heritage asset and its setting, the impact of the proposal on the significance of the asset and its setting, how the benefits of the proposal will outweigh any harm caused and any impact on archaeology in line with Policy DM13.
- 8.12. Policy DM12 of the adopted SADMP requires that development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible. The significance of the assets illustrated in the List and the impact on this significance should be demonstrated and justified in line with Policy DM11.
- 8.13. Policy DM13 of the adopted SADMP states that where a proposal has the potential to impact a site of archaeological interest, an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.

Archaeology

- 8.14. The Historic Environment Record (HER) for Leicestershire indicates that the site lies within the historic medieval core of the hamlet, and that trial trenching (November 2018) has indicated that there are archaeological remains of medieval and later date on the site. A Written Scheme of Investigation (WSI) has been agreed with the County Archaeologist, and is submitted in support of this application.
- 8.15. The County Archaeologist advised that fieldwork outlined within the WSI has been completed, and the remaining 'programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material' remains outstanding. This could be secured by the imposition of a pre-commencement planning condition should the application be permitted.

Listed structures and non-designated local heritage assets

- 8.16. The Church of Holy Trinity is a grade II* listed building and is located approximately 90 metres north of the application site. Within the churchyard are a pair of 13th to 14th century recumbent stone effigies and a stone chest tomb dating from 1808, all are listed at grade II. Approximately 100 metres north-west of the site is a grade II listed but vacant public house (known as The Moore's Arms) dating from mid to late-18th century.
- 8.17. A number of potential non-designated local heritage assets have also been identified including a farmhouse and complex of agricultural buildings (known as Manor Farm), approximately 100 metres to the east of the site, a number of pre-20th century historic buildings (Nos. 1, 9, 11-13, 29 and 38 Main Street) all within 100 metres of the site.
- 8.18. The impact of the proposed development on the setting of designated and non-designated heritage assets was a material consideration in the determination of planning application 18/00786/FUL, when it was concluded that the proposed development would make a neutral contribution to their significance.
- 8.19. The amended development now proposed, which mainly incorporates changes to the proposed house types with associated design and layout changes – is similarly considered to make a neutral contribution to the significance of these designated and non-designated heritage assets.
- 8.20. Visually the application site is obscured from the immediate setting of the grade II* listed Church of Holy Trinity by a row of modern dormer bungalows with steeply pitched roof form. However, the tower and upper portion of the roof of the church are visible from various points within the application site, and it is likely that the site could be viewed from the church tower. As a result it is considered that the application site is located within the wider setting of the church.
- 8.21. By virtue of the site being within the wider context of mainly modern residential development, and the appropriate design and appearance proposed, the effect of the proposal when viewed from the church would not have an adverse impact on its significance. The site does not currently allow for public access so appreciation of the significance of the church from the site is limited. The provision of a new road and community open space will allow for a far greater public appreciation of the church with views being maintained through and over plots 1-3 from the community open space. Due to the siting, layout, and form of the development it is considered that the minor positive contribution the site makes to the significance of the church will be maintained and therefore the effect of the development on the significance of the church is considered to be neutral.
- 8.22. Visually the application site is obscured from the grade II listed Moore's Arms, the grade II listed effigies and chest tomb and the Manor Farm complex by existing

modern residential buildings and there are no known historic or other relationships between any of these buildings/structures and the application site. As a result it is considered that their settings do not include the application site and consequently the development proposal will not affect the special interest and significance of these listed and non-designated heritage assets.

- 8.23. Given their proximity to the application site the probable non-designated local heritage assets on Main Street all have a limited or slightly more unhindered visual relationship with the application site. As a result it is considered that the application site falls within their setting. However, there is no known evidence of any historical relationship or association between the application site and these local assets and views between are set within the context of, and severely compromised by existing modern development. The application site is therefore considered to make a neutral contribution to the significance of these probable local heritage assets.
- 8.24. As a result the proposal would comply with Policies DM11, DM12 and DM13 of the adopted SADMP, section 16 of the NPPF and the statutory duty of section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Design and impact upon the character of the area

- 8.25 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.
- 8.26 The surrounding area is characterised by predominantly low density detached dwellings with a variety of scales, designs and styles and set within extensive plots. The proposed layout would provide eight detached dwellings arranged around the northern and western areas of the site and a public open space along the eastern side and extending to the southern boundary. The low density proposed would not be uncharacteristic of the density or plot sizes of dwellings in the immediate vicinity, unlike a more intensive development of more units, and would enable the provision of a large open space to serve the settlement, a significant public benefit. The main changes to the current scheme relate to Plot 8, which would change the most significantly from the approved plans in terms of its position and design. It would now provide a focal point at the end of the cul-de-sac. An 'L' shaped building is now proposed with the double garage replaced with a triple garage/double garage & gym.
- 8.27 The scheme would provide a mix of 4, 5 and 6 bedroom houses which reflects the mix of the nearby houses. They are a mix of 2 and 3 storey properties. The three storey house have rooms in the roof rather than a full third storey this keeping the overall scale comparable to a large two storey house.
- 8.28 The high quality designs provide a number of architectural features including pitched roofs, gable features and chimneys. Modern features such as gable windows, full height glazing and bi-fold doors would give the properties a modern twist. The scale and detailing of the gables would vary to provide a variety mix of styles. Details would also vary across the site with a mix of arched headers, soldier course and splayed soldier heads. Timber detailing to some gables would provide further variety. The mass of buildings is broken up with the differing styles and materials and the separation of the units into detached forms.
- 8.29 The proposed materials are a mix of two different red bricks, white render and cream render. This is designed to replicate the mix of finishes that are seen within the village. The roof finishes are a mix between slate and brown clay. Window finishes also vary

between the modern dark grey windows and more traditional cream or green painted timber. The mix of materials ensures that no two houses look the same. As no specific materials or samples have been provided, a condition to require their submission for prior approval could be imposed to ensure a satisfactory external appearance.

8.30 The scheme includes the provision of a large public open space within the site and the retention of the brick wall and strong hedgerows to the east and southern boundaries which provide significant screening of the site. A number of the larger more significant trees are also to be retained within the open space and the wider overall layout. The introduction of access points from Main Street and the existing public play area would enable the site to provide a community amenity facility. It is confirmed that it is intended that the public open space would be managed and maintained by a private management company. Whilst the proposed development would inevitably reduce the area of undeveloped land and change its character, subject to satisfactory landscaping and future management and maintenance of the public open space, the scheme would retain a degree of the undeveloped green character of a significant proportion of the site and would be publically accessible for the benefit of the occupiers of the wider settlement.

8.31 The scale and low density of the scheme would be sympathetic to the settlement. By virtue of the layout, scale, design and appearance of the scheme and subject to satisfactory landscaping retention and provision and future management and maintenance of the public open space, the proposal would complement the character of the surrounding area and be in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

8.32 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.

8.33 Objections to the proposal have been received on the grounds that the development would result in a loss of privacy from overlooking, overbearing/overshadowing impacts due to the height of the houses and loss of visual amenity.

8.34 The site is surrounded immediately by residential properties other than the public play and open space area to the part south of the site. The site has a higher ground level than Main Street to the east and ground levels rise from both east to west and north to south across the site.

8.35 Neighbours have raised concern that living space in roofs would increase the height of the dwellings and thereby would have impact on their amenity. However, the following table shows that only plot 2 and 4 would have higher ridge heights than the previously approved scheme. An additional 350mm height at the ridge is not considered to have significant impact on the neighbours. The eaves height of the main roofs are the same as the approved scheme.

	Previously Approved ridge height	Proposed ridge height
Plot 1	9.6m	9.542m
Plot 2	9.3m	9.63m
Plot 3	9.4m	8.955m

Plot 4	9.3m	9.652m
Plot 5	9.3m	8.754m
Plot 6	9.2	9.193m
Plot 7	9.2m	8.754m
Plot 8	9.2m	8.955m

- 8.36 Plot 1 would have no window above ground floor level (which will be screened by the boundary fence) over-looking The Glebe and, whilst it is intended to incorporate a cinema room and sixth bedroom within the roof void, light and ventilation to these rooms would be provided mainly by roof lights located on the front and rear elevations. Concern has been raised about overlooking of properties on Main Street from Plot 1. This plot is no closer to existing properties fronting onto Main Street than the approved dwelling and as such it would have no greater impact.
- 8.37 The footprint of Plot 2 is very similar to that already approved and includes a cinema room within the roof void. Windows have already been approved at first floor level facing onto 1b Orton Lane, with a dormer window serving bedroom 1, two windows serving bedroom 2 and one window serving bedroom 4. The proposed new house type retains the dormer window but replaces the two windows to what was bedroom 2, with a double inward opening glazed door with glazed side panels. A specific concern has been raised by the neighbour about potential overlooking of 1B Orton Lane from double height glazing panel and roof lights of Plot 2. However, Plot 2 is no closer to 1b Orton Lane than the dwelling previously approved. The first floor window feature serves a bedroom and the void above is a feature of the bedroom ceiling. There is no intention to fill this in to create additional storage space in the roof void. The rooflights would serve the cinema room and are unlikely to cause any loss of privacy.
- 8.38 The footprint of Plot 3 is very similar to that approved and includes a games room in the roof void above the garage and a cinema room and playroom in the roof void of the main house. The same number of openings are proposed at first floor level with the window to bedroom 1 replaced with a double inward opening glazed door with glazed side panels. The double inward opening double glazed doors shown to bedroom 1 on the previously approved plans has been omitted. There are not considered to be any impacts arising from the proposed changes to Plot 3 over and above those already approved.
- 8.39 The changes to Plot 4 include a cinema room and store within the roof void above the main house. The same number of openings are proposed at first floor level with the window to bedroom 1 replaced with a double inward opening glazed door with glazed side panels. There are not considered to be any impacts arising from the proposed changes to Plot 4 over and above those already approved.
- 8.40 The footprint of Plot 5 is not dissimilar to that approved but the integral double garage has been handed and positioned adjacent to Plot 4 instead of Plot 6. A shower room and games room have replaced the master bedroom approved above the garages. No residential accommodation is proposed in the roof void of the main house. A two-storey glazed panel is proposed to the rear elevation serving the dining area and master bedroom en-suite whilst the two windows serving what was bedroom 2 have been replaced with a double inward opening glazed door with glazed side panels.

The approved dormer window above the garage has been omitted. This dwelling has reduced from a 5 bedroomed dwelling to 4. There are not considered to be any impacts arising from the proposed changes to Plot 5 over and above those already approved.

8.41 The changes to Plot 6 include a cinema/games room and shower room in the roof void of the main house. The same number of openings are proposed at first floor level with the windows to bedroom 1 and 2 replaced with a double inward opening glazed doors with glazed side panels. An additional landing window has been added. There are not considered to be any impacts arising from the proposed changes to Plot 6 over and above those already approved.

8.42 The design and layout of Plot 7 is the same as Plot 5 but, whilst Plot 7 is rendered, Plot 5 is to be constructed of red facing brick. The changes to Plot 7 from the approved drawing include the handing of the garage – which is now adjacent to Plot 6 instead of Plot 8 – and the inclusion of a games room and shower room in the roof void above the garages. No accommodation is proposed in the roof void above the main dwelling. A two-storey glazed panel is proposed to the rear elevation serving the dining area and master bedroom en-suite, whilst the two windows serving what was bedroom 2 have been replaced with a double inward opening glazed door with glazed side panels. The approved dormer window above the garage has been omitted. This dwelling has reduced from a 5 bedroomed dwelling to 4. There are not considered to be any impacts arising from the proposed changes to Plot 7 over and above those already approved.

8.43 An 'L' shaped building is now proposed for plot 8 with the double garage replaced with a triple garage/double garage & gym. The proposed master bedroom above the garage is now replaced with a games room. A cinema room and play room are included within the main house roof void. This dwelling would reduce from a 5 bedroomed dwelling to 4. In terms of elevational changes, the catslide open canopy porch over the front door would be removed and two storey glazing incorporated to the entrance hall and first floor corridor. The chimney stack would be relocated from the rear elevation to the side and would reduce in height. An additional opening is included at first floor level serving bedroom 1 which consists of a double inward opening glazed doors with glazed side panels. Rooflights are included on the front, rear and side elevations. The proposed dwelling would move to the east, giving a greater separation distance from 30 Main Street.

8.44 Notwithstanding the objections received, by virtue of the layout, separation distances, levels, scale and design of the proposed scheme and subject to a condition to require appropriate boundary treatments to be retained/provided along the north and western boundaries of the site where appropriate, the scheme would not result in any significant adverse impacts on any neighbouring properties and would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

8.45 Policy DM17 of the adopted SADMP supports development that would be able to demonstrate that there would not be a significant adverse impact on highway safety, that there is convenient and safe access for walking and cycling to services and facilities and that proposals reflect the latest highway authority design standards. Policy DM18 requires new development to provide an appropriate level of parking provision taking into account the sites location, type of housing and other modes of transport available.

8.46 Objections to the scheme have been received on the grounds that it would be detrimental to highway and pedestrian safety by virtue of inadequate roads, footpaths

and junctions in and out of the village to serve additional development and that it would result in additional on-street parking and congestion.

- 8.47 The scheme would be served by a single vehicular access from Main Street. The access would have a width of 4.8 metres with 2 metre wide footways either side, achievable 2.4 metres x 43 metres visibility splays either side of the access junction, facilities for vehicle turning and would be constructed to an adoptable standard. By virtue of the design and construction the scheme would be provided with safe and satisfactory access to and from the site. Plots 5 – 8 inclusive would be served by a more informal shared surface private drive with reduced width.
- 8.48 Notwithstanding the width and rural nature of the roads into and from the settlement, the Local Highway Authority raise no objections on highway safety grounds and consider that the cumulative impacts of development for 8 new dwellings can be mitigated and would not be considered to be severe. LCC Highways have also confirmed that the proposed parking provision accords with Part 3, Paragraph 3.151 of the LHDG.
- 8.49 Concern has been raised by the neighbour that pedestrian access off main street to plot 1 will encourage on road parking. However, there are no objections or concerns raised by LCC Highways to the inclusion of a pedestrian access from Main Street into plot 1.
- 8.50 Concern has been raised that no information is provided on construction and materials access. It is usual practice to impose a planning condition requiring the submission and approval of a Construction Environmental Management Plan before development commences which would cover such matters. The principle of a CEMP condition is acceptable to the applicant.
- 8.51 Subject to the imposition of highway related conditions to ensure the provision of the proposed access, turning and parking arrangements, the scheme would not result in any significant adverse impacts on highway or pedestrian safety and would therefore be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Drainage

- 8.52 Policy DM7 of the adopted SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.53 Objections to the proposal have been received on the grounds that the impact on sewerage and surface water management systems in the village has not been addressed.
- 8.54 The site is within Flood Zone 1 in an area of low risk of flooding where residential development is appropriate. The drainage strategy includes the use of infiltration drainage to mitigate the impact of an increase in the impermeable area of the site on surface water run-off and the layout includes a surface water attenuation basin. Foul drainage is proposed to be connected to the existing public sewer.
- 8.55 Environmental Health (Drainage) has assessed the submitted information and considers that the proposed drainage strategy is satisfactory at this stage. The imposition of a condition to require the submission of a more detailed sustainable surface water drainage system in accordance with the submitted drainage strategy for prior approval, would be reasonable and necessary to ensure that the scheme would not result in the creation or exacerbation of flooding and would be in accordance with Policy DM7 of the adopted SADMP. The disposal of foul drainage from the site to the existing public sewer would be subject to separate Building Regulations and water company approval.

Biodiversity/Ecology

- 8.56 Policy DM6 of the adopted SADMP requires that development proposals demonstrate how they conserve and enhance features of nature conservation value.
- 8.57 Objections to the proposal have been received on the grounds that the updated Ecological Appraisal was only a 'walkover survey'.
- 8.58 A walkover survey of the site has been carried out in accordance with standard Phase 1 Habitat Survey methodology detailed within the JNCC Phase 1 Habitat Survey Handbook. The survey covered all accessible areas of the site and surrounding habitats. This survey sought to identify, describe and map habitats present within the site. The term 'walkover' should not be construed as meaning that a thorough survey has not been undertaken. Leicestershire County Council (Ecology) have assessed the information submitted and consider that the survey/reports are satisfactory.
- 8.59 A biodiversity enhancement strategy for the Site has been developed. The strategy includes soft landscaping and biodiversity enhancement features post development, as set out below:
- Creation of Priority Habitats (Section (41) NERC 2006) namely an attenuation pond which has been designed to ensure a sufficient depth to retain water all year round that will be sensitively landscaped to maximise biodiversity value;
 - Significant length of native species rich hedgerow will be created;
 - Native wildflower grassland mix;
 - Areas of mixed native tree and shrub planting will be provided throughout the layout;
 - Reptile hibernaculum, hedgehog highways; and
 - 10 bird/nest boxes; 6 bat boxes; and 2 bee posts
- 8.60 Whilst Leicestershire County Council (Ecology) has no objection to the proposal on biodiversity grounds, they have requested a biodiversity net-gain (BNG) assessment be submitted. However, the applicant considers that a BNG assessment is not necessary as the significant biodiversity value provided through the inclusion of ecological features such as a reptile hibernaculum, hedgehog highways as well as bat and bird boxes are not taken into account within the BIA metric calculation tool. Policy DM6 of the SADMP or paragraph 108(d) of the NPPF do not require a DEFRA BNG calculation (Metric Version 3.1) to be able to demonstrate a BNG net gain calculation as requested by the LCC Ecologist. Taking into account the level of biodiversity enhancements proposed and scale of the development, it is not considered that a BNG assessment is required in this instance.
- 8.61 In comparing the submitted Site Layout and the Tree Assessment, the layout would enable the retention of a majority of the existing trees within the site and around the perimeter. Whilst a Tree Protection Plan has been submitted it is not considered adequate and an updated Tree/Hedgerow protection plan is required with detail protection strategy. This could be secured by a planning condition in the event that the application is approved.
- 8.62 Objection has been received regarding loss of mature trees. It should be noted that the site is not covered by a TPO and the Council's Tree Officer has no comments to make on the application. Seven trees would be lost as a result of the layout, including two trees of categorised as being moderate in quality. However, by virtue of the low density of development proposed, the site provides ample opportunity for mitigation of any losses through replacement planting in and around the large area of open space. A comprehensive landscape plan has been submitted in support of the application which show the provision of replacement planting. It is intended that the open space would be managed and maintained in the future through a private management company and such provision could be secured through the completion

of an appropriate section 106 planning obligation in the event that the application is approved.

Affordable housing

- 8.63 Policy 15 of the adopted Core Strategy requires the provision of 40% affordable housing on sites of 4 dwellings or more or on sites measuring 0.13 hectares or more in rural areas. The Affordable Housing SPD states that off-site provision or commuted sum contributions may also be acceptable alternatives in exceptional circumstances including instances where such provision would better meet the locally identified priority housing need. The SPD also provides a method for the calculation of commuted sums for off-site affordable housing.
- 8.64 The NPPF in paragraph 64 states that affordable housing should not be sought for residential developments that are not major developments other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). For housing, this is defined in the NPPF Annex 2 as being development of 10 or more dwellings or where the site has an area of 0.5 hectares or more. This is reflected in the updated Planning Practice Guidance notes.
- 8.65 In this case, the site area is in excess of 0.5 hectares and therefore is a major development. The applicant proposes a sum of £367,812 as a commuted sum for an off-site affordable housing contribution. This is in line with the adopted SPD.
- 8.66 By virtue of the lack of everyday services and facilities within Norton Juxta Twycross, it is considered that a commuted sum for off-site affordable housing in a more sustainable location would better meet local need in this case and would therefore be acceptable in principle. The contribution could be secured through the completion of an appropriate section 106 planning obligation in the event that the application is approved.

Infrastructure contributions

- 8.67 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.68 The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations require that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 8.69 Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. The Open Space and Recreation Study (2016) provides further advice on the facilities at each designated public open space.
- 8.70 The proposed layout includes a new link to the existing amenity green space and children's equipped play area (identified as NOR03) immediately to the south. The quality standard of the space is assessed as only 58% and therefore the space falls below the target standard of 80%. A lack of access to provision for younger people is identified.
- 8.71 In order to mitigate the impact of additional users of the play and open space and recreation facilities as a result of the proposed development, a contribution of £7,768 (provision plus maintenance) has been identified using the figures provided in the

Open Space and Recreation Study. This could be used towards a scheme aimed at improving the quality standard of the site and the range of facilities provided.

- 8.72 The infrastructure contribution identified above is considered to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed and therefore CIL compliant. The contribution could be secured through the completion of a suitable section 106 planning obligation if supported by the currently outstanding commuted sum assessment, the outcome which will be reported as a late item to this agenda.

Other issues

- 8.73 A neighbour has raised concern about redrawing of the boundary between the proposed site and 30 Main Street. The applicant has no intention to redraw the position of the existing boundary between the site and 30 Main Street. The topographical survey submitted in support of the application is the same plan previously approved.
- 8.74 An objection has been received in respect of the contamination of the site. It is acknowledged that remediation of the site is required, HBBC ES Pollution have recommended approval of the application subject to planning conditions related to the scheme for the remediation of land contamination and gas protection measures, which are acceptable to the Applicant.
- 8.75 Concern has been raised that the gated access would prevent access to the community amenity space and to the site by delivery vehicles/visitors. There are two pedestrian access points into the community amenity space. The first is opposite 15 Main Street and the second is off the new site access road before the access gates. The access gates are sufficiently set back from the highway boundary to allow delivery vehicles and visitors to park off the highway whilst gaining access. Access to the community amenity space and to the site by delivery vehicles/visitors is acceptable.

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. The principle of the residential development of this site has already been established by granting 18/00786/FUL planning permission. This proposal predominantly incorporates changes to the proposed house types and associated layout and design changes.
- 10.2. By virtue of separation distances and existing modern development around the application site, the scheme would have a neutral impact on the settings of listed buildings and other potential local heritage assets in the vicinity of the site. Further archaeological works could be secured by condition.
- 10.3. By virtue of the layout, low density, scale, design and subject to secure details of external materials the proposed scheme would complement the character of the surrounding area.
- 10.4. By virtue of relative levels and separation distances and subject to appropriate boundary treatments and window restrictions where necessary, the scheme would not result in any significant or unacceptable adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties.
- 10.5. Safe and satisfactory access to the site and adequate off-street parking provision can be provided to serve the development. Conditions can be imposed to secure satisfactory surface water drainage and protection and enhancement of biodiversity/landscaping within the site.
- 10.6. Off-site affordable housing contribution, play and open space contribution and future management and maintenance of the proposed open space for the public benefit of the wider settlement can be secured through the completion of a suitable section 106 planning obligation.
- 10.7. The proposal would be in accordance with Policies 13, 15 and 19 of the adopted Core Strategy, Policies DM1, DM3, DM6, DM7, DM10, DM11, DM12, DM13, DM17 and DM18 of the adopted SADMP, the overarching principles of the NPPF and the statutory duty of section 66 of the Planning (Listed Building and Conservation Areas) Act 1990. Notwithstanding the objections received, the proposal is considered to be sustainable development and therefore recommended for approval subject to conditions and the completion of a suitable section 106 planning obligation.

11. Recommendation

- 11.1. **Grant planning permission** subject to:
 - The prior completion of a S106 agreement to secure the following obligations:
 - Subject to the outcome of the independent commuted sum assessment, a commuted sum of £367,812 for off-site affordable housing contribution;
 - Play and open space contribution of £7,768 for off-site equipped children's play space;
 - Provision and future management and maintenance of on-site public open 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.

11.4. Conditions and Reasons

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

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Proposed Block Plan Drawing No. 13a; Proposed Site Plan Dwg No. 21-132 02c; Floor Plan and Elevations - Plot 1 Dwg No. 21-132 03a; Floor Plan and Elevations - Plot 2 Dwg No. 21-132 04b; Floor Plan and Elevations - Plot 3 Dwg No. 21-132 05b; Floor Plan and Elevations - Plot 4 Dwg No. 21-132 08a; Floor Plan and Elevations - Plot 5 Dwg No. 21-132 09a; Floor Plan and Elevations - Plot 6 Dwg No. 21-132 07b; Floor Plan and Elevations - Plot 7 Dwg No. 21-132 10a; Floor Plan and Elevations - Plot 8 Dwg No. 21-132 11a received by the local planning authority on 24/05/2022.

Reason: To define the permission and ensure satisfactory impact of the development to accord with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No demolition/development shall take place/commence until the programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material has been fulfilled in accordance with the written scheme of investigation (WSI) submitted 24/05/2022 (MOLA Norton Juxta Twycross agreed WSI).

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11 and DM13 of the adopted SADMP and section 16 of the National Planning Policy Framework (2019).

4. Notwithstanding with Tree Protection Plan 11378 TCP 01, before any development is commenced on site, including site works of any description, a Tree and Hedgerow Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details and maintained as such at all times for the duration of the construction phase.

Reason: To ensure that existing trees and hedgerows on the site that are to be retained are adequately protected before and during construction in the interests of visual amenity and biodiversity in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development shall commence on site until surface water drainage details, incorporating sustainable drainage principles (SuDS) has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To ensure that the development is provided with a satisfactory means of surface water drainage to prevent flooding and minimise the risk of pollution by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Prior to first occupation of any of the dwellings hereby permitted, full details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to, and approved in writing by, the local planning authority. The system shall subsequently be maintained in accordance with the approved details at all times thereafter.

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 surface water drainage system within the proposed development to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall take place on site until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:
 - i. proposed finished levels or contours
 - ii. hard surfacing materials
 - iii. retained trees and hedgerows
 - iv. planting plans
 - v. written specifications
 - vi. schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
 - vii. implementation programme.

The landscaping scheme shall be carried out in accordance with the approved details and shall thereafter be managed and maintained in accordance with the Landscape Management and Maintenance Plan to be approved under condition 8 of this planning permission at all times thereafter.

Reason: To enhance the appearance of the development and biodiversity of the site in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Prior to the first occupation of any of the dwellings hereby permitted, a landscape management and maintenance plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority. The management and maintenance of the public open space hereby permitted shall thereafter be carried out in accordance with the approved details.

Reason: To conserve and enhance features of nature conservation within the site and in the interests of visual amenity in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. No development shall commence on site until such time as full details of all boundary treatments including walls, fencing and hedgerows have been submitted to and approved in writing by the local planning authority and the scheme shall be implemented and thereafter maintained in accordance with the approved details prior to the first occupation of each of the dwellings hereby permitted.

Reason: To protect the privacy and amenity of neighbouring properties and the future occupiers of the site in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The development hereby permitted shall be implemented in accordance with the biodiversity enhancement strategy for the site (Dwg no: 197 044 PL01).

Reason: To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

12. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on PRP drawing number 82326-110 Rev P2 have been implemented in full.

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

13. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 43 metres by 2.4 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 Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each access 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 at all times thereafter.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Drawing No. 21/132 02C. Thereafter the on-site parking provision shall be so maintained at all times thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. Notwithstanding the submitted details, prior to first occupation of Plot 3 hereby permitted, the first floor window serving the en-suite bathroom on the west elevation shall be non-opening and shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington Scale. Once so provided the window shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of the occupiers of neighbouring dwellings from potential overlooking in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. The scheme for the remediation of land contamination and gas protection measures recommended in the Phase II geo-environmental assessment carried out by Georisk Management (Report No: 21278/1 Date: January 2022) shall be implemented in accordance with the agreed details and shall be carried out prior to the site first being occupied.

Reason: To ensure that any contamination is dealt with appropriately to protect the amenity of the future occupiers of the site and to mitigate any risks to water quality in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

19. 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 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 site first being occupied.

Reason: To ensure that any contamination identified during development of the site is dealt with appropriately to protect the amenity of the future occupiers of the site and to mitigate any risks to water quality in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

20. No development shall take place until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted to and approved in writing to the Local Planning Authority, The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented prior to first occupation of the development.

Reason: To ensure that the proposed development provides adequate and accessible waste and recycling collection across the site, that would not affect the amenities of neighbouring and future occupants of the site to accord with

Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

21. 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.

Reason: To safeguard the residential amenity of the occupiers of neighbouring dwellings from potential noise, vibration and disturbance etc. in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. Site preparation and construction works shall be limited to the following hours: Mondays to Fridays between 07.30am to 18.00pm; Saturdays between 08.00am to 13.00pm and at no time on Sundays and Bank Holidays.

Reason: To safeguard the residential amenity of the occupiers of neighbouring dwellings from potential noise, vibration and disturbance etc. in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.5. 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. Application forms to discharge conditions and further information can be found on the planning portal website www.planningportal.gov.uk
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the local planning authority and approved by the Building Control Surveyor before development is commenced. If the ground strata proves to be unsuitable for infiltration, alternative SuDS proposals will require the further approval of the local planning authority before the condition can be discharged.

6. Severn Trent Water advise that although their statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewers Regulations (2011). Public sewers have statutory protection and may not be built close to, directly over or diverted without separate consent. You are advised to contact Severn Trent Water Limited to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development.