

Planning Committee 19th September
Report of the Head of Planning (Development Management)

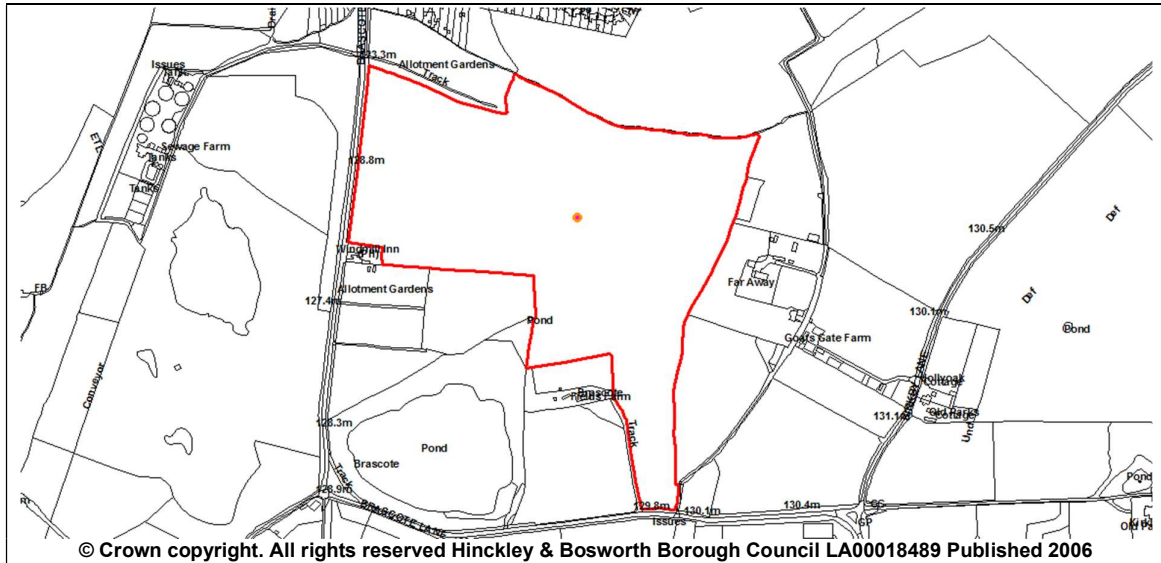


Hinckley & Bosworth
Borough Council

Planning Ref: 22/00277/OUT
Applicant: Richborough Estates
Ward: Newbold Verdon with Desford and Peckleton

Site: Land East Of The Windmill Inn Brascode Lane Newbold Verdon Leicestershire

Proposal: Proposed development of up to 239 dwellings (Outline Application - Access Only)



1. Recommendations

1.1. Grant planning permission subject to:

- A signed Section 106 Legal Agreement (as per the Heads of Terms set out in this report), and;
- Planning conditions as outlined at the end of this report

2. Planning application description

2.1. The application seeks outline permission for the development of up to 239 dwellings, open space and associated infrastructure, with all matters reserved except for access.

2.2. The application details include:

- Up to 239 new homes at a proposed density of 35dph;
- Vehicular and pedestrian access from Brascode Lane;
- Pedestrian and vehicular connectivity throughout the site;
- A Country Park including areas of public open space, and tree and shrub planting throughout the site comprising 4.95 hectares approximately (in total)
- Sustainable Urban Drainage measures by way of attenuation storage the use of existing sewer infrastructure for foul effluent.

- 2.3. The applicant sought pre-application advice on the proposal. The applicants have also met with the Parish Council and issued consultation leaflets to 2,000 properties, alongside a public exhibition.

3. Description of the site and surrounding area

3.1. The site comprises 14.34 hectares of agricultural land adjacent to the south of Newbold Verdon. Brascote Lane runs along the western edge of the site. There are allotments to the north-west and south-west of the site. Agricultural fields surround the rest of the site. Site access is from Brascote Lane and there are no known Public Rights of Way running through the site. The site's topography is relatively flat, falling by approximately 2m towards the sites north eastern edge.

3.2. There are no designated heritage assets within the proposed development site and it is not situated within the Newbold Verdon Conservation Area.

3.3. The site is reasonably well located for local services and facilities in Newbold Verdon, such as Newbold Verdon Primary School, the Church of St James, Aslans Way Playing Fields, Newbold Verdon Cricket Club, Newbold Verdon Medical Centre, Nisa Local Store, Libertas Coffee Shop, Jubilee Inn, Heathbrook Pharmacy, Newbold Verdon Library and some shops. It is within walking distance of bus stops along Main Street.

4. Relevant planning history

4.1. There is no relevant planning history, however, a formal pre application submission was made to Hinckley and Bosworth Borough Council in November 2021 following engagement with the local planning authority in pursuit of an allocation in the emerging local plan.

4.2. For clarity and ease of reference, the site forms submissions LPR38 A and LPR38 B to the 2020 SHELAA exercise and LPR38 under policy HO01 Provision of Housing of the Pre-Submission Local Plan (January 2022).

4.3. It is also to be noted that residential development on the Brascote Lane site has been accepted through the draft allocation for 221 dwellings at Regulation 19 stage of the Local Plan 2020-2041 (ref LPR38). Newbold Verdon is a Key Rural Centre (stand alone), and therefore has a reasonable provision of services/infrastructure to support the development. However, the application as submitted has slightly higher numbers than the draft allocation, at 239 dwellings (Ref 22/00277/OUT), a difference of 18 dwellings.

5. Environmental Impact Assessment

5.1. Under the Town and Country (Planning Impact Assessment) Regulations 2017 there is a requirement to 'screen' certain types of major development or other industrial, agricultural schemes to ascertain whether they would have significant environmental effects and are considered to be EIA development. Under Schedule 2 of these Regulations there are thresholds and criteria that are applicable to certain types of development in order to be 'Schedule 2 development'.

5.2. This development is considered under Category 10 (b) 'urban development project' and the thresholds for this are:

- The development includes more than 1 hectare of urban development which is not housing development
- The development includes more than 150 dwellings

- The overall site of the development exceeds 5 hectares

5.3. In this case, the development exceeds 5 hectares and so is considered to be Schedule 2 development. This type of development requires 'screening' to determine whether it requires an Environmental Impact Assessment. The scheme has been screened by the Council and it has been concluded that the site is not in or adjacent to an environmentally sensitive area (as per the definition within the Regs), is not unusually complex and does not pose potentially hazardous environmental effects. Although it is acknowledged that the proposal would create some effects upon the environment when compared to the existing situation it was concluded that these effects would not be 'significant' and therefore under the provisions of the screening regulations the proposal did not require an Environmental Impact Assessment.

6. Publicity

6.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

6.2. 39 public comments have been received, raising the following concerns:

- Flood risk
- Development on arable farmland
- The proposal is outside the settlement boundary – isolated location
- Ecology impact – ground nesting birds, badgers
- Drainage system not adequate to accommodate new development
- The site is not near a major road or public transport routes
- Highway dangers – on a bend, narrow lane, not safe for walkers, volume of traffic and speeding cars already a problem
- The development would eradicate rural countryside and ruin recreation use of the site for walking/enjoyment
- A development of 239 dwellings would adversely impact upon the doctors surgery, schools and local services
- The development would result in increased parking problems for the village
- The corner of Bosworth Road would be better suited for a development of this size
- Noise pollution
- Newbold Verdon has already provided its fair share of housing to date
- There are three sites around the development which, due to the sand and gravel workings, have been left in an unsafe condition with large areas of deep water and quicksand.
- There is a sewage treatment plant very close by and electricity pylons. Extending the village into this area does not seem very suitable or safe for families with children.

7. Consultation

7.1. No objection has been received from:

- HBBC Environmental Health (Conditions relating to CEMP, Contaminated Land, Noise attenuation, construction hours)
- Highways England
- HBBC Drainage (Conditions relating to surface water drainage, management of drainage assets, maintenance of drainage assets)
- HBBC Waste (Condition relating to bin storage and collection)
- HBBC Conservation Officer

- LLFA (Conditions relating to surface water drainage, management of drainage assets, maintenance of drainage assets, infiltration testing)
- LCC Archaeology (Condition relating to a Written Scheme of Investigation)
- LCC Ecology (Conditions relating to biodiversity net gain, Biodiversity CEMP and the provision of bird and bat boxes)
- HBBC S106 (Open Space Contributions) covering the following:
 - Off site Outdoor Sports contribution: £83,057.28
 - Off site Outdoor Sports maintenance: £39,463.68
 - On site Children's Equipped Play Space: £156,532.57
 - On site Children's Equipped Play Space maintenance: £151,086.24
 - Country Park to include 1.6 Ha of accessible natural green space and 3.35 Ha of open space for ecological enhancements – maintained via a management company
- HBBC Affordable Housing (40% - 25% to be First Homes, and the remainder split 75% social/affordable rent and 25% intermediate tenure)
 - 24 homes for First Homes
 - 54 homes for affordable rent
 - 18 homes for shared ownership
 - The preferred mix for affordable housing for rent is for 10% of any affordable rented homes to be for 1 bedroomed 2 person properties, either quarter houses or flats without communal areas, with the remainder of the mix being for 2 bed 4 person and 3 bed 5 person houses, with a greater delivery of 2 bedroomed houses. All properties should meet Nationally Described Space Standards where possible. A cascade should be included in the section 106 legal agreement to require the affordable rented housing to be offered in the first instance to people with a local connection to Newbold Verdon, and in the absence of applicants with a local connection, to people with a connection to the Borough.
- NHS West Leicestershire CCG (£160,072.45 health contribution sought towards Newbold Verdon Medical Practice)
- LCC Planning Obligations Team request the following:
 - Libraries - Newbold Verdon Library £7,235.96
 - Waste - Barwell RHWS £11,837.67
 - Primary Education - Newbold Verdon Primary School £146,848.00
 - Secondary Education (11-16) - The Winstanley School £713,484.79
 - Post 16 Education - Bosworth Academy £152,432.05
 - Primary SEND Education - Dorothy Goodman School Hinckley £57,127.68
 - Secondary SEND Education - (11-19) Dorothy Goodman School Hinckley £78,269.76

- 7.2. HBBC Economic Regeneration Officer - Due to the high number of proposed dwellings please could a Local Employment & Training Strategy be requested.
- 7.3. HBBC Tree Officer - The Tree Survey and Constraints Advice appears to be thorough and indicates those trees to be retained. It appears that few would be removed. If the application is approved a Tree Protection Plan would be required. The Indicative Site Layout has only limited tree planting in the residential areas. This needs to be increased. Landscaping plans should indicate the expected canopy cover in 25 years to meet Council targets.
- 7.4. LCC Minerals Team – Consulted twice throughout the application process – no response received.

- 7.5. Local Highway Authority – No objections subject to conditions and S106 planning obligations.
- 7.6. Newbold Verdon Parish Council – Object.
When the site underwent an assessment for the draft Neighbourhood Plan back in 2018;
- The site is outside of the current settlement,
 - The distance between the site and local amenities, including public transport are too far away
 - Flooding issues
 - Environmental impact due to loss of wildlife and habitat,
 - Current speeding issues with Brascote Lane, which will be heightened should the development go ahead.
 - It is an outline application only, so it gives no certainty of number of houses that will actually be built on this site should the application be approved. It currently states 239 houses, but it could be more.
 - As the application also does not detail any further information about the proposed development and infrastructure, it does not allow Council the opportunity to make an informed decision.
 - The volume of traffic the development will create in that area of the parish is a concern.
 - The school would not cope with the extra influx of young families, including the Doctors surgery.

8. Policy

- 8.1. Core Strategy (2009)
Policy 11: Key Rural Centres Standalone
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
Policy 24: Sustainable Design and Technology
- 8.2. Site Allocations and Development Management Policies DPD (2016)
Policy DM1: Presumption in Favour of Sustainable Development
Policy DM3: Infrastructure and Delivery
Policy DM4: Safeguarding the Countryside and Settlement Separation
Policy DM6: Enhancement of Biodiversity and Geological Interest
Policy DM7: Preventing Pollution and Flooding
Policy DM10: Development and Design
Policy DM11: Protecting and Enhancing the Historic Environment
Policy DM12: Heritage Assets
Policy DM13: Preserving the Borough's Archaeology
Policy DM17: Highways and Transportation
Policy DM18: Vehicle Parking Standards
- 8.3. National Planning Policies and Guidance
National Planning Policy Framework (NPPF) (2021)
Planning Practice Guidance (PPG)
National Design Guide (2019)
Planning (Listed Buildings and Conservation Areas) Act 1990

- 8.4. Other relevant guidance
Good Design Guide (2020)
National Design Guide (2019)
Leicestershire Highway Design Guide
Landscape Character Assessment (2017)
Landscape Sensitivity Assessment (2017)
Open Space and Recreation Study (2016)
Housing Needs Study (2019)
Affordable Housing SPD (2011)
Leicestershire Minerals and Waste Local Plan
- 8.5. Newbold Verdon Neighbourhood Plan – The Planning Policy Team have advised that currently little to no weight can be applied to the second (and latest) Regulation 14 pre-submission draft plan published in August 2020.

9. **Appraisal**

- 9.1. As this is an outline planning application with all matters reserved except for access, the number of detailed considerations relevant at this stage are limited. Nonetheless, the following represent the key issues:

- Principle of Development
- Housing Land Supply
- Housing Mix and Supply
- Impact upon Highway Safety
- Landscape and Visual Impact
- Design and Layout
- Archaeology
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Minerals
- Heritage Impact
- S106 Heads of Terms
- Planning Balance

Principle of Development

- 9.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 9.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).

- 9.4. The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The latest Local Development Scheme (LDS), was approved at Full Council on 13 December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 19 Consultation which is not scheduled until May-June 2024. The Replacement Local Plan is therefore delayed. Therefore little weight can be given to this.
- 9.5. Notwithstanding this the principle of residential development on the Brascote Lane site has been accepted through the draft allocation for 221 dwellings at Regulation 19 stage of the Local Plan 2020-2039 (ref LPR38). Newbold Verdon is a Key Rural Centre (stand alone), and therefore has a reasonable provision of services/infrastructure to support the development - of which it provides to the settlement and the wider, rural hinterland.
- 9.6. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located adjacent to the settlement of Newbold Verdon but is on land which is designated as countryside.
- 9.7. Policy DM4 of the SADMP states “that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 9.8. Development in the countryside will be considered sustainable where:
a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation”.
- 9.9. The proposed development does not relate to any of the criteria above, however, the application is supported by a Landscape Visual Impact Assessment (LVIA) setting out the visual impact on the wider landscape character.
- 9.10. The proposal does not comply with Policy DM4, but represents development on an edge of settlement location and is a site that has been accepted through the draft allocation for 221 dwellings at the previous Regulation 19 stage of the Local Plan 2020-2039 (ref LPR38). Material planning considerations are set out below.
- Housing Land Supply
- 9.11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.12. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. However, at a recent appeal (application ref: 21/01131/OUT, appeal Ref:

APP/K2420/W/22/3301735, determined 4 January 2023) the Council signed a Statement of Common Ground which updates the monitoring position. On this basis, the Council have agreed that the 5 year housing land supply currently stands at 4.76 years, as of 1st April 2022. Due to this and the change in the housing figures required for the borough paragraph 11(d) of the NPPF is triggered. Therefore, this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

- 9.13. Under these circumstances, the NPPF sets out, in paragraph 11d) that, for decision makers:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:

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

- 9.14. Footnote 8 in the NPPF states that the application of this approach *“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”*.

- 9.15. Paragraph 60 of the NPPF sets out that *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.

- 9.16. Paragraph 77 of the NPPF sets out that *“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years.”*

- 9.17. The 2021/ 22 housing land monitoring statement is currently being prepared but on the basis of the previous years’ assessment, section 2.2 of the aforementioned monitoring statement required an action plan to be produced to set out how the Council will deal with under delivery in light of achieving 86% of the Housing Delivery Test (HDT).

- 9.18. Development on this site would contribute to the housing land supply and consideration should be given to para 77 of the NPPF which states:

“To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability”

A condition is proposed in this instance to require the receipt of reserved matters within 18 months of the date of this decision in order to help speed up the timeframe for delivery of housing should Members be minded to approve the application.

- 9.19. Currently the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 9.20. The provision of up to 239 dwellings, 40% of which is to be Affordable Housing (96 units), is considered to be a significant social and community benefit of the proposal and weighs heavily in favour of the scheme.

Housing Mix and Supply

- 9.21. Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a ‘very good’ rating against Building for Life, unless unviable. A minimum density of 30 dwellings per hectare is required in rural areas, a lower density may be required where individual site circumstances dictate and are justified.
- 9.22. The Good Design Guide SPD advocates the use of the Building for Life assessment.
- 9.23. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The above policy allows for the most recent evidence to be taken into account in decisions and thus policy 16 is considered up to date in this regard.
- 9.24. Final number and mix of dwellings will be determined at Reserved Matters stage, but the illustrative layout shows a mix of types and sizes can be accommodated. The development is for up to 239 dwellings and the appropriate layout and density details will be assessed and determined at the Reserved Matters stage.
- 9.25. Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%. The rest will be delivered in urban areas at a rate of 20%. The Borough has an unmet affordable housing need and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.

- 9.26. The housing officer has requested a policy compliant 40% affordable housing provision across the site. This would break down as follows:
- 24 homes for First Homes
 - 54 homes for affordable rent
 - 18 homes for shared ownership
- 9.27. This meets both the requirement in NPPF for 10% of all homes to be for affordable home ownership (the First Homes and the shared ownership) and the ministerial guidance that 25% of the affordable housing provision should be for First Homes. The remainder of the affordable housing requirement is made up of affordable rented homes.
- 9.28. The need for rented housing in Newbold Verdon, as shown by the Housing Register on 4.5.22, is as follows:

Property size	No. of Applicants interested in Newbold Verdon	Of which, number with a connection to Newbold Verdon
1 bed	127	14
2 bed	73	9
3 bed	51	6
4 or more bed	16	
Total	267	29

Table 1 – Housing Need by property size

- 9.29. The preferred mix for affordable housing for rent is for 10% of any affordable rented homes to be for 1 bedroomed 2 person properties, either quarter houses or flats without communal areas, with the remainder of the mix being for 2 bed 4 person and 3 bed 5 person houses, with a greater delivery of 2 bedroomed houses. All properties should meet Nationally Described Space Standards where possible. A cascade should be included in the section 106 legal agreement to require the affordable rented housing to be offered in the first instance to people with a local connection to Newbold Verdon, and in the absence of applicants with a local connection, to people with a connection to the Borough.
- 9.30. Subject to these requirements being met through completion of a Section 106 legal agreement, this proposal is deemed to be acceptable with respect to housing mix and affordable housing provision.
- Impact upon Highway Safety
- 9.31. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 9.32. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 9.33. Paragraph 111 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be

designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

- 9.34. The applicant has been in long discussions with the Highways Authority to overcome a number of initial concerns that were raised. They have submitted additional technical information, road safety audits etc. Further information was sought from the local highway authority in relation to:
- Vehicular visibility splays;
 - A wider assessment of PIC data to cover the whole study area;
 - Further consideration of the turning matrices; and
 - Updated junction capacity assessments to reflect LCC's current configuration, along with any changes to the forecast traffic flows as necessary.
- 9.35. The LHA accepts that a single point of access to the site can be achieved and that the proposed access with a wider than usual width of 6.75m (as opposed to 5.50m) is considered appropriate in this circumstance and for the scale of the development.
- 9.36. The LHA requested that the applicant consider Personal Injury Collisions (PIC's) across the wider study area. This has now been undertaken for most of the study junctions and key links between. It is noted that only one PIC has occurred at each junction within the last five years, with the exception of the B582/ Dragon Lane junction where two PIC's have occurred. All PIC's were recorded as either slight or serious. Whilst all PIAs are regrettable, particularly those involving a fatality or serious accident, the volume and pattern of PIAs recorded within the area does not give rise to any undue concerns over the safety of the surrounding highway network, particularly considering that only one PIA has been recorded at any of the junctions over a 65-month period.
- 9.37. The application details do not include the A447 Ashby Road/ Bosworth Road junction (study junction 23) within the PIC analysis. The LHA is aware that five PIC's have occurred at this junction between the assessment dates. Of these PIC's one was recorded as serious, while four were recorded as slight. All PIC's involved right turning vehicles, indicating a clear pattern in the nature of the PIC's. Usually, this would require the Applicant to design and implement a road safety scheme at such cluster sites, where it would expect development traffic to generate an increase in traffic. However, having already identified a road safety issue at the junction, Leicestershire County Council (LCC) is currently in the process of installing a road safety scheme. This includes Vehicle Activated Signs (VAS) on the A447 and sensors at Bosworth Road to activate the VAS, alerting oncoming drivers on the A447 of the presence of a vehicle waiting to turn. LCC have confirmed that it will continue to monitor the effectiveness of this scheme following its completion and based on the implementation of the new measures, the LHA cannot justify any further highway safety works as part of the proposed development.
- 9.38. Traffic modelling data indicates that development traffic to and from the west and north take a route via Dragon Lane, towards Atherstone in the west and the M1 Junction 22 in the north. Traffic routing to and from the south, predominantly route via Newbold Road and Bosworth Road towards Hinckley, and traffic routing to and from the east largely route via Main Street and the B582 Barlestone Road towards Desford. The LHA concludes that the proposals do not appear to have a material impact on the level of traffic using Kirkby Lane, a single track road to the west of the site linking Brascote Lane with the B582 (Desford Lane/ Hunts Lane).

- 9.39. Junction capacity assessments have also been undertaken for this development proposal. The LHA have concluded that 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.
- 9.40. A Travel Plan monitoring fee of £6,000 is requested by the LHA as part of an agreed Section 106 agreement. One travel pack (currently £52.85 per pack if supplied through LCC) and two x six month bus passes (currently £360 per pass if supplied through LCC for an Arriva service) will be required in order to encourage sustainable travel to and from the development site.
- 9.41. Subject to suitably worded conditions and obligations required as part of a Section 106 Agreement this application is considered to be acceptable with respect to highway safety, traffic and access considerations and is therefore in accordance with Policies DM10, DM17 and DM18 of the Site Allocations and Development Management DPD 2106 and the requirements of the NPPF.

Landscape and Visual Impact

- 9.42. Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.
- 9.43. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the outline planning permission. The site does not fall within any landscape designations as set out within the NPPF.
- 9.44. The western part of the site lies within the Bosworth Parkland character area, whilst the eastern part of the site lies within the Newbold and Desford Rolling Farmland character area. The site does not include any fundamentally defining features, and instead is generally made up of more common place features found regularly within each of these character areas.
- 9.45. The site is well screened by the existing mature hedgerows that act as a perimeter to it, largely limiting views to Brascote Road (though farm accesses), the allotments, the footpath to the east of the site, and Newbold Verdon Cricket Club.
- 9.46. The indicative layout, and in particular the proposed Country Park, suggest that the scheme will not have a detrimental impact on the landscape value. The impacts on the landscape character of the site within the context of the Bosworth Parklands LCA and Newbold and Desford Rolling Farmland LCA are considered to result in neutral effects as only a moderate proportion of the landscape character area will be changed, no fundamentally defining features will be lost, and those features that will change will be compensated for.
- 9.47. Though limited in their scope, there will be visual effects experienced by users of the footpath to the east of the site, the users of the allotments to the north of the site, and users of the Windmill Inn public house. These are considered to constitute moderate or moderate to minor adverse effects.
- 9.48. The application includes a series of recommendations, as set out within the Landscape and Visual Appraisal (or Landscape Visual Impact Assessment/LVIA),

which will ensure that the scheme has a satisfactory resulting impact on the character of the landscape and visual aesthetics. These are included on the Strategic Landscape Masterplan included within the LVIA, and should be conditioned as part of any approval.

- 9.49. Included within this list are the following measures (not exhaustive):
- Retain existing boundary hedgerows and hedgerow trees. Manage these using traditional 'midlands style' hedge-laying to improve their structure and biodiversity value and strengthen landscape character in association with the landscape strategies within the published character studies.
 - Maintain the agricultural settlement edge character of Newbold Verdon by ensuring the development is visually well screened to the south and east where it could be seen from nearby footpath routes.
 - Retain open roadsides with grass verges and utilise as a design feature within the new development to complement the character of the wider landscape.
 - Create new and conserve existing notable habitats, in particular lowland wood pasture and parkland, wet woodland and grazing - refer to ecology expertise to ascertain what habitats are present on-site and what would be appropriate for creation.
 - Conserve historic field patterns where possible, and the agricultural setting to isolated farmsteads Consider the character of the approach to Newbold Verdon from the south along Brascode Lane and ensure the new first sightings of development complement or improve upon the visual appearance and character of the existing settlement edge.
 - Linear tree copses and hedgerow trees would be useful new screening elements in keeping with the landscape strategies within the published character studies.
 - Aim to ensure the development 'clusters' to the adjacent settlement as much as possible, in order to respect the prevailing settlement form of the Newbold and Desford Rolling Farmland.
 - Creation of a Country Park / Area of Open Space totalling 4.95 ha approx.
- 9.50. It is considered that the application demonstrates that it will not have an unacceptable impact on the surrounding area from a landscape character or visual impact perspective. This is considered as such when taking into account the Council's lack of 5-year housing land supply and because this scheme will provide 239 dwellings comprising 40% affordable housing alongside a Country Park which provides open space above the stipulated/calculated requirement as set out within the Hinckley and Bosworth Open Space and Recreation Study 2016.

Design and Layout

- 9.51. 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.
- 9.52. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment.

- 9.53. This is an outline application and therefore detailed layout and appearance considerations are not being assessed at this stage - however, they will form details at the Reserved Matters stage if the outline application is approved.
- 9.54. Notwithstanding this, the indicative plans illustrate that the development will comprise up to 239 dwellings with its main access into the site from the existing highway network along Brascote Lane. It also shows the provision of large amounts of open space – to include a 4.95ha Country Park. The Design and Access Statement accompanying the application describes the proposal as an outward facing development with a perimeter block formation with a legible street hierarchy and areas of incidental green space. Coupled with the Country Park, this scheme illustrates a green infrastructure led proposal.
- 9.55. It is considered that the parameter plan provides a reasonable outline approach to the scheme that will flow through into the detailed plans submitted at Reserved Matters stage and indicates that a suitable form of development can be brought forward in accordance with Policy DM10 of the SADMP and the Good Design Guide SPD.

Archaeology

- 9.56. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.
- 9.57. In line with the National Planning Policy Framework, Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 199 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.
- 9.58. The application includes a Heritage Statement, alongside a Geophysical Survey. Trial trenching has also been undertaken, with oversight from LCC Archaeology. The submitted documentation states that there are no designated heritage assets or archaeological potential within the site.
- 9.59. The LCC Archaeologist has raised no objection to the scheme, but has asked for a condition to be added to any approval relating to a Written Scheme of Investigation.
- 9.60. It is therefore considered that subject to this condition the application is in compliance with the NPPF and Policy DM13 of the SADMP with respect to archaeological considerations.

Impact upon Residential Amenity

- 9.61. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

- 9.62. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 9.63. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.64. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 9.65. The scheme, subject to the detailed matters to come forward at Reserved Matters stage, will have a suitable relationship with nearby residential units.
- 9.66. The Environmental Health Officer has requested additional information with respect to a Noise Impact Assessment, Construction Environmental Management Plan and Land Contamination. These are all reasonable requests for information that can be appropriately sought through condition at outline stage.
- 9.67. The concerns raised by the neighbours to the scheme are noted, but it is considered that the proposed conditions to be placed on the scheme (particularly those relating to noise, air quality and construction management), together with the Council's continued role in approving detailed plans at Reserved Matters stage, will ensure that sufficient scrutiny and control will be retained to ensure all residential amenity concerns are addressed in full.
- 9.68. Subject to conditions this application is considered to be acceptable in amenity terms and in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

- 9.69. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 9.70. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 9.71. The site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding.
- 9.72. The HBBC Drainage Officer advises that the proposals are acceptable subject to conditions to secure a surface water drainage scheme, management and

maintenance of surface water and infiltration testing, this commentary has also been provided by the Local Lead Flood Authority (LCC). Subject to the suggested conditions, the development is considered to satisfy Policy DM7 of the SADMP and the NPPF with respect to drainage and flooding matters.

Ecology and Biodiversity

- 9.73. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 9.74. The site is 3.8km from Botcheston Bog Site of Special Scientific Interest (SSSI). The assessment submitted as part of the application details finds that the site is a large arable field bound by hedgerows, lines of trees and a poor semi-improved grassland margin. There are areas of scattered scrub and a flowing watercourse along the northern boundary with drains along the southern and central western boundaries. Two of the boundary hedgerows have been identified as potential local wildlife site (pLWS) hedgerows in the north and east.
- 9.75. The applicants have been in discussion with LCC Ecology about exactly how they intend to ensure that the scheme meets the requirement levels of net gain in biodiversity. It is highlighted that the scheme proposes a 4.95 ha Country Park and 3.35 ha of the open space associated with this Park will be for ecological enhancements on site. A Tree Survey has been undertaken which identified 10 tree groups, 9 hedgerows and 26 trees located along the site boundaries. With the exception of removal required to facilitate the site access these features will be retained where possible. Enhancement will occur through additional on-site planting and landscaping details will be further considered at the reserved matters stage.
- 9.76. There is an agreement between the applicant and Ecology Team that the scheme can progress to outline determination, with a condition attached requiring additional information in respect of Biodiversity Net Gain. They have also advised that additional ecological enhancements (bat and bird boxes, and a CEMP) will also be required as part of suitably worded conditions.
- 9.77. As such it is considered that subject to the proposed conditions the proposals meet the requirements of Policy DM6 of the SADMP with respect to ecology, as well as Paragraph 174 of the NPPF.

Minerals

- 9.78. The application site falls within a sand and gravel Mineral Safeguarding Area identified by Leicestershire County Council. Under Policy M11 of the Leicestershire Minerals and Waste Local Plan up to 2031, planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Resource Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.
- 9.79. A Mineral Assessment has been submitted as part of the application submission. This assessment's investigation data reveals that the site has an inferred Mineral Resource of 0.360 Mt of slightly gravelly very fine sand. The economic value of the mineral is considered to be low due to the fine sandy nature and the high silt content. The assessment concludes that the available resource volume is below 400,000 tonnes bringing into question the economic viability of the mineral site as a standalone working site. There is potential for the site to be worked as an

extension of the adjacent Cadeby Quarry, however, with restoration now being completed and the existing conveyor to the plant site having been removed, the viability of such a scheme is highly unlikely.

- 9.80. The LCC Minerals Team have been consulted twice on this application but to date the Council has not received any comments. It is considered therefore that there are no pertinent mineral issues associated with this scheme and as such it is considered to be acceptable.

Heritage Impact

- 9.81. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of paragraph 197 of the NPPF and:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

- 9.82. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for 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.

- 9.83. The Conservation Officer does not object to the proposal on heritage grounds and agrees with the conclusions of the Heritage Statement submitted with the application. The only designated heritage asset that has the potential to be affected by the proposal would be the Church of St James (Grade II listed building) due to its visibility within the surrounding landscape, however, due to the intervening distance, the application site forms a very small part of the setting to the church only, and it is a neutral element that makes no contribution to the building's significance. Therefore, the proposed development within the site will not impact on the significance of this listed building and the proposal will comply with Policies DM11 and DM12 of the SADMP DPD, Section 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

S106 Heads of Terms

- 9.78. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016 updates these standards and also identifies the costs for off-site and on-site contributions.

- 9.84. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- A) Necessary to make the development acceptable in planning terms;
 - B) Directly related to the development; and
 - C) Fairly and reasonably related in scale and kind to the development.
- 9.85. The contributions sought are detailed below:
- HBBC S106 (POS Contribution) covering the following:
 - Off site POS outdoor sports contribution: £83,057.28
 - Off site POS outdoor sports maintenance: £39,463.68
 - On site POS Children's Equipped Play Space provision: £156,532.57
 - Country Park totalling 4.95 hectares to be maintained by a management company
 - HBBC Affordable Housing (40% - 25% to be First Homes, and the remainder split 75% social/affordable rent and 25% intermediate tenure)
 - 24 homes for First Homes
 - 54 homes for affordable rent
 - 18 homes for shared ownership
 - 10% of any affordable rented homes to be for 1 bedroomed 2 person properties, either quarter houses or flats without communal areas, with the remainder of the mix being for 2 bed 4 person and 3 bed 5 person houses, with a greater delivery of 2 bedroomed houses. All properties should meet Nationally Described Space Standards where possible. A cascade should be included in the section 106 legal agreement to require the affordable rented housing to be offered in the first instance to people with a local connection to Newbold Verdon, and in the absence of applicants with a local connection, to people with a connection to the Borough.
 - NHS West Leicestershire CCG (£160,072.45 health contribution sought toward Newbold Verdon Medical Centre)
 - A Local Employment and Training Strategy
 - Monitoring Fees (£558 per obligation)
 - Council's Legal Fees
 - LCC Planning Obligations Team (£1,167,235.92) split as follows:
 - Libraries - Newbold Verdon Library £7,235.96
 - Waste - Barwell RHWS £11,837.67
 - Primary Education - Newbold Verdon Primary School £146,848.00
 - Secondary Education (11-16) - The Winstanley School £713,484.79
 - Post 16 Education - Bosworth Academy £152,432.05
 - Primary SEND Education - Dorothy Goodman School Hinckley £57,127.68
 - Secondary SEND Education - (11-19) Dorothy Goodman School Hinckley £78,269.76
 - STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.
 - - Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel

- (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.
- 10.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 10.3. There are no known equality implications arising directly from this development.
- 10.4. 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).

11. Recommendation

11.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - Off site POS outdoor sports contribution: £83,057.28
 - Off site POS outdoor sports maintenance: £39,463.68
 - On site POS Children's Equipped Play Space provision: £156,532.57
 - A Country Park totalling 4.95 hectares to be maintained by a management company

HBBC Affordable Housing (40% - 25% to be First Homes, and the remainder split 75% social/affordable rent and 25% intermediate tenure)

 - 24 homes for First Homes
 - 54 homes for affordable rent
 - 18 homes for shared ownership

10% of any affordable rented homes to be for 1 bedroomed 2 person properties, either quarter houses or flats without communal areas, with the remainder of the mix being for 2 bed 4 person and 3 bed 5 person houses, with a greater delivery of 2 bedroomed houses. All properties should meet Nationally Described Space Standards where possible. A cascade should be included in the section 106 legal agreement to require the affordable rented housing to be offered in the first instance to people with a local connection to Newbold Verdon, and in the absence of applicants with a local connection, to people with a connection to the Borough.

NHS West Leicestershire CCG (£160,072.45 health contribution sought toward Newbold Verdon Medical Centre)

 - Council's Monitoring Fees - £558 per obligation
 - Council's Legal fees
 - A Local Employment and Training Strategy

LCC Planning Obligations Team (£1,167,235.92) split as follows:

 - Libraries - Newbold Verdon Library = £7,235.96
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 - Primary Education - Newbold Verdon Primary School = £146,848.00
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- Primary SEND Education - Dorothy Goodman School Hinckley = £57,127.68
- Secondary SEND Education - (11-19) Dorothy Goodman School Hinckley = £78,269.76
- STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.
- Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at an average of £360.00 per pass).
- Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).

- Planning conditions outlined at the end of this report.

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

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

11.4. **Conditions and Reasons**

1. Application for the approval of reserved matters relating to the dwellings shall be made within 18 months from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to densities that are appropriate to the hierarchy of streets.
 - d) Scale of each building proposed in relation to its surroundings have been submitted to and approved, in writing, by the Local Planning Authority.

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

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

3. Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with the Council's adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.

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

4. The development hereby permitted shall not be carried out otherwise than general accordance with the submitted application details, as follows:

Site Location Plan drawing ref n1741 001 received 15 March 2022
Parameter Plan drawing ref n1741 004 Rev D received 18 April 2023

Where the above plans and documents include proposed mitigation measures, these shall be implemented in accordance with the approved details, unless otherwise dealt with by conditions to follow.

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

5. The development hereby permitted shall be implemented in general accordance with the illustrative masterplan Drg No n1741 06 Rev C received 10/08/2022 and the LVIA recommendations set out within the Design and Access Statement received 15/03/2022.

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).

6. Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that a satisfactory relationship is achieved between buildings in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

7. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages 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 external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document 2016.

8. Notwithstanding the recommendations within the Phase 1 Ground Condition Assessment no development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

9. 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 and implementation 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 in accordance with the agreed implementation period.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

10. Development shall not commence until details of all trees, shrubs and hedges to be retained, including any trees located outside but adjacent to the site boundary, together with the means of protecting them from damage during the carrying out of the development have been submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of development and shall remain in place until after the completion of the development.

Reason: Whilst landscaping is a reserved matter, a condition is necessary at this stage to ensure that the existing landscaping on the site is protected in accordance with DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

11. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge

shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016)

12. As part of the Reserved Matters submission a Biodiversity Net Gain Plan (the Plan) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be based on the Biodiversity Net Gain metric spreadsheet completed by Ramm Sanderson (12/04/2022) and shall provide a net gain on the reported baseline habitat loss. The Plan shall include the following details:

- A) Location plan of the areas to be used for Biodiversity Net Gain;
- B) Description of existing habitats on site;
- C) Description of planned habitat creation/enhancement, including species to be planted/sown;
- D) Timetable for implementation of habitat creation/enhancement;
- E) Habitat management and monitoring plan including timetable for management routines and reviews, and strategy for any remedial measures, if and when required;
- F) Mechanism for securing the implementation of the biodiversity off-setting and its maintenance/management for a period of 30 years in accordance with details approved in the Plan.
- G) Number and location of bat and bird boxes to be provided across the site

The Plan shall be supported by an up to-date Biodiversity Net Gain metric calculation using the latest DEFRA version of the metric. The Plan shall be implemented in accordance with the approved details.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

13. No trees and shrubs shall be removed on site during the bird nesting season (1st March - 31st July inclusive).

Reason: To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the Site Allocations and Development Management Policies.

14. All dwellings facing Brascote Lane should be provided with the approved mitigation measures as set out within the Noise Impact Assessment. These are “a configuration of 4mm pane / 12mm airgap / 4mm pane, which would need to provide a minimum $R_w + C_{tr}$ of 27 dB. Trickle ventilators with an indirect air path which achieve a minimum performance of $D_{n,e,w} + C_{tr}$ 32 dB would be required for worst affected properties located closest to Brascote Lane”. There shall be no development other than in accordance with the approved mitigation measures, which shall be completed prior to the first occupation of each dwelling and retained thereafter.

Reason: To ensure the protection of neighbouring residential amenity to accord with Policies DM7 and DM17 of the SADMP.

15. No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority and the approved details shall then remain in force throughout the construction period. 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 and a procedure for the investigation of complaints. Site preparation and construction work shall be limited to between 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no working on Sundays and Bank Holidays.

Reason: To ensure the protection of neighbouring residential amenity during construction to accord with Policies DM7 and DM17 of the SADMP.

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

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users, and lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

17. Prior to the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

18. Prior to the occupation of any of the dwellings on site, full fibre broadband connection shall be made available and ready for use.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2021).

19. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

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

20. Prior to the commencement of development a scheme for the installation of electric vehicle charging points will be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full detail of the location and fitting of the units.

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

21. No development shall commence on site until a scheme that makes provision for the secure storage of cycles for each dwelling has been submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of promoting a modal shift in transport movements and in accordance with the National Planning Policy Framework (2021).

22. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

23. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

24. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

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

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

26. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

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

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

roads and lead to on-street parking problems in the area in accordance with Policies DM10 and DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

28. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Hub drawing number T20517.001 Rev C 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 accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

29. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 x 160 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 accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).

31. The Travel Plan shall be carried out in accordance with the details contained within reference T20517 (Revision A dated 29 May 2023). A Travel Plan Co-ordinator shall be appointed from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

11.5. Notes to applicant

1. Severn Trent Water advise that although our 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 Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your

proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.

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. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. 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>
5. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.

The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.