

**Planning Committee 7<sup>th</sup> May 2024  
Report of the Head of Planning**

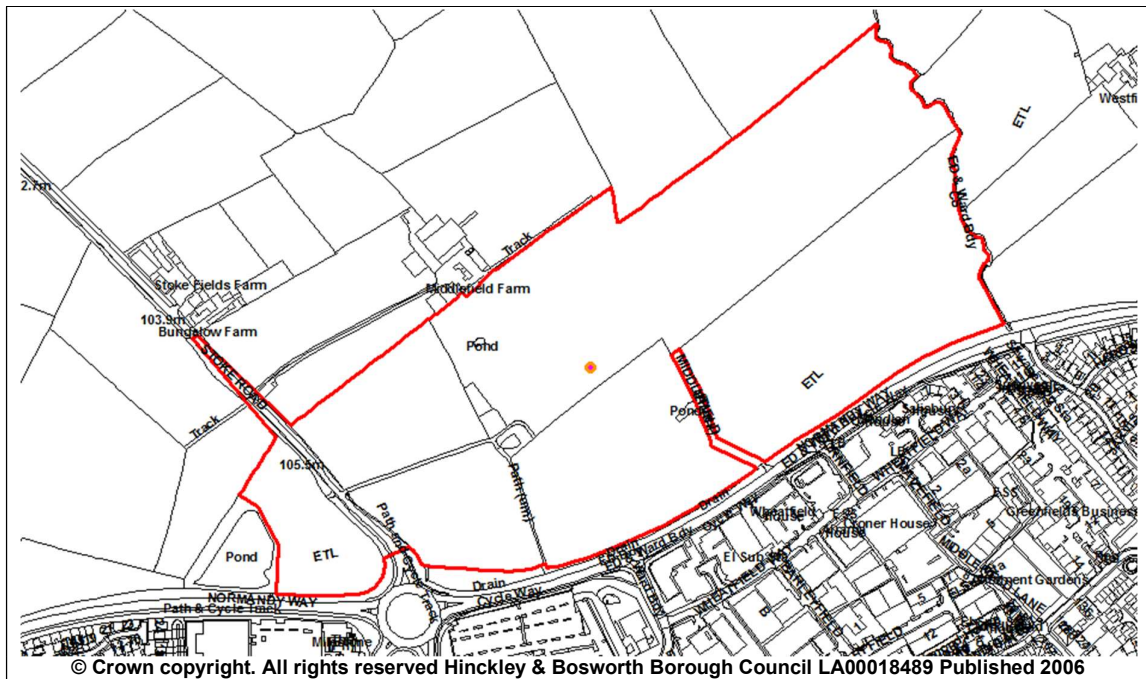
**Planning Ref: 23/00432/OUT  
Applicant: Richborough Estates  
Ward: Hinckley DeMontfort**



Hinckley & Bosworth  
Borough Council

**Site: Land North Of A47 Normandy Way And East Of Stoke Road Hinckley  
Leicestershire**

**Proposal: Outline planning application for the erection of up to 475 dwellings  
including public open space, drainage, landscaping and associated infrastructure**



**1. Recommendations**

1.1. Grant planning permission subject to:

- S.106 (as per the Heads of Terms set out in this report), and;
- Planning conditions outlined at the end of this report

**2. Planning application description**

2.1. The application seeks outline permission for the erection of up to 475 dwellings, open space, drainage, landscaping and associated infrastructure with all matters reserved except for access.

2.2. Vehicular and pedestrian access is proposed via a new three arm roundabout on Stoke Road.

2.3. The Council has worked proactively with the applicant to overcome various issues raised during the planning process. A previous application (22/00318/OUT) on this site was the subject of an appeal, lodged by the applicant for non-determination of the application. A refusal notice on highway grounds was then issued by the Council on 2 May 2023. The appeal was subsequently allowed by the Planning Inspectorate on 18 January 2024.

- 2.4. During the appeal process and since the submission of this subsequent application, the local highway authority have stated that the previous highway concerns have been overcome and are now acceptable subject to conditions and planning obligations.
- 2.5. In addition to this, a consultation response received from the Leicestershire Planning Obligations Team in 2023 has confirmed that land initially reserved for a primary school on the site is no longer required. In light of this, a new red line plan and amended plans and documents have been submitted for this current application which removes the school site from the illustrative masterplan. The following amended plans and documents have been received by the local planning authority and a full re-consultation has been carried out with all consultees:
- Site Location Plan
  - Illustrative Masterplan
  - Landscaping Mitigation and Enhancement Plan
  - Design and Access Statement
  - Land Use Parameter Plan

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

- 3.1. The site is located to the North of Normandy Way (the A47) on the corner of Stoke Road, on the edge of the Growth Town of Hinckley in Leicestershire. The site constitutes five interconnecting fields managed for livestock pasture east of Stoke Road, and a further field west of Stoke Road. There are a number of hedgerows and small groups of trees within it. Topographically speaking, the site slopes up to the east from Stoke Road.
- 3.2. The surrounding area is characterised by its edge of settlement location. Across the A47 is relatively densely built form with both commercial and residential uses on show. To the north is open countryside, as well as across Stoke Road to the west. A Public Right of Way lies to the south western-western edge between the A47 Normandy Way and Stoke Road. This route passes through the site from the A47 and links with the wider open countryside beyond the site.
- 3.3. Middlefield Farm and Stoke Fields Farm lie to the north of the application site.
- 3.4. The A47 is partly a ring road – though there have been historic and more modern extensions of development beyond it – most notably the Bloor Homes site (Hollycroft Grange) to the southwest. As such it is increasingly becoming more of an arterial route.

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

#### **22/00318/OUT**

- Outline planning application for the erection of up to 475 dwellings, including public open space, land reserved for a primary school together with future expansion land (Use Class F1(a)), drainage, landscaping and associated infrastructure
- Refused
- Allowed at Appeal (18 Jan 2024)

- 4.2. **21/10199/PREMAJ - The summary of the response provided was as follows:**

*“The Council cannot currently demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. Therefore, the ‘tilted’ balance in paragraph 11(d) of the NPPF currently 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.*

*The provision of circa 500 dwellings, a proportion of which to be Affordable Housing, is considered to be a significant benefit of the proposal and weighs heavily in favour of the scheme.*

*It is likely that the scheme does not fully comply with Policy DM4 of the SADMP. The above comments re LVIA are clearly going to be key in the determination of any application as are the impacts on infrastructure.”*

- 4.3. 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’.
- 4.4. 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
- 4.5. 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 as part of the pre application advice and it has been concluded that the site is not in or adjacent to an environmentally sensitive area (as per the definition within the EIA 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.
5. **Publicity**
  - 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
  - 5.2. Eight public comments have been received, raising the following concerns:
    - This site is unsuitable for such a large scale development. The local road infrastructure is inadequate and it is a section of greenbelt that should not be built on.

- There are plenty of brownfield sites that could/should be developed on - old leisure centre still not developed, ex Cadent site has scope for hundreds of properties etc.
- Local schools, dental and GP services are already full to capacity and the potential increased traffic through the nearby villages of Stoke Golding and Dadlington would severely impact the quality of life of residents. There are already daily bottlenecks at key times of day for children travelling to St Martins school, while Redmoor, Dorothy Goodmans and Richmond schools are also close by and have substantial traffic flows.
- The addition of more traffic on the A47 will cause even longer queues and congestion; there are already long queues of traffic at various times from the Morrisons roundabout up to the Ashby Road lights. The proximity of the Morrisons supermarket, Wickes, Halfords and the Milestone public house should also be considered, as there will be a substantial increase in traffic at this roundabout, leading to another bottleneck and increased risk of accidents.
- Vehicles turning right out of the 'Admirals' estate can already have great difficulty and additional traffic on the A47 will only exacerbate this problem and increase the chances of major accidents occurring. We already have the possibility of increased HGV traffic along this route due to the impact of the proposed rail freight interchange and the single carriage road is inadequate for still more development.
- The Bloor homes development a few minutes away is already adding to local traffic and is only in its early stages. The overall impact of this development and that proposed will be to add several thousand more vehicles onto an already very busy road, not least through the industrial area close to Dodwell's island.
- There will be an impact on policing too with more pressure on their operations.
- Why is Hinckley being pressurised into having more unnecessary building of houses in another inappropriate area?
- It is entirely unclear why this development is needed in our area unless it is to make up for the shortfall in Leicester and other areas. It is too much, in the wrong place and without the essential infrastructure to support it.
- This beautiful area is in danger of being thoroughly spoilt and Hinckley merging into Stoke Golding and both merging with Nuneaton.

## 6. **Consultation**

6.1. No objection has been received from:

- Natural England
- Environment Agency
- LCC Ecology (subject to an ecological constraints and opportunities plan)
- LCC Archaeology (subject to conditions)
- LCC Minerals and Waste Authority
- Leicestershire Fire and Rescue
- Leicestershire Police
- Coal Authority
- HBBC Environmental Health (Conditions relating to noise, CEMP, land contamination, construction hours)
- HBBC Waste (Condition relating to refuse storage and collection)
- HBBC Conservation Officer
- LCC Drainage (Conditions relating to surface water drainage, management thereof and long-term maintenance thereof)

- LCC Planning Obligations Team – subject to request for planning obligations including libraries, waste, early years and education contributions (confirmation that land for a primary school is no longer required)
- NHS – subject to request for healthcare contributions

6.2. HBBC Affordable Housing – The application for this site is for 475 dwellings on land North of Normandy Way Hinckley.

Policy set out in the Core Strategy (policy 15), indicates that 20% of the dwellings in the urban areas should be for affordable housing, of which 75% should be for affordable rent and 25% for shared ownership. However, the policy relating to tenure has been superseded by national guidance. Whilst 16 properties should be provided for affordable housing, the tenure split would be determined by the guidance in National Planning Policy Framework which states that: “Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.”

Government has also introduced First Homes as a form of affordable home ownership, and requires that after the transitional period, 25% of all affordable housing on qualifying sites should be for First Homes.

To comply with this guidance, which supersedes the tenure mix set out in the Core Strategy, 95 dwellings should be for affordable housing. The tenure mix should provide 24 properties as First Homes, 47 properties for affordable rent and 24 for shared ownership. This would satisfy the requirements in NPPF that 25% of all affordable housing should be provided as First Homes, and meet the requirement for 10% of all dwellings for affordable home ownership.

The Council’s housing register has the following number of live applicants waiting for rented housing as at 19.6.23 with a preference for Hinckley:

Bedroom size	General register
1 bedroom	315
2 bedrooms	152
3 bedrooms	85
4 or more bedrooms	28
Total	580

As this is a development which will provide a significant amount of affordable housing for the Borough, a cross section of properties types for rented accommodation is requested. As there are 117 live applicants amongst the total number who are aged 60 and over and would be able to apply for housing for older people, it is requested that a proportion of the affordable housing should be for 2 bedroomed bungalows.

The optimum mix for property types for each tenure would be as follows:

Property type	Affordable rent	Shared ownership	First Homes
1 bed 2 person quarter house or apartment	13%	0%	0%

2 bed 4 person bungalows	13%	0%	0%
2 bed 4 person houses	43%	50%	50%
3 bed 5 person houses	25%	50%	50%
4 bed 6 person houses	6%	0%	0%
Total	100%	100%	100%

The properties should meet the Nationally Described Space Standards for the property type where possible. Where a site is to be developed out in phases, the affordable housing policy requirement should be met in each phase of the development, and the dwellings should be spread in small clusters throughout the site.

As this site is in the urban area, the section 106 agreement should contain a requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection. The Borough Council is following national guidance with respect to First Homes properties, therefore the local connection will be set as people who have current residency, employment requirements, family connections or special circumstances, such as caring responsibilities. The level of discount for the First Homes properties will be at 30% discount from open market values.

- 6.3. Local Highway Authority - A single point of vehicular access is proposed from Stoke Road comprising a new three arm roundabout junction as shown in drawing number T19595 001 Rev G. The design has been subject to a stage 1 Road Safety Audit (RSA1) and full design check. The LHA is content that the geometrical configuration complies with DMRB CD116 and that the following design comments could be dealt with at the s278 detailed design stage:

It is proposed to extend the existing stepped cycleway/footway provision that currently terminates on Stoke Road to continue to the new access roundabout. A width of 3.5m has been shown and the Transport Assessment (TA) document (paras 4.4 to 4.9) clarifies how the proposals would comply with LTN1/20. The applicant has advised that due to land ownership constraints and the existing ditch, the buffer strip cannot be accommodated over a 35m length to the shared provision linking A47/Stoke Road roundabout with the proposed Toucan crossing. This is noted, but consideration should be given by the designer to maintaining the buffer strip but with a reduced width of shared provision, for which the designer would be required to provide design safety risk assessment for their proposal.

The drawing indicates that the existing hedgerow will need to be removed for the proposed roundabout, and consultation will need to be undertaken with relevant teams regarding this at the detailed design stage.

The new roundabout will require an effective highway drainage provision, and a detailed drainage design and drainage assessment will be required for approval as part of the s278 agreement. The developer will be required to survey the existing drainage so as to identify suitable drainage to connect into, and consideration will need to be given to permit requirements from Environment Agency and Lead Local Flood Authority for any impact upon existing outfalls or new outfall proposals.

The new roundabout would require street lighting provision. The LHA notes that this was also raised in the RSA1. It is noted that on the southern arm of the roundabout, the pedestrian dropped crossing appears to be narrower than the dropped crossings provided to the other arms, this should be consistent across the junction as a whole.

#### Pedestrian and Cycle Access

As part of the site access proposals, the existing footway/cycleways on both sides of Stoke Road are proposed to be extended to the site access and along the central spine road that links through the site. Crossing facilities in the form of dropped kerb crossings with tactile paving will be provided at the site access roundabout. In order to facilitate crossing of the A47, two Toucan crossings are proposed. The first of these is proposed approximately 90m west of Clover Field and aligns with the existing PRow T60 which passes through the site. The applicant intends to improve the PRow link between the site and the A47 and so a condition is advised to secure this and enable relevant details and timescales to be provided. The proposed crossing is shown in Drawing T19595.002 rev E and should be subject to a separate condition below.

The second Toucan crossing would be located between Corn Field and Nelson Drive. This would also connect to the existing footway/cycleway infrastructure on the southern side of the A47. The proposed crossing is shown on Drawing T19595.006. Both crossings have been subject to an RSA1 and issues accepted where raised. In both instances this concerned the provision of pedestrian guard railing which is identified to be considered further at the detailed design stage.

The LHA is content that sufficient highway is available to facilitate this. The LHA has undertaken a thorough assessment of the additional demand and demographic data provided by the development team to quantify the proposed crossing demand and justify the crossing provision in accordance with the relevant design criteria. The LHA are content that the justification is appropriate and the proposed infrastructure will positively encourage walking and cycling movements. The LHA also note this provision is consistent with recent infrastructure provided further south along the A47 corridor to residential development located on the west side of the A47.

It is also proposed to improve the existing footway provision along the western side of Stoke Road between the proposed site access and Stoke Golding, a distance of around 2km. This route facilitates pedestrian movements between Stoke Golding and Hinckley and by way of example is utilised by pedestrians accessing St Martin's Catholic Voluntary Academy from Hinckley. The improvements involve widening the existing footway provision to 2.0m in width for the majority of the route where possible. The proposed footway improvements are indicated in Drawings T19595.014 to 017. No RSA1 has yet been undertaken for this scheme and therefore a suitably worded condition is advised to enable this necessary further assessment to be undertaken and the scheme amended accordingly prior to implementation.

#### Highway Safety

In order to assess the existing Personal Injury Collision (PIC) record the applicant has obtained collision data for the most recently available six year period. The LHA has reviewed the information and assessment undertaken and finds no reason to disagree with the applicant's conclusion that there would not appear to be any existing cluster or specific existing highway safety issues within the study area which could be exacerbated by the development proposals.

### Offsite Implications

The cumulative impact of the development on the local highway network has been assessed using LCC's Pan Regional Transport Model (PRTM), National Highways' (NH) approved VISSIM model and standalone junction modelling. The LHA, along with relevant stakeholders such as NH, have been engaged throughout this process to agree inputs, scope of assessment and comment on the impacts and emerging mitigation strategy. With regard to the local highway network the applicant team have proposed the following schemes of offsite highway mitigation to mitigate the otherwise severe development impact:

- A47/Stoke Road roundabout
- A47/A447 signal junction
- A5 Dodwells roundabout

The above schemes have been reviewed including a submitted RSA1, and are considered acceptable to be secured by the planning conditions. The LHA would however make the following comments on each scheme which will need to be addressed through the future s278 detailed design process:

#### A47/Stoke Road roundabout junction improvement

The A47/Stoke Road roundabout junction is predicted to operate beyond theoretical capacity in the future year scenarios. Once development traffic is added to the junction, queues and delays are predicted to increase, particularly on both A47 arms. The improvement scheme proposed indicates that it is proposed to widen the exits on the A47 arms to enable a two-lane exit, with traffic then required to merge after exiting the roundabout. By widening the exit arms to allow two vehicles to exit at once the lane designations can be changed to allow two straight ahead lanes on the A47 approaches which provides a significant capacity benefit and mitigates the severe development impact at this junction.

- Forward visibility of 90m is shown to the proposed signals which would be appropriate for a design speed of 60kph at this location. Visibility to the signals would need to be unobstructed and this would require the relocation of traffic signs and lighting columns that are present within the verge. There is also concern that for a vehicle in the right-hand lane passing a slow moving HGV, visibility of the signals would be obscured. A further visibility check should be undertaken for this scenario. Consideration may need to be given to the provision of additional high level signal heads.

- It was previously identified that existing stepped cycleway/footway provision is present to the roundabout, and it is proposed to improve this by providing an uncontrolled crossing to the northern arm of the existing roundabout (as per RSA problem 4.1). Opportunity should be taken to improve all cycleway/footway provision to comply with LTN1/20 guidance and LHDG requirements. Improvements to footway/cycleway crossings to all arms of the roundabout is indicated on the drawing and this is welcomed.

- The existing cycleway/footway to the north-east of the roundabout will be extended along the A47 eastwards to the proposed toucan crossing located approximately 100m from the roundabout. The proposed width of the shared provision has been shown with a 3.0m width plus 0.5m buffer strip apart from a 35m length as referred to above. As above consideration should be given by the designer to maintaining the buffer strip but with a reduced width of shared provision, for which the designer would be required to provide design safety risk assessment for their proposal.



- Forward visibility of 120m is shown to the proposed signal heads which would be appropriate for a design speed of 70kph. The 85th percentile speed measurements of 39.0mph eastbound and 39.8mph westbound indicates that this would be acceptable.
- A footway/cycleway provision is present to the south side of the A47, and tactile and corduroy paving would need to be provided to warn locations of shared usage for pedestrians and cyclists. This would need to be in accordance with latest DfT Guidance on the use of tactile paving.

#### A47/Ashby Road traffic signal junction improvement

The drawing indicates alterations to the existing signalised crossroads junction so as to provide an additional lane on the Ashby Road northbound approach to the junction. The proposed layout would also provide two lanes for the straight-ahead traffic on the Normandy Way westbound approach to the junction, which currently has only one lane available. The layout revisions would also provide controlled crossing provision for pedestrians whereas currently this is uncontrolled. On the basis the proposed scheme would present a nil-detriment solution for development trips the submitted scheme can be secured via condition for delivery. However, the LHA is aware of the potential for a preferred scheme to accommodate the wider growth in the area at this location on the network. Condition wording needs to provide flexibility at the relevant time to either provide the proposed works or provide financial payment in lieu of these toward a preferred scheme in discharging the condition at the relevant time.

#### Dodwells Roundabout approach lane widening

The A5 Dodwells assessment identifies some moderate increases in delay and queuing as a result of the development traffic being added to the highway network. A scheme has therefore been identified which involves increasing the flare on the A47 Dodwells roundabout approach. This increases the storage available for two cars to stack side by side at the stop line. The proposed scheme is presented on Drawing T19595.013. Given this scheme is proposed to address the highway impact on the strategic road network under the jurisdiction of NH the LHA would advise that its impact and inclusion be considered as part of NH's review and assessment of the development proposals. The LHA understand that NH's consideration of the pending application is ongoing and the LHA has therefore not advised a condition for these works and respectfully refers to NH with regard to development impact at the Longshoot Dodwells junction.

#### Transport Sustainability

##### *Public Transport*

There are currently a number of bus services operating within close proximity of the site and therefore no additional provision is sought. However, the recommended walking distance for residents of new developments to services is 400m. Based on the current bus network, residents would need to walk in excess of this distance in order to access services. It is therefore, suggested that the developer fund the installation of a pair of new stops at a suitable location on Stoke Road to the north of the A47 Normandy Way and a pair at a suitable location on A47 Normandy Way to the east of the roundabout with Stoke Road. The latter will offer an incentive for bus operators to consider routing buses along the A47 to capitalize on potential passenger growth from the site.

Stops should consist of hardstanding, pole and flag, timetable case, shelter, raised kerb and provision of digital information. A suitably worded condition is advised to secure their provision.

### *Public Rights of Way*

Footpath T60 crosses the site, the proposed improvement to the pedestrian crossing of Normandy Way is welcomed in principle as discussed above and it is noted that the applicant is committed to improving this link between the application site and the A47.

Whilst the submitted masterplan is indicative at this stage the pedestrian paths on the plan are located several metres further to the west of the definitive map line. This type of arrangement can lead to the legal alignment of the PRow being neglected or unlawfully obstructed creating enforcement issues for the LHA and on-going maintenance issues for the land manager. This can be considered further as part of detailed layout development for a subsequent reserved matters application given the current application considers only access in detail. Current Government guidance in Defra Circular 1/09 para 7.8 is that “preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic”. This is restated in the adopted LCC guidance notes ‘Development and public rights of way’ paragraph 14. The made-up path does not need to be on the existing legal alignment of the Footpath, but it should be a condition that the right of way is legally diverted to ensure the constructed paths and legal alignments of the public rights of way coincide.

Residents of the new development will increase the recreational use northwards on Footpath T60 and accordingly an all-weather bituminous surface is required to be provided as far as the site boundary. To provide for increased use beyond the site boundary improvements to Footpath T60 north to Rogue’s Lane and on to where it meets the Leicestershire Round long-distance trail near Stoke Golding could be provided along the lines endorsed by the Hinckley and Bosworth Green Infrastructure Strategy. The LHA does however welcome the Stoke Road footway provision proposed and would not therefore consider it a reasonable request to obligate further PRow improvements north to Stoke Golding.

### *Travel Plan*

Whilst consideration has been given to the existing transport options available to the site, the travel plan (TP) does not sufficiently set out a detailed plan of action for how the reduction in peak hour car trips will be achieved. Therefore, the LHA is unable to approve the TP at this stage. The LHA sets out comments below for the applicant to consider and a suitably worded condition is advised to enable the further work to be undertaken prior to agreement of the TP.

- The expansion of the site is noted however no confirmation of how the school TP and any future development will be managed/integrated with this travel plan is provided.
- Although the centre of the site is within 610m of a bus stop, what is the distance from the furthest site, and will this still be within 800m of a regular bus service?
- Given the number of dwellings on site, the LHA would expect to see a higher target set to reduce single car occupancy. The LHA would expect a minimum of a 10% reduction over the 5 year monitoring period of the TP and expects that NH may also comment in this regard. If so then the TP may also need to be revised to take into account any comments made by NH.
- The action plan detailed in table 4 does not provide adequate information on what initiatives and incentives will be provided to residents.

- It is unclear how the initiatives will be promoted. Although information provision is key, the TP also needs to be supported through physical measures and input. The applicant needs to consider what measures they will put in place within the first 12 months of the travel plan which would not only give residents knowledge and information but also the skills, incentive and facilities to act upon this information. This can be tailored depending on survey results once these have been conducted.
- For example the TPC to arrange an adult cycle training session as part of bike week.
- A draft of the travel pack will need to be submitted to LCC for approval before being distributed to residents. An administration fee of £500 will be required upon submission to enable the LHA to review and comment upon it. Alternatively, LCC can provide each dwelling with a travel information pack for £52.85 per pack.
- The travel plan coordinator should be in post prior to first occupation and should remain in post for a minimum of the 5-year monitoring period.
- Actions set out within section 6.13 of the TP should be considered before targets are not being met. These should be included in the initial action plan. The first travel survey should also be used to identify what residents are looking for in order to support them to reduce single car occupancy travel.
- Greater clarity is required for when 50% occupancy is expected for the sites. Due to the number of dwellings it would be expected that the first travel survey is completed within six months of first occupation and annually after that.
- Please note that LCC would expect a minimum of two, six-month bus passes to be made available for each per dwelling.
- STARS monitoring fee of £6000.
- A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

- 6.4. Active Travel – ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue. As the site lies beyond the A47 road this, and its existing limited crossings and primarily vehicle serving junctions and roundabouts, have the potential to be a significant barrier to active travel modes. There is a lack of information about walking, wheeling and cycling within the site and in the surrounding areas. The illustrative site masterplan scores well in terms of permeability with two pedestrian access points to the south but could be enhanced by additional cycling and wheeling provision at these points. Further enhancement where necessary outside the site may be required to resolve any infrastructure, or gaps in infrastructure, that fail to meet design standards of LTN 1/20, Inclusive Mobility, Manual for Streets and Active Design.

Further response received from Active Travel 15 April 2024 - ATE welcome the further clarification provided on trip generation and the proposed change to remove the primary school, however onward routing for active travel trips remains unresolved and ATE still have concerns over the lack of clarity proposed in the travel plan. ATE recommend any decision on this planning application is deferred until these matters, and those previously raised, are resolved.

- 6.5. National Highways – Has concerns relating to the proposed development impact upon the A5. At the junctions of the A5 and A47 at the Longshoot and Dodwells the cumulative impact of development threatens to severely impact upon junctions that are highly sensitive in terms of capacity. Further consideration is required as

to whether these junctions can operate safely with any additional development traffic.

In order to fully assess the impact of the development on the A5 Longshoot and Dodwells Junctions with the A47 and the local road network, the developer will need to undertake further modelling in accordance with the Longshoot Dodwells modelling protocol agreed by National Highways, Leicestershire County Council and Warwickshire County Council. At a meeting with the developer's representatives, further details of the requirements to undertake modelling utilising Leicestershire's Pan Regional Transport Model (PRTM), and the current National Highways held Vissim were discussed. The outputs of this modelling can then be used to verify the information and assumptions within the Transport Assessment, and quantify any mitigation that may be required to negate the development impact. The developer has expressed a view that it may be beneficial to undertake the modelling for this proposal in parallel with the modelling required for application 23/00573/FUL. National Highways would be supportive of the modelling for the two individual sites to be undertaken in parallel as this may help to promote consistency in the evaluation of the sites. DFT Circular 01/22 National Highways and the strategic road network, states that new development should be facilitating a reduction in the need to travel by private car. Therefore National Highways would expect to see any increase in traffic impact offset by sustainable transport modes.

No further response from National Highways received since December 2023 despite chasing/requesting comments.

- 6.6. Stoke Golding Parish Council - We are neutral about the application and support the repair and upgrade of the pathway along Stoke Road to Stoke Golding.
- 6.7. HBBC Major Projects Team - Public realm improvements within Hinckley town centre are required from developments in accordance with Policy 1 and 5 of the Core Strategy. Due to the size and scale of the development this would increase the number of users of the town centre and therefore it is considered that the scheme should contribute towards the improvement of the public realm of the town centre. A number of projects towards public realm and transportation improvements in Hinckley Town Centre have been identified within the Hinckley Town Centre Area Action Plan (Policy 11) and the Hinckley Town Centre Public Realm Strategy. The Major Projects Team are of the opinion that such contribution is necessary, directly related to the development, is fair and reasonably related. An amount of £75,000 to be focused on delivery of town centre public realm project(s) with a trigger point associated with the delivery of the development being as early as would be reasonable for the applicant is requested. Ideally any secured amount would be received in full rather than phased to allow for cashflows associated with such projects.
- 6.8. HBBC Economic Regeneration Team - As with other large-scale sites due to the high number of proposed dwellings please could a Local Employment & Training Strategy be requested.
- 6.9. S106 Monitoring Officer - They have included the LAP areas as equipped – they are not equipped they are local areas of play. If the casual informal equates to the Design & Access Statement then why do they not show this on the plan? I believe they are overproviding open space on site but for Accessible Natural Green Space. Please request a plan to show the breakdown of open space per typology.

Further response received March 2024 - The plan now indicates the relevant open space typologies and their total areas being provided to which I have made the following observations:

#### Casual Informal Open Space

I don't class casual informal open spaces where there are attenuations – this is usually classed as “accessible natural green space” which are located in the corridor link between the two main play areas 3 x areas now say equipped but state LAP on other plans – as these areas are not big enough for equipped areas (see below) they need to remain as LAP's . The LAP's can be incorporated into the casual open spaces sqm so the layout needs to be re-jigged taking into consideration the areas where attenuations are and the additional equipped area required.

#### Equipped Open Spaces

These are open spaces that require equipment and I am not sure what equipment or the use of equipment in the two circle areas are going to provide plus they conflict as they state they are to be LAP's which don't have any equipment and therefore should not be included in the equipped open space sqm being provided. The small square is also been classed as LAP on other plans again this is not an equipped area. The Two main areas of equipped need to be larger to meet the sqm required. It is recommended that developments of dwellings between 201 and 500 provide a LEAP (minimum size 20x20) and a MUGA (Minimum size 40x20m) for equipped play and LAPS across the site (1 minute walking time) So there is approx.. 400sqm short of the minimum provision in the calculation table as the two areas equate to 1441.95 sq m.

#### Accessible Natural Green Space

There is over provision of this typology and would suggest that some areas could be LAP's to make up the Casual informal areas requirements. Minimum buffer zones from the boundary of dwellings should be 5m separation for LAPS (the one circle towards Middlefield Farm are located close to residential area) and MUGAS 30m separation to 20m separation to habitable room for LEAPS (this depends on the areas being increased).

\*Revised/updated open space details have been provided by the applicant and at the time of writing the report, comments from the S106 monitoring officer are still required.\*

## **7. Policy**

### **7.1. Core Strategy (2009)**

- Policy 1: Development in Hinckley
- Policy 5: Transport Infrastructure in the sub regional centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

### **7.2. Site Allocations and Development Management Policies DPD (2016)**

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highway Design Guide
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Landscape Sensitivity and Green Infrastructure Study for Leicester & Leicestershire (October 2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Minerals and Waste Local Plan

8. **Appraisal**

8.1. 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
- Heritage Impacts
- Archaeology
- Residential amenity
- Flood risk and drainage
- Ecology and biodiversity
- Minerals
- Planning Obligations
- Planning balance

Principle of development

8.2. 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.

- 8.3. 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).
- 8.4. 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.
- 8.5. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located adjacent to the settlement of Hinckley but is on land which is designated as open countryside.
- 8.6. 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.
- 8.7. 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 AccommodationAnd
  - i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and
  - ii) It does not undermine the physical and perceived separation and open character between settlements and
  - iii) It does not create or exacerbate ribbon development
  - iv) If within a Green Wedge it protects its role and function in line with Core Strategy Policy 6 and 9 and
  - v) If within the National Forest it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

- 8.8. The proposed development does not relate to any of the criteria above. The application sets out why development in this location is deemed to be sustainable; and provides a reasonable and accurate assessment of how the proposal would contribute to sustainable development as required by the NPPF. The proposal is also supported by a Landscape Visual Impact Assessment (LVIA) setting out the impact on the wider landscape character.
- 8.9. Whilst there is conflict with Policy DM4, the proposed development is located on the edge of an urban settlement, is not considered to be isolated, does not exacerbate ribbon development and is not within the National Forest. It needs to be assessed against the material planning considerations set out in the below sections.
- 8.10. An appeal for application 22/00318/OUT for up to 475 dwellings on the site has been allowed by the Planning Inspectorate (18 Jan 2024) and this is a key material consideration for this subsequent planning application.

Housing land supply

- 8.11. 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.
- 8.12. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing. The Council cannot demonstrate a 5 year housing land supply. 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.
- 8.13. 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”*
- 8.14. 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 (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable as set out in paragraph 77) and does not benefit from the provisions*



*of paragraph 76 or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years”.*

- 8.15. 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”.*
- 8.16. Paragraph 79 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 the local planning authority’s housing requirement over the previous three years, the following policy consequences should apply:*  
*- where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;*  
*- where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework, in addition to the requirement for an action plan.*  
*- where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.”*
- 8.17. Therefore, 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.
- 8.18. The provision of up to 475 dwellings, 20% of which is to be Affordable Housing, is considered to be a significant social, economic and community benefit of the proposal for the Hinckley area and weighs heavily in favour of the scheme.

#### Housing mix and supply

- 8.19. 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. The Good Design Guide SPD also advocates the use of the Building for Life assessment.
- 8.20. Paragraph 63 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.
- 8.21. The 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 (up to 475 dwellings).
- 8.22. 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.

- 8.23. The Housing Officer has requested 20% affordable housing provision as set out in the Core Strategy, Policy 15. This would give 95 dwellings for affordable housing. Guidance in the National Planning Policy Framework states that:

*“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.”*

- 8.24. Furthermore, Government has introduced First Homes as a form of affordable home ownership, and requires that after the transitional period, 25% of all affordable housing on qualifying sites should be for First Homes. The remainder of the affordable housing should be split according to the tenure split in the adopted policy. Taking these changes into account, the tenure delivery for affordable housing on this site should therefore be as follows:

- 24 homes for First Homes
- 47 homes for affordable rent
- 24 homes for shared ownership
- = Total 95 affordable units

- 8.25. 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.

- 8.26. As this is a development which will provide a significant amount of affordable housing for the Borough, a cross section of properties types for rented accommodation is requested. As there are 117 live applicants amongst the total number (580) who are aged 60 and over and would be able to apply for housing for older people, it is requested that a proportion of the affordable housing should be for 2 bedroomed bungalows. The optimum mix for property types for each tenure would be as follows:

Affordable rent

- 1 bed 2 person quarter house or apartment 13%
- 2 bed 4 person bungalows 13%
- 2 bed 4 person houses 43%
- 3 bed 5 person houses 25%
- 4 bed 6 person houses 6%

Shared Ownership

- 2 bed 4 person houses 50%
- 3 bed 5 person houses 50%

First Homes

2 bed 4 person houses 50%

3 bed 5 person houses 50%

- 8.27. As this site is in the urban area, the section 106 agreement should contain a requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection. The Borough Council is following national guidance with respect to First Homes properties, therefore the local connection will be set as people who have current residency, employment requirements, family connections or special circumstances, such as caring responsibilities. The level of discount for the First Homes properties will be at 30% discount from open market values.
- 8.28. 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

- 8.29. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.30. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.31. Paragraph 115 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.32. Stoke Golding Parish Council have stated that they support the plan to improve/upgrade the pathway to Stoke Golding along Stoke Road. They note that there are a lot of issues with traffic coming and going from Stoke Golding at school times and this plan could help to alleviate the current problems.
- 8.33. This application is a resubmission of application 22/00318/OUT which was the subject of an appeal. The applicant lodged an appeal for non determination of application 22/00318/OUT and the Council issued their decision notice refusing the application on 2 May 2023. The refusal included two highway reasons for refusal These were as follows:

*'The Applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development and the proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users contrary to paragraph 110 and 111 of the National Planning Policy Framework (2021).*

*The Applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on*

*highway safety, can be mitigated, contrary to paragraph 110 and 111 of the National Planning Policy Framework (2021).'*

- 8.34. Since the appeal was lodged, the LHA has continued to work proactively with the applicant team on refusal reasons 1 and 2 including a number of design iterations and additional submissions to address the previously missing assessment work and mitigation strategy. This work has led to resolution of the outstanding highway issues associated with the development proposals and therefore has enabled a positive position to be reached whereby the LHA would advise no objection subject to inclusion of highway conditions and S106 contributions. This updated position and advice is relevant to both application 23/00432/OUT and the appeal 22/00318/OUT application. The appeal was allowed by PINS on 18 January 2024.
- 8.35. Both National Highways and Active Travel have been consulted on this application. In their initial responses they requested that determination of this application be deferred whilst further information is sought/assessment of the application considered. National Highways are of the view that at the junctions of the A5 and A47 (at the Longshoot and Dodwells) the cumulative impact of development threatens to severely impact upon junctions that are highly sensitive in terms of capacity. Further consideration is required as to whether these junctions can operate safely with any additional development traffic.
- 8.36. Active Travel state that the revisions to the scheme now result in the loss of the on-site primary school, trip generation, modes and destination assignment data therefore need to be revisited to ensure the Transport Assessment adequately understands the new movements this creates. The Travel Plan will also need to work harder to establish active and sustainable trips from the outset. Paragraph 108 of the NPPF states that:
- “Transport issues should be considered from the earliest stages of... development proposals, so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued; e) patterns of movement, streets, parking and other transport and other transport considerations are integral to the design of schemes and contribute to making high quality places.”*
- 8.37. At the time of writing the Committee report, the Council is still awaiting updated comments from Active Travel and National Highways. An update will be provided to Members at the Planning Committee. National Highways has not responded to consultation requests since December 2023 despite chasing.

#### Landscape and visual impact

- 8.38. Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.39. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the outline planning permission.
- 8.40. The site does not lie within or close to a nationally designated landscape. Indeed there are no landscape or environmental designations or sensitivities or note for the site and its immediate surroundings.

- 8.41. In the Landscape Sensitivity and Green Infrastructure Study for Leicester & Leicestershire (October 2017), the site is found to be within the regional landscape character area, the Mease/Sence Lowlands Landscape Character Area.
- 8.42. The site is situated on the urban edge of Hinckley, to the north of the site, there is open countryside. The landform and landscape fabric is similar to that of the site with medium rectangular fields enclosed by mature native hedgerows with scattered broadleaf trees. The brook which encloses the site runs on a north to south trajectory with an extensive tree line of native broadleaf trees and native scrub vegetation. Landform rises east of the site.
- 8.43. The site lies within the local landscape Character Area 'E' (Stoke Golding Rolling Farmland); the key characteristics include:
- Undulating arable and pasture farmland with gentle valleys sloping down to the Ashby Canal, Tweed River and associated tributaries.
  - Small to medium scale rectilinear field pattern divided by low hedgerows and mature hedgerow trees typical of parliamentary enclosure, with smaller pasture fields around settlements, creating a largely unified field pattern and providing continuity with the agricultural past.
  - Rural settlement pattern with former agricultural villages typically demonstrating a historic core, modern outskirts and sporadic farmsteads on the outer edges, within a strong rural setting.
  - Historic villages occupying higher ground with attractive red brick cottages fronting onto the road and connected by rural lanes with grass verges and well-maintained hedgerows.
  - Church spires and towers within villages in and around the character area form distinctive landmarks on the skyline.
  - Associations with the Battle of Bosworth, particularly at Crown Hill in Stoke Golding.
  - Ashby Canal has affiliations with coal mining that has influenced the landscape over the years and is designated as a conservation area. It is now important for biodiversity and tourism.
- 8.44. The HBBC Landscape Character Assessment (September 2017) shows that the application site is also located within Sensitivity Area 6 – Hinckley West and North which has the following key sensitivities:
- The rural and sparsely settled character of the landscape with a relative sense of tranquillity
  - Low hedgerows and mature hedgerow trees define historic field patterns and form part of the overall ecological network
  - The remaining historic country houses and associated designed landscape which create a sense of historic time depth and visual amenity
  - The open countryside that forms much of the separation between the settlements of Hinckley and Stoke Golding
  - The character of the rural lanes
  - The River Tweed and local tributaries and associated habitat values
  - The Ashby de la Zouche Canal – historic character and role as part of the Green Infrastructure Network
  - The uninterrupted views over undulating farmland which contributes to the high scenic quality and attractive setting to Hinckley
- 8.45. However, it must be highlighted that the site occupies an urban edge location situated off Normandy Way on the northern edge of Hinckley. Consequently, the

site is overlooked by and enclosed along its south eastern and southern periphery by existing residential development, as well as commercial/employment built form on Normandy Way. It is considered, therefore, that the site is part of the transition from the urban edge to the wider open countryside rather than an isolated rural site. Consequently, the site area, and its immediate context is not considered to have 'strong rural qualities' when compared to other parts of the wider Character Area.

- 8.46. Notwithstanding this, given the nature of the development proposal, it is inevitable that the landscape character of the site would be impacted as a result of the development. The landscape character assessment categorises this sensitivity area (06) as having a medium to high sensitivity to residential development. However it is recognised that some parts of the area have a stronger relationship with the settlement of Hinckley and as such are influenced by adjacent urban development. The application site is considered to be one such area.
- 8.47. The LVIA submitted as part of the application states that the following landscape mitigation measures would be provided by the applicant:
- The establishment of new landscape infrastructure across the wider site area to enhance the existing fabric
  - The improvement and enhancement of existing hedgerows
  - The provision of further hedgerows and typical hedgerow tree, copse and woodland spinney planting
  - The creation of green corridors through the developed site areas
  - The planting of species-rich grassland to replace the previous livestock pasture
  - The establishment of native structure planting, field margins, scrubland and areas of specimen tree and orchard planting with wildflower meadows.
- 8.48. Further design mitigation measures are set out within the LVIA proposed as part of the development to help offset the likely landscape and visual effects:
- Residential dwellings to be sited within the main body of the site area, enabling land within the periphery of the site retaining existing landscape fabric on the edges, providing new landscaping and provision of Public Open Space.
  - The proposed residential built form will be set within the northern site boundary at a marginally lower topography below that of the open countryside beyond the site. This measure, combined with the extensive landscaping of the northern periphery of the site for green infrastructure and public open, will help to appropriately bed the new built form within the existing landscape.
  - The proposed primary street of the development is oriented (generally north east to south west east to west through the length of the land parcel to avoid long contiguous roadways cutting across the topography.
  - A new route enables retained landscape fabric and new green infrastructure to break up the mass of the proposal throughout the scheme.
  - Tree planting is proposed to help break up the mass of development and afford filtering of views.
  - Development is to be set back from the eastern edge to protect the existing brook (on the eastern edge), as well as the south and western edge to protect existing landscape fabric of hedgerows and trees and the extensive groups of mature trees along Normandy Way.

- The retention of existing field hedgerows and hedgerow trees are to be incorporated into the interior design of the site to create a mature landscape setting and facilitate green corridors through proposed development.
  - Building heights will be minimised
  - The cladding of proposed buildings to be undertaken with a non-glossy matt material in a sensitive colour to ensure the new buildings are visually recessive.
  - Homes would not be overly glazed so the new buildings are visually recessive.
- 8.49. It is considered that where the development would be discernible, its context would be seen against the wider urban edge setting of Hinckley, including long-standing development along the A47 Normandy Way which comprises employment and commercial development, the wider industrial estate and the surrounding residential neighbourhoods rather than the more rural isolated parts of the sensitivity area. It would be reasonable, in this context, to describe the application site as having a 'developed countryside' character. This is distinct from other portions of Sensitivity Area 6, which are not so visually linked with the existing built form.
- 8.50. Overall therefore, the landscape in this character area is considered to have a medium sensitivity to residential development due to the strong influences of the existing settlement edge of Hinckley and the A47. With the mitigation proposed the resultant impact would be minor-moderate. Given this, together with the Council's lack of a 5 year housing land supply, and the clear benefits to the public from the delivery of 475 dwellings (20% of which is to be affordable), it is considered that the proposals would not have such a detrimental impact on landscape character or from a visual perspective to warrant refusal of the application.

#### Heritage Impacts

- 8.51. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.52. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.53. Paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.54. Policies DM11 and DM12 of the Site Allocations and Development Management Polices (SADMP) Development Plan Document seek to protect and enhance the

historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.

- 8.55. A Heritage Statement was submitted as part of the application details. There are no designated or non-designated built heritage assets located within the site. This assessment identifies two Listed Buildings and seven non-designated built heritage assets located within a 1km search radius surrounding the site. However, the report concludes that only the non-designated built heritage assets of Middlefield Farm, Stoke Road and the Isolation Hospital, Ashby Road have the potential to be affected by development within the site through changes within their settings.
- 8.56. The assessment concludes that the site comprises a neutral element within the setting of these non-designated built heritage assets whereby it makes no contribution to their respective significance. Although the development will result in changes within the settings of Middlefield Farm and to a lesser extent the Isolation Hospital, these changes will not affect how their limited significance is appreciated or understood and will cause no harm.
- 8.57. The Conservation Officer has been consulted on the application and raises no objections.
- 8.58. The proposed development of the site is therefore in accordance with the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and conforms to the requirements of the NPPF and local planning policy with regard to Heritage considerations, specifically Policies DM11 and DM12 of the SADMP.

#### Archaeology

- 8.59. 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. The NPPF also reiterates this advice.
- 8.60. 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 200 states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and where necessary a field evaluation.
- 8.61. The Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies within an area of archaeological interest, lying within a landscape where prehistoric remains are relatively frequent. The geophysical survey identified a cross-shaped feature suspected to be the foundation for a medieval/post-medieval windmill. The possible ring ditch identified to the north of this could be the remains of a second windmill, or a different archaeological feature. The report also shows a number of anomalies for which an archaeological origin cannot be ruled out, which should be tested by trial trenching. Prehistoric and Anglo-Saxon remains often do not present well on geophysical survey, and the presence of ridge and furrow across the survey area may also have had a distorting effect on the results. Given the limitations of geophysical survey as a means of archaeological evaluation, it is our recommendation that this should be supported by a programme of trial



trenching in order to test the identified anomalies, in addition to any geo-physically 'blank' areas.

8.62. The archaeology team recommend that an Archaeological Impact Assessment was submitted prior to determination of the application. This was completed and submitted to the local planning authority. The trial trenching identified significant archaeological remains, consisting of foundations for wooden cross-beams used to support a windmill likely dating to the medieval period. This is supported by a large number of nails and other objects recovered from the feature, as well as its location at the highest point of the site, with surrounding ridge and furrow respecting its position. Further investigation of this feature could provide a better understanding of its possible construction date, period of use and later abandonment.

8.63. Subject to suitably worded conditions relating to a written scheme of investigation the Archaeology Team have no objections to the application being granted permission and it is considered that proposal accords with Policy DM13 of the SADMP and the requirements set out within the NPPF with respect to archaeological considerations.

Impact upon neighbouring residential amenity

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

8.65. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.

8.66. Paragraph 135 (f) 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.

8.67. Paragraph 191 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.

8.68. The scheme, subject to the detailed matters to come forward at Reserved Matters stage, will have a suitable relationship with nearby residential units.

8.69. The Environmental Health Officer has requested conditions with respect to noise, a construction environmental management plan including air mitigation, construction hours and land contamination. These are all reasonable requests that can be appropriately sought through conditions and will help to protect residential amenity.

- 8.70. Objections from third parties/local residents have been received in relation to noise and air pollution concerns. 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 and that these concerns are appropriately mitigated.
- 8.71. Subject to conditions recommended by the Environmental Health Team 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

- 8.72. 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.
- 8.73. Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 175 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.74. The application site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to high risk of surface water flooding with high-risk areas indicating local ordinary watercourses. The Illustrative Masterplan shows a series of surface water attenuation features, primarily in the form of attenuation ponds that are located to the eastern and western site boundaries. The drainage strategy plan is detailed to a sufficient standard expected of an outline application.
- 8.75. The LCC Drainage Team advises that the proposals are acceptable subject to conditions and the development will satisfy Policy DM7 of the SADMP and the requirements of the NPPF.

#### Ecology and Biodiversity

- 8.76. 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 180 of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.77. An area of woodland planting is proposed along the site's northern boundary, together with a community orchard.
- 8.78. The Ecologist requested on initial submission of the application that a number of surveys were to be provided specifically in relation to barn owls, bats and hedgerows. On further re-consultation the Ecology Team has stated that the further surveys identified nesting barn owl in a tree, therefore mitigation will need to be put in place for barn owls. As the barn owl is a Local Biodiversity Action Plan species for Leicestershire, an appropriate level of mitigation, compensation and enhancement for barn owls should be created within the surrounding land/as part of the development, in order to promote this species in the immediate environment. This should be agreed and included as part of a condition. Only one

hedgerow was identified as 'important' and therefore is to be retained and protected during the development. Six notable breeding bird species were present (including barn owl) within the survey area and therefore these will need to be a consideration for mitigation and compensation measures. No great crested newts were recorded therefore these do not need to be considered. The proposed mitigation and compensation measures proposed within each of these reports are acceptable and will need to be implemented in any Reserved Matters applications. The revised Biodiversity Net Gain assessment is considered to be acceptable by the Ecology Team at LCC.

- 8.79. Therefore, subject to an ecological constraints and opportunities plan condition as requested by the Ecology Team, this application is considered to be acceptable with respect to ecological matters and in compliance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

#### Minerals

- 8.80. The application site sits within a Minerals Safeguarding Area for sand and gravel, and therefore policy M11 of the Leicestershire Minerals and Waste Local Plan is a relevant development plan policy. The planning application is supported by a Minerals Assessment which recommends intrusive investigation work to establish the presence of economically viable sand and gravel deposits within the site.
- 8.81. The application submission includes a Minerals Assessment which details the presence of boreholes and concludes any sand and gravel would not likely be of commercial value. Therefore, the Minerals and Waste Team at LCC has no objection to the proposed development. No conditions have been requested by the Minerals Team in this case. As such, the application is considered to be acceptable in this regard and compliant with Development Plan Policy and the requirements of the NPPF.

#### Planning Obligations

- 8.82. 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. The contributions required for the various open space typologies for this development are set out below. The Land Use Parameter Plan confirms the 8.53ha total quantum of accessible public open space on site. This comprises:

- 0.18 ha of Equipped Children's Play Space
- 1.17 ha of Casual/Informal Space
- 7.18 ha of Accessible Natural Green Space

- 8.83. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:

- A) Necessary to make the development acceptable in planning terms;

- B) Directly related to the development; and
- C) Fairly and reasonably related in scale and kind to the development.

8.84. The financial contributions and planning obligations sought are detailed below:  
Open Space spreadsheet submitted and amounts/provision to be agreed

- Off site Outdoor Sports Provision - £165,072.00
- Off site Outdoor Sports maintenance - £78,432.00
- On site Children's Equipped Play - £311,100.30
- On site Children's maintenance - £300,278.00
- Affordable Housing – 20%
  - 24 homes for First Homes
  - 47 homes for affordable rent
  - 24 homes for shared ownership
- Library Services (£14,343.91)
- LCC Waste Management (£23,526.75)
- Healthcare (£367,840.00)
- Early years education (£741,123.50)
- Primary Education no contribution sought
- Secondary Education (£1,418,013.70)
- Post 16 Education (£302,950.73)
- SEND Education (£268,130.05)
- Travel Packs; 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). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500
- Six-month bus passes, two per dwelling (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. This can be supplied through LCC at (average) £396.00 per pass.
- STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.
- A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
- £75,000 towards Hinckley Town Centre public realm projects
- A Local Employment and Training Strategy
- Council's Monitoring Fees
- Council's Legal Fees

In terms of library services the nearest library to this development is Hinckley Library and it is estimated that the total assumed occupancy of 1425 arising from the development will create additional pressures on the availability of the facilities at that library. The contribution of £14,343.91 is sought to provide materials such as books, audio books, newspapers, periodicals for loan and reference use, and associated equipment or to re-configure the library space to account for additional usage of the venue for residents to hold meetings, including book reading and activity sessions.

8.85. The nearest Recycling and Household Waste Site to this development is Barwell RHWS and the proposed development of 475 dwellings would create additional

pressures on the site. The contribution is determined by multiplying the proposed dwellings by the current rate for the above RHWS, which is £49.53 per dwelling.

- 8.86. In terms of healthcare the housing development will result in a minimum population increase of 1149.5 patients. The GP Practices in closest proximity of the application site are Barwell & Hollycroft Medical Centres. These practices are already experiencing capacity issues in relation to their premises and would need to increase facilities to meet the needs resultant of this development; therefore the requested contribution of **£367,840.00** would be required prior to first occupation.
- 8.87. With respect to early years education a desktop review of providers in a one-mile radius of the site is undertaken using the most recent capacity figures against a pupil yield rate of 8.5 children per 100 dwellings of 2 bedrooms or more (or 0.085 children per dwelling). A request for contributions is made where there is not sufficient capacity within those providers, and a cost multiplier of £18,356 per place is applied to the likely number of children generated. This development will see an increase of 40.375 Early Years children to the area. There is currently 1 provider within a one-mile distance of the proposed development site, providing a total of 104 spaces. In the summer period 2022, there were 62 children aged 2, 3 and 4 years who claimed the Free Early Education as recorded on the Headcount. This does not take into account babies, 1-year olds and non FEEE 2-year-olds. This means that there is a surplus of 42 places. There are 3 other developments within Hinckley with a planned housing total of 924 dwellings. This creates 78.54 places that are required. This deficit along with the additional 40.375 places from this development creates a total deficit of 118.915 places, so a full claim is justified. This contribution would be used to accommodate the early learning capacity issues created by the proposed development at Hinckley Parks Primary School, a new school being built or, by improving, remodelling, or enhancing existing facilities at other schools or other early learning provision within the locality of the development. The average cost to provide an Early Years place is £18,356.00, and therefore the total contribution requested from this development in respect of Early Years Education is **£741,123.50**.
- 8.88. In terms of Primary Education, the development yields 143 primary aged children. Richmond Primary School is the catchment primary school for the development and has a net capacity of 630 places and there will be a deficit of 26 places if this development goes ahead. The overall deficit including all schools within a two mile walking distance of the development is 158 pupil places. A total of 189 pupil places have been included that are being funded from S106 agreements for other developments in the area leaving a surplus of 31 places. The 143 places created by this development can therefore be accommodated at nearby schools. Therefore, there is no claim for a developer contribution on this occasion. No school site is required on site.
- 8.89. With respect to Secondary Education, the development yields 80 secondary aged children. Redmoor Academy is the catchment secondary school for the development and has a net capacity of 925 places and there will be a deficit of 257 places if this development goes ahead. The overall deficit including all schools within a three mile walking distance of the development is 239 pupil places. A total of 147 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 92 places. The 80 places created by this development can therefore not be accommodated at nearby schools. Therefore, there is a justified full claim for a developer contribution towards the secondary sector of **£1,418,013.70**.

- 8.90. In terms of Post 16 Education, The development yields 16 post 16 aged children. The Hinckley School is the catchment post 16 school for the development and has a net capacity of 300 places and there will be a deficit of 92 places if this development goes ahead. A total of 19 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 73 places. Therefore, there is a justified full claim for a developer contribution towards the post 16 sector of **£302,950.73**.
- 8.91. Regarding Special Educational Needs and Disabilities (SEND) Education, the council seeks developer contributions towards the cost of expanding special school provision for developments of 100 dwellings or more. This development yields 4 SEND children. The Dorothy Goodman School is the closest area special school to the development and has a net capacity of 369 places and there will be a deficit of 26 places if this development goes ahead. A total of 2 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 24 places. This development will yield 1.72 primary aged children with SEND, and 1.9 secondary aged children with SEND, and therefore a full request of **£268,130.05** is justified.
- 8.92. The Local Highway Authority have requested a number of planning obligations. Firstly, Travel Packs are required in order to inform new residents from first occupation what sustainable travel choices are available within the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500. The Local Highway Authority has also requested six-month bus passes, two per dwelling (application forms to be included in Travel Packs and funded by the developer); in order 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. This can be supplied through LCC at (average) £396.00 per pass. The LHA have also requested STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000. This is to enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement. A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
- 8.93. The Council's Planning Majors Team and the Conservation Officer have requested a public realm contribution for Hinckley Town Centre comprising **£75,000.00**. The Economic and Regeneration Officer has also requested a Local Employment and Training Strategy.
- 8.94. The Council also require monitoring fees and legal fees as part of any agreed Section 106 Agreement.
- 8.95. All of the above contributions are considered to meet the three tests, and therefore will form part of a Section 106 legal agreement if Members are minded to approve the application. Subject to the signing and sealing of a Section 106 Legal Agreement the application is considered to be in accordance with Policy DM3 of the Site Allocations and Development Management Policies Development Plan Document, Policy 19 of the Core Strategy and the requirements of the NPPF.

#### Planning Balance

- 8.96. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning

permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 8.97. The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.98. The provision of up to 475 dwellings (20% of which to be affordable units) is considered to be a significant benefit of the proposal and weighs heavily in favour of the scheme.
- 8.99. The scheme does not fully comply with Policy DM4 of the SADMP but the impact on landscape and visual amenity has been assessed and is considered to be medium for this development proposal. In addition, the provision of much-needed housing is considered to outweigh the landscape impact identified. Therefore the adverse impact does not significantly and demonstrably outweigh the benefits in this case.
- 8.100. The appeal for the previous application 22/00318/OUT has been allowed by the Planning Inspectorate and is dated 18 Jan 2024. Therefore this is another key material consideration in favour of granting permission for this application.
- 8.101. Subject to the imposition of conditions and the signing of a Section 106 Legal Agreement for the required planning obligations and associated fees this application is considered to be acceptable in planning terms and recommended to Members for approval.

## 9. **Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

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 Officer have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights,

specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. **Recommendation**

- 10.1 Approve Outline Planning Permission subject to a S106 Legal Agreement and Conditions.
- 10.2 That the Planning Manager be given powers to determine the final detail of planning conditions.
- 10.3 That the Planning Manager be given delegated powers to finalise the terms of the S106 agreement including trigger points and claw-back periods.

11. **Conditions and Reasons**

- 1. Application for the approval of reserved matters relating to the dwellings shall be made within 2 years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

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

- 2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
  - a) Appearance of the development including 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 housing mix, the location of electric vehicle charging points and the way in which buildings, routes and open spaces are provided. 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. The development hereby permitted shall not be carried out otherwise than general accordance with the submitted application details, as follows:

- Site Location Plan P18 1531 006 Rev B received 13 December 2023
- Land Use And POS Typologies P18-1531\_15 received 15 April 2024
- Illustrative Masterplan P18-1531-DE-011 Rev C received 15 April 2024.

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).

4. 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.

5. Any reserved matters application related to landscaping or layout shall be accompanied by a Masterplan and Design Code. The Masterplan shall be informed by a Building for a Healthy Life Assessment.

**Reason:** To ensure a suitable form of development comes forward in accordance with Policy DM3 and Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

6. No development shall commence on site until a plan detailing the phasing of the permitted development has been submitted to and approved by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development and include details of relevant off site highway works, including delivery of a Toucan crossing on the A47 serving the eastern part of the development as generally shown on drawing number T19595.006. The development shall be implemented in accordance with the approved Phasing Plan.

**Reason:** To ensure the satisfactory phasing of development and delivery of infrastructure development in accordance with Policies DM1, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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. 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.

13. 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. The CEMP shall include the provision of mitigation measures for construction phase dust emissions as set out within the Air Quality Assessment prepared by BWB Consulting.

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

14. 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.

15. 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.

**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).

16. 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 the requirements of the NPPF (2023).

17. 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).

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

19. 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.

20. 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 strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

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

22. No approval of reserved matters shall take place until such time as further hydraulic modelling has been undertaken which demonstrates that the proposals including the watercourse diversions do not increase flood risk off-site and demonstrate safe access and egress during a peak design event flood condition.

**Reason:** To prevent an increase in flood risk and ensure access and egress can be maintained in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

23. No demolition/development shall commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no 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.

24. Prior to the submission of a Reserved Matters Applications, an Ecological Constraints and Opportunities Plan (ECOP) shall have been submitted to and approved in writing by the Local Planning Authority. The ECOP will inform and lead the overall design process. It should show the key biodiversity constraints and opportunities associated with the development as currently proposed, and will identify the following (in accordance with BS 42020:2013 Clause 5.4):
- 24.1 Areas and features including appropriate buffer areas that, by virtue of their importance, should retained and avoided by both construction activities and the overall footprint of the development.
  - 24.2 Areas and features where opportunities exist to undertake necessary mitigation and compensation.
  - 24.3 Areas and features with potential for biodiversity enhancement, in line with the submitted Defra metric.
  - 24.4 Areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation.
  - 24.5 Areas needing protection on site and/or in adjacent areas (e.g. from physical damage on site or pollution downstream) during the construction process.
  - 24.6 Areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species.

Any reserved matters application must be designed in accordance with the approved ECOP.

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

25. Noise Attenuation
- a) Development shall not begin until a scheme for protecting the proposed dwellings from noise from the adjacent road network and the adjacent dairy farm has been submitted to and approved by the Local Planning Authority
  - b) All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

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

26. 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).

27. Access

No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number T19595 001 Rev G have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

28. Footway and Crossing Improvements

No part of the development hereby permitted shall be occupied until such time as the pedestrian access and infrastructure arrangements shown on drawing numbers T19595.002 rev E and T19595.006 have been implemented in full.

**Reason:** To ensure appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users in accordance with the National Planning Policy Framework (2023).

29. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to the Local Planning Authority and approved in writing that details a new footway, 2m in width where achievable, surfaced in a bituminous material with uncontrolled crossing points as appropriate between the site access and Hinckley Road, Stoke Golding. Once approved, the approved scheme shall be implemented and available for use prior to first occupation of any dwelling on the development hereby permitted.

**Reason:** To ensure appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users in accordance with the National Planning Policy Framework (2023).

30. Public Transport Infrastructure Improvements

Notwithstanding the submitted plans, no development shall commence until a scheme of bus stop infrastructure improvements to Stoke Road and Normandy Way consisting of hardstanding, pole and flag, timetable case, shelter, raised kerb and provision of digital information has been submitted to the Local Planning Authority and approved in writing. Once approved, the scheme of improvements shall be implemented prior to the first occupation of the development hereby permitted.

**Reason:** To ensure appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its

location and that safe and suitable access to the site can be achieved for all users in accordance with the National Planning Policy Framework (2023).

31. Offsite Junction Improvement Works

No part of the development hereby permitted shall be occupied until such time as the offsite works shown on Dwg No T19595-002 Rev E Stoke Road/A47 Proposed Junction Improvements have been implemented in full or an alternative scheme that mitigates the impacts of the development has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved scheme.

**Reason:** To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

32. No part of the development hereby permitted shall be occupied until such time as either, the offsite works shown on Dwg No T19595-007 Rev C Ashby Rd/A47 Proposed Junction Improvements have been implemented in full or a financial contribution equivalent to the cost of delivering the scheme has been paid to the LHA in lieu of the conditioned scheme.

**Reason:** To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

33. No part of the development hereby permitted shall be first occupied until an amended full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

**Reason:** To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

34. No development shall take place until a scheme and timetable for delivery for the treatment of Public Right of Way T60 between the site and Normandy Way has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for the management during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.

**Reason:** To protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.