

Committee Report 4th June 2024
Report of the Head of Planning

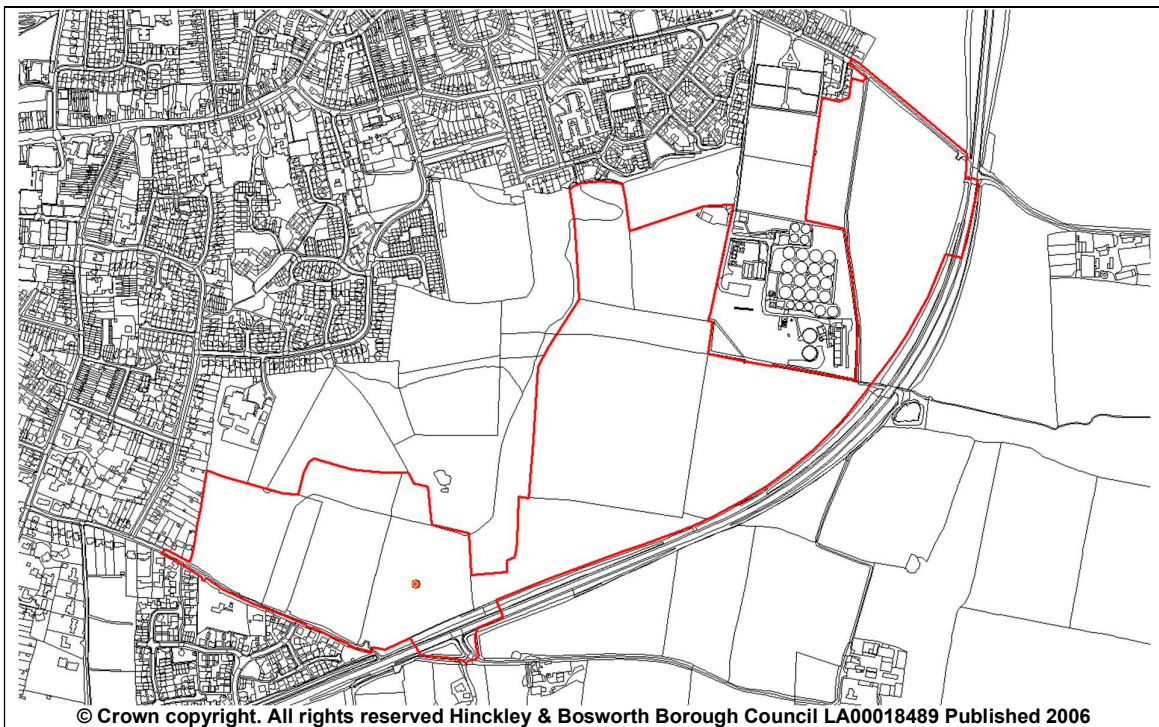


Hinckley & Bosworth
Borough Council

Planning Ref: 21/01511/OUT
Applicant: Bloor Homes and Jelson Limited
Ward: Earl Shilton

Site: Earl Shilton Sustainable Urban Extension (SUE) Mill Lane Earl Shilton
Leicestershire

Proposal: Outline application to include up to 1,000 dwellings (C3) up to 5.3 hectares for employment uses comprising a mix of B2, B8 and E(g) uses, a primary school/education uses (F1), retail floor space (E) and hot food takeaway (Sui Generis) as part of a mixed use local centre/community hub (E/F1/F2/C3), two vehicular accesses from the A47, limited access from Breach Lane, vehicular access from Mill Lane, public open space including sustainable urban drainage systems and the provision of associated infrastructure and ancillary works and demolition of former girl guide building (outline - access only)(EIA development)



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.** This application seeks Outline permission for up to 1,000 dwellings (C3), up to 5.3 hectares for employment uses comprising a mix of B2, B8 and E(g) uses, a primary school/education uses (F1), retail floor space (E) and hot food takeaway (Sui

Generis) as part of a mixed use local centre/community hub (E/F1/F2/C3), two vehicular accesses from the A47, limited access from Breach Lane, vehicular access from Mill Lane, public open space including sustainable urban drainage systems and the provision of associated infrastructure and ancillary works and demolition of former girl guide building (outline - access only)(EIA development).

- 2.2. The following plans, reports, surveys and documents have been submitted in support of the planning application:
- Written Scheme of Investigation for Archaeological Excavation (including update, proposed mitigation area, 2020 excavation results, proposed excavation trenches and axe find grid reference)
 - Design and Access Statement (including Addendum)
 - Building Heights and Densities Parameter Plan
 - Arboricultural Impact Assessment
 - Odour Modelling Assessment
 - Outline Drainage Strategy (including additional information and technical note)
 - Illustrative Masterplan
 - Green Infrastructure Parameters Plan
 - Primary and Secondary Access Parameter Plan
 - Land Use Parameter Plan
 - Botanical Surveys and Biodiversity Net Gain Report (including Addendum and BNG Metric 3.1)
 - Response to HBBC Open Space Comments
 - Noise Suitability Report (including update and noise and vibration technical note)
 - Playing Fields Existing Provision Plan
 - Illustrative Playing Pitch Layout
 - Access Strategy
 - Primary and Secondary Street Hierarchy Parameter Plan
 - Planning Statement
 - Topographical Survey
 - Transport Assessment
 - Utilities Technical Note
 - Environmental Statement (including Non-Technical Summary, Figures, and Appendices) and Environmental Statement Addendum
 - Flood Risk Assessment
 - Framework Travel Plan
 - Tree Survey
 - Statement of Community Involvement
 - Location Plan
 - Red Line Boundary Drawing
 - Covering Letter (including all Notice Letters and Forms)
 - Breach Lane Proposed Access Plan
 - Mill Lane Proposed Access Plan
 - A47 Proposed Access Plans (no. 2)
- 2.3. Amended plans have been submitted during the course of the application to respond to the various comments made by officers and consultees.

3. Description of the site and surrounding area

- 3.1 The application site is located to the south east of Earl Shilton and covers land currently in open space and agricultural use between Earl Shilton and the A47. The

site boundary extends to approximately 65ha. The A47 forms a strong outer boundary to the SUE. Earl Shilton adjoins the neighbouring settlement of Barwell to the west and is located approximately 5km to the north-east of the main local town of Hinckley. Further afield, Nuneaton is located 10km to the south west, Leicester is 12km to the north east.

- 3.2 The town is well connected via the A47 Clickers Way, to the strategic highway network of the A5 and M69 at Hinckley. Earl Shilton has direct public transport connections with regular bus services to Hinckley, Nuneaton, Coventry and Leicester.
- 3.3 Earl Shilton town centre is located 0.8km to the north-west of the site and is accessible via Astley Road and, thereafter, either Alexander Avenue or Equity Road East. There is also access to the town centre from the north-eastern area of the site via Mill Lane and Alexander Avenue. The centre and the wider town offers a range of local and higher-level services including shops, a supermarket, community uses - including a library, primary and secondary schools, sports pitches and a large medical practice - and a range of industrial and commercial employers.

4. Relevant planning history

- 4.1 The Earl Shilton Sustainable Urban Extension site is in multiple land ownerships, which has resulted in three separate applications being submitted.
- 4.2 The applicants involved with two of these applications have been working together to ensure that the SUE is joined up in its strategic planning – the result being this application, and its sister application (ref 23/00330/OUT – for up to 500 dwellings, a primary school and other associated infrastructure). For the sake of ease, the applicants have referred to the sister application as Application A, whilst this application is referred to as Application B. The S.106 Heads of Terms referred to below relate to the share of the total planning obligations required for the SUE that relate to this application (Application B).
- 4.3 The third application, or Application C, was submitted by Persimmon (under reference 20/01225/FUL) and whilst not part of the consortium working together on the wider scheme, is nonetheless being dealt with as part of the wider SUE. Thus, a proportionate share of all infrastructure required for the wider SUE will be attributed to Application C as well.
- 4.4 As set out within the Planning Statement submitted with this application, Applications A and B aim to deliver the overall allocation requirements of up to 1,500 new dwellings, up to 5.3 hectares of employment land, a new community hub that will comprise a two-form entry primary school and local retail facilities as well as improved sports provision, new play areas, public open space, landscaping, access and drainage.
- 4.5 Application A (23/00330/OUT) is submitted on behalf of Barwood Strategic Land LLP. This application proposes up to 500 dwellings, part of the primary school site, open space, and a local centre/community hub. The application is split across two land parcels located north of Mill Lane and to the south and east of Astley Road.

The application is referred to where necessary in this submission to help explain the overall approach.

- 4.6 Application B (21/01511/OUT) is submitted on behalf of Bloor Homes and Jelson. This application proposes up to 1,000 dwellings, up to 5.3 hectares for employment uses, part of the primary school site, open space and a local centre/community hub.
- 4.7 Both applications are submitted in outline with all matters other than access reserved for future determination. The applicants have worked together as a Consortium to develop a comprehensive masterplan for the overall SUE.
- 4.8 Application A and Application B, being effectively related to the same scheme, are brought before Committee together – to reflect the fact that each is reliant upon the other in terms of infrastructure requirements, S106 obligations and phasing.

5. Environmental Impact Assessment

- 5.1 Under the Town and Country (Planning Impact Assessment) Regulations 2017 there is a requirement to ‘screen’ certain types of major development or other industrial, agricultural schemes to ascertain whether they would have significant environmental effects and are considered to be EIA development. Under Schedule 2 of these Regulations there are thresholds and criteria that are applicable to certain types of development in order to be ‘Schedule 2 development’.
- 5.2. This development is considered under Category 10 (b) ‘urban development project’ and the thresholds for this are:
 - The development includes more than 1 hectare of urban development which is not housing development
 - The development includes more than 150 dwellings
 - The overall site of the development exceeds 5 hectares
- 5.3. In this case, the development is for more than 150 dwellings on a site that 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.
- 5.4. The Council concluded that size of the scheme, and its proximity to a number of sensitive areas (as per the definition within the Regs) required an Environmental Impact Assessment to be undertaken.
- 5.5. The applicant submitted a Scoping Request (ref 14/00243/SCOPE) to ascertain whether the proposed contents for an Environmental Statement to accompany an Outline application were acceptable. The Council consulted on this submission, and responded with a formal comment on 29/04/2014.
- 5.6. This application has been submitted with an Environmental Statement that covers the various areas set out by the Council and consultees; a Statement that is addressed and assessed in the various sections below.

6. Publicity

- 6.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 6.2. There have been 26 letters of objection received from separate households, which have been summarised as follows:

- Continued no compliance with NPPF planning standards and of proximity of the employment parameters to Union Mill Close.
- The properties site on the external boundaries on Union Mill Close.
- The proposed proximity of the employment land has significant impact on our properties from loss of light, overlooking and the agents of change that the developer and the planning authority have an obligation to maintain.
- If these are not changed we will be forced to JR this application.
- We have not received any engagement from the LPA to these matters along with the other environmental and ecological matters that have been previously raised.
- The Covid 19 Pandemic has had and is still having a devastating effect on the UK population. This pandemic has highlighted the need for green open space which is essential for the mental, physical and emotional wellbeing of us all, alongside excellent healthcare services which is of paramount importance. This planning application for 1000 houses and industrial units with a further planning application to follow for 600 houses on essential green space ignores the rights of existing residents. The character of the town and neighbourhood will be ruined.
- This is the last green space in what was a village surrounded by fields. Countryside walks will be a thing of the past, with no fields and open spaces to enjoy, including the loss of 3 footpaths. This proposed development will overstretch existing infrastructures and destabilise the hard work done by the community who strive to make the town better.
- This proposed development will result in a lower standard of medical services for existing residents due to the enormous pressure that the healthcare services will be put under. Increased funding to these services will not guarantee that residents will continue to receive their current standard of service provision. This is unacceptable.
- The environmental impact will result in the character of the neighbourhood being lost forever, with increase noise, air pollution and loss of nature/wildlife.
- There will be increased traffic for Station Road, Breach Lane and Equity Road East. Since the opening of Clickers Way these roads have seen a major increase in traffic. These roads are used as a race track being a short cut through to the top end of Earl Shilton. We strongly object to Breach Lane now being show on the planes as an access route for 50 houses. On previous plans Macefield Drive was the access route, now it has been changed to a small residential lane. This it totally insensitive to residents living on Station Road, Breach Lane and Equity Road East, who will once again have an increase in traffic with all the noise, air pollution and safety issues.
- The extra traffic it would put on station road will be intolerable- I can already wait 10 minutes to get out of my drive and these housed will make it considerably worse. Also it's almost impossible to get through to the doctors by phone let alone making an appointment- I note there is no provision for addition healthcare. We always knew the council would allow building up to the bypass even through this was denied prior to the building of the road. Station Road is now a rat run. We don't need any further traffic or houses in Earl Shilton!
- The roads and facilities of Earl Shilton are already at capacity. Inevitably when a study is done pre-build the traffic levels double or even triple the

expectations after the fact. I can't get a doctors appointment or a dentists appointment, or a vets appointment already - and there's no way that this is going to make it any better. There are just not enough facilities in the local area to accommodate this amount of people. It's ludicrous! Then there's the ecological harm of tearing up natural habitats for already threatened wildlife and the added upheaval of the actual work going on.

- There's also the loss of arable land which is at a premium post-Brexit. A lot of people in Earl Shilton moved here because of its proximity to farmland, nature and countryside in general. This is being snatched away from us all.
- There's also a huge problem with all the extra environmental particulates caused by those new people, their cars, their bonfires, their central heating, their smoking habits. Earl Shilton is a nice small town, and this development will destroy its' character and leave it bland and carbon-copy like every other town in the area - no soul.
- Also want to comment on will the bats in area be affected? As we have a few living in trees in the area.
- The issue's I would like considered are that no matter what the design an industrial unit / office block is always a blot on the landscape especially when it can be seen by residents and the many pedestrians who go for walks down Mill Lane as Mill Lane leads to a number walks heading away from it and gets a lot of pedestrian use and horse riders.
- My primary concern is due to the height of the buildings, although these buildings are in a downward slope towards Clickers Way, I believe the height of the five buildings that are closest to Mill Lane should be single storey height also noting that the car parking suits single story use. I believe this would then allow for the units further down the hill near Clickers Way to be two storey buildings if necessary.
- My secondary concern is of light pollution at night I would hope that the industrial estate and buildings will not be lit up and having security lighting and alarms going off at all hours.

6.3. No letters of support or neutral comments have been received.

6.4. Where these matters relate to material planning considerations, they are addressed in the corresponding parts of the assessment below.

7. Statutory Consultation

7.1 No objections, some subject to conditions/contributions have been received from:

- HBBC Monitoring Officer (Nov23)
- LCC Education (29/11/2023)
- HBBC Environmental Pollution (16/05/2024)
- HBBC Affordable Housing
- NHS Leicester, Leicestershire and Rutland (25/07/2023)
- HBBC Waste (18/10/2023)
- Historic England (24/10/2023)
- Local Lead Flood Authority (27/10/2023)
- LCC Conservation Team (04/05/2022)
- Rugby Borough Council (10/03/2022)
- HBBC Tree Officer (Nov23)

- Natural England (09/03/2022)
- Blaby District Council (07/03/2023)
- Environment Agency (09/02/2023)
- Nuneaton and Bedworth Borough Council (16/02/2023)
- North Warwickshire Council (06/04/2024)
- LCC Ecology (07/02/2024)
- National Highways (15/03/2024)
- LCC Archaeology (08/03/2024)
- Sport England (03/05/2024)
- LCC Highways (17/05/2024)

7.2 Earl Shilton Town Council made the following comments in relation to Application A, and on request have confirmed that they also apply to Application B:

“Members reviewed the documents provided and the previous comments submitted to the Planning authority at HBBC.

Resolved: to carry forward the Consultee observations not amounting to an objection to the LPA (HBBC) as minuted under agenda item 22/060 c - Major application – part of Earl Shilton Sustainable Urban Extension (ES-SUE) –

- *500 dwellings of 1500 planned for the ES-SUE.*
- *A Primary School.*
- *Community Hub premises.*
- *Hot food takeaway (sui generis).*
- *Access roads from Mill Lane and Astley Rd.*

Members discussed this outline application on the basis that the ES-SUE will come forward in time however the Town Council wish to make the following points not amounting to an objection.

- 1. General: the ES-SUE is planned as a single entity primarily as 1500 dwellings not 500 as first tranche.*
- 2. Highways should be applied for in regard to the whole entity and be confirmed as up to LCC Highways ‘adoptable’ standard.*
- 3. Dwelling Internet connections should be of the highest calibre.*
- 4. s.106 contributions for the whole ES-SUE should be negotiated, agreed and confirmed before any part application is approved by the LPA and LCC.*
- 5. STW Sewage Treatment Works Cordon Sanitaire: if not already, it is strongly suggested that odour tests and the boundary setting are scrutinised and formally reported on by truly independent professional experts. The aim and objective will be to protect future residents to have the right to the quiet enjoyment of their property, whilst protecting STW and the LPA from hindsight criticism for the lack of a thorough duty of care.”*

7.3 It must be noted that Earl Shilton Town Council do not own any of the land within this Application B, but they are a landowner of part of the Application A – specifically the area of land that will benefit from improvements to the existing playing fields. Earl Shilton Town Council will also be responsible for the delivery of the qualitative upgrades associated with the Sport England response. Application B will be making a financial contribution to HBBC towards these upgrades. Earl

Shilton Town Council will only be a signatory on the Application A S.106 Agreement.

7.4 An Objection remains from **LCC Minerals and Waste** (29/12/2023):

“The County Council has considered the application, having regard to the Development Plan, National Planning Policy Guidance and other relevant material considerations. In this particular instance, the County Council, as Minerals and Waste Planning Authority, comments as follows;

The application site is located entirely within a Mineral Safeguarding Area for sand and gravel as identified on Map S4/2015 of the Leicestershire Minerals and Waste Local Plan (2019-31) (MWLP) and Policy M11 outlines that mineral, including sand and gravel, will be protected from permanent sterilisation by other development. Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

Whilst it is noted that the application is supported by a range of supporting environmental documentation, there appears to be no consideration to potential mineral sterilisation, nor does this look to have been provided for in any other submitted document. We also note that paragraph 9.15 of the Earl Shilton and Barwell Area Action Plan (AAP) (2014), states that further detailed assessments are required to consider the presence of sand and gravel deposits within the site.

Therefore, after carefully considering the matter, the Mineral Planning Authority requests further information in the form of a Minerals Assessment to understand the proposed development and its impacts upon the Mineral Safeguarding Area. In general, the following matters are recommended for inclusion in mineral assessments:

- An estimate of the quality and quantity of mineral reserve impacted by the proposed development (preferably verified by evidence from borehole investigations);*
- Assessment of whether the proposal can be modified to avoid sterilisation;*
- Assessment of the potential for the use of the mineral in the proposed development and whether it is feasible and viable to extract the mineral resources ahead of the development;*
- Assessment of the commercial and practical considerations of prior extraction – such as environmental impacts, the location of processing facilities, method of transport and the interest from local mineral operators;*
- Where prior working is proposed, an explanation of how this will be carried out as part of the overall development;*
- The effect of prior extraction on the deliverability and/or viability of the proposed development.*

The full text to Policy M11 can be found on Page 38 of the Leicestershire Minerals and Waste Local Plan (2019-31) on the following link:
<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/10/3/Leicestershire-Minerals-and-Waste-Local-Plan-Up-to-2031-Adopted-2019.pdf>

Safeguarding Waste management Facilities

Furthermore, it is noted that the safeguarded Earl Shilton Sewage Treatment Works is within close proximity to the proposal. Policy W9: Safeguarding Waste

Management Facilities of the LMWLP is therefore also relevant. The proposal does not appear to physically impact the access to the site but by their very nature, operations at sewage treatment works can on occasion give rise to environmental impacts such as out of hours working, noise and odours which could affect local amenity. Residential development of the type proposed may also prejudice the current and future operation of the facility. Your authority should be satisfied that you have sufficient information to demonstrate the above to ensure that there would be no conflict with the waste safeguarding interest.”

- 7.5 **Officer Comment:** The restraints imposed on the delivery of the site were extraction required prior to the commence of delivery, alongside the benefits of that extraction, therefore need to be considered in balance against the need for the development itself – as identified within the adopted Development Plan. In this instance it is considered that the objectively identified need for housing delivery is of considerable public benefit – and that this outweighs the sterilisation of the minerals reserve on which the development would be built.

8. Policy

8.1 Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- Policy 5: Transport Infrastructure in the Sub-regional Centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

8.2 Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

8.3 Earl Shilton and Barwell Area Action Plan (2006-2026)

- Policy 1: Sustainable Urban Extension (SUE)
- Policy 2: Provision of Community Facilities
- Policy 3: Primary, Secondary and upper Education provision
- Policy 4: Provision of Indoor Sports and Leisure Facilities
- Policy 5: Waste Management Provision
- Policy 6: Earl Shilton Urban Extension

- Policy 7: Housing in Earl Shilton Urban Extension
- Policy 8: Employment in Earl Shilton Urban Extension
- Policy 9: Neighbourhood Centre in Earl Shilton Urban Extension
- Policy 10: General Highways provision for Earl Shilton Urban Extension
- Policy 11: Walking and Cycling in Earl Shilton Urban Extension
- Policy 19: Regeneration of the District Centres
- Policy 20: Skills Development
- Policy 21: Infrastructure and Delivery
- Policy 22: Development and Design
- Policy 26: Vitalising District, Local and Neighbourhood Centres

8.4 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

8.5 Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide
- Affordable Housing SPD (2011)
- Hinckley and Bosworth Borough Landscape Character Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2019)

9. Appraisal

9.1 Key Issues

- Principle of development
- Housing land supply
- Housing mix and supply
- Impact upon highway safety
- Landscape and visual impact
- Design and layout
- Heritage Impacts
- Archaeology
- Residential amenity
- Flood risk and drainage
- Ecology and biodiversity
- Archaeology
- S106 Heads of Terms
- Planning balance

Principle of development

- 9.2 The National Planning Policy Framework (NPPF) (2023) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states 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. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

- 9.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP) and the Earl Shilton and Barwell Area Action Plan (2006-2026).
- 9.4 The Emerging Local Plan for 2020-2039 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 Emerging Local Plan is therefore delayed.
- 9.5 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 9.6 Policy 2 of the adopted Core Strategy identifies land to the south of Earl Shilton as the location for the development of a mixed use Sustainable Urban Extension (SUE) of 2000 homes, which is required to support the regeneration of the Barwell and Earl Shilton sub regional centre and seeks to diversify existing housing stock by supporting housing development that provides for a mix of housing types and tenures, as detailed in Policy 15 and Policy 16.
- 9.7 Detailed requirements for the SUE are set out in the Earl Shilton and Barwell Area Action Plan (AAP) Development Plan Document (DPD). Policy 2 of the Core Strategy also states that all development must be in conformity with the AAP and that no piecemeal developments will be permitted. The AAP at paragraph 9.1 states that “The Council considers, in line with Policies 2 and 3 of the Core Strategy, that the best way in which these requirements can be satisfied is for a single outline planning application to be made for each urban extension.”
- 9.8 Relevant to this site is Policy 6 of the Earl Shilton and Barwell AAP which states that ‘development of the urban extension will be required to generally follow the land uses within the Development Framework at Figure 3. “Deviation from the Development Framework will be permitted where proposals would not prejudice the achievement of the overall requirements of the policies in this Area Action Plan and Local Plan (2006-2026) taken as a whole”.
- 9.9 Also relevant is Policy 7 of the Earl Shilton and Barwell AAP which sets out that a minimum of 1600 homes should be accommodated across the entire SUE. The application site would contribute 1000 dwellings to the overall target of 1600 homes across the entire area of the SUE.
- 9.10 The application is therefore considered to be acceptable in principle, subject to the detailed matters below.

Housing Land Supply

- 9.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.12 Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing. 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.
- 9.13 Under these circumstances, the NPPF sets out, in paragraph 11d) that, for decision makers:
- “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*
- 9.14 Footnote 8 in the NPPF states that the application of this approach *“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply (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”.*
- 9.15 Paragraph 60 of the NPPF sets out that *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.*
- 9.16 Paragraph 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.”

- 9.17 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.
- 9.18 The provision of up to 1000 dwellings, 20% of which is to be Affordable Housing, which is policy compliant, together with the associated education, employment and other infrastructure brought forward as part of the wider SUE, is considered to be a significant social and community benefit of the proposal and weighs heavily in favour of the scheme.

Housing Mix and Supply

- 9.19 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.
- 9.20 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.
- 9.21 Final number and mix of dwellings will be determined at Reserved Matters stage, but the illustrative layout shows a mix of types and sizes can be accommodated. The development is for up to 1000 dwellings and the appropriate layout and density will be determined at Reserved Matters stage.
- 9.22 This application forms part of the area designated as the Sustainable Urban Extension for Earl Shilton. Policy set out in the Core Strategy (policy 15), indicates that 20% of the dwellings in the urban areas, and in the sustainable urban extensions, 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 200 properties (assuming overall 1000 dwellings are constructed as part of this development) should be provided for affordable housing, the tenure split would be determined by the policy in paragraph 66 of the National Planning Policy Framework (NPPF) 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.”
- 9.23 Government has also introduced First Homes, through the Written Ministerial Statement of 24 May 2021, as a form of affordable home ownership and requires

that 25% of all affordable housing on qualifying sites should be for First Homes. This would apply to this application.

9.24 To comply with this guidance, which supersedes the tenure mix set out in the Core Strategy, 25% of the affordable housing properties should be provided as First Homes, 50% properties for affordable or social rent and 25% 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.

9.25 The Council's housing register has the following number of live applicants waiting for rented housing as at 12.12.23 with a preference for Earl Shilton

Bedroom size	General register	Over 60
1 bedroom	251	61
2 bedrooms	135	11
3 bedrooms	54	0
4 or more bedrooms	23	1
Total	463	73

9.26 The affordable housing statement submitted with the application indicates that the full 20% affordable housing requirement will be provided on site, and that all of the affordable properties will be provided as general needs housing.

9.27 The tenure is split between 50% affordable rent and 50% affordable home ownership, which complies with national guidance. All of the affordable homes should meet the higher bedroom space standards, so 1 bed flats should be for 2 people, 2 bed houses for 4 people, 3 bed houses for 5 people and 4 bed houses for 6 people. The properties should all have regard to the Nationally Described Space Standards (NDSS).

9.28 The suggested mix for affordable home ownership is split between

	First Homes	Shared Ownership
2 bed	22%	37%
3 bed	17%	24%
Total	39%	61%

9.29 This mix of properties is supported as being a good mix of house types for affordable home ownership.

9.30 The preferred mix for the affordable and / or social rent is:

1 bed flat or quarter houses	10%
2 bed bungalows	10%
2 bed houses	45%
3 bed houses	31%
4 bed houses	4%

9.31 As this site is part of 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.

9.32 The Council is following national guidance and national criteria as the Council does not have any published local criteria 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 which is the nationally discount as the Council have not currently applied any additional form of discount through adopted policies.

Impact upon highway safety

- 9.33 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 9.34 Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 9.35 Paragraph 115 of the NPPF (2023) 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.
- 9.36 With respect to the A47 Southern Roundabout - The A47 is an A classified road subject to the National Speed Limit (NSL) (60mph). The main southern access off the A47 into the SUE will be delivered by Application B and will be achieved by and converting the existing Breach Lane A47 priority junction in to a new four-arm roundabout. The access is demonstrated on drawing no.B033564 TTE XX XX DR H 0021 P06.
- 9.37 The new roundabout will bisect bridleway U105, which runs along the northern side of the A47 at the top of the embankment. It is proposed to divert U105 along the access road within the site for a short section with a Pegasus crossing implemented to enable crossing of the Earl Shilton SUE spine road. The two A47 arms have two lane approaches whilst the site access arm and Breach Lane arm have a one lane approach. The scheme has been designed to the relevant standards within Design Manual for Roads and Bridges (DMRB). A dropped kerb pedestrian crossing with a central refuge island will be provided on the access road to link the existing shared footway/cycleway on the west side of the A47. A dropped kerb pedestrian crossing with a central refuge island will also be provided on the A47 (east) arm to replace the existing dropped kerb. The new crossing with central refuge island will enhance the existing crossing facility.
- 9.38 With respect to the A47 Northern Roundabout - Application B will also deliver this access. The access consists of a three-arm roundabout. The access is demonstrated on drawing no. B033564 TTE XX XX DR H 0011 P05. This indicates that two of the arms have one lane approaches and one arm has two lane approaches. A dropped pedestrian crossing with a central refuge island will be provided on the access road to link the existing shared footway/cycleway on the west side of the A47.
- 9.39 With respect to Astley Road - Astley Road is an adopted unclassified road subject to a 30mph speed limit. A short right turn lane with dropped kerb and informal pedestrian crossing on the site access which will link both sides of the existing

pedestrian footway on the east side of Astley Road. The access is demonstrated on drawing no.42523-WSPE-XX-XX-DR-OT-00006_S0_P02.2.

- 9.40 With respect to Mill Lane - Mill Lane is an adopted unclassified road subject to the NSL (60mph). The proposed access off Mill Lane comprises of a three-arm mini roundabout to connect Mill Lane with the internal road to the south serving employment and residential road to the north. The following is proposed:
- It is proposed that the remaining eastern section of Mill Lane would be stopped up to vehicular traffic and be available for use by pedestrians and cyclists. The access design includes for the provision of 2m footways on the northern and southern side of the carriageway that tie into the existing provision on both sides of Mill Lane.
 - A carriageway width of 5.5m along the majority of the Mill Lane vehicular access section. The exception to this is at the western end where it ties into the existing Mill Lane. At this section, it is proposed to widen the carriageway from 2.8m to 4.3m and inclusion of a 2m footway on the northern side and retention of the Union Mill Close junction arrangement. This lane width restriction will act as a horizontal traffic management feature to keep traffic speeds low and to deter general traffic. Priority will be given to traffic from the west of Mill Lane with a give way within the site for westbound traffic.
 - It is proposed that the section of internal road that serves the employment land parcels to the south of the Mill Lane mini-roundabout and north of the internal roundabout will be widened to 7.3m, as illustrated in the illustrative masterplan.
 - HGVs will not be permitted north of the employment park. A road sign will indicate that this is prohibited and a TRO will be created to extend the 7.5 tonne HGV restriction to this section of the southern arm.
- 9.41 With respect to Breach Lane - Breach Lane is an adopted unclassified road subject to a 30mph speed limit. The proposed access comprises of the following:
- 4.8m wide carriageway on the access road within the Site and on Breach Lane, requiring widening of the existing lane.
 - 2m wide footway on the western side of the access road within the Site and the northern side of Breach Lane with dropped kerbs and tactile paving at the access junction.
 - Continuance of 2m wide footway to the east of the access junction alongside tapering of the Breach Lane width to tie in with the existing carriageway to the east.
 - Informal crossing with dropped kerbs and tactile paving where the existing footway/cycleway route from Oaklands Avenue meets Breach Lane.
 - 'No through road' signage east of the junction to discourage vehicle movements along Breach Lane.
- 9.42 The LHA understand the Applicant proposes that no more than 46 dwellings being accessed off Breach Lane and the LHA would consider this acceptable. This agreement was also on the basis that construction access for HGV traffic would not be from Breach Lane and would instead be taken via the A47 with details submitted to be included within a Construction Traffic Management Plan conditioned below.
- 9.43 In summary, having reviewed each of the five site accesses in detail, the LHA consider safe and suitable site accesses can be achieved at the proposed locations as supported by the findings of a RSA1 and capacity assessments.
- 9.44 Earl Shilton Town Council have stated that they support the scheme only on the basis of a number of specific conditions being met – one of which is that the

scheme is considered as part of the wider SUE, and that all highways matters are dealt with to the satisfaction of the relevant highways authorities.

- 9.45 Since the initial round of consultation took place and both the LHA and National Highways raised objections, the applicant has continued to work proactively with the highways authorities and officers from the Council to overcome the points raised. This has included additional transport modelling and assessments, as well as a number of design iterations. 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 the conditions and s106 contributions.
- 9.46 With respect to the requested Desford Crossroads/A47 Footway – The principle of a financial contribution towards the Desford Crossroads has been agreed between the Applicants of the Earl Shilton SUE and LCC. Additional traffic modelling undertaken by the Applicant indicates that a suitable developer funded mitigation scheme would result in the Desford junction operating better with anticipated growth in 2036 than it would without development of the Earl Shilton SUE.
- 9.47 The Applicants of the Earl Shilton SUE have set out a methodology to calculate an appropriate level of financial contribution towards the Desford Crossroads scheme (including cycle and pedestrian improvements on the A47) that they consider proportionate, justified and that accords with the requirements of the CIL Regulations. This would provide sufficient funding to deliver in full a mitigation scheme (in the form of a new roundabout) that would mitigate the impact of both the Earl Shilton and Barwell SUEs. The Applicants have also indicated that the funding could be used flexibly by LCC to deliver this tested solution or pooled with other S106 contributions to deliver an alternative scheme if preferred.
- 9.48 At the time of drafting this report, LCC were in the process of re-evaluating the scale of the proposed improvement at Desford Crossroads and updating the level of funding already secured from S106 agreements and other sources. Provision of the updated information from LCC relating to the latest scheme and methodology will ensure that the level of contribution is CIL compliant. To date discussions between the Applicant and LCC indicate that the final agreed level of contribution from the Earl Shilton SUE (Applications A and B) towards the Desford Crossroads scheme will fall within a range between £1,336,080 to £3,548,891.
- 9.49 As there is agreement on the principle of a contribution, it is proposed that the final level of developer funding be discussed further with LCC prior to completion of the S106 agreement and the grant of any planning permission. The requirement will either fall as a condition or as a S106 obligation. This matter need not delay progress and could be delegated to the Head of Planning to ensure the level of funding secured from the Earl Shilton SUE is justified in the context of the CIL Regulations and effectively mitigates the impact of the development.
- 9.50 As a result, it is considered that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with Paragraph 115 of the National Planning Policy Framework (2023), subject to the conditions and/or planning obligations outlined in this report.

Landscape and visual impact

- 9.51 Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the

intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.

- 9.52 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the outline planning application (Chapter 10 of the Environmental Statement).
- 9.53 With respect to its national designation, the site and entirety of the study area for the LVIA lie within National Character Area (NCA) 94: Leicestershire Vales. This sits between Hinckley in the west and Leicester in the north-east and southwards towards Market Harborough and Lutterworth.
- 9.54 With respect to its local designation, the Hinckley and Bosworth Borough Landscape Character Assessment place the site within Urban Character Area (UCA) 10: Earl Shilton, which covers the settlement of Earl Shilton and adjoining Sustainable Urban Edge (SUE) allocation. The agricultural landscape to the east of the A47 and south of Thurlaston Lane is defined as Landscape Character Area (LCA) F: Burbage Common Rolling Farmland, which encompasses an open expanse of gently rolling farmland below the ridgeline of the urban areas of Hinckley, Burbage, Earl Shilton and Barwell to the north and west.
- 9.55 The LCA includes a number of townscape strategies that are relevant to this application, for instance:
- “[Development should] Encourage local distinctiveness and high-quality design in new developments, reinforcing the distinct identities of Earl Shilton and Barwell. The Sustainable Urban Extension to the south-east of Earl Shilton should aim to create a distinct new and contemporary identity and character(s) whilst responding to the existing context e.g. by using opportunities for woodland planting along the new edge. Encourage planting of new street trees and soft landscaping to soften the streetscape.”*
- 9.56 The LVIA registers that there are *“two noticeable high points within the topography of the Site; one to the north and one to the south, separated by a low-lying valley associated with Earl Shilton Brook. From this valley, the land rises, giving Earl Shilton its character of being situated on a ridgeline...The Site as a whole is not visible from any single vantage point due to a combination of scale, the presence of the WwTW and intervening topography and vegetation within the Site and its immediate surroundings.”*
- 9.57 The LVIA goes on to state that *“the potential extent of visibility within the 1 km Study Area is primarily concentrated to the south, east, and north of the Site where the open, rolling agricultural fields and limited tree cover facilitate open views. The screening provided by existing built development within Earl Shilton means that the settlement falls outside of the zone of theoretical visibility with the exception of its southern edge, and also the land to the north and north-west of the town is also largely excluded from the zone of theoretical visibility. To the south-west of the Site, fragmented zone of theoretical visibility coverage extends across Elmesthorpe.”*
- 9.58 The LVIA correctly identifies that the main views, or principal views, of the site that are accessible by people (or ‘sensitive receptors’) are those associated with the eastern edges of Earl Shilton, along public rights of way (PRoWs) and along roads within the immediate vicinity. Other than those associated with the PRoWs, these views are casual glimpses of the more elevated portions of the site, rather than the lower edges which tend to be screened by hedgerows and mature trees.

- 9.59 Views, where they exist, are of fields and the recreation grounds – with the backdrop of urban development within Earl Shilton itself. This urban fringe landscape thus defines the site to a large degree.
- 9.60 Turning to the LVIA’s assessment of the impact of the proposals, firstly with respect to landscape impact, the LVIA states:
- “The landscape and visual assessment has assessed the effects during the construction and operational phases of the Proposed Development on landscape elements within the Site, and on the character of the host Urban Character Area (UCA 10: Earl Shilton) and on the neighbouring Landscape Character Area (LCA F: Burbage Common Rolling Farmland). This has concluded that there would be no significant landscape effects as a consequence of the Proposed Development.”*
- 9.61 Secondly, in terms of visual impact, the LVIA states:
- “The visual assessment of effects on receptors’ views as a consequence of the Proposed Development has considered the extent to which the Proposed Development can be viewed and the degree to which the composition of baseline views would change. The assessment has considered the views related to 29 visual receptor groups as follows:*
- *residents at 13 individual or small groups of private properties*
 - *recreational receptors travelling along 11 PRowS and two highway footpaths (along Mill Lane and the A47)*
 - *recreational receptors using an area of public open space (Weaver Springs Park); and*
 - *drivers and their passengers travelling along a primary route (the A47) and a single local highway.”*
- 9.62 The LVIA is based on a worst-case winter scenario when screening is at its lowest – thus the visual impact is at its greatest. It concludes that significant operational visual effects would occur for the following groups of receptors:
- Residents at private properties on Mill Lane (five properties) and Union Mill Close (five properties)
 - Residents at private properties on Astley Road (five properties to the east of Northleigh Way)
 - Residents at private properties on Montgomery Road (six properties)
 - Users of the PRow in the north-eastern part of the Site (PRow no.1)
 - Users of the PRow immediately south of the WwTW (PRow no.2)
 - Users of the PRow running centrally through the Site (PRow no.3)
 - Users of the PRow in the western part of the Site (PRow no.4); and
 - Users of the PRow immediately adjacent to the eastern edge of the Site (PRow no.5).
- 9.63 It reasonably suggests that significant visual effects would only occur for receptors that reside in private properties adjacent to the site boundary or are using PRowS adjacent to or within the site itself. The development would result in baseline views of arable fields, grassland, hedgerows/hedgerow trees and some longer views to countryside with views of a “*greater complexity*” during the construction phase (construction, equipment, plant, etc) and shortened views of built form framed by countryside beyond during the operational phase (i.e. when the dwellings, etc are built and occupied).
- 9.64 The LVIA concludes that “*the visual amenity of receptors using publicly accessible community spaces within Earl Shilton would therefore not be significantly affected.*”

- 9.65 The rate of visual change along the PRowWs would be of a moderate to high level. For all other remaining visual receptors the visual changes are considered not significant.
- 9.66 With respect to mitigation, the LVIA sets out a series of site-specific measures that are outlined within the submission, and will be developed as detailed planning applications and discharge of condition applications are submitted post determination of this Outline application. These include:
- Additional tree planting along the eastern and southern boundary to mask the built form of the Site
 - Hedgerow loss has been kept to a minimum
 - All retained species-poor hedgerow will be enhanced via appropriate management, such as widening or thickening with additional planting
 - The implementation of construction management measures to avoid/minimise visual disturbance; and
 - The preparation of a CEMP and LEMP and the implementation of good practice measures throughout the construction period.
- 9.67 It is considered that where the development would be discernible its context would be seen against the wider urban edge setting of Earl Shilton. It would be reasonable, in this context, to describe the application site as having a 'developed countryside' character.
- 9.68 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 Earl Shilton. 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 1000 dwellings (20% of which to be affordable), It is considered that the residual impact on landscape character or from a visual perspective after mitigation when balanced against the benefits of the proposed development as listed elsewhere in this report would not warrant refusal of the application.

Design and Layout

- 9.69 Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 9.70 Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 9.71 Policy 16 of the Core Strategy sets out a requirement for the site to achieve a density of 40 dwelling per hectare (dph). As per the Planning Statement submitted alongside the application, *"The site will accommodate an average overall net residential density of around 42 dwellings per hectare making efficient use of land whilst also reflecting the existing built form of Earl Shilton."*
- 9.72 This is an outline application and therefore detailed layout and appearance considerations are not being assessed at this stage - however, they will form details at the Reserved Matters stage if the outline application is approved.

9.73 Notwithstanding this, the indicative plans illustrate that the development will comprise up to 1000 dwellings with suitable access into the site from the existing highway network. It provides a reasonable approach to the scheme that will flow through into the detailed plans submitted at Reserved Matters stage and indicate that a suitable form of development can be brought forward in accordance with Policy DM10 of the SADMP, the Good Design Guide SPD and the requirements of the NPPF (2023).

Heritage Impact

9.74 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.

9.75 Section 16 of the 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.

9.76 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. 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."*

9.77 Policies DM11 and DM12 of the SADMP seek to ensure heritage and this historic environment are protected, preserved and enhanced.

9.78 The site does not contain any designated heritage assets, though there are a number within 2km of the site. These include two Conservation Areas (Barwell Arthur Street and Earl Shilton), 2 Scheduled Ancient Monuments and 14 Listed buildings.

9.79 Of the Listed buildings and other heritage assets within the 2km buffer zone, only the spire of the Church of St Simon and St Jude (Grade II* Listed) plays a prominent role in views of the site. Though the spire is visible from the site, the site is not visible from the church – which is surrounded by the historic core of Earl Shilton. The Conservation Areas, Scheduled Ancient Monuments, and other Listed buildings have no meaningful relationship with the site.

9.80 The application includes a Heritage Impact Assessment (Chapter 9 of the Environmental Statement), which suggests that the development would have a negligible magnitude of impact, following the mitigation set out below, on the setting

of St Simon and St Jude – with the only effect being a minor alteration to the nature of the approach to the town, with views of the Church in the background. A negligible magnitude of change to an asset of high heritage significance would result in a negligible adverse effect which would not be significant.

- 9.81 The Heritage Impact Assessment proposes some mitigation to be embedded in the proposed development, including:
- Retaining views of the Church of St Simon and St Jude Church spire from along public rights of way (PRoW) along the east of, and within the site
 - Additional tree planting along the eastern and southern boundary to mask the built form of the site
 - Hedgerow loss to be kept to a minimum
 - All retained species-poor hedgerow is to be enhanced via appropriate management
 - All excavated archaeological assets will be recorded in accordance with an agreed method; and
 - The preparation of a CEMP and the implementation of good practice measures throughout the construction period.

- 9.82 The proposals have been subject to consultation with HBBC's Conservation Team and Historic England – neither of which have raised objections. As such, the proposal is considered to accord with the relevant legislation referred to above, Policies DM1 and D12 of the SADMP and general provision of the NPPF with regard to heritage.

Archaeology

- 9.83 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.
- 9.84 In line with the NPPF, 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 211 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.
- 9.85 Following the first round of consultation on the application, an objection was raised by LCC Archaeology pending further information from the applicant. Since then there has been regular dialogue and further information submitted. This has enabled LCC Archaeology to remove their objection to the proposal, subject to the imposition of certain conditions.
- 9.86 As such the application 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 on Residential Amenity

- 9.87 Policy DM10 of the SADMP requires that the amenities of the occupiers of proposed developments would not be adversely affected by activities within the vicinity of the site.
- 9.88 The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 9.89 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.
- 9.90 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.
- 9.91 The applicant has worked closely with the Council's Environmental Protection Officer to ensure that the scheme would have a suitable impact on the existing community with respect to noise, air quality/odour, light and contaminated land. There are a number of conditions associated with these matters proposed which will ensure that the scheme continues to provide additional detail at Reserved Matters stage and pre-occupation, when the provision of further detail is possible and reasonable.
- 9.92 Of particular note is the creation of a mitigation fund for occupiers of existing properties to ensure that they are not adversely affected by noise associated with the new development. The details of how this will operate will be set out in full within the s106.
- 9.93 This is an outline application and thus further detail will be appropriately dealt with during Reserved Matters stages – this will enable a full account to be had of the impact on existing occupiers of adjoining properties.
- 9.94 With respect to the proposed densities and overall layout – these give sufficient succour that no inherent problems exist from an amenity perspective for this application to be approved. The building heights plan, together with the other parameter plans and supportive documentation will provide for a robust structure in which the detailed reserved matters applications can come forward.
- 9.95 Given the above it is considered the proposal would not have a significant impact on residential amenity, in accordance with Policy DM10 of the SADMP and the requirements of the NPPF.

Flood Risk and Drainage

- 9.96 Policy DM7 of the SADMP requires that development does not create or exacerbate flooding and drainage. The site is situated within flood zone 1 indicating a low risk of flooding.

- 9.97 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.
- 9.98 HBBC Drainage have been consulted on the application and they raise no objection, subject to pre-commencement conditions requiring the separate submission and approval of a sustainable surface water drainage system, details in relation to the management of surface water on site during construction and details in relation to the long term maintenance of the sustainable surface water drainage system, including a SuDS Maintenance Plan.
- 9.99 Similarly, the Lead Local Flood Authority (LLFA) has been consulted, and after amendments to the scheme they stated that the proposals are considered acceptable to the LLFA, subject to pre-commencement conditions requiring the separate submission and approval of a surface water drainage scheme, details of the management of surface water on site during construction and results of infiltration testing. A pre-occupation condition has also been requested requiring the separate submission and approval of details of the long-term maintenance of the surface water drainage system.
- 9.100 Subject to the imposition of the specified conditions, the proposal is likely to have a minimal impact on flooding and drainage in compliance with Policy DM7 of the SADMP and the requirements of the NPPF (2023).

Ecology and Biodiversity

- 9.101 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 9.102 This application was submitted before the Environment Act 2021 provisions on Biodiversity Net Gain (“BNG”) came into force that now require all new applications to provide 10% BNG. As such the proposed development only lawfully needs to provide net gain not the 10% net gain. The application delivers a net gain in biodiversity and indicates that the proposed development cannot provide all of its net gain on site.
- 9.103 This application was submitted before the Environment Act 2021 provisions on Biodiversity Net Gain (“BNG”) came into force that now require all new applications to provide 10% BNG. As such the proposed development only lawfully needs to provide net gain not the 10% net gain. The application delivers a net gain in biodiversity and indicates that the proposed development cannot provide all of its net gain on site.
- 9.104 Notwithstanding the fact the 10% net gain requirements do not apply to the application, the Council considers that it is prudent to use the new BNG guidance to guide its approach to securing the net gain. As such the net gain on site will be secured through planning a planning condition and will follow the new guidance and requirements including as regards provision of an overall biodiversity net gain plan.
- 9.105 The application is accompanied by an Extended Phase 1 Habitat Survey and Biodiversity Net Gain Assessment. LCC Ecology have been consulted on the application and have no objection to it, subject to the imposition of conditions including the requirement for a Biodiversity Net Gain Plan.
- 9.106 Natural England have no objection to the proposals.

- 9.107 The proposal would therefore have a no significant adverse impact on ecology and would result in biodiversity net gain in compliance with policy DM6 of the SADMP and requirements of the NPPF.

Minerals

- 9.108 The 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.
- 9.109 The restraints imposed on the delivery of the site were extraction required prior to the commence of delivery, alongside the benefits of that extraction, therefore need to be considered in balance against the need for the development itself – as identified within the adopted Development Plan. In this instance it is considered that the objectively identified need for housing delivery is of considerable public benefit – and that this outweighs the sterilisation of the minerals reserve on which the development would be built.
- 9.110 As such, the application is considered to be acceptable in this regard and compliant with Development Plan Policy and the requirements of the NPPF.

Infrastructure Contributions

- 9.111 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. The AAP also sets out a policy basis for the contributions and on-site provision of various forms of infrastructure the policy basis has been considered when assessing the lawfulness of the requested contributions. To support the provision of mixed, sustainable communities Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. Indicative locations for the provision of new green spaces and green infrastructure are also set out by the Earl Shilton Sustainable Urban Extension Development Framework.
- 9.112 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 confirm that where developer contributions are requested, they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 9.113 Policy 19 of the Core Strategy identifies standards for play and open space within the Borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions.
- 9.114 The application will deliver the following open space typologies (with associated areas to be provided):
- Equipped Children's Play Space - 3600sqm
 - Casual/Informal Play Spaces – 16800sqm
 - Outdoor Sports Provision – 38400sqm
 - Accessibility Natural Green Space - 40000

- 9.115 This meets the requirements of Policy 19 of the Core Strategy and the Open Space and Recreation Study (2016). In terms of playing pitch provision, the applicant has worked closely with Sport England to deliver a proposed qualitative improvement to the existing Weaver's Field pitches that meets the requirements of Sports England and will be secured through the S106 Agreement.
- 9.116 As set out above, this application sits alongside Application A (Reference 23/00330/OUT), and the S106 Obligations for each scheme are therefore largely interrelated. The following table sets out the various consultations sought, together with how they are delivered by each of the applications.

Planning Obligation	Contribution/Works – Both Applications	Application A	Application B
Affordable housing	Provision of 20% affordable housing with split of 50% affordable rent and 50% affordable home ownership. The affordable home ownership mix will be 39% First Homes and 61% Shared Ownership. Specific mix of dwelling sizes to be agreed at reserved matters stage to reflect the latest affordable need, strategy and overall viability of the scheme at the time.		
Early Years Education Financial Contribution	Financial contribution of £975,621.40 towards construction of Early Years at new Primary School on site.	£324,901.20	£650,720.20
Early Years – new places in Employment area or Local Centre	Construction of 74 place Early Years provision on site for lease or sale.	24.8 places	49.55 places
Provision of Land for Primary School	Transfer of 1.99ha of serviced land as shown on parameter plan and transfer agreement to LCC.	0.66ha serviced site	1.33ha serviced site
Primary School construction financial contribution	Financial contribution of £9,384,696.60 towards construction of primary school on site.	£3,136,464.39	£6,248,232.21
Secondary Education (11 – 16) Financial Contribution	Financial contribution of £5,889,132.66 towards expansion of provision at Heath Lane Academy.	£1,972,049.01	£3,917,083.65
Post 16 Education Financial contribution	Financial contribution of £956,686.50 towards additional capacity at Hinckley School.	£318,895.50	£637,791.00
SEND Education Financial Contribution	Financial contribution of £846,726.48 towards the cost of expanding special school provision at the school nearest to the development (Dorothy Goodman School Hinckley)	£282,242.16	£564,484.32
Library Contribution	Financial contribution of £45,374.85 towards improvements at Earl Shilton Library.	£15,098.85	£30,276

Planning Obligation	Contribution/Works – Both Applications	Application A	Application B
Waste Contribution	Financial contribution of £74,295 towards increasing capacity at the Barwell Household Waste Recycling Centre.	£24,765	£49,530
Healthcare	<p>Financial contribution of £1,161,600 to deliver NHS healthcare enhancement / extension schemes for providers that deliver NHS healthcare services for the locality of Hinckley. Enhancement / extension scheme to meet the needs of new residents to relate to one of the following NHS Providers whose catchment area covers the development:</p> <ul style="list-style-type: none"> • Health Lane Surgery; or • Barwell & Holly Croft Medical Centres; and or; • Any other Healthcare infrastructure designed to support local patients' healthcare needs. <p>Details of the specific scheme and confirmation of CIL compliance to be confirmed prior to payment of financial contribution. Triggers to be agreed.</p>	£387,200	£774,400
Improvements to Weavers Springs Sport provision	Financial contribution of £1,352,435.86 towards Sports Improvements, The Indicative scheme is for new 4 changing room Pavilion with car park, and laying out of drainage for new pitches to provide greater playing capacity at Weavers Springs. Includes re-location of existing play area. Costs as set out in Cost report for Pavilion works and Agronomy report identifying pitch improvements and costs. Application A full contribution on commencement of development. Application B contribution to be made in two payments, the first (one third of the costs) on first occupation and the second payment (two thirds of the costs) on occupation of the 450 th dwelling.	£450,811.95	£901,623.91
Requirement on ESTC to deliver Weaver's Springs improvements	Requirement on Earl Shilton Town Council (ESTC) to deliver the sports improvements once the S106 contributions have been received. Clause to allow HBBC to deliver the works in the event that ESTC is unable to.		
Off site highway works – Desford Crossroads	Financial contribution of between £1,336,080 to £3,548,891 towards Desford Crossroad improvement scheme, and A47/Clickers Way Footpath/Cycleway scheme subject to provision by LCC of detailed costed scheme and agreement on approach to calculation of appropriate share of total scheme costs, taking into account funding already secured for the scheme.		
Public Transport Financial Contribution	A financial contribution of £1,106,215 towards re-instatement of the No. 1 bus service in the vicinity of the site in the short term, extension of service to route through part of the site in the medium term, and extension to route through entire site in the long term. This is based on the provision of two buses. Application A to make contribution of £122,912.78 on occupation of the 75 th , 225 th and 350 th dwelling. Application B to make contribution of £245,825.56 on occupation of 150 th dwelling, 450 th dwelling and 700 th dwelling.	£368,738.33	£737,476.67
Travel Pack contribution	Implementation of travel plan measures (details to be agreed with LCC).	£52.85 per pack per household.	£52.85 per pack per household.

Planning Obligation	Contribution/Works – Both Applications	Application A	Application B
Bus pass contribution	Provision of 2 bus passes per household (home owners to apply for the passes).	£415 per pass and 2 passes per household	£415 per pass and 2 passes per household
Travel Plan monitoring contribution	Contribution of £12,000 for monitoring (flat rate of £6,000 per application)	£6,000	£6,000
LCC S106 Monitoring Contribution	Financial contribution of £300 per LCC contribution or 0.5% of the total value of the LCC contributions whichever is higher.		
HBBC S106 Monitoring Contribution	£1,799 per obligation		
Noise Mitigation measures contribution	<p>Financial contribution of £184,305 to HBBC towards noise mitigation in the form of a fund to be drawn down against for the following:</p> <ul style="list-style-type: none"> double glazing to habitable rooms on front of properties of numbers 1,3,5,7,9 and 13 Astley Road, number 79 Alexander Avenue and number 23 and 24 Weaver Road. towards noise mitigation at St. Simon and St. Judes School in the form of a fund to be drawn down against for an acoustic fence of up to 1.8m fence for either the eastern and southern boundary of the school playground or along part of Astley Road frontage, should a fence be required. <p>Includes additional 50% contingency. Contribution to be returned to Developer if not required.</p>	£184,305	
TOTAL FINANCIAL CONTRIBUTIONS	Circa £21,989,089.35	Circa £7,471,471.39	Circa £14,517,617.96

Planning balance

- 9.117 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.118 The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5-year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the 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. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any benefits. The three strands of sustainability the benefits are broken down into are economic, social and environmental contributions.
- 9.119 Economic- The scheme is for 1000 dwellings, together with commercial space and education facilities which would provide benefits to the local economy through the

creation of jobs and demand for services and materials for the construction of the development itself. Residential development in general can bring economic benefits through increases in the local population which in turn use local services. The development is located in close proximity of Earl Shilton and the services available there would no doubt receive some economic benefits from this development.

- 9.120 Social- The scheme would provide a moderate contribution to the overall housing supply within the Borough through the provision of 1000 dwellings. In addition to this, the proposal would bring benefits through the provision of a policy compliant affordable housing where there is an identified need.
- 9.121 Environmental- The proposal is situated within the boundary of the Earl Shilton Sustainable Urban Extension and the environmental impacts and benefits of allocating this SUE were considered at the time of the allocation. Notwithstanding the application documentation has also demonstrated that the impacts upon the character and appearance of the area would not result in significant or demonstrable environmental harm.
- 9.122 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.

10. Equality implications

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

11. Conclusion

- 11.1 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.

- 11.2 The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date and the Council cannot demonstrate a 5-year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the 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.
- 11.3 The proposed development would be a key component of the delivery of the wider Earl Shilton SUE, particularly in terms of the wider connectivity of the allocation. Furthermore, it has been successfully demonstrated that the proposal would provide safe and suitable access for all users, and that any significant impacts from the development on the transport network or highway safety can be adequately mitigated.
- 11.4 It is considered that there is no conflict with the adopted development plan and national planning guidance within the NPPF (2023) as set out in this report.
- 11.5 Therefore, the presumption in favour of sustainable development applies in this case and there are no other material considerations that would justify making a decision other than in accordance with the development plan.

12. Recommendation

12.1 Approve outline planning permission subject to a S.106 Agreement being signed, and to the conditions set out below.

12.2 In these conditions unless otherwise agreed by the Local Planning Authority, the following terms shall have the meanings given to them for the purposes of interpretation of any of the provisions of this planning permission:

"Phase" shall mean any area in respect of which a Reserved Matters Application is made

"Reserved Matters" means those matters listed in Condition 1.

"Reserved Matters Application" means an application for approval of any reserved matter.

"Reserved Matters Approval" means the approval of a Reserved Matters Application.

RESERVED MATTERS

1. Other than the approved access works, no development shall be commenced within a Phase or any part of the application site until plans and particulars of "the Reserved Matters" for that Phase have been submitted to and approved by the Local Planning Authority. The Reserved Matters are as follows:-
- a) Appearance- including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) Landscaping- 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- including, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside that Phase and outside the development.
 - d) Scale- of each building proposed in relation to its surroundings.

- e) Access to Mill Lane.

The development of each Phase and each part thereof 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) and the requirements of the NPPF (2023).

- 2. Any reserved matters submitted pursuant to Condition 1 shall include details of the following:

- a) Existing and proposed ground levels
- b) Secure cycle storage for dwellings
- c) Provision of waste and recycling storage
- d) Details of EV Charging points to be provided;
- e) Details of fibre broadband connections to each dwelling and timing of their availability for use
- f) Proposed finished floor levels
- g) Statement of Conformity with the National Described Space Standards

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) and the requirements of the NPPF (2023).

TIME LIMITS FOR SUBMISSION OF FIRST RESERVED MATTERS APPLICATION

- 3. The first Reserved Matters Application in the first Phase to be developed shall be made within three years from the date of this permission.

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

TIME LIMITS FOR SUBMISSION OF RESERVED MATTERS APPLICATIONS

- 4. No Reserved Matters Application shall be made to the Local Planning Authority after the expiration of 12 (twelve) years from the date of this permission.

Reason: In order to permit sufficient time to implement this multi-phased scheme

TIME LIMITS FOR THE COMMENCEMENT OF DEVELOPMENT

- 5. Any development within each part of the application site to which those Reserved Matters Approvals relate shall be begun no later than the expiration of 2 (two) years from the final approval of those Reserved Matters Approvals relating to that part of the application site.

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

DEVELOPMENT CONFORMITY- PARAMETER PLANS AND APPROVED PLANS

6. The development, including Reserved Matters Applications, shall be carried out broadly in accordance with the approved Parameter plans:
- Land Use Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0003_S3_P01.2, dated September 2023)
 - Building Heights and Density Parameter Plan (Reference 42523-WOOD-XX-XX-FG-A-0004_S3_P01.3, dated October 2023)
 - Primary and Secondary Access Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0002_S3_P01.2, dated September 2023)
 - Green Infrastructure Parameter Plan (Reference 42523-WSPE-XX-XX-DR-A-00001_S0_P01.3, dated September 2023)
- save only for minor variations where such variations do not deviate from this permission nor have any additional or materially different likely significant environmental effects to those assessed in the Environmental Statement accompanying this application.

Reason: For the avoidance of doubt and in the interests of proper planning.

CONDITIONS TO BE SATISFIED ALONGSIDE SUBMISSION OF RESERVED MATTERS APPLICATIONS

DESIGN STATEMENT

7. Any Reserved Matters Application for a Phase which includes housing or other buildings (excluding roads and bridges) shall be accompanied by the submission of a design statement demonstrating how the Reserved Matters Application broadly accords with the design principles and requirements established by the Design and Access Statement (Reference 42523-WOOD-XX-XX-RP-T-0001_SO_P01.1 dated December 2021 and Updated DAS Addendum dated October 2023) and Approved Parameter Plans.
8. **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) and the requirements of the NPPF (2023).

SURFACE WATER DRAINAGE SCHEME

9. Any Reserved Matters Application for a Phase shall be accompanied by the submission of details of a surface water drainage scheme for that Phase of Development for approval in writing by the Local Planning Authority. No Development within the Phase shall Commence unless the surface water drainage scheme for that Phase shall have been approved by the Local Planning Authority.

The scheme for each Phase shall be broadly in accordance with the Additional Drainage Information dated 9th October 2023 (Reference 42523-WSPE-XX-XX-TN-C-00001_S2_P01) and include details of infiltration testing 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 for that Phase.

The Phase of Development shall be implemented in accordance with the approved surface water drainage scheme for that Phase and thereafter managed and maintained in accordance with the approved scheme for that Phase.

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 (2023).

NOISE MITIGATION SCHEME

10. Any Reserved Matters Application for a Phase that includes dwellings shall be accompanied by the submission of a noise mitigation scheme and assessment incorporating an acoustic design statement demonstrating how the proposed layout and the construction of the buildings in that Phase has mitigated noise impacts associated with the A47 Clickers Way. No Development within the Phase shall Commence unless the noise mitigation scheme and assessment for that Phase shall have been approved by the Local Planning Authority. The Phase of Development shall be implemented in accordance with the approved noise mitigation scheme and assessment for that Phase.

Reason: To ensure against any unacceptable noise impacts in accordance with the requirements of Policy DM10 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

PRE-COMMENCEMENT CONDITIONS

PHASING PROGRAMME

11. Other than the approved access works, no development shall be commenced until a Phasing Programme for the development has been submitted to and approved in writing by the Borough Council. The Phasing Programme shall have regard to the wider Sustainable Urban Extension without prejudicing the delivery of the application site. The development shall be carried out in accordance with the approved Application Phasing Programme or any amended scheme which may be subsequently submitted to and approved in writing by the Borough Council. Each Reserved Matters Application shall provide a Statement of Conformity with the approved Phasing Programme.

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) and the requirements of the NPPF (2023).

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF A PHASE OF THE DEVELOPMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

12. Prior to the commencement of development in a Phase of the Development a Construction Environmental Management Plan for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall provide details of the following:
- a) The parking of vehicles of site operatives and visitors
 - b) The hours of operation, including deliveries.
 - c) Loading and unloading of plant and materials
 - d) Storage of plant and materials
 - e) Location of contractor compounds and temporary haul roads
 - f) Wheel washing facilities
 - g) Management of surface water run-off including details of any temporary localised flooding management system and temporary earth works

- h) Prevention of impact to existing and proposed residents from dust, odour, noise, smoke, light and land contamination.
- i) Details of monitoring.
- j) Routeing of construction traffic (including provision of directional signage)

Site preparation and construction shall be limited to the following hours;

Monday- Friday 07:30-18:00

Saturday 08:00-13:00

No working on Sundays and Bank Holidays

The approved Construction Environmental Management Plan for that Phase of Development shall be implemented throughout the course of the construction of that Phase of the Development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (BIODIVERSITY)

13. No development shall take place in any phase (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) for that phase has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- A) Identification of potentially damaging construction activities
- B) identification of biodiversity protection zones
- C) practical measures and sensitive working practices to avoid or reduce impacts during construction
- D) timing of works to avoid harm to nesting birds
- E) responsible persons for overseeing sensitive works
- F) use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

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 (2023).

PHASE BIODIVERSITY GAIN PLAN

14. Prior to Commencement of Development in a Phase of the Development a biodiversity gain plan for that Phase ("Phase Biodiversity Gain Plan") shall be submitted to and approved in writing by the Local Planning Authority. Such Phase Biodiversity Gain Plan must evidence:

- a) the post-development biodiversity value of the onsite habitat for the Phase of the Development to which the Phase Biodiversity Gain Plan relates,
- b) the post-development biodiversity value of the onsite habitat for each other Phase of Development (whether begun or otherwise),
- c) any registered offsite biodiversity gain allocated to the Development before the date of submission of the Phase Biodiversity Gain Plan and the biodiversity value of that gain in relation to the Development

- d) any registered offsite biodiversity gain which is proposed to be allocated to the Development and the biodiversity value of that gain in relation to the Development,
- e) any biodiversity credits purchased for the Development before the date of submission of the Phase Biodiversity Gain Plan,
- f) any biodiversity credits proposed to be purchased for the Development,
- g) any other matters specified in the Overall Biodiversity Gain Plan

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 (2023).

FOUL DRAINAGE SCHEME

15. Prior to the Commencement of Development in a Phase of the Development (excluding any Phase comprising solely infrastructure) the detailed design of the foul drainage scheme for that Phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no building shall be occupied or brought in to use until the approved foul drainage scheme serving that building has been implemented in accordance with the approved details.

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 (2023).

OPEN SPACE STRATEGY

16. Prior to the Commencement of Development in a Phase of the Development containing public open space an Open Space Strategy for that Phase shall be submitted to and approved in writing by the Local Planning Authority, to include the specification, the timing of the completion of and arrangement for the management of the following within that Phase:

- a) Casual Informal play space as broadly identified on the Approved Parameter Plans
- b) Equipped Children's Play as broadly identified on the Approved Parameter Plans
- c) Accessible Natural Green Space as broadly identified on the Approved Parameter Plans

The open space for that Phase shall be managed in accordance with the approved Open Space Strategy.

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) and the requirements of the NPPF (2023).

TREE PROTECTION PLAN

17. Prior to the Commencement of Development in a Phase of the Development, including site works of any description, a Tree Protection Plan for that Phase prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012.

Where any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed.

The Phase of Development shall be implemented in accordance with the approved Tree Protection Plan for that Phase.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

CONTAMINATION

18. Prior to the Commencement of Development in a Phase of the Development, a scheme for the investigation of any potential land contamination in that Phase shall have been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the approved details and any remediation works so approved for that Phase shall be carried out prior to that Phase first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

ARCHAEOLOGICAL WORK

19. Prior to Commencement of Development within a Phase of the Development a programme of archaeological work shall be implemented in accordance with the written scheme of investigation (Reference 42523-WSPE-XX-XX-RP-OH-00001_SO_P01.4 dated 11th January 2024) which has been approved by the Local Planning Authority. The development of the phase shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic 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 (2023).

WATER VOLE MITIGATION STRATEGY

20. No Development shall Commence within 10m of the Earl Shilton Brook until a Water Vole Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a phased programme of mitigation works relative to the build programme of the phases of development adjacent to the Earl Shilton Brook. The development shall be carried out in accordance with the approved Water Vole Mitigation Strategy.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

EXTERNAL LIGHTING FOR NON_RESIDENTIAL

21. Prior to the commencement of development on any non-residential parcel details of any external lighting for that phase 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.

Upon completion of the development, a statement of a suitably qualified contractor shall be submitted stating that any lighting installation to which condition X above applies is fully compliant with the Institution of Lighting Professionals Guidance Note 1: "the reduction of obtrusive light" within zone E2.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

NOISE ATTENUATION

22. Development shall not begin within a particular phase until a scheme for protecting the proposed dwellings within that phase from noise from road traffic noise, industrial/commercial noise and noise from the school and recreational areas has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

NOISE ATTENUATION

23. Development shall not begin within a particular phase until a scheme for protecting nearby dwellings from noise from the proposed development, including traffic noise, has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before the permitted development first comes into use.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

PRE-OCCUPATION CONDITIONS

DWELLING/BUILDING VEHICULAR ACCESS

24. No dwelling or building shall be occupied until the vehicular access serving the relevant dwelling or building has been constructed at least binder course (base course) level and the access is available for use.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development

Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

A47 SOUTHERN ROUNDABOUT ACCESS WORKS

25. Other than those dwellings to be accessed off Breach Lane, no dwelling or building shall be occupied until the highway works associated with the approved A47 Southern Roundabout access as shown on drawing reference B033564-TTE-XX-XX-DR-H-0021 P06 and B033564-TTE-XX-XX-DR-H-0022 P05 have been completed and the access is made available for use to access the relevant dwelling.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

PRoW IMPROVEMENTS

26. No development shall be occupied in a particular phase until a scheme for the treatment of Public Rights of Way within that phase has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2023).

OFF-SITE HIGHWAY WORKS

27. No development shall be occupied until such time as a scheme consisting of a footway/cycleway on the A47 between the Leicester Road/Clickers Way roundabout and the junction of Desford Crossroads has been submitted to and approved in writing by the Local Planning Authority. Once approved, the scheme shall be delivered and available for use prior to occupation of the 50th dwelling.

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

RESIDENTIAL TRAVEL PLAN

28. Prior to the occupation of each Phase that includes dwellings, a full Residential Travel Plan for that Phase in accordance with the Framework Travel Plan (Reference 42523-WOOD-XX-XX-RP-OT-0001_S3_P02.1 dated December 2021 and Addendum 42523-WSPE-XX-XX-RP-OT-00002_SO_P01 dated March 2024) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Residential Travel Plan shall be implemented for that Phase 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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

EMPLOYMENT TRAVEL PLAN

29. Prior to occupation of any non-residential development in the northern employment area (as shown on Land Use Parameter Plan reference 42523-WSPE-XX-XX-FG-A-0003_S3_P01.2, dated September 2023-), an Employment Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Employment Travel Plan shall be implemented for that employment area 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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

REDUNDANT ACCESS

30. Notwithstanding the submitted details, the new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless any existing vehicular accesses that become redundant as a result of this proposal have been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (2023).

CONDITIONS TO BE SATISFIED PRIOR TO OTHER STATED TRIGGERS

A47 NORTHERN ACCESS AND INTERNAL LINK ROAD

31. No more than 600 dwellings excluding those served by Breach Lane shall be occupied unless and until the A47 Northern access (as shown on drawing B033564-TTE-XX-XX-DR-H-0011 P05, B033564-TTE-XX-XX-DR-H-0012 P05 and B033564-TTE-XX-XX-DR-H0013 P04) have been completed and is available for use.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

A47 NORTHERN ROUNDABOUT ACCESS

32. The highway works associated with the A47 Northern Roundabout access as shown on drawing reference B033564-TTE-XX-XX-DR-H-0011 P05, B033564-TTE-XX-XX-DR-H-0012 P05 and B033564-TTE-XX-XX-DR-H0013 P04 shall be completed and made available for use prior to the occupation of any of the employment uses as shown the Land Use Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0003_S3_P01.2, dated September 2023)

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

A47 NORTHERN ACCESS AND INTERNAL LINK ROAD LONG STOP

33. No more than 800 dwellings shall be occupied unless and until the A47 Northern access (as shown on drawings B033564-TTE-XX-XX-DR-H-0011 P05, B033564-TTE-XX-XX-DR-H-0012 P05 and B033564-TTE-XX-XX-DR-H0013 P04) and an internal link between the Northern and Southern A47 accesses have been completed and are available for use. The link roads shall be generally as shown by

the primary and secondary street in the Primary and Secondary Access Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0002_S3_P01.2, dated September 2023).

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

BREACH LANE ACCESS

34. No more than 50 dwellings shall be provided with vehicular access to or from Breach Lane as approved under Access Plan – Breach Lane (Reference B033564-TTE-XX-BL-DR-H-0101 P05).

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

PRIMARY SCHOOL TRAVEL PLAN

35. Prior to occupation of the Primary School a Travel Plan in relation to the Primary School shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Primary School 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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

EARL SHILTON BROOK CROSSING

36. No permanent crossing of the Earl Shilton Brook in a Phase shall be commenced unless the design of the crossing(s) has been submitted to and approved in writing by the Local Planning Authority. The design of the crossing(s) should accord with the design principles set out in the approved Flood Risk Assessment dated December 2021 (Reference 42523-WOOD-XX-XX-RP-0W-0001_S4_P02) The approved crossing shall be implemented and be available for use in accordance with the approved details prior to first occupation of that relevant Phase of Development.

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.

PLANT & EQUIPMENT NOISE LEVELS

37. Prior to the occupation of any premises or buildings classed as non-residential an assessment of the noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, proposed external operations, loading, unloading and servicing shall be submitted to and approved by the Local Planning Authority. This assessment shall demonstrate that the plant and equipment, loading and unloading operations are capable of operating without the rating level exceeding the background level by more than 5Db(A) at the closest residential property and shall include details/calculations for any noise reduction measurements due to distance and existing or proposed noise barriers.

The mitigation, plant and equipment shall be installed and loading/unloading carried out in accordance with the approved assessment.

Reason: To ensure the protection of nearby sensitive receptors from unacceptable levels of noise pollution so as to accord with Policies DM7 and DM17 of the SADMP.

GENERAL COMPLIANCE

ACCESS TO COMPLY WITH APPROVED PLANS

38. Access to the site shall be carried out in accordance with the following approved plans or plans as modified through the s278 process:

- Access Plan – Breach Lane (Reference B033564-TTE-XX-BL-DR-H-0101 P05)
- Access Plan A47 Northern Roundabout (Reference B033564-TTE-XX-XX-DR-H-0011 P05, B033564-TTE-XX-XX-DR-H-0012 P05 and B033564-TTE-XX-XX-DR-H0013 P04)
- Access Plan – A47 Southern Roundabout (Reference B033564-TTE-XX-XX-DR-H-0021 P06 and B033564-TTE-XX-XX-DR-H-0022 P05)

Reason: For the avoidance of doubt and in the interests of proper planning.

CONTAMINATION ARISING DURING CONSTRUCTION

39. If during construction of any Phase of the Development, contamination not previously identified is found to be present at the site, no further development shall take place in that Phase until an addendum to the scheme for the investigation of all potential land contamination in the Phase is submitted in writing to and approved in writing by the Local Planning Authority. Such scheme which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved pursuant to the scheme shall be carried out in accordance with the approved scheme.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

FLOOD RISK ASSESMENT

40. Each Phase of Development shall be carried out in accordance with the approved Flood Risk Assessment dated December 2021 (Reference 42523-WOOD-XX-XX-RP-0W-0001_S4_P02) and the mitigation measures detailed within the approved Flood Risk Assessment including:

- a) Finished floor levels should be set at least 600mm above the modelled flood level for the 0.1% AEP event, or at least 300mm above local ground levels in the vicinity of the flood extent.
- b) Level for level floodplain compensation along the Earl Shilton Brook Corridor in broad accordance with the details set out in Section 5.1 of the approved FRA.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan

Document (2016).

RETAINED TREES & HEDGES

41. 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 prior 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 same 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).

BIRD NESTING SEASON WORKS RESTRICTION

42. No trees and shrubs shall be removed on site during the bird nesting season (1st March - 31st July inclusive) unless inspected by a qualified Ecologist.

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.

INDUSTRIAL/COMMERCIAL NOISE

43. The rating level of the noise emitted from commercial, industrial and manufacturing process, Fixed plant and equipment (mechanical and electrical), Loading and unloading of goods (industrial and/or commercial) located at the site shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

13. Notes to applicant

- 1) This application has been determined having regard to the following documents and plans submitted with the application:
 - Land Use Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0003_S3_P01.2, dated September 2023)
 - Building Heights and Density Parameter Plan (Reference 42523-WOOD-XX-XX-FG-A-0004_S3_P01.3, dated October 2023)
 - Primary and Secondary Access Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0002_S3_P01.2, dated September 2023)
 - Green Infrastructure Parameter Plan (Reference 42523-WSPE-XX-XX-DR-A-00001_S0_P01.3, dated September 2023)
 - A47 Northern Roundabout:
 - B033564-TTE-XX-XX-DR-H-0011 P05 NA-Preliminary Layout [Sheet 1]
 - B033564-TTE-XX-XX-DR-H-0012 P05 NA-Preliminary Layout [Sheet 2]

- B033564-TTE-XX-XX-DR-H-0013 P04 NA-Preliminary Layout[Sheet 3]
- A47 Southern Roundabout:
 - B033564-TTE-XX-XX-DR-H-0021 P06 SA-Preliminary Layout [Sheet 1]
 - B033564-TTE-XX-XX-DR-H-0022 P05 SA-Preliminary Layout[Sheet 2]
- Breach Lane:
 - B033564-TTE-XX-BL-DR-H-0101 P05 Preliminary General Arrangement
- Design and Access Statement (Reference 42523-WOOD-XX-XX-RP-T-0001_SO_P01.1 dated December 2021 and Updated DAS Addendum dated October 2023)
- Additional Drainage Information dated 9th October 2023 (Reference 42523-WSPE-XX-XX-TN-C-00001_S2_P01)
- Archaeological Written Scheme of Investigation (Reference 42523-WSPE-XX-XX-RP-OH-00001_SO_P01.4 dated 11th January 2024)
- Framework Travel Plan (Reference 42523-WOOD-XX-XX-RP-OT-0001_S3_P02.1 dated December 2021 and Addendum 42523-WSPE-XX-XX-RP-OT-00002_SO_P01 dated March 2024)
- Flood Risk Assessment (Reference 42523-WOOD-XX-XX-RP-0W-0001_S4_P02 dated December 2021)
- Arboricultural Impact Assessment
- Odour Modelling Assessment and Addendum
- Outline Drainage Strategy (including additional information and technical note)
- Illustrative Masterplan
- Botanical Surveys and Biodiversity Net Gain Report (including Addendum and BNG Metric 3.1)
- Response to HBBC Open Space Comments
- Noise Suitability Report (including update and noise and vibration technical note)
- Playing Fields Existing Provision Plan
- Illustrative Playing Pitch Layout
- Planning Statement
- Topographical Survey
- Transport Assessment
- Utilities Technical Note
- Environmental Statement (including Non-Technical Summary, Figures, and Appendices) and Environmental Statement Addendum
- Tree Survey
- Statement of Community Involvement
- Location Plan
- Red Line Boundary Drawing
- Covering Letter (including all Notice Letters and Forms)