

**Planning Committee 27<sup>th</sup> August 2024  
Report of the Head of Planning**

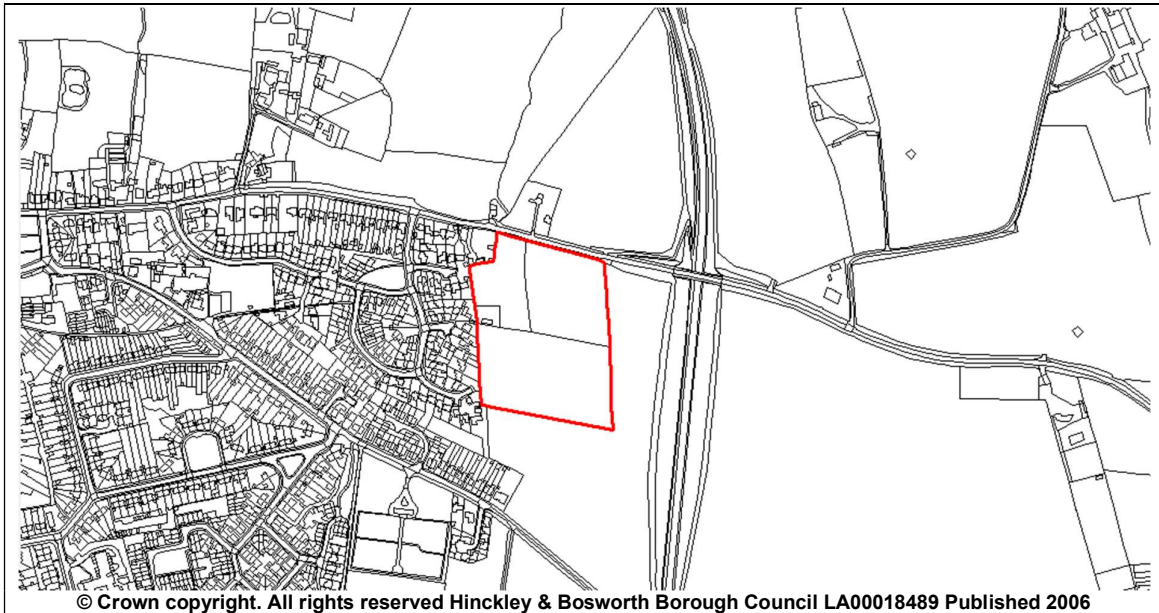
**Planning Ref: 20/01225/FUL  
Applicant: Persimmon Homes  
Ward: Earl Shilton**



**Hinckley & Bosworth  
Borough Council**

**Site: Land West Of Clickers Way Earl Shilton**

**Proposal: Residential development for 81 dwellings with provision of access, open space and associated infrastructure**



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**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, and;**
- **That the Head of Planning be given powers to determine the final detail of the conditions, and;**
- **That the Head of Planning be given delegated powers to finalise the terms of the S106 agreement including trigger points and claw-back periods.**

**2. Planning application description**

**2.1.** This application seeks full planning permission for the erection of 81 new dwellings, of which 16 will be affordable. The scheme comprises 23 No. 2 bed dwellings, 46 No. 3 bed dwellings and 12 No. 4 bed dwellings. The scheme includes terraced, semi-detached and detached two-storey and two-and-a-half-storey dwellings. Twenty percent of the proposed dwellings are to be affordable units for social rent and shared ownership.

2.2. The following reports surveys and documents have been submitted in support of the planning application:

- Planning Statement;
- Statement of Community Involvement;
- Design and Access Statement;
- Transport Statement;
- Travel Plan;
- Drainage Strategy;
- Flood Risk Assessment;
- Ecological Appraisal;
- Reptile Report;
- Arboricultural Assessment;
- Scheme of Investigation for Archaeological Excavation; and
- Phase 1 Geo-Environmental Desk Study.
- BNG Assessment

2.3. Amended plans have been submitted during the course of the application to reduce the scheme from 111 to 81 dwellings. Re-consultation has been undertaken.

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

3.1. The application site is currently used for agriculture and falls from a central east-west ridge towards Thurlaston Lane to the north and Mill Lane to the south. Two former agricultural buildings remain on site which are in a derelict state.

3.2. There are some hedgerows within the site though these no longer connect to create smaller fields. Hedgerows exist along the boundaries to Mill Lane and Thurlaston Lane. The eastern boundary is also largely defined by hedgerow though some has been replaced by fencing forming the boundary of residential properties on King Richards Hill and Mill Lane. The western boundary is formed by new planting, with Clickers Way beyond, which is in a cutting at this point. Thurlaston Lane crosses Clickers Way by way of a bridge, while Mill Lane now terminates at the bypass with no vehicular connection possible. Pedestrian and cycle connections to the by-pass are possible from both Mill Lane and Thurlaston Lane.

### **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 application ref 21/01551/OUT, and its sister application ref 23/00330/OUT. For the sake of ease, the applicants have referred to these applications as A and B respectively.

4.3 This 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. Persimmon have engaged proactively to ensure that they

make the necessary contributions and that the schemes can match up in terms of vehicular access and open space, etc.

- 4.4 As set out within the Planning Statement submitted with this application, Application C aims to deliver 81 new dwellings on land to the north of the wider SUE site. It would benefit from vehicular access from Thurlaston Road as a temporary measure, before a southern access point into the wider SUE is opened up. At that point the Thurlaston Road access would be permanently stopped up.
- 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 Unlike this application, applications A and B 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, were 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. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. There have been 62 letters of objection received from 39 separate households, which have been summarised as follows:
  - Increase in traffic and associated congestion / highway safety impacts, particularly on Thurlaston Lane and Church Street;
  - Additional pressure on already insufficient infrastructure, such as schools and medical facilities;
  - Loss of greenfield land and associated informal recreation;
  - Limited sustainable transport opportunities;
  - Lack of demand for new homes in the area;
  - Access should be from Clickers Way as part of the SUE;
  - Impacts on biodiversity resulting from the removal of hedgerows and scrubland; and
  - Impacts on landscape and visual amenity, including overlooking experienced by existing dwellings.
- 5.3. No letters of support or neutral comments have been received.

## **6. Consultation**

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

National Grid/Cadent Gas  
HBBC Environmental Services- Drainage  
HBBC Environmental Services- Pollution  
Waste- Streetscene Services  
LCC Archaeology  
LCC Drainage  
LCC Ecology  
LCC Planning Obligations Officer  
HBBC Affordable Housing Officer  
University Hospitals of Leicester NHS Trust

6.2. Objections were initially received from the following consultees, however following the receipt of revised information and further consultation, these have been removed:

LCC Ecology  
LCC Drainage

6.3. HBBC Monitoring Officer raised the following questions relating to open space provision.

- Costings of the proposed play equipment is required
- Details of the equipment required (please let me know if I have missed them but couldn't find them)
- LAP – Definition is a Local Area of Play which doesn't have equipment
- Boundary treatment to the play area/s
- Will need the plans in enterprise to be able to measure Sqm to ensure is sufficient for 81 dwellings
- Hard surfacing details
- Bins / benches and signage

6.4. The applicant responded to these requests with the following information:

- The details are all contained within the 'Detailed Softworks and Play Proposals'
- We can remove this equipment if required, given the amount of accessible green space there is sufficient Localised Areas of Play across the development if the equipment is retained.
- As above the fencing is covered in the notes on the landscaping plan.
- Measurements provided:
  - Equipped Children's Play Space - 396sqm
  - Casual/Informal Play Spaces – 98sqm

- Outdoor Sports Provision – Financial Contribution to Weavers Springs via s106
- Accessibility Natural Green Space – 9030.72sqm
- Details are contained in the notes on the landscaping plans
- Details are contained in the notes on the landscaping plans

**Officer Comments:** It is considered that the proposals meet the needs arising from the development itself, and will contribute towards the wider SUE's impact in terms of sports provision, etc through the S106 Agreement.

6.5. LCC Highways have maintained their objection, making the following comments:

- 02/05/2024 Response:
  1. The Applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development and the proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users contrary to paragraph 110 of the National Planning Policy Framework (2023).
  2. The proposals submitted by the Applicant are prejudicial to the delivery of the proposals identified within the adopted Earl Shilton and Barwell Area Action Plan (AAP). The development proposals do not comply with the Local Plan Policy and are prejudicial to the wider connectivity aspirations of the Earl Shilton SUE for all users, contrary to paragraphs 47, 110 and 112 of the National Planning Policy Framework (2023).
  3. The Applicant has failed to demonstrate any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated, contrary to paragraph 110 of the National Planning Policy Framework (2023).

- 21/06/2024 Response:
 

*"I visited this site again earlier in the week and while it is clear that Persimmon have cut back the hedge along their site boundary and a tree which could have been problematic for the footway construction has been removed, the third party hedge alongside Marlpit Farm remains (in the meeting Persimmon suggested it had been replaced by a fence) and the hedgerow alongside the pumping station hasn't been cut back. Both grow to the carriageway edge.*

*Nevertheless, we have undertaken another high level review of the proposals and we have identified the scheme may be undeliverable within the highway extents. I've attached a couple of standard drawings in respect of footway/ carriageway construction which show that construction of the proposals would require additional width over and above the 1.8m footway and 5.5m carriageway. We would also require a 1.0m service margin either side of the carriageway/ footway (that would include the additional width shown in the standard drawings) to allow for the hedgerow as this could pose a maintenance issue, particularly for the footway.*

*Ideally we could do with confirmation that a 9.3m corridor could be fully achieved within the extents of the highway and that this would not impact on the third party hedgerows before we could consider the proposals further. This could also mean realignment of the proposed footway/ carriageway."*

**Officers Comments:** These matters are addressed in full below.

## **7. Policy**

### 7.2. 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

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

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

### 7.4. Earl Shilton and Barwell Area Action Plan (2006-2026)

- Policy 1: Sustainable Urban Extension (SUE)
- Policy 6: Earl Shilton Urban Extension
- Policy 7: Housing 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 21: Infrastructure and Delivery

### 7.5. National Planning Policies and Guidance

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

### 7.6. 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 (2024)

## 8. Appraisal

### 8.1. Key Issues

- Principle of development
- Housing mix and affordable housing
- Design and impact upon the character of the area
- Heritage
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking
- Drainage
- Ecology
- Infrastructure Contributions
- Planning balance

#### Principle of development

8.2 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.

8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP) and the Earl Shilton and Barwell Area Action Plan (2006-2026).

8.4 The Emerging Local Plan for 2020-2041 is currently at Regulation 18 stage, with the public consultation running from Wednesday 31 July to Friday 27 September 2024. The latest Local Development Scheme (LDS), was published on 08 February 2024. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including the Regulation 19 Consultation which is not scheduled until January-February 2025. Given the early stage of the Emerging Local Plan and outstanding evidence, the emerging policies are attributed very limited weight.

8.5 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.

8.6 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.

8.7 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.”

- 8.8 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”.
- 8.9 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 81 dwellings to the overall target of 1600 homes across the entire area of the SUE.
- 8.10 The application is therefore considered to be acceptable in principle, subject to the detailed matters below.

### **Housing Land Supply**

- 8.11 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.12 The Council has published an updated 5yr housing land supply calculation (Monday 29th July 2024). This updates the 5yr housing land supply position from March 2023 to March 2028 and demonstrates a 5.6yr supply of housing, with a surplus supply of 145 dwellings over the five year period.
- 8.13 For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. Despite being able to demonstrate a housing land supply, due to the age of relevant housing policies in the Core Strategy, in accordance with paragraph 11d) of the NPPF, the Council should still grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.14 Under these circumstances, the NPPF sets out, in paragraph 11d) that, for decision makers:  
*“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*
- 8.15 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 the a buffer, if applicable as set out in paragraph 77); and does not benefit from the provisions of paragraph 76 or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.”*

- 8.16 Paragraph 60 of the NPPF sets out that *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.*
- 8.17 Paragraph 77 of the NPPF sets out that *“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years.”*
- 8.18 The 2021/ 22 housing land monitoring statement is currently being prepared but on the basis of the previous years’ assessment, section 2.2 of the aforementioned monitoring statement required an action plan to be produced to set out how the Council will deal with under delivery in light of achieving 86% of the Housing Delivery Test (HDT).
- 8.19 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.

The provision of up to 81 dwellings, including Affordable Housing, together with the associated education, employment, open space 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 Affordable housing

- 8.20 The application proposes a mix of two, three and four bedroom dwellings in short terraces, detached and semi-detached form. The table below sets out the type of units, number of each proposed and the percentage this equates to.

Type	No. Proposed	Proposed %
One Bedroom	0	0
Two Bedroom	23	28.4%
Three Bedroom	46	56.8%
Four Bedroom	12	14.8%
<b>TOTAL</b>	<b>81</b>	<b>100%</b>

- 8.21 Policy 15 of the adopted Core Strategy seeks the provision of 20% affordable housing on all sites in sustainable urban extension areas of 15 dwellings or more or 0.5 hectares or more with a tenure split of 75% for social or affordable rent and 25% for intermediate tenure. The proposal comprises the development of 81 residential units. There is therefore a requirement for affordable housing on the site, which would amount to 16.2 dwellings, rounded to 16. Through discussion with the Borough Council’s Affordable Housing Officer, an agreement has been reached on the provision of 50% for rent 25% shared ownership and 25% for first homes. The

table below sets out type of units, number of each proposed and the percentage this equates to.

AH Type	Size of Unit	Number
Rent 50%	2 bed	6
	3 bed	2
Shared 50%	2 bed	2
	3 bed	2
First Homes 50%	3 bed	4
<b>Total</b>		16

- 8.22 In order to create an inclusive development, the Borough Council would not support the grouping of affordable units together as set out in paragraph 6.19 of the Affordable Housing SPD. Affordable properties should be spread throughout the site amongst open market properties in appropriately sized clusters of no more than 6 units. The proposed affordable housing, whilst being grouped together in two broad clusters in close proximity, are indistinguishable in design from the market houses. Whilst not strictly conforming with the requirements of the Affordable Housing SPD or Policy 15 of the Core Strategy it is considered that, on balance, given the layout and overall design of the development, this arrangement is acceptable.

Design and impact upon the character of the area

- 8.23 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.
- 8.24 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.
- 8.25 Policy 16 of the Cre Strategy sets out a requirement for the site to achieve a density of 40 dwelling per hectare (dph). The application site covers an area of 3.3 ha, excluding the areas of open space, the developable area equates to approximately 2.4 hectares. The revised development of 81 dwellings therefore gives a density of approximately 33.75 dph. Whilst slightly lower than the 40 dph stated in Policy 16, it is considered that this density reflects the density of built form found in the adjoining area of Earl Shilton and as such is more appropriate for this site. On balance therefore this is considered an appropriate density which broadly consistent with the aims of Policy 16 and reflects the local context.
- 8.26 The development has been revised during the life of this planning application, but the design principle and house types have remained throughout. The design is reflective of the surrounding area whilst having a distinctive sense of place and a modern feel. A number of plots in prominent location have been designed as feature plots with all corner plots being dual aspect so as to create a strong presence with active frontages in the streetscene to provide interest and natural surveillance.

- 8.27 The site will comprise a mix of 12 different house types ranging between 2 and 2.5 storey. The materials proposed are set out on the materials plan (ref PL-EXT\_ES\_RPM Rev B). Materials include a mix of two types of brick, render and four types of roof tile in grey and terracotta colours. The variety of house types, roof heights and materials provide interest within the streetscene and help to create a higher quality development.
- 8.28 Landscaping through the property frontages, within the areas of open space and surrounding the sustainable drainage feature, breaks up and softens the proposed built form as well as making a contribution to the sites ecological value.
- 8.29 A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the proposal. The LVIA notes that the site is not covered by any statutory or non-statutory designation that would prohibit residential development and is not within an area covered by any landscape designation which would increase its landscape value or sensitivity to development. In the short term the LVIA identifies that visual effects are contained in the short term to the immediate vicinity of the site and that the proposal will not result in any adverse landscape effects to the setting of the Burbage Common Rolling Farmland or Stoke Golding Rolling Farmland landscape. In the longer term, once the wider SUE has been developed the site will sit firmly within the context of residential development.
- 8.30 Therefore, given the above, on balance, the design and layout of the development accords with Policy 16 of the Core Strategy, Policy DM10 of the Site Allocations and Development Management Policies DPD and the provisions of the NPPF.

#### Heritage

- 8.31 Policies DM11, DM12 and DM13 of the SADMP seek to ensure heritage and this historic environment are protected, preserved and enhanced. There are a number of listed buildings within Earl Shilton however none are within proximity of the site and as such will be unaffected by the proposal. A Written Scheme of Investigation for archaeological evaluation has been submitted in support of the application. The Borough Council Archaeologist has reviewed this and raised no objections subject to conditions.
- 8.32 The proposal therefore accords with Policies DM11, DM12 and DM13 of the SADMP and general provision of the NPPF with regard to heritage.

#### Impact upon neighbouring residential amenity

- 8.33 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.
- 8.34 The application site is bordered to the west by residential properties on King Richards Hill. Plots 59-42 all have rear elevations facing to the west towards King Richards Hill. The interface distances range from approximately 18m to 39.5m and in addition the properties on King Richards Hill are not directly facing the application site but rather are sited at angles to the application site boundary. This would provide suitable separation distances from neighbouring properties to avoid any overlooking or privacy issues.
- 8.35 To the north of the site is Marlpit Farm. An interface distance of 15m is maintained between the side elevation of plot 59 and the farm boundary. The front elevation of plots 64-66 are located approximately 66m from the front elevation of the closest

property to the north of Thurlaston Lane. This would provide suitable separation distances from neighbouring properties to avoid any overlooking or privacy issues.

- 8.36 The amended proposal achieves an acceptable level of separation between the proposed properties and shows all the properties with adequate levels of private amenity space provided.
- 8.37 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.

Impact upon highway safety and parking

- 8.38 Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.39 The consultation response from Director of Environment and Transport (LCC Highways) recommends refusal of the application as the development has not been considered in the context of the wider masterplan for the SUE and that the applicant has failed to demonstrate the impact of the proposals both in terms of safe and suitable access, and the surrounding highway network.
- 8.40 The application proposes a temporary vehicular access from Thurlaston Lane, which is an unclassified, derestricted road. The proposal shows an access width of 5.5 metres and visibility splays of 2.4m x 120m in both directions. This access would be replaced by a new permanent access to the south that links with the wider SUE once development outside of the application site had reached a certain point of delivery. There would be no through route created from the wider SUE to Thurlaston Road with appropriate conditions being attached to any approval to secure this position.
- 8.41 In the response dated 02/05/2024, LCC Highways made the following points:
- The Applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development and the proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users contrary to paragraph 110 of the National Planning Policy Framework (2023).
  - The proposals submitted by the Applicant are prejudicial to the delivery of the proposals identified within the adopted Earl Shilton and Barwell Area Action Plan (AAP). The development proposals do not comply with the Local Plan Policy and are prejudicial to the wider connectivity aspirations of the Earl Shilton SUE for all users, contrary to paragraphs 47, 110 and 112 of the National Planning Policy Framework (2023).
  - The Applicant has failed to demonstrate any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be mitigated, contrary to paragraph 110 of the National Planning Policy Framework (2023).
- 8.42 Since this consultation response was issued the applicant has worked to alleviate the concerns expressed. The wider SUE has also successfully demonstrated that the impact on the highway network from the wider development is acceptable, subject to certain mitigation measures (Applications A and B have subsequently been considered by the Planning Committee with a Resolution to Grant the outcome). Thus the third reason set out above has fallen away.

8.43 Likewise, in terms of the second reason, the applicants have outlined how this application might be delivered with a temporary access arrangement in the first instance, which would be replaced by a permanent access once the development of the wider SUE to the south progresses sufficiently. It is considered that this approach ensures that this application would not be prejudicial to the delivery of the wider SUE – and as such the second reason has fallen away.

8.44 With respect to the first reason – the suitability of the design of the proposed temporary access from Thurlaston Lane – there has been ongoing discussions between the applicant and LCC Highways.

8.45 In their latest response to the application, LCC Highways have raised the following comments and concerns:

*“I visited this site again earlier in the week and while it is clear that Persimmon have cut back the hedge along their site boundary and a tree which could have been problematic for the footway construction has been removed, the third party hedge alongside Marlpit Farm remains (in the meeting Persimmon suggested it had been replaced by a fence) and the hedgerow alongside the pumping station hasn’t been cut back. Both grow to the carriageway edge.*

*Nevertheless, we have undertaken another high level review of the proposals and we have identified the scheme may be undeliverable within the highway extents. I’ve attached a couple of standard drawings in respect of footway/ carriageway construction which show that construction of the proposals would require additional width over and above the 1.8m footway and 5.5m carriageway. We would also require a 1.0m service margin either side of the carriageway/ footway (that would include the additional width shown in the standard drawings) to allow for the hedgerow as this could pose a maintenance issue, particularly for the footway.*

*Ideally we could do with confirmation that a 9.3m corridor could be fully achieved within the extents of the highway and that this would not impact on the third party hedgerows before we could consider the proposals further. This could also mean realignment of the proposed footway/ carriageway.”*

8.46 The applicant’s transport consultants provided a detailed response, as per below:

*“We note that you state that “the scheme may be undeliverable within the highway extents.” We have the official records of the highway maintained at public expense which, for completion and convenience, is attached. Please note that the records show a verge on the south side of the carriageway. There is a wide highway verge on the north side of the carriageway. Of course, it is then important to consider where the highway boundary is located on the ground. How does the OS plan of highway records correlate with the topographical survey? We have studied the constraints carefully which has brought about the design of the proposals. The red line on the plans defines a cautious interpretation of the highway boundary. Generally, a fence (and not a hedge) defines the highway boundary. In this instance, the redline follows the route of the hedge on the frontage to Marlpit Farm. In fact, a fence, behind the hedge, is 2.5 metres from the kerb line.*

*You have kindly provided drawings of standard details of highway construction. From studying these drawings it is clear that the Contractor needs an additional width of 100mm to construct the foundation to the edgings at the back of the footway. This width is over and above the width of the carriageway of 5.5m and the footway width of 1.8m. The southern kerb of Thurlaston Lane is moved north in the*

*design by a maximum distance of 1.1m. The design illustrates workable clearance to the hedge and more than sufficient width for a construction margin of 100mm.*

*We are confident the improvement can be constructed within highway land. Therefore, the design is robust. We have previously provided the design in dwg format and therefore your team can interrogate the detail if required.*

*Your email refers to a 1 metre highway margin in addition to the footway. The word 'margin' appears twice only in the Design Guide (Part 3) in the Leicestershire Highway Design Guide. A margin is referenced within the section on Utility Equipment. The Leicestershire Highway Design Guide makes no reference or requirement for a margin alongside a footway. There are no standard detail drawings that illustrate a 1 metre margin alongside a footway. A margin is only illustrated on drawings where a footway is omitted.*

*Therefore, the reference in your email to a highway width of 9.3 metres (1+1.8+5.5+1) is wholly unjustified. Services can adequately be provided within the proposed footway width of 1.8 metres. Forward visibility westbound is significantly improved with the introduction of a 1.8m footway. Additional width (for visibility) in the form of a margin is not required.*

*Finally, we refer to hedges. Persimmon Homes would create a management company that would be responsible for maintenance for items such as hedgerows. Of course, Section 154 of the Highways Act 1980 provides power to the Highway Authority to serve notice on any land-owner if trees or shrubs obstruct or overhang the highway. As stated above, the hedge along the boundary of Marlpit Farm may actually be in the highway. Hedge maintenance is not a reason for refusal.*

*We believe we have convincingly demonstrated that a "safe and suitable access to the site can be achieved for all users" (NPPF 114) and the residual cumulative impacts on the road network cannot be construed to be severe (NPPF 115). Furthermore, it is agreed that the connection to Thurlaston Lane for development traffic would be temporary. The existing route of Thurlaston Lane would be substantially improved suggesting the Highway Authority are getting 'something for nothing.' An objection is not justified or sensible."*

- 8.47 The concerns raised by the LCC Highways relate solely to the proposed temporary access from Thurlaston Lane. The level of parking provision and the site's internal road layout have been reviewed by LCC Highways and are generally considered to be acceptable, with the latter considered to be to an adoptable standard and that any minor amendments could be considered at S38 stage.
- 8.48 Having considered the points raised by both parties, it is considered that the concern expressed by LCC Highways are addressed in full by the applicant such that they are not sufficient to refuse an application that is otherwise entirely in accordance with the Development Plan.
- 8.49 Paragraph 115 of the NPPF (2023) states 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."
- 8.50 It is considered that the concerns raised by LCC Highways do not evidence a negative impact on highway safety or that residual cumulative impacts on the road network would be severe. It is understood that LCC Highways do not believe that a temporary access should be granted onto Thurlaston Lane, but it is considered that

the proposed conditions 3, 4 and 5 would ensure sufficient control over the temporary nature of the access, together with the control over phasing enabled through conditions attached to Applications A and B, that at no point would the new access onto Thurlaston Lane provide an access route to the wider SUE. Thus it would only ever serve the 81 dwellings proposed here, and only until such time as the southern access point is delivered.

8.51 Thus the concerns raised by LCC Highways are not supported in this instance.

8.52 As such the proposal would not be prejudicial to the delivery of the proposals identified within the adopted Earl Shilton and Barwell Area Action Plan (AAP) and the wider connectivity aspirations of the Earl Shilton SUE. Moreover it would be in keeping with the requirements of Policy DM17 of the SADMP and paragraphs 47, 110 and 112 of the National Planning Policy Framework.

#### Drainage and flood risk

8.53 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.

8.54 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.

8.55 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.

8.56 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.

#### Ecology

8.57 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.

8.58 The application is accompanied by an Ecological Appraisal, Reptile report, and Biodiversity Net Gain Assessment. Leicestershire County Council's Ecologist has assessed the documents and found them to be satisfactory, acknowledging that a biodiversity net gain of 18.07% can be achieved on site in terms of hedgerow units. Following previous recommendations, further bat and Barn Owl survey works have also been undertaken, and it has been confirmed that the results of these are acceptable.

8.59 Apart from a survey of Tree T1 (in the event of its removal) and an update to the badger survey in the 3 months prior to any site clearance, as recommended by the County Council's Ecologist, no further surveys are required. In the event of an approval, the above can be secured via appropriate conditions.

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

#### Infrastructure Contributions

- 8.61 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.
- 8.62 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.
- 8.63 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.
- 8.64 The application will deliver the following open space typologies (with associated areas to be provided):
- Equipped Children's Play Space - 396sqm
  - Casual/Informal Play Spaces – 98sqm
  - Outdoor Sports Provision – N/A
  - Accessibility Natural Green Space – 9030.72sqm
- 8.65 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.
- 8.66 As set out above, this application sits alongside Applications A (Reference 23/00330/OUT) and B (21/01551/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.



<b>Planning Obligation</b>	<b>Contribution/Works – Both Applications</b>	<b>Application A</b>	<b>Application B</b>	<b>Application C</b>
<b>Affordable housing</b>	<p>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.</p> <p>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.</p>			
<b>Early Years Education Financial Contribution</b>	Financial contribution of <b>£975,621.40</b> towards construction of Early Years at new Primary School on site.	£324,901.20	£650,720.20	£49,984.40
<b>Early Years – new places in Employment area or Local Centre</b>	Construction of 74 place Early Years provision on site for lease or sale.	24.8 places	49.55 places	circa 4.62 places (or financial contribution towards if provided on App A or App B)
<b>Provision of Land for Primary School</b>	Transfer of <b>1.99ha</b> of serviced land as shown on parameter plan and transfer agreement to LCC.	0.66ha serviced site	1.33ha serviced site	Financial contribution?
<b>Primary School construction financial contribution</b>	Financial contribution of <b>£9,384,696.60</b> towards construction of primary school on site.	£3,136,464.39	£6,248,232.21	£480,809.88
<b>Secondary Education (11 – 16) Financial Contribution</b>	Financial contribution of <b>£5,889,132.66</b> towards expansion of provision at Heath Lane Academy.	£1,972,049.01	£3,917,083.65	£301,720.27
<b>Post 16 Education Financial contribution</b>	Financial contribution of <b>£956,686.50</b> towards additional capacity at Hinckley School.	£318,895.50	£637,791.00	£49,014.30
<b>SEND Education Financial Contribution</b>	Financial contribution of <b>£846,726.48</b> 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	£43,380.67
<b>Library Contribution</b>	Financial contribution of <b>£45,374.85</b> towards improvements at Earl Shilton Library.	£15,098.85	£30,276	£2,324.70
<b>Waste Contribution</b>	Financial contribution of <b>£74,295</b> towards increasing capacity at the Barwell Household Waste Recycling Centre.	£24,765	£49,530	£3,806.39

<b>Planning Obligation</b>	<b>Contribution/Works – Both Applications</b>	<b>Application A</b>	<b>Application B</b>	<b>Application C</b>
<b>Healthcare</b>	<p>Financial contribution of <b>£1,161,600</b> 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"> <li>• Health Lane Surgery; or</li> <li>• Barwell &amp; Holly Croft Medical Centres; and or;</li> <li>• Any other Healthcare infrastructure designed to support local patients' healthcare needs.</li> </ul> <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	£59,512.71
<b>Improvements to Weavers Springs Sport provision</b>	<p>Financial contribution of <b>£1,352,435.86</b> 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<sup>th</sup> dwelling.</p>	£450,811.95	£901,623.91	£69,289.88
<b>Requirement on ESTC to deliver Weaver's Springs improvements</b>	<p>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.</p>			
<b>Off site highway works – Desford Crossroads</b>	<p>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.</p>			£64,451.91 - £181,821.74 (Range based on previous estimates – Apps A and B refining with LCC as part of S106 negotiations)

<b>Planning Obligation</b>	<b>Contribution/Works – Both Applications</b>	<b>Application A</b>	<b>Application B</b>	<b>Application C</b>
<b>Public Transport Financial Contribution</b>	A financial contribution of <b>£1,106,215</b> 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 <sup>th</sup> , 225 <sup>th</sup> and 350 <sup>th</sup> dwelling. Application B to make contribution of £245,825.56 on occupation of 150 <sup>th</sup> dwelling, 450 <sup>th</sup> dwelling and 700 <sup>th</sup> dwelling.	£368,738.33	£737,476.67	£56,675.15
<b>Travel Pack contribution</b>	Implementation of travel plan measures (details to be agreed with LCC).	£52.85 per pack per household.	£52.85 per pack per household.	£52.85 per pack per household
<b>Bus pass contribution</b>	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	£415 per pack per household
<b>Travel Plan monitoring contribution</b>	Contribution of <b>£12,000</b> for monitoring (flat rate of £6,000 per application)	£6,000	£6,000	£6000
<b>LCC S106 Monitoring Contribution</b>	Financial contribution of £300 per LCC contribution or 0.5% of the total value of the LCC contributions whichever is higher.			
<b>HBBC S106 Monitoring Contribution</b>	£1,799 per obligation			
<b>Noise Mitigation measures contribution</b>	Financial contribution of <b>£184,305</b> to HBBC towards noise mitigation in the form of a fund to be drawn down against for the following: <ul style="list-style-type: none"> <li>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.</li> <li>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.</li> </ul> <p>Includes additional 50% contingency. Contribution to be returned to Developer if not required.</p>	£184,305		£9,442.57

Planning Obligation	Contribution/Works – Both Applications	Application A	Application B	Application C
<b>TOTAL FINANCIAL CONTRIBUTIONS</b>	<b>Circa £21,989,089.35</b>	<b>Circa £7,471,471.39</b>	<b>Circa £14,517,617.96</b>	

### Planning balance

- 8.67 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.68 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 can now demonstrate a 5-year housing land supply but policies are out of date and the Local Plan is still emerging. 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.
- 8.69 Economic- The scheme is for 81 dwellings and forms part of the wider SUE. Together with commercial space and education facilities the SUE 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.
- 8.70 Social- The scheme would provide a moderate contribution to the overall housing supply within the Borough through the provision of 81 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.
- 8.71 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.
- 8.72 The concerns raised by the Highways Authority are noted, however as set out above it is not considered that they have provided sufficiently robust evidence that the concern about highways safety cannot be overcome through the proposed design of the delivery on Thurlaston Lane. Thus the requirement placed on LPAs within the NPPF to only refuse schemes on highways grounds where there is clear evidence of harm.

8.73 On balance, great weight should be attributed to the benefits of the scheme, which will contribute to the delivery of the wider Earl Shilton SUE.

## **9. Equality implications**

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
  - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
  - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

10.1 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.

10.2 The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date but the Council can now demonstrate a 5-year housing land supply (5.6 years). However, the 'tilted' balance in paragraph 11(d) of the Framework still 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.

10.3 The proposed development would 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.

- 10.4 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.
- 10.5 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.

## **11. Recommendation**

**11.1. Approve Outline Planning Permission subject to a S106 Legal Agreement and Conditions.**

**11.2. That the Head of Planning be given powers to determine the final detail of planning Conditions.**

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

## **12. Conditions and Reasons**

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

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

- Drawing No. TGDP/TLES/MP1 - Colour Masterplan
- Drawing No. CPL-EXT\_ES-SRP Rev Q - Colour Planning Layout
- Street scene 2 – CGI - Plots 71 – 74
- Street scene 3 – CGI - Plots 77 – 81
- House Type Brochure - 20th June 2024
- Drawing No. 09642-FPCR-XX-XX-DR-L-0003-P06 – Landscaping Plans (Detailed Softworks and Play Proposals)
- Drawing No. 09642-FPCR-XX-XX-DR-L-0004-P06 - Landscaping Plans (Detailed Softworks and Play Proposals)
- Drawing No. 09642-FPCR-XX-XX-DR-L-0005-P06 - Landscaping Plans (Detailed Softworks and Play Proposals)
- Drawing No. 09642-FPCR-XX-XX-DR-L-0006-P06 - Landscaping Plans (Detailed Softworks and Play Proposals)
- Drawing No. PL-ECT\_ES\_RPM Rev E - Materials Plan
- Drawing No. ES-BTP-01 Rev B - Boundary Treatment Plan
- Drawing No R-9188A-DJC-EK – June 2024 - Noise Impact Assessment
- Drawing No. PL-ES-TempA-01 - Temporary Access Plan
- Transport Statement Version 2 - 23 May 2024
- Drawing No. 9642 AA\_C - Tree Retention Plan
- Drawing No. 784-B026389 - Air Quality Assessment
- 20-429 Written Scheme of Investigation
- 2020-143 Archaeological Excavation
- Drawing No. 21246 109B S38 Layout - Southern Entrance SH1of2

- Drawing No. 21246 110B S38 Layout - Southern Entrance SH2of2
- Drawing No. 21246 103F S104 - Drainage Layout
- Drawing No. 21246 104D S104 Drainage Layout
- LVIA Sept 2020
- 20232-RLE-20-XX-RP-O-0005-P03 Phase 2 Report Site Investigation
- Drawing No. SLP\_ES\_01 - Site Location Plan
- FW1670\_TP\_001 V3 Travel Plan
- Tree Survey October / January 2022

Where the above documents include proposed mitigation, this shall be delivered in accordance with the approved details and timetable.

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

3. Prior to the first occupation of any dwelling the access shown on drawing number PL-ES-TempA-01 will be provided and a temporary s278 agreement entered into with the Highway Authority.

**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).

4. Prior to the implementation of the access shown on drawing CPL-EXT\_ES-SRP Rev Q, the temporary access to Thurlaston Lane will be stopped up to prevent the through flow of traffic from the SUE. There will be no through route created to Thurlaston Road from the Sustainable Urban Extension to the south.

**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).

5. Within 9 months of the access to the south, shown on drawing CPL-EXT\_ES-SRP Rev Q, being provided and the temporary access to Thurlaston Lane being stopped up, the landscaping as shown on drawing no. 09642-FPCR-XX-XX-DR-L-0003 shall be provided in full.

**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).

6. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

**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).

7. Development shall not begin until a scheme to provide a sustainable surface water drainage system in accordance with the Flood Risk Assessment and Drainage Strategy dated November 2020 has been submitted to and approved by the Local Planning Authority, and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**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).

8. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

**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).

9. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

**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).

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

**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).

11. Prior to the commencement of development an updated badger survey and report shall have been submitted to and approved in writing by the Local Planning Authority.

**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).

12. The proposed development shall be provided strictly in accordance with the approved landscaping plans 09642-FPCR-XX-XX-DR-L-0004 and 09642-FPCR-XX-XX-DR-L-0005

**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).

13. Prior to the commencement of 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:

- The parking of vehicles of site operatives and visitors
- The hours of operation, including deliveries.
- Loading and unloading of plant and materials
- Storage of plant and materials
- Location of contractor compounds and temporary haul roads
- Wheel washing facilities
- Management of surface water run-off including details of any temporary localised flooding management system and temporary earth works
- Prevention of impact to existing and proposed residents from dust, odour, noise, smoke, light and land contamination.
- Details of monitoring.
- Routeing of construction traffic (including provision of directional signage)

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 NPPF (2023).

14. If during construction of the Development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination in the development 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) and the NPPF (2023).

15. Prior to Commencement of Development the existing and proposed ground levels of the Phase and proposed finished floor levels of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved details.

**Reason:** To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the NPPF (2023).

16. Prior to the Commencement of Development a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify the number of units to benefit from electric charging points, together with full detail of the location and fitting of the units. The development shall then be implemented in accordance with the approved scheme.

**Reason:** To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and the NPPF (2023).

17. Prior to the Commencement of Development a scheme that makes provision for the secure storage of cycles for each dwelling shall be submitted in writing to and approved in writing by the Local Planning Authority. The development shall then be implemented in accordance with the approved scheme.

**Reason:** In the interests of promoting a modal shift in transport movements and in accordance with the Development Plan and the NPPF (2023).

18. 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) and the NPPF (2023).

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

**Reason:** To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the Site Allocations and Development Management Policies and 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:
- Drawing No. TGDP/TLES/MP1 - Colour Masterplan
  - Drawing No. CPL-EXT\_ES-SRP Rev Q - Colour Planning Layout
  - Street scene 2 – CGI - Plots 71 – 74
  - Street scene 3 – CGI - Plots 77 – 81
  - House Type Brochure - 20th June 2024
  - Drawing No. 09642-FPCR-XX-XX-DR-L-0003-P06 - Landscaping Plans (Detailed Softworks and Play Proposals)
  - Drawing No. 09642-FPCR-XX-XX-DR-L-0004-P06 - Landscaping Plans (Detailed Softworks and Play Proposals)
  - Drawing No. 09642-FPCR-XX-XX-DR-L-0005-P06 - Landscaping Plans (Detailed Softworks and Play Proposals)
  - Drawing No. 09642-FPCR-XX-XX-DR-L-0006-P06 - Landscaping Plans (Detailed Softworks and Play Proposals)
  - Drawing No. PL-ECT\_ES\_RPM Rev E - Materials Plan
  - Drawing No. ES-BTP-01 Rev B - Boundary Treatment Plan
  - Drawing No R-9188A-DJC-EK – June 2024 - Noise Impact Assessment
  - Drawing No. PL-ES-TempA-01 - Temporary Access Plan
  - Transport Statement Version 2 - 23 May 2024
  - Drawing No. 9642 AA\_C - Tree Retention Plan
  - Drawing No. 784-B026389 - Air Quality Assessment
  - 20-429 Written Scheme of Investigation
  - 2020-143 Archaeological Excavation
  - Drawing No. 21246 109B S38 Layout - Southern Entrance SH1of2
  - Drawing No. 21246 110B S38 Layout - Southern Entrance SH2of2
  - Drawing No. 21246 103F S104 - Drainage Layout
  - Drawing No. 21246 104D S104 Drainage Layout
  - LVIA Sept 2020
  - 20232-RLE-20-XX-RP-O-0005-P03 Phase 2 Report Site Investigation
  - Drawing No. SLP\_ES\_01 - Site Location Plan
  - FW1670\_TP\_001 V3 Travel Plan
  - Tree Survey Oct
- 2) The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
- 3) Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details,

pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

- 4) Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
- 5) Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
- 6) The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.