

Planning Committee 24th September 2024
Report of the Head of Planning

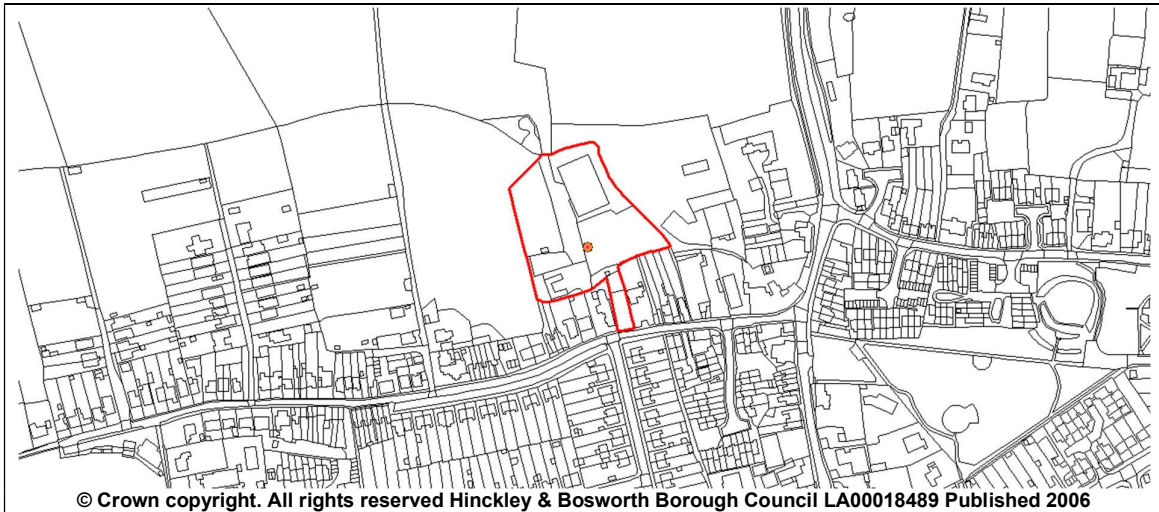
Planning Ref: 23/00982/OUT
Applicant: Mr Paul Batson
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Land To The Rear Of The Cottage 34 Keats Lane Earl Shilton Leicestershire

Proposal: Outline Planning permission for residential development of up to 10 bungalows (some matters reserved except for scale and access)



1. Recommendations

- 1.1. Grant outline 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
- 1.2 That the Head of Planning be given powers to determine the final detail of the conditions.

2. Planning application description

- 2.1. This application seeks outline planning permission for the erection of up to 10, 3 bedroom bungalows, with some matters reserved except for scale and access.
- 2.2. The following reports surveys and documents have been submitted in support of the planning application:
 - Design and Access Statement
 - Location Plan
 - Preliminary Ecological Appraisal
 - Accompanying Highways Report
 - EA Flood Map (Environment Agency)
 - Indicative 3D Visuals
 - Proposed Layout
 - Indicative Bungalow Design
 - Landscape and Visual Impact Appraisal

- Biodiversity Net Gain Assessment and Metric calculation
- Archaeological Report/Assessment

3. Description of the site and surrounding area

- 3.1. The application site lies to the north of Earl Shilton, on the edge of the settlement boundary with access from Keats Lane to the south. The site is currently vacant, with a former dwelling having been demolished as part of a smaller scheme previously granted permission.
- 3.2. The land is in two sections – the southern part of the site where a dwelling once stood, and the northern part of the site which is outside of the settlement boundary and has an agricultural use.
- 3.3. The surrounding land to the north, west and east of the site is also agricultural – however, these have been subject to recent planning approvals for residential development. The result of which would mean that the application site would be entirely surrounded by residential development.
- 3.4. The surrounding area to the south is characterised by residential dwellings with a number of different designs, types and scales on show – including bungalows. The site is a short walk from the town centre, which benefits from a number of amenities and public transport links.
- 3.5. There is considerable level change across the site (approximately 12m) from south to north.
- 3.6. Public Footpath U28 runs through the proposed development site.

4. Relevant planning history

13/00460/FUL

- Demolition of existing dwelling (No. 32 Keats Lane) and outbuildings and the construction of a new dormer bungalow with detached single garage
- Approved
- 25.07.2013

19/00403/FUL

- Erection of a dormer bungalow with detached single garage
- Approved
- 04.06.2019

20/00916/FUL

- 50 detached dwellings (Land adjacent to the east)
- Approved
- 10.11.2022

21/00135/OUT

- Up to 140 dwellings (Land adjacent to the west)
- Approved
- 05.07.2022

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. A Councillor has requested in writing that this application be determined by the Planning Committee.

5.3. 6 letters of objection received have been received from third parties/local residents:

The stretch of Keats Lane leading up to the proposed development is congested enough, with a single row of parking bays on one side restricting it to a single file bottleneck. The added strain of 10 more two-car households along this bottleneck is ludicrous. It also creates more danger for those with families and small children living along West Street, should that become their route.

Then it comes to the views which we bought our house based upon. There are currently views of the far reaching fields which helps with mental health and wellbeing. Those views would be destroyed by this development.

Then we come to the construction itself and the associated noise, and utility works which will affect the elderly and vulnerable in the adjacent properties. Construction traffic will also add to the turmoil which is currently on Keats Lane and West Street. On the subject of services, I'm having a hard time getting doctors appointments and I can't even find a dentist locally taking on NHS patients. Where are these extra 20-40 people supposed to register?

Combining this development with the proposed development beyond it, we're not going to be able to breathe, move, or hear ourselves think at this end of town.

The proposed construction of 10 buildings is directly opposite our property and the additional flow of traffic would not only create further bottlenecking of an already congested road due to parking spaces taking up a lane but also increased risk of RTA for the many children that live and play on Keats Lane and West Street.

Another massive concern is the impact of the construction period. My wife runs a business from home on our property as a psychotherapist. The noise from the months of building and roadworks would make the environment she works out of unusable and we would therefore be forced to seek outside premises at great cost or suffer a massive loss of income.

I would also point out that our household as well as the households of several of our neighbours contain registered disabled, neurodiverse people who would find the noise, and disruption highly upsetting which over a protracted length of time would impact mental health and wellbeing.

A primary reason our property was purchased were the views and the countryside that was just outside our door. Decimating this merely to make a profit on additional and frankly unnecessary housing would deplete the natural beauty of the area we do love walking in and around throughout the year.

It is my sincere hope that this proposed build is not granted and does not go ahead so that we can maintain the health and well-being of both the long term local home owners and the nature surrounding us.

5.4. 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:

NHS (Leicester, Leicestershire and Rutland Integrated Care Board) – subject to requested health contribution

Environment Agency

LCC Developer Contributions – no contributions sought with respect to libraries, education and civic amenities

HBBC S106 Monitoring Officer – subject to the provision of off site open space contributions

HBBC Env Protection Services

HBBC Waste Services

HBBC Drainage – subject to conditions

HBBC Conservation Officer

Leicestershire Police

Severn Trent Water

HBBC Housing Officer

LLFA (LCC Drainage) – subject to conditions

6.2. Local Highway Authority – Further information sought. The length of the visibility splays have been calculated based on Manual for Streets guidance and while this methodology is considered acceptable given the location of the site, the Applicant has not provided the raw data for the survey, or a location plan as to where the survey was undertaken. This information is therefore required in order for the visibility splays to be fully reviewed by the LHA. Clarification as to the year the survey was undertaken is also requested. The LHA would also request an independent Stage 1 Road Safety Audit is undertaken of the site access arrangements and a Designer's Response provided to address any problems raised, along with a revised drawing (if necessary). The LHA understand that the access road is to remain private and that refuse collection would be undertaken from the highway. As such, the Applicant has not provided swept path analysis of a refuse collection vehicle accessing or egressing the site and detailed a bin collection point close to the highway. Swept path analysis of a fire tender has been provided. The LHA advise that residents will have a considerable distance to transport their bins in the event refuse collection vehicles do not enter the site. While not a material planning consideration for the LHA, it is strongly advised further consideration is given to refuse collection and swept path analysis of a refuse collection vehicle (a Phoenix 2 Series - Smooth Body RCV, EURO 5i - WIDE TRACK refuse collection vehicle) is provided.

Further response received 29 February 2024 - Whilst the LHA are satisfied the recommendations within the Road Safety Audit would mitigate the problems raised within the RSA1, the LHA requests a revised, scaled drawing demonstrating these proposals for consideration and to ensure they are secured via condition. This should include amendments to the single yellow line with the addition of some 'No Waiting At Any Time' signs at the junction opposite. It should also be noted these proposals would be subject to a 'Traffic Regulation Order (TRO)' and therefore public consultation. The Applicant should note a TRO is subject to a fee of £7,500.00 and will also be required to enter into a Section 278 agreement.

Further response received 19 March 2024 - The Local Highway Authority Advice is that, in its view, 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 (December 2023), subject to the conditions and/or planning obligations outlined in this report.

6.4. LCC Ecology – Further ecological information and Biodiversity Net Gain calculations sought.

Further response from LCC Ecology received 1 August 2024 - The updated BNG assessment with site visit undertaken in May and is comprehensive and considered a thorough assessment of the condition and type of grasslands present on Site. The updated BNG metric still achieves a significant net loss of -3.90 (-74.18%) habitat units however has achieved a gain with hedgerow units. It is recommended that a landscape plan which optimises biodiversity should be produced to create meaningful net gain on Site and, if this is not possible, through off-Site solutions. Percentage of meaningful net gain sought should be as agreed with the LPA. All trading rules should also be satisfied. In addition, the following pre-commencement conditions are advised:

6.5. HBBC Housing Officer - Confirmation has been received that the size of this site is 0.89 hectares. It therefore crosses the threshold where a contribution to affordable housing will be required. The preference on this site would be for 2 dwellings on site to be provided for affordable rent, should a willing Registered Provider partner be available. Otherwise, a commuted sum would be accepted in lieu of on-site provision.

6.6. LCC Archaeology - The Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located on a ridge immediately north of the anticipated former extent of the historic medieval and post-medieval settlement core of Earl Shilton (HER Ref. MLE9535). Trial trenching in 2021 within the field immediately west of the site identified a number of levelling layers, a possible surface, and several steep sided features, possibly indicating the presence of a medieval structure connected to the historic settlement core. Additionally, there are a number of archaeological sites and find spots relating to prehistoric and Roman activity within the wider landscape. The site has been subject to previous development, however there may be areas where the disturbance is limited. There is therefore a potential for buried archaeological remains relating to the medieval and post-medieval periods, with an additional potential for prehistoric and Roman activity within the application area, which may be impacted by the development proposals. The preservation of archaeological remains is, of course, a “material consideration” in the determination of planning applications. The proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, we recommend that the planning authority defer determination of the application and request that the applicant complete an Archaeological Impact Assessment of the proposals.

LCC Archaeology further response received 22 August 2024 - We welcome the submission of an Archaeological desk-based assessment (York Archaeology DBA Ref.: YA/2024/166), which has identified a medium potential for buried remains from the prehistoric to medieval periods, with a medium-high potential for post-medieval and modern remains. The DBA has indicated that the preservation of any buried remains present may have been impacted by levelling works for the construction of stables and a horse schooling arena within the northeast/south-west corners of the Site, in addition to further likely disturbance resulting from 19th/20th century

housing construction at the southern end of the application area. Given the potential for archaeological buried remains to be present, taking into account the historic disturbance to the site, it is recommended that any approval of the current scheme makes provision for a suitable programme a staged archaeological mitigation following clearance of the obstacles to archaeological investigation.

In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 194, the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 195).

While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme. NPPF paragraph 205, states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible. In that context it is recommended that the current application is approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request. If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, and with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

7. Policy

7.1. 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

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding

- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

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

- 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 20: Skills Development
- Policy 21: Infrastructure and Delivery
- Policy 22: Development and Design

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide
- Leicestershire County Council's Public Rights of Way Guidance (PRoW)
- Affordable Housing SPD (2011)
- Hinckley and Bosworth Borough Landscape Character Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2019)

8. Appraisal

8.1. Key Issues

- Principle of Development
- Housing Mix and Affordable Housing
- Landscape and Visual Impact
- Design
- Impact upon Residential Amenity
- Impact upon Highway Safety and Parking
- Drainage
- Ecology
- Heritage and Archaeology
- Planning Obligations
- Planning Balance

Principle of Development

8.2 Paragraph 2 of 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, development permission should not usually be granted unless other material considerations indicate otherwise.

- 7.6. 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), the Site Allocations and Development Management Policies DPD (2016) (SADMP) and Earl Shilton and Barwell Area Action Plan (2006-2026).
- 8.3 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.
- 8.4 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.
- 8.5 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.
- 8.6 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”*
- 8.7 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”*.

- 8.8 Paragraph 79 of the NPPF sets out that “To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority’s housing requirement over the previous three years, the following policy consequences should apply:
- Where delivery falls below 95% of the requirement over the previous three years the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years
 - Where delivery falls below 85% of the requirement over the previous three years the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework in addition to the requirement for an action plan
 - Where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies as set out in Footnote 8 of this framework in addition to the requirements for an action plan and 20% buffer
- 8.9 Based on Paragraph 77 of the NPPF, HBBC needs to prepare an action plan but no buffer is required. The last three years Housing Delivery Test results for the Council are as follows:
- 2022 89%
 - 2021 86%
 - 2020 92%
- 8.10 However, the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.11 The application site is located outside of the adopted settlement boundary of Earl Shilton. The site is therefore designated as ‘open countryside’. As such, the principle of the location of the proposed residential development conflicts with Policy DM4 of the Development Plan.
- 8.12 Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The proposal for new build residential development is not a form of development supported by Policy DM4 of the SADMP in this location which states that:
- “Development in the countryside will be considered sustainable where;
- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or

- It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.

And

- 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;”

8.13 The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.

Housing Mix and Affordable Housing

8.14 Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a ‘very good’ rating against Building for Life, unless unviable. A minimum density of 30 dwellings per hectare is required in rural areas, a lower density may be required where individual site circumstances dictate and are justified.

8.15 The Good Design Guide SPD advocates the use of the Building for Life assessment.

8.16 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. The above policy allows for the most recent evidence to be taken into account in decisions and thus policy 16 is considered up to date in this regard.

8.17 The proposed development is for up to 10 3x bedroom bungalows and the appropriate density and layout will be determined at reserved matters stage.

8.18 The latest Housing Needs Study (2024) suggests a demand for bungalows and that the delivery of some bungalows might be particularly attractive to older person households downsizing and this in turn may help to release larger (family-sized) accommodation back into family use.

8.19 Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%. The Borough has an unmet affordable housing need and this is given significant weight in the planning balance. The Housing Needs Study (2024) identifies a need for bungalows.

8.20 The Affordable Housing Officer has made the following comments:

“This is an outline planning application for 10 dwellings at Keats Lane in Earl Shilton. Policy set out in the Core Strategy, policy 15, states that sites of 15 dwellings or more, or 0.5 hectares or more in urban settlements, require 20% of the housing to be offered for affordable housing. There is a need for affordable housing in the Borough, and in Earl Shilton. The evidence for rented accommodation is contained within the Council’s housing register, which on 20 October had the following number of live applications for Earl Shilton:

Bedroom size Number of applicants

1 bed	233
2 bed	118
3 beds	56
4 or more beds	22
Total	429

Confirmation has been received that the size of this site is 0.89 hectares. It therefore crosses the threshold where a contribution to affordable housing will be required.

The preference on this site would be for 2 dwellings on site to be provided for affordable rent, should a willing Registered Provider partner be available. Otherwise, a commuted sum would be accepted in lieu of on-site provision. The calculation for a commuted sum is set out in paragraph 7.16 of the Affordable Housing Supplementary Planning Documents and is as follows:

RV 100% MH = Residual value with 100% market housing

RV AH = Residual value with x% affordable housing (% as set out in Policy 15 of the Core Strategy)

Equivalent commuted sum = RV 100% MH minus RV AH

The section 106 agreement should include a clause regarding the affordable rented properties that allocation would be to people with a connection to the borough of Hinckley and Bosworth, as defined in the council's Housing Allocations Policy. It is also acceptable that a cascade agreement be inserted into the section 106 to default to a commuted sum if it is evidenced that no RP provider can be found to take on site provision."

- 8.21 To maximise the flexibility of the housing, properties should meet Nationally Described Space Standards for the unit type. Developments in Earl Shilton meet the needs of housing applicants for the whole Borough and therefore the section 106 agreement should require a connection to the Borough of Hinckley and Bosworth as set out in the council's Housing Allocations Policy. Subject to these requirements being met through completion of a Section 106 legal agreement, this proposal is deemed to be acceptable with respect to housing mix and affordable housing provision.

Landscape and Visual Impact

- 8.22 Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.23 The Council's Landscape Character Assessment (2017) makes assessment of Urban Character, it describes how the north of the settlement of Earl Shilton provides a rural setting to part of the historic settlement by the church and castle site, and at Hill Top Road in the north of the settlement, the location of application site. The key characteristics of this urban character include:
- Ridgetop settlement with views over the open landscape to the north and south, visible on the skyline in views from the countryside to the north.
 - Defined, wide, high street with a range of retail and non-retail services.

- Residential development in the outskirts of the town is of mixed character.
- Workers terraces and factory buildings of red brick are a reminder of the industrial heritage of the town from the boot and shoe industry in the 19th and 20th centuries.
- Modest scale of predominantly two storey buildings fronting directly onto the street.
- Some interesting and architecturally distinctive buildings.
- Red brick and white or off-white cement render are common building materials/finishes, with slates or plain tile roofs.
- The Church of St Simon and St Jude, is a landmark feature.
- The historic site of a former motte and bailey castle and adjacent Hall Field open space The key sensitivities and values of the urban character area are;
- Views to the surrounding rural landscape (to the north and south) provide a sense of place and suburban character.
- The northern settlement edge which is modest in the scale of buildings, with the church spire creating a generally well-integrated visual balance with the surrounding landscape and is vulnerable to change.
- The legacy left by the boot and shoe industry in the remnant factory buildings and terraced workers' cottages provides a sense of local identity.
- Interesting buildings and historic features including the Red Lion pub add local distinctiveness.
- The area of the church, castle site and Hall Field provides a sense of history and green open space, enhanced by views to the open landscape beyond the town to the north.
- The Church of St Simon and St Jude is a local landmark with historic and architectural interest, forming a visible skyline feature in views from the surrounding rural area to the north.
- Public footpaths and bridleways connecting the settlement with the surrounding countryside which are tied into the local history of the area (e.g. Oak and Ash tree footpath to Peckleton).
- The rural gateways to the town from the south and north are provide links with the surrounding countryside.

8.24 The Council's Landscape Sensitivity Assessment (2017) is a detailed assessment of the sensitivity to development of various part of the landscape around the Borough's settlements. The site falls within Assessment Area 10, which wraps around the northern fringes of Barwell and Earl Shilton. The size of Area 10 means the proposal site is a small fraction of it and the assessment does not describe any specific aspect of the application site. However, it does suggest that new development should:

- Seek opportunities to maintain the rural character of the landscape and, where possible, conserve rural views and the setting of settlement.
- Plan for successful integration of potential new development in the landscape through sensitive design and siting, including use of sensitive materials and use of landscape mitigation to enhance sense of place.
- Seek to retain the pattern of hedgerows and hedgerow trees where possible.

- Protect localised areas that retain a natural character and encourage tree planting to replace mature/veteran trees as they begin to deplete.
 - Seek to conserve rural views and maintain views to church spires and towers on the wooded skyline.
 - Aim to maintain and enhance historic assets and their surrounding environment.
 - Seek to maintain and enhance the recreational assets including rights of way network.
 - Consider opportunities to create and promote an integrated green infrastructure network linking with the waterways with the urban area.
- 8.26. A Landscape and Visual Impact Assessment was requested by the local planning authority and has subsequently been submitted as part of the outline planning application. The assessment includes 12 viewpoints which were identified at locations where visual effects are thought to be likely, or, to demonstrate that visual effects are considered to be unlikely. Five of the viewpoints selected are within 200m of the site and demonstrate the nature of views of the key visual receptors in close proximity from publicly accessible areas.
- 8.27. The site comprises paddock land on the northern edge of Earl Shilton. All of the landscape generally comprise hedgerows with occasional hedgerow trees and small tree groups.
- 8.28. The LVIA submitted with the application concludes that a slight adverse effect is predicted on the landscape character on this area during construction, reducing to negligible post construction. The site contains very few notable features that would be adversely affected by the proposed development. The boundary hedges, one of the key features of the site, are to be protected and enhanced. The recommendations of the LVIA suggest that a landscape management plan, with a requirement for active monitoring and reporting, be produced, to help guide future work to sustain the landscape over the longer term. It should include a landscape strategy that reflects both the need to conserve local landscape character and reinforce the existing features of the landscape.
- 8.29. The character of the site exhibits some qualities that are typical of the Stoke Golding Rolling Farmland LCA within which it lies, including a public right of way which crosses it, the hedgerow field boundaries and the opportunity for long distance views northwards from the upper parts of the site. However, the site is in part used for equestrian land uses, which together with its proximity to the existing built up area, exert urban fringe influences over the site and make it less typical of the wider rural landscape which makes up the Stoke Golding Rolling Farmland LCA. Accordingly, the site is assessed as being of Medium landscape quality.
- 8.30. It is to be noted that the area is not a 'valued landscape' for NPPF purposes. Indeed there are no landscape or environmental designations or sensitivities of note for the site and its immediate surroundings. The Natural England Agricultural Land Classification Maps show it as Grade 3.
- 8.31. It is also worth noting, as per above, that the fields surrounding the site to the west, north and east have each been granted planning permission for residential development in the last 5 years (20/00916/FUL and 21/00135/OUT). As such it is reasonable to assume that the prevailing landscape character will alter in the near future. The result of which will be that the site itself goes from being an edge of settlement location, to one very much contained within a built up area. This is a

significant material consideration when assessing this site for residential development.

- 8.32. Subject to the recommendations within the LVIA i.e. provision of a landscape management plan, the scheme is considered to be acceptable with respect to landscape character. The scheme is not considered to have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; it will not undermine the physical and perceived separation and open character between settlements; and it will not create or exacerbate ribbon development. Indeed, one could reasonably describe the proposals as representing a form of infill development when taking account of the planning history/extant permissions set out above.

Design

- 8.33. 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.
- 8.34. Policy 16 of the Core 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 0.89 ha, and the proposals would involve up to 10 new dwellings – resulting in a density of 9.11dph. Whilst lower than the 40 dph stated in Policy 16, it is considered that this density reflects the site's edge of settlement location and is therefore appropriate in relation to context. It is also a result of the form of dwellings proposed – being single storey bungalows. On balance therefore this is considered an appropriate density which reflects the local context/location.
- 8.35. Most matters relating to design, aside from the scale of the proposed dwellings, are reserved matters and not for consideration at this stage. However, the indicative layout and dwelling designs provided do illustrate that 10 new bungalows could be provided on the site in a suitable manner.
- 8.36. One issue that has arisen from the indicative drawings provided as part of the application is the location of the proposed bin storage collection point from the dwellings on site. Layout of the proposal is not a detailed consideration at this outline stage but it is considered that bin storage, collection points and bin lorry access issues can be resolved at the reserved matters stage and will need full consideration as part of a future reserved matters submission.
- 8.37. Public Footpath U28 runs through the proposed development site. The proposed Site Plan envisages diverting the footpath and the local highway authority have indicated that the proposed route on this plan is broadly in line with the Leicestershire County Council's Public Rights of Way Guidance (PRoW). If Members are minded to approve the application then the applicant/developer would need to apply for a footpath diversion order under Section 257 of the Town and Country Planning Act. The grant of planning permission does not entitle developers to obstruct a public right of way. The diversion or stopping up of footpaths, bridleways and restricted byways is a separate process which must be carried out before the paths are affected by the development. It cannot be assumed that because planning permission has been granted that an Order under section 257 will invariably be made or confirmed. Development, in so far as it affects a right of way, must not be started and the right of way should be kept open for public use, unless or until the necessary order has come into effect.

- 8.38. The topography of the site, which drops circa 11.5m from south to north, will necessitate a reasonably large degree of structural work to be completed, and the erection of retaining wall features. However, this need not be an issue, provided subsequent reserved matters come forward with a detailed landscaping scheme to help these structure features blend in.
- 8.39. 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.

Impact upon Residential Amenity

- 8.40. 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.
- 8.41. The application site is bordered to the south by existing residential dwellings on Keats Lane. The indicative layout provided illustrate that sufficient distances can be provided between the new properties and existing dwellings to ensure against any loss of privacy, loss of light, or overbearing impact. The dwellings proposed are bungalows and so amenity issues with respect to overlooking and privacy can be dealt with through appropriate boundary treatment.
- 8.42. Internally, the layout will be determined at a later reserved matters stage – however, the site is large enough to cater for the number of dwellings proposed and there are no concerns about its ability to provide suitable levels of amenity for future occupiers.
- 8.43. 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

- 8.44. 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.
- 8.45. The application proposes a vehicular access from Keats Lane, where there is an existing access that previously served No. 34 Keats Lane (now demolished). The application sets out how the scheme has been designed to meet the requirements of the Highways Authority in terms of width (5.0m + 2.0m footpaths), visibility splays and so forth.
- 8.46. It proposes the provision of 20 parking spaces to serve the 10 dwellings, which is in line with the Leicestershire Design Guide. Dedicated refuse storage and collection points are also proposed.
- 8.47. The local highway authority initially responded to the application with a request for further information. Specifically they stated that:

'The length of the visibility splays have been calculated based on Manual for Streets guidance and while this methodology is considered acceptable given the location of the site, the Applicant has not provided the raw data for the survey, or a location plan as to where the survey was undertaken. This information is therefore required in order for the visibility splays to be fully reviewed by the LHA. Clarification as to the year the survey was undertaken is also requested. The LHA also requests an independent Stage 1 Road Safety Audit is undertaken of the site access arrangements and a Designer's Response provided to address any problems

raised, along with a revised drawing (if necessary). The LHA also understand that the access road is to remain private and that refuse collection would be undertaken from the highway. As such, the Applicant has not provided swept path analysis of a refuse collection vehicle accessing or egressing the site and detailed a bin collection point close to the highway'.

- 8.48. A Road Safety Audit was submitted by the applicant and a re-consultation carried out with the LHA. The Applicant has also provided additional information including 'Proposed Site Plan', drawing number 8883-03-03 Rev C and covering email dated 1 March 2024.
- 8.49. The Local Highway Authority Advice is that, in its view, 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 (December 2023), subject to the conditions and/or planning obligations outlined in this report.

Drainage and Flood Risk

- 8.50. 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.
- 8.51. The proposals seek to discharge at 2.8 l/s via pervious paving and underground cellular storage to the watercourse located to the north of the site. Although outside of the development boundary, this watercourse is on land under developer control. British Geological Survey (BGS) data suggests that infiltration would not be a feasible method of draining the site. Site investigations should be carried out to confirm this.
- 8.52. HBBC Drainage have been consulted on the application and they raise no objection, subject to pre-commencement conditions. Similarly, the Lead Local Flood Authority (LLFA) were consulted, and after the submission of further information they have stated that the proposals are considered acceptable, 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 an infiltration testing condition (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element. 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.
- 8.53. Subject to the imposition of the specified conditions, the proposal is considered to have a minimal impact on flooding and drainage in compliance with policy DM7 of the SADMP and in accordance with the requirements of the NPPF.

Ecology

- 8.54. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 8.55. The Ecology Team at LCC have been consulted on this application. They initially responded to say that the landscape plan achieves a significant net loss of -1.46 (-60.64%) habitat units and -0.14 (-18.51%) hedgerow units. The landscape plan should be revised to achieve meaningful net gain on Site and, if this is not possible,

through off-Site solutions. From 12th February 2024 mandatory 10% minimum biodiversity net gain (BNG) has become statutory (for major sites such as this), however the percentage of meaningful net gain sought should be agreed with the LPA as 10% is considered the minimum net gain to be achieved. All trading rules should also be satisfied.

- 8.56. The site visit/surveys within the submitted ecology documents were undertaken in Dec 2023. This is a suboptimal time of year for grassland surveys, therefore key species may have been missed. This is of particular concern given the noted presence of *Scorzoneroides autumnalis* which is a lowland meadow indicator and suggests the grassland (currently assessed as modified grassland) may have been assessed as a lower ecological value than it should be. It is therefore recommended that the BNG grassland survey is repeated at an optimal time of year.
- 8.57. The applicant subsequently submitted updated ecological information and the BNG metric requirements and the Ecology Team were re-consulted. They have since responded to say that subject to conditions in respect of a Construction and Environmental Management Plan, a Landscape and Ecology Management plan, a Biodiversity Enhancement and Management Plan (BEMP) and a lighting scheme (in respect of bats) the proposal would have no significant adverse impact on ecology and would result in satisfactory biodiversity net gain. The proposal is therefore considered to be in compliance with Policy DM6 of the SADMP and requirements of the NPPF.

Heritage and Archaeology

- 8.58. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of paragraph 197 of the NPPF:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.59. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough.
- 8.60. The Conservation Officer was consulted on the proposal and has stated that there are no designated heritage assets or non-designated heritage assets within the site or its setting. As such the application will not impact on heritage assets and is compliant with Development Plan Policy.
- 8.61. The preservation of archaeological remains is a material consideration in the determination of planning applications. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where

applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.

- 8.62. In line with the National Planning Policy Framework, Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 205 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.
- 8.63. The Leicestershire and Rutland Historic Environment Record (HER) notes that the site is located on a ridge immediately north of the anticipated former extent of the historic medieval and post-medieval settlement core of Earl Shilton (HER Ref. MLE9535). Trial trenching in 2021 within the field immediately west of the site identified a number of levelling layers, a possible surface, and several steep sided features, possibly indicating the presence of a medieval structure connected to the historic settlement core. Additionally, there are a number of archaeological sites and find spots relating to prehistoric and Roman activity within the wider landscape. The site has been subject to previous development, however there may be areas where the disturbance is limited. There is therefore a potential for buried archaeological remains relating to the medieval and post-medieval periods, with an additional potential for prehistoric and Roman activity within the application area, which may be impacted by the development proposals.
- 8.64. LCC Archaeology were consulted on the application and requested that an Archaeological Impact Assessment of the proposals should be submitted for consideration by the Archaeology Team. The applicant subsequently submitted the required details. The assessment identified a medium potential for buried remains from the prehistoric to medieval periods, with a medium-high potential for post-medieval and modern remains. The DBA has indicated that the preservation of any buried remains present may have been impacted by levelling works for the construction of stables and a horse schooling arena within the northeast/south-west corners of the Site, in addition to further likely disturbance resulting from 19th/20th century housing construction at the southern end of the application area.
- 8.65. Whilst the LCC Archaeology Team notes that the current results are sufficient to support the planning decision, they state that further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.
- 8.66. Subject to suitably worded conditions, it is considered that the proposal accords with archaeological requirements and is in compliance with Development Plan Policy specifically Policy DM13 of the SADMP and Section 16 of the NPPF.

Planning Obligations

- 8.67. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. 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.

- 8.68. 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.
- 8.69. 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.
- 8.70. Provision of Play and Open Space is therefore required for compliance with Policy 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities' health, social and cultural well-being and is therefore necessary. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces.
- 8.71. For this proposal, due to limited size and nature of the development proposed, off site open space contributions are being sought as provision cannot be made on site. Off site open space contributions are therefore proposed for Wood Street Park totalling £12,406.60 and total maintenance contributions of £8559.20 and are broken down into the typologies as set out below:
- Equipped Children's Play Space = £6549.48 and maintenance = £3160.80
 - Casual/Informal Play Space = £745.92 and maintenance = £907.20
 - Outdoor Sports Provision = £3475.20 and maintenance = £1651.20
 - Accessibility Natural Green Space = £1636.00 and maintenance = £2840.00
- 8.72. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly.
- 8.73. The LCC planning Obligations Officer has responded to the application to say that due to the nature of this development, and the available capacity at the schools, civic amenity sites and libraries nearest to the development, no S106 contributions are being sought for this development in respect of these matters.
- 8.74. The NHS (Leicester, Leicestershire and Rutland integrated care board (ICB) requests a contribution of **£7,744.00** towards the gap in the funding created by each potential patient from this development. Based on a population of 24.2 the development will generate.
- 8.75. With respect to affordable housing, the preference on this site would be for 2 dwellings on site to be provided for affordable rent, should a willing Registered

Provider partner be available. Otherwise, a commuted sum would be accepted in lieu of on-site provision.

- 8.76. The infrastructure contributions identified above are considered to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed and therefore CIL compliant.

Planning balance

- 8.77. 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.
- 8.78. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focused on delivery of a lower housing requirement than required by the up-to-date figure. 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.
- 8.79. Economic- The scheme is for 10 dwellings 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.
- 8.80. Social - The scheme would provide a moderate contribution to the overall housing supply within the Borough through the provision of 10 dwellings, specifically bungalows which helps with providing for the needs of the elderly population. In addition to this, the proposal would bring benefits through the provision of a policy compliant affordable housing where there is an identified need.
- 8.81. Environmental - The proposal is situated on the edge of Earl Shilton and will be surrounded by residential development once approved schemes adjacent to it have been brought forward. As such the impacts upon the character and appearance of the area would not result in significant or demonstrable environmental harm. The scheme also demonstrates a 10% biodiversity net gain from an ecological perspective which is an environmental benefit that weighs in favour of the proposed development.
- 8.82. Overall it is considered that whilst the proposal does not comply with policy DM4, the proposal would help to support the creation of additional bungalows which will help provide much needed housing for the Borough's ageing population and accords with the latest Housing Needs Study 2024. It is located on the edge of the Earl Shilton which provides the services which new residents will need to meet their day to day needs. The proposed location of the site, adjacent to the existing built

form of Earl Shilton is also considered to aid the integration of the bungalows with the existing built fabric.

- 8.83. The proposal would contribute to the achievement of sustainable development in line with the NPPF. It is therefore recommended to Members for approval subject to conditions and a signed Section 106 agreement with the above planning obligation requests.

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. 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.

- 10.3. The proposed development would bring forward a much needed housing type in a suitable location and manner, and is otherwise in accordance with the Development Plan. There are no material considerations that would indicate against approval.

11. Recommendation

- 11.1 **Approve outline planning permission** subject to a S106 Legal Agreement and Conditions.

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

12. Conditions and Reasons

- 1) The Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.
- Reason:** To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
- 2) No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
- a. Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b. Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c. Layout of the site including the location of electric vehicle charging points, bin collection points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development.

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

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

- 3) As part of the reserved matters application, a landscape and biodiversity plan covering a 30 year period shall be submitted to and approved in writing by the local planning authority. This could take the form of a Habitat Management and Monitoring Plan (HMMP). It should include the following details:
- Description and evaluation of the features to be created/managed
 - Aims and objectives of management
 - Appropriate management options for achieving aims and objectives
 - Prescriptions for management actions
 - Work schedule
 - Species/seed mixes to be planted/sown
 - Ongoing monitoring and remedial measures

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

Reason: In order to protect and enhance wildlife and provide on-site ecological enhancements in accordance with Policy DM6 of the Site

Allocations and Development Management Policies DPD (2016) and the requirements of the National Planning Policy Framework.

- 4) As part of Reserved Matters application, a Refuse/Waste Management and Collection Strategy shall be submitted. The strategy shall provide details of the extent of the road which shall be constructed to adoptable standards, details of waste storage and collection points, how bins will be relocated to and from their collection points and how this will be managed. The approved storage provision shall be implemented and made available for its intended use prior to the occupation of the development and shall be retained thereafter. The development shall operate in accordance with the duly approved Refuse/Waste Management and Collection Strategy.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme and to ensure waste collection vehicles safe access and movement for the ongoing purpose of the collection of household waste and recycling in accordance with Policy DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF.

- 5) The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution to accord with Policy DM7 of the Site Allocations and Development Management DPP (2016) and the requirements of the National Planning Policy Framework.

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

Reason: To prevent flooding and ensure satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management DPP (2016) and the requirements of the National Planning Policy Framework.

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

Reason: To prevent flooding and ensure satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management DPP (2016) and the requirements of the National Planning Policy Framework.

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

surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the National Planning Policy Framework.

- 9) 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 and in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the National Planning Policy Framework.

- 10) No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to 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 National Planning Policy Framework.

- 11) If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling 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 National Planning Policy Framework.

- 12) Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The CEMP shall also include the following details:

- Identification of potentially damaging construction activities;

- Practical measures and sensitive working practices to avoid/reduce impacts on habitats and protected species, such as bats, during construction;
- Timing of works to avoid harm to nesting birds;
- Measures to ensure safeguarding of priority mammals such as hedgehogs during works; and
- Responsible persons for overseeing sensitive works;

The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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.

Reason: To help protect and conserve wildlife and minimise disruption to the neighbouring residents in accordance with Policies DM6, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the National Planning Policy Framework.

- 13) As part of the reserved matters application the existing and proposed ground levels of the site and proposed finished floor levels shall be submitted. The development shall then be implemented in accordance with the agreed 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 requirements of the National Planning Policy Framework.

- 14) No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Plan, drawing number 8883-03-03 Rev C have been implemented in full.

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

- 15) Prior to commencement of the development hereby permitted, a scheme to amend existing Traffic Regulation Orders (TRO) fronting the site on Keats Lane, including 'Give Way' and centre line markings within West Street shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in full prior to first use of the development.

Reason: In the interests of general highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the National Planning Policy Framework.

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the National Planning Policy Framework.

- 17) No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their fencing or any other boundary treatment, surfacing, width, structures, signing, landscaping, and management during construction in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: to protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (December 2023).

- 18) The Public Footpath should comprise of 2 metres surfaced width with a 1 metre grass verge either side in accordance with the County Council's Guidance Notes for Developers.

Reason: to provide an all-weather route in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (December 2023).

- 19) No trees or shrubs should be planted within 1 metre of the edge of the Public Right(s) of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.

Reason: to prevent overgrowth of the path in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (December 2023).

- 20) As part of a reserved matters application a Biodiversity Enhancement and Management Plan (BEMP) to include details on specification and installation of suggested ecological enhancements including bird boxes, bat bricks, hedgehog gravel boards and native planting shall be submitted to and approved in writing by the local planning authority. The development shall only be carried out in accordance with the approved details.

Reason: To provide on-site ecological enhancements in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the National Planning Policy Framework.

- 21) Prior to commencement of development a bat-friendly sensitive lighting plan shall be submitted to and approved in writing by the local planning authority

(which will require review and approval by a bat ecologist). The development shall only be carried out in accordance with the approved details.

Reason: In order to help protected wildlife species in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the National Planning Policy Framework.

- 22) No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation WSI, which shall include the statement of significance and research objectives, and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM13 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF.

12.1. Notes to applicant

- 1.) Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
- 2.) Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
- 3.) The Public Right(s) of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- 4.) The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

- 5.) If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
- 6.) Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- 7.) No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal
- 8.) The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
- 9.) The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.