

Planning Committee: 19th November 2024
Report of the Head of Planning



Planning Ref: 24/00484/OUT

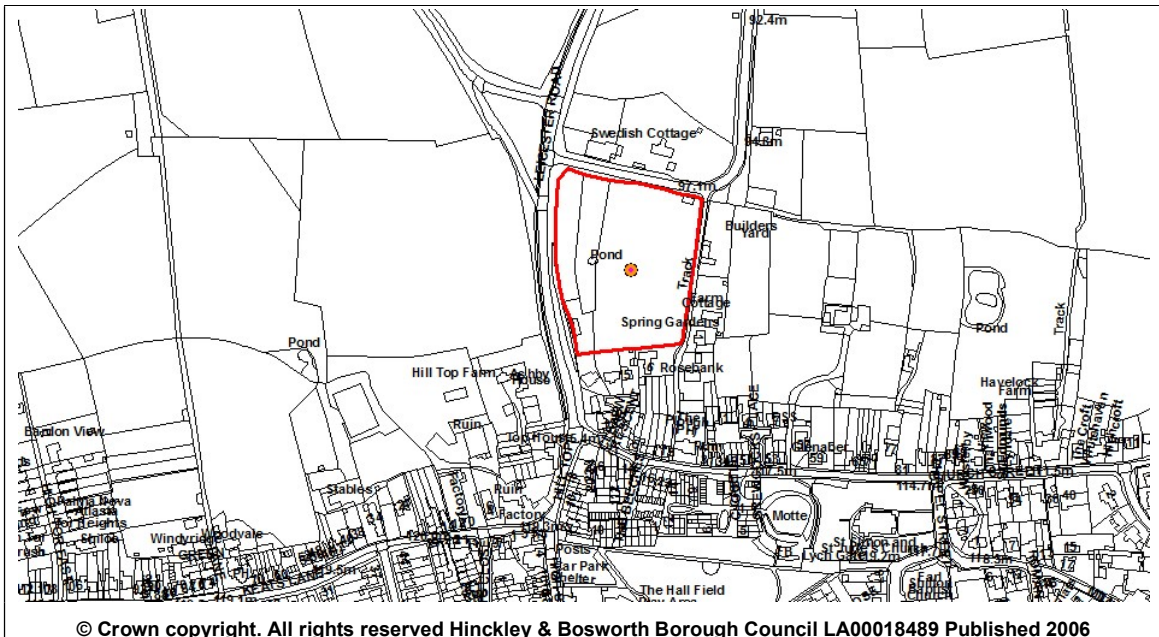
**Applicant: Manor Oak Homes, DJ Blackburn,
J Hodder, L Walters & S Sands**

**Hinckley & Bosworth
Borough Council**

Ward: Earl Shilton

Site: Land East of Leicester Road Earl Shilton

Proposal: Outline planning application (some matters reserved except for means of access and scale) for the erection of up to 33 dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system, and new access arrangements from the un-named road.



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1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.
- The entering into of a S106 Agreement relating to affordable housing, highway improvements, open space provision and management and the financial contributions detailed below.
- That the Head of Planning be given powers to determine the final detail of planning conditions.

2. Planning Application Description

- 2.1. This planning application seeks outline planning permission for the provision of 33 dwellings and associated infrastructure at land east of Leicester Road, Earl Shilton. This consists of 26 market housing units and seven affordable housing units. Only Access and Scale are sought for approval at this stage.
- 2.2. To facilitate this development, new access arrangements are created onto the unnamed road to the north of the site. Following discussions with the Local Highway Authority, the proposed refuse island crossing point to the west of the site has been removed and replaced with a new 2m wide pedestrian footway along the eastern side of Leicester Road up to Church Street.
- 2.3. In terms of scale the submitted Parameters Plan shows dwellings of 1.5 storeys to the southern quarter of the site and dwellings of a maximum of two storeys on the remainder.
- 2.4. The application is accompanied by the following reports and documents:
 - Arboricultural Impact Assessment
 - Archaeological Geophysical Survey
 - Archaeological Impact Assessment
 - Biodiversity Net Gain (BNG) Assessment (and BNG Metric)
 - Concept Masterplan
 - Covering Letter
 - Design and Access Statement
 - Ecological Appraisal
 - Ecology Technical Note
 - Flood Risk Assessment
 - Heritage Assessment
 - Illustrative Sketch Layout
 - Landscape and Visual Impact Assessment (LVIA)
 - MOLA Trial Trench Evaluation
 - Noise Impact Assessment (NIA)
 - Parameters Plan
 - Phase 1 Ground Investigation Report
 - Proposed Site Access Strategy
 - Site Location Plan
 - Transport Statement

3. Description of the Site and the Surrounding Area

- 3.1. The 1.58ha application site is located outside of, but immediately adjacent to the northern settlement boundary of Earl Shilton. The application site is identified within Character Area E (Stoke Golding Rolling Farmland) of the Landscape Character Assessment (LCA) (2017) and Landscape Sensitivity Area 10 (Earl Shilton North and Barwell West) within the Landscape Sensitivity Study (LSS) (2017).
- 3.2. Character Area E of the LCA is characterised by undulating arable and pasture farmland consisting of small-to-medium scale rectilinear field patterns. Sensitivity Area 10 of the LSS confirms that the area has a medium-to-high sensitivity to two-to-three-storey residential development. However, the LSS notes that the views of the countryside from the smaller areas to the north of Earl Shilton that are located away from its north-eastern edge and the location of the Grade II* Listed Church of St. Simon and St. Jude, or the Earl Shilton Motte and Bailey Castle Scheduled Ancient Monument (SAM), are considered to be less characteristic of the wider agricultural landscape and contribute less to the setting of the settlement.
- 3.3. Earl Shilton developed along a ridgetop, which is evident from wider views due to the prominent rise in the topography of the settlement on its northern boundary. This significant rise is considered to reveal Earl Shilton's historical settlement pattern. This can be seen by the fact that the application site slopes down significantly from the south-western corner of the site to north-eastern corner of the site, with an overall land height level difference of approximately 16m.
- 3.4. The site itself is rural in character and comprises an undeveloped rectilinear field together and a small part of residential garden associated with No. 3 Clearview Crescent that features a small storage structure in both of its northeast and southwest corners. The site is bounded by trees, field hedges, and post-and-wire fencing.
- 3.5. The application site benefits from two existing gated agricultural accesses on to an unnamed road to the north of the site. The unnamed road is an adopted and classified 'C' road that is subject to the National Speed Limit.
- 3.6. Beyond the unnamed road to the north is a bungalow, Swedish Cottage, and an agricultural building. Swedish Cottage was subject to a planning application for six dwellings via 24/00035/HYB, which was withdrawn prior to a decision being made. Beyond these structures is further open countryside to the north, northeast, and northwest. Panoramic views of the countryside can be appreciated to the north from within the site. Public Footpath T92 runs to the northwest of the unnamed road.
- 3.7. To the east of the site is Bridle Way U25 (also known as Spring Gardens). Beyond the Public Right of Way is a building and landscaping yard to the northeast and several residential properties to the south and southeast that are all run parallel to the application site.
- 3.8. The northern boundary of the site is formed by boundary treatments to the rear gardens of the residential properties on Clearview Crescent and the wider built form of Earl Shilton, which is within Urban Character Area (UCA) 10 of the LCA. One of the key sensitivities on UCA 10 is the views of the surrounding rural landscape to

the north and south of Earl Shilton as they provide a sense of place and support Earl Shilton's suburban character.

- 3.9. The west of the site is bounded by Leicester Road, which is an adopted and classified 'C' public highway that is subject to a 50mph speed limit. This speed limit reduces to 30mph approximately 170m south of the unnamed road's access on to Leicester Road.
- 3.10. 31m northwest of the unnamed Road is Leicester Road's confluence with Shilton Road. Shilton Road is also an adopted and classified 'C' public highway that is subject to a 50mph speed limit for the last 100m towards Leicester Road, which increases to the National Speed Limit as the highway extends to the northwest. Public Footpaths T92 and T72 run in a northerly direction from this confluence.
- 3.11. The land beyond Leicester Road to the west benefits from planning permission for the provision of 190 dwellings through planning application 20/00916/FUL at Ashby House, Hill Top Farm, and 21/00135/OUT at land north of Hill Top Farm. Site preparation works are currently taking place within the Ashby House site. Adjacent to this approved development is Public Footpath T93, which runs southwest to northeast towards Shilton Road.

4. Relevant Planning History

- 4.1 Pre-application advice was sought via application 23/10226/PREMAJ for a development of up to 35 dwellings within the application site. The Local Planning Authority advised that any forthcoming outline planning application should seek permission for scale to support the Council's assessment of the scheme and its impact on the character of the surrounding area.

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 Ten responses were received from six members of the public who all objected to the development. The following concerns have been raised:
 - Ecological concerns
 - Construction impacts.
 - Harm to existing protected hedgerows and habitats.
 - Harm to natural springs within the site.
 - Harm to protected species.
 - Harm to water courses and rivers.
 - Flooding and drainage concerns
 - Existing shallow sewage pipes.

- Increased surface water concerns.
- Harm to the character of the surrounding area and landscape
- Harm to the character and significance of the historic environment
 - Archaeological concerns.
 - Harm to the significance of Spring Gardens in Earl Shilton.
- Harm to neighbouring residential amenity
 - Disturbance from construction.
 - Loss of light.
 - Loss of privacy.
 - Noise pollution.
 - Overlooking impacts.
 - Overshadowing Impacts.
- Highway safety concerns
 - Increased congestion
 - Intensification of traffic accessing the A47 from the Unnamed Road.
 - Spring Gardens may be mistaken as a through-road to Church Street.
 - Vehicular visibility concerns.
- Infrastructure concerns
 - Increased pressure on local facilities and amenities such as schools, dentists, and schools.
 - No further housing development is required in Earl Shilton.

5.3 Several members of the public raised highway safety concerns in relation to increasing access from the site on to the adjacent Public Right of Way. Another member of the public highlighted concerns in relation to the integrity of the illustrative layout of the proposal as the Applicant is not a housing developer.

5.4 One member of the public requested a site visit, but upon discussing the scheme with the member of the public, they clarified that they were referencing the Ashby Hill Top development on the west of Leicester Road

5.5 No further responses have been received.

6. Consultation

6.1 There have no objections to the application from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Affordable Housing Officer (subject to contributions)
- HBBC's Conservation Officer
- HBBC's Drainage Officer (subject to conditions)
- HBBC's Environmental Services' Pollution Officer (subject to conditions)
- HBBC's Section 106 Officer (subject to contributions)
- HBBC's Waste Management Officer
- Leicestershire County Council (LCC)'s Archaeology Unit
- LCC's Developer Contributions (subject to contributions)
- LCC's Ecology Unit (subject to conditions)
- Local Highway Authority (LHA) (subject to conditions)
- NHS England (subject to contributions)

Archaeology:

- 6.2 The County Council's Archaeology Department requested a programme of trial trenching within the site prior to the determination of the planning application. This was undertaken by the Applicant and a Museum of London Archaeology (MOLA) Trial Trench Evaluation Report was submitted on 07 August 2024.
- 6.3 On 19 August 2024, the Archaeology Department confirmed that no additional archaeological involvement is required, and the details within the MOLA Trial Trench Evaluation Report are in accordance with the County Council's requirements and the approved Written Scheme of Investigation. On 20 August 2024, the Archaeology Department confirmed they did not require any archaeological conditions for this proposal.

Drainage:

- 6.4 The development falls within Flood Zone 1 and consequently the Environment Agency did not make any formal comment on the application because they did not have any fluvial flood risk concerns associated with the site.

Ecology:

- 6.5 The County Council's Ecology Department requested a revised Preliminary Ecological Appraisal (PEA) and the Biodiversity Net Gain Assessment (BNG) (including a baseline metric). Given the presence of Great Crested Newts, LCC Ecology also required Environmental DNA (eDNA) and Habitat Suitability Index (HIS) surveys to be carried out on ponds within the buffer zone prior to the determination of the planning application. Subsequently, the Applicant submitted an Ecology Technical Note and an updated Biodiversity Net Gain Assessment on 07 August 2024.

- 6.6 On 22 August 2024, the Ecology Department confirmed that the further documents contained suitable detail to fulfil their previously raised comments and therefore the County Council had no further comments subject to the recommendations in the report and the technical note being carried out to best practise guidance.
- 6.7 To safeguard protected species and habitats, the Ecology Department requested five planning conditions including: a Reasonable Avoidance Measures Methods Statement (RAMMS), a Construction Environment Management Plan for Biodiversity (CEMP: Biodiversity), a Biodiversity Enhancements and Mitigation Plan (BEMP), a Landscape and Ecological Management Plan (LEMP), and a bat-friendly sensitive lighting plan.

Highways:

- 6.8 On 22 July 2024, the Local Highway Authority (LHA) requested additional information including:
- Amendments to pedestrian footways
 - Provision of dimensions of the right turn lane.
 - Reconsideration for the provision of a refuge island.
 - Vehicle tracking of a refuse collection vehicle.
- 6.9 The LHA also highlighted that the provision of a refuge island to connect the development to the western side of Leicester Road was against the guidance of the Design Manual for Roads and Bridges (DMRB). Following discussions with the LHA and given the design and safety constraints of Leicester Road, the Applicant concluded the only suitable option was to remove the informal and uncontrolled crossing and replace it with a 2m wide footway provision along the eastern side of Leicester Road.
- 6.10 On 27 August 2024, the Applicant submitted a Technical Note in response to the LHA's concerns. The LHA have confirmed that this document demonstrates the 2m wide pedestrian footways on either side of the site access road and that a refuse collection vehicle to Hinckley and Bosworth Borough Council dimensions can safely arrive and depart from the site access.
- 6.11 Given the above, the County Council as the Local Highway Authority concluded that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.
- 6.12 As a result, the LHA requested five planning conditions in relation to a Construction Traffic Management Plan, implementation of approved site access arrangements and vehicular visibility splays, details of site drainage details, and a scheme for the treatment of the Public Bridleway U25. Planning obligations in the form of one travel pack per dwelling, and two six-month bus passes per dwelling were also requested.

Leicestershire Police:

- 6.13 Leicestershire Police did not consider the development to have any permeability issues and the access for emergency services across the site was acceptable. Leicestershire Police also provided 12 general recommendations for the detailed design of the site.
- 6.14 Historic England and the Leicestershire Fire and Rescue Service did not comment on the planning application.
- 6.15 Earl Shilton Parish Council, the Council's Arboricultural Officer and Greenspaces Department, the Hinckley Area Committee, and Severn Trent Water did not respond to the planning application.
- 6.16 No further responses have been received.

7. Policy

7.1 Core Strategy (2009):

- Policy 2: Development in Earl Shilton
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (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 (ESBAAP) (2014):

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

7.4 National Planning Policies and Guidance:

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

7.5 Other Relevant Guidance:

- Affordable Housing SPD (2011)
- The Green Infrastructure Strategy (2020)
- Good Design Guide (2020)
- Housing Needs Study (2019)
- Landscape Character Assessment (LCA) (2017)
- Landscape Sensitivity Study (LSS) (2017)
- Leicestershire Highway Design Guide (LHDG) (2022)
- Open Space and Recreation Study (2016)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Principle of development
- Housing land supply
- Impact upon the character of the area
- Impact upon the historic environment
- Design and layout
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Infrastructure and development contributions
- Planning balance

Principle of Development:

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.3 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document, and the Earl Shilton and Barwell Area Action Plan (ESBAAP). In accordance with Paragraph 225 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4 In accordance with Policy 2 of the adopted Core Strategy, the Council will support development within the identified settlement boundary of Earl Shilton to deliver a minimum of ten new residential dwellings. However, it is noted that the application is outside of the identified settlement boundary of Earl Shilton in the designated open countryside.
- 8.5 Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.6 In summary, the application site is within the designated open countryside, and it does not relate to, or comply with, any of the criteria in Policy DM4 of the SADMP. However, this does not mean that the development is not sustainable. Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.7 Policy DM17(b) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised.
- 8.8 It is noted that Earl Shilton Town Centre is located within walking distance of the site, and there are frequently serviced bus stops into Leicester City Centre and Coventry City Centre within 400m of the site access. Further amenities in close proximity to the site are detailed within Page 6 of the Applicant's Design and Access Statement. Therefore, it is considered that the development is in a sustainable

location in terms of its access to day-to-day facilities and amenities in accordance with Policy DM17(b) of the SADMP.

- 8.9 Given the above, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP. As such, the application does not accord with Development Plan Policy and is unacceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply:

- 8.10 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 5.6 years of deliverable housing on 29 July 2024.
- 8.11 However, due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.
- 8.12 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless 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.
- 8.13 In light of the above, the provision of 33 dwellings to the Borough's supply of land for housing is considered to attract moderate weight within the planning balance.

Impact upon the Character of the Area:

- 8.14 Policy DM4(i) of the 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.
- 8.15 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.16 Policy 22(b) and (d) of the ESBAAP states the development will be permitted providing that there is no detriment to the character or appearance of the surrounding area, and that it respects the local distinctiveness of existing buildings and landscape settings respectively.
- 8.17 To support their development, the Applicant has submitted a Landscape and Visual Impact Assessment (LVIA). The LVIA has identified and assessed 20 instances of public views of the site, which includes views from six Public Rights of Ways.
- 8.18 The site is a relatively small, enclosed, and broadly rectilinear field that is rural in character and is within the setting of Earl Shilton's historic higher ground location. Therefore, the character of the site is considered to display some of the characteristics of Character Area E of the LCA and the sensitivities of Sensitivity Area 10 within the LSS.

- 8.19 The development of this site is considered to fundamentally alter the rural character of this site. The urbanising impact of providing 33 dwellings within this site is likely to result in significant harm to the character of the site. Given the location of this site, the extension of built form beyond the identified settlement boundary of Earl Shilton is also considered to result in adverse impacts to the Landscape Character Area, the Landscape Sensitivity Area, and the intrinsic value, beauty, open character and landscape of the wider countryside.
- 8.20 As highlighted by the Applicant's submitted Landscape and Visual Impact Assessment (LVIA), the site has a high visual sensitivity from six separate Public Right of Ways. Some of these views, including views from Footpaths T72 and T73 are from over 2km from the site. These extensive views are likely to exacerbate the proposal's harm to the character of the surrounding area.
- 8.21 Although this development is likely to result in harm to the character of the surrounding area and is likely to be visually prominent from public viewpoints, there are additional contextual considerations to take into account.
- 8.22 For example, due to the ground level changes between the site and Leicester Road, and the existing mature vegetation on the western boundary of the site, it is considered that the main residential development of the site is likely to have limited visual prominence from the southwest of the site and from vehicular traffic heading in a northerly direction.
- 8.23 Ultimately, the development of the site is likely to be experienced in association with, and against the character of, the built form of Earl Shilton, given the presence of residential built form immediately to the south of the site.
- 8.24 It is noted that the application site is wholly bounded by built form. For example, Spring Gardens bounds the site to the east which features residential properties and built form along the entire length of the application site, the unnamed road bounds the northern side of the site, and the land to the north of the unnamed road features existing built form, Swedish Cottage. This is considered to isolate the application site from the wider Landscape Character Area and the Landscape Sensitivity Area, which is likely to reduce the proposal's harm on the character of the wider surrounding area and countryside.
- 8.25 Importantly, the land to the west of Leicester Road benefits from planning permission for the provision for 190 dwellings through planning applications 20/00916/FUL and 21/00135/OUT. This is considered to dramatically alter the experience of the application site from wider views to the west of the site because these permissions shall extend the residential built form of Earl Shilton up to Leicester Road's confluence with Shilton Road, which is approximately level with the northern boundary of the application site. This is considered to reduce the visual harm of developing the site from public views from the west including, Bridleways T75 and T95, as well as Footpaths T71, T72, T85, T92, T93, T94, U28. Therefore, it is considered that the current scheme is likely to primarily result in limited localised harm that is largely perceived from the private views of the properties along Clearview Crescent and the public views of the site from the unnamed road.

- 8.26 To summarise, the development of this application site is likely to result in adverse impacts to the rural character of the site, which is visually prominent from a variety of key viewpoints in the wider area. However, the application site is wholly surrounded by built form and is considered to be isolated from the wider Landscape Character Area, Landscape Sensitivity Area, and the countryside by this existing built form, such as the existing structures at Swedish Cottage to the north of the unnamed road. The development does not extend any further than the built form along Spring Gardens, or the development approved on the land to the west of Leicester Road. As the development of this application site is viewed in the context of the built form of Earl Shilton, it is considered that the scheme is likely to result in limited localised harm. Therefore, this harm should be assessed in the planning balance in accordance with Paragraph 11(d) of the NPPF.

Impact upon the Historic Environment:

- 8.27 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should also ensure the significance of a conservation area is preserved and enhanced.
- 8.28 In relation to the historic environment, Top House is a Grade II Listed Building that is approximately 90m southwest of the site. In addition, the Grade II* Listed Church of St. Simon and St. Jude is located approximately 210m to the southeast of the site, which is adjacent to the Earl Shilton Motte and Bailey Castle Scheduled Ancient Monument (SAM). The Earl Shilton Conservation Area itself is located 1km to the southwest of the application site.
- 8.29 Due to the topography of the area, and the presence of intervening built form and vegetation, there is no particular intervisibility between the application site and any known heritage asset within the surrounding area, nor is the site considered to have any historic, functional, or other relevant relationship with these heritage assets. However, the Listed Church is visible from within the application site and there are views from the surrounding landscape where the application site and the Listed Church are both visible in context.
- 8.30 Nevertheless, the site is not considered to make any contribution to the significance of the Church in these views, or the ability to appreciate its significance. Whilst the existing undeveloped nature of the site gives an indication of the edge of the settlement, this is diminished by the presence of the bungalow to the north of the site, and the large-scale residential developments that have been approved to the west of the site. Furthermore, whilst there are views from within the site of the Church, the indicative layout of the proposal suggests that these views can be preserved.
- 8.31 Comments from public notification of the application have raised concerns regarding the scheme's impact on the historical significance of Spring Gardens, which was previously utilised as part of the Birmingham to Great Yarmouth Road for cotton trade. Historic mapping suggests that the trade route followed the route of

Spring Gardens prior to the realignment of the main road to the west of the application site during the 1960s.

- 8.32 Although the alignment and position of the original historic route is well documented and is of some evidential value, there is no further heritage significance associated with the physical arrangement of this eastern boundary of the site. Therefore, following discussions with the Council's Conservation Officer, Spring Gardens is not considered to be of the level of heritage interest to warrant identification as a non-designated heritage asset.
- 8.33 Notwithstanding this, the development only creates two pedestrian accesses to the Public Right of Way along Spring Gardens, and it is not considered that the scheme results in any material impact upon any possible interest inherent in Spring Gardens.
- 8.34 By virtue of these factors, the development is not considered to result in any harm to the significance of any heritage asset or its setting and is therefore compatible with the character and setting of the surrounding historic environment. Therefore, the development is considered to be in accordance with Policies DM11, and DM12 of the SADMP.

Design and Layout:

- 8.35 In accordance with Policy 16 of the adopted Core Strategy, all developments of 10 or more dwellings are also required to meet a 'very good' rating against Building for Life, unless unviable. A Building for a Healthy Life Assessment can therefore be secured via planning condition.
- 8.36 Policy 22(c), (e), (f), (g), (h), and (l) of the ESBAAP states that development will be permitted where:
- The siting and density respect the character and layout of the area.
 - The design respects the scale, proportions, and height of the existing building, neighbouring structures, and overall street scene.
 - Fenestrations are well proportioned, well balanced within the elevations and sympathetic to adjoining/ neighbouring buildings.
 - The use and application of building materials respects the materials of existing, adjoining/ neighbouring buildings and the local area generally.
 - It incorporates a high standard of landscaping where this would add to the quality of the design and siting.
 - The Applicant has demonstrated consideration to community safety through designing out crime.
- 8.37 The Good Design Guide provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing.

- 8.38 This is an outline application with all matters reserved except for access and scale. Therefore, the detailed layout and appearance of the proposed development are not being assessed at this stage, however, they will form details at the Reserved Matters stage. Notwithstanding this, the indicative plans illustrate that the development will consist of 33 dwellings with access into the site from the unnamed road.
- 8.39 The Applicant has suggested that the indicative block layout of the development has been influenced by the historic linear block structure of Wood Street and High Street within Earl Shilton. The Applicant also stated that the road layout has been inspired by the separation distances between historic two-storey buildings at the northern end of High Street in Earl Shilton, which varies from 11m to 18m. The tertiary streets of the proposal have been inspired by Hurst Road and New Street where dwelling separation is between 10m and 12m.
- 8.40 It is considered that the discussion of the detailed design of the development within the Design and Access Statement demonstrates that the scheme can be brought forward in a way that draws inspiration from the character and layout of the surrounding area and complements Earl Shilton's local character.

Density:

- 8.41 Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 40 dwellings per hectare for developments within, or adjoining, Hinckley, Burbage, Barwell, and Earl Shilton. However, in exceptional circumstances where individual site characteristics dictate, a lower density may be acceptable.
- 8.42 The development is for up to 33 dwellings, but the appropriate layout will be determined at Reserved Matters stage. This provides a density of 21 dwelling per hectare, which is less than the density requirements of Policy 16 of the adopted Core Strategy.
- 8.43 Nevertheless, the application site is outside of the identified settlement boundary of Earl Shilton in the designated countryside in an area of landscape sensitivity, which features a complex topography. Given the above, it is considered that a reduced density is acceptable, appropriate and compliant with Policy 16 of the adopted Core Strategy in these site-specific circumstances.

Topography and Massing:

- 8.44 The site has a complex topography, falling from 113.5 AOD in the south to 95.5m AOD in the north-eastern corner.
- 8.45 The Parameters Plan confirms that the site is split into two parcels: Parcel 1 is 0.77ha in size to the north of the site and consists of two storey properties, whereas Parcel 2 is located to the south of the site, 0.22ha in size, and comprises single storey dwellings with accommodation in the roof space. Both parcels include a 5m vegetation maintenance strip alongside the western boundary of the site. Parcel 2

also includes a 5m vegetation maintenance strip to along the shared southern site boundary with the properties along Clearview Crescent.

- 8.46 Indicatively, the proposed built form of the development is approximately 13.4m from the southern boundary, 5.3m from the western boundary, and 26.9m from the eastern boundary of the site. Based on the assessment of the Parameters Plan and the indicative sections of the site, it is considered that the proposed massing and scale of the development is likely to preserve the character of the surrounding area, subject to its detailed design and details in relation to the proposed ground levels of the site.

Summary:

- 8.47 It is considered that the scale of the development is acceptable and that the illustrative plans provide a reasonable approach to the scheme that will flow through into the detailed plans submitted at Reserved Matters Stage and indicate that a suitable form of development could be brought forward in accordance with Policy 22 of the ESBAAP, Policy DM10 of the SADMP, Policy 16 of the adopted Core Strategy, and the Good Design Guide.

Impact upon Residential Amenity:

- 8.48 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.49 Policy 22 of the ESBAAP states that development will be permitted where it does not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration, and visual intrusion. Furthermore, Policy 22(a) of the ESBAAP states that development is permitted where the amenity of occupiers of the proposed development is not adversely affected by activities in the vicinity of the site.
- 8.50 To protect the residential amenity of neighbouring dwellings and the future occupants of the scheme, the Council's Pollution Officer has requested five planning conditions relating to the investigation of contaminated land, a scheme of noise attenuation, a Construction Environmental Management Plan (CEMP), and restrictions on site preparation and construction hours.
- 8.51 The submitted Noise Impact Assessment suggests that acoustic fencing should be implemented within the rear gardens of dwellings along the western boundary of the site to mitigate noise pollution from the public highway. Further details of a scheme to protect the future occupants of the development from noise and disturbance is secured via the noise attenuation condition, as advised by the Council's Pollution Officer.

- 8.52 The Parameters Plan indicates that the two-storey development within the site is over 44m to the south of Swedish Cottage, which is separated by the unnamed road and existing mature vegetation on either side of the highway. As a result, it is not considered that the scheme results in any adverse impacts to the residential amenity of the existing residential property to the north of the site.
- 8.53 The main two affected residential properties by this development along the eastern boundary of the site are Farm Cottage and 1 Spring Gardens. 1 Spring Gardens features principal windows to habitable rooms on its western front elevations that face into the application site, whereas Farm Cottage only features its front door and associated window on this elevation.
- 8.54 Based on the Parameters Plan, the two-storey development of the site shall be 38m from the front elevation of Farm Cottage and 43m from the front elevation of 1 Spring Gardens with a 5m ground level difference between the two sites. These separation distances increase to 40m to Farm Cottage and 43.1m to 1 Spring Garden for single storey properties with accommodation in their roof space.
- 8.55 At these distances, it is not considered that the scale of the development is likely to result in any loss of light or overbearing impacts to these existing neighbouring dwellings. It is also considered that, based on the indicative Concept Masterplan, the detailed design of this development can be brought forward at Reserved Matters in a way that does not result in any adverse impacts to these neighbouring dwellings along Spring Gardens.
- 8.56 The residential properties to the south of the site along Clearview Crescent all feature principal windows to habitable rooms on their northern elevations, which face into the site. These properties are adjacent to Parcel 2, which only accommodates single storey properties with accommodation in their roof space.
- 8.57 6 Clearview Crescent is the closest to the shared site boundary at approximately 3.5m. However, the property is 21.6m south of Parcel 2 as detailed within the Parameters Plan.
- 8.58 This distance exceeds the Good Design Guide's minimum separation distances between back-to-back properties. Given this distance, the proposed scale, and the variations in ground levels between the two sites, it is not considered that the scheme's scale is likely to result in any adverse impacts to this neighbouring property as a result any overbearing impacts or loss of light.
- 8.59 Including the 5m vegetation maintenance strip, both 4 and 5 Clearview Crescent are a minimum of 23m from the proposed development, whereas 3 Clearview Crescent is a minimum of 21.6m from the proposed built form.
- 8.60 While layout is not for consideration at this stage the illustrative material submitted with the application demonstrates that all three properties are able to be separated from the built form of the development by over 21m, which exceeds the Good Design Guide's minimum separation distances between back-to-back properties. Given this distance, the proposed scale, and the variations in ground levels between these sites, it is not considered that the scheme's scale is likely to result in any adverse impacts to these neighbouring property as a result any overbearing impacts or loss of light.

- 8.61 To summarise, it is therefore considered that the scheme, subject to the detailed matters to come forward at Reserved Matters stage, could be designed such to have a suitable relationship with the nearby residential units. Although concerns raised by the neighbours to the scheme have been taken into account, it is considered that the use of conditions, together with the Council's continued role in assessing detailed plans at Reserved Matters stage, ensures that sufficient scrutiny and control is retained to ensure all concerns are appropriately addressed

Impact upon Parking Provision and Highway Safety:

- 8.62 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.63 All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.64 This is an outline application with all matters reserved except for access and scale. Therefore, the detailed layout and appearance considerations are not being assessed at this stage, however, they will form details at the Reserved Matters stage and include details such as off-street parking provision.

Highway Safety:

- 8.65 The Local Highway Authority (LHA) note that two Personal Injury Collisions (PICs) have been recorded in the locality in the last five years within 500m in either direction of the proposed access. The LHA have considered the circumstances of the PICS and is satisfied that the development proposal does not exacerbate the likelihood of further such incidents occurring.

Trip Generation:

- 8.66 Based on the interrogation of data from the TRICS database, the development is predicted to generate 28 vehicle trips in the morning peak and 24 trips in the evening peak. Therefore, the LHA are satisfied that the number of additional vehicles does not result in a significant adverse impact on the surrounding highway network and that further capacity assessments of nearby junctions are not required.

Site Access:

- 8.67 The proposal features a 5.5m wide carriageway with a 6m wide junction radii for the site access onto the unnamed road. The new access arrangement is accompanied by 2m wide pedestrian footways on either side of the access. The Proposed Access

Drawing within the submitted Transport Statement demonstrates that 43m visibility splays are achievable in either direction from the site access.

- 8.68 To support their access into the site, the Applicant has submitted two Automatic Traffic Counter (ATC) speed surveys which were located on the east and west of the site access respectively. These speed surveys recorded an 85th percentile speed of 19.5mph heading eastbound towards the site access, which creates a stopping sight distance of 24m, and an 85th percentile speed of 26.2mph heading westbound towards the site access, which creates a stopping sight distance of 36m.
- 8.69 Therefore, the LHA are satisfied that the access can be provided with adequate vehicular visibility.
- 8.70 Following the provision of the submitted Technical Note, the LHA have confirmed that a refuse collection vehicle to Hinckley and Bosworth Borough Council dimensions can safely arrive and depart from the site access.
- 8.71 The development also features a right turn lane into the unnamed road. Following the submission of the dimensions of the right turn lane from Leicester Road, the LHA is satisfied that the Applicant will not be undertaking any alterations to the previously agreed scheme of highway works within planning application 21/00135/OUT.

Off-Site Implications:

- 8.72 Given the unnamed road is currently used for parking, the Applicant undertook a parking beat survey on Thursday 08 February and Saturday 10 February 2024 to determine precisely how much of the available parking provision along this carriageway is used. The survey recorded data in 30-minute snapshot intervals on both sides of the carriageway over the full 24-hour period of each day that the survey was carried out.
- 8.73 The results of the survey confirmed that no vehicles were observed on the northern side of the carriageway on either day of the survey. Therefore, the LHA are satisfied that the proposed development is considered to have a negligible impact on the existing parking behaviour along the unnamed road.

Public Right(s) of Way:

- 8.74 Policy 5 of the adopted Core Strategy requires new developments to provide new pedestrian and cycle linkages into Barwell and Earl Shilton.
- 8.75 The development proposes two 3m wide pedestrian footway links to the east of the site onto the Public Right of Way Bridleway U25, and a further 2m wide footway to the west of the site with a direct link to the existing pedestrian infrastructure along Church Street. As per the requests of the LHA, a planning condition can secure the treatment of this Public Right of Way.

Summary:

- 8.76 Given the above, it is considered that the proposal does not create an unacceptable impact on highway safety or the road network, subject to planning conditions. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP and the LHDG.

Infrastructure and Development Contributions:

- 8.77 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.

Affordable Housing:

- 8.78 Policy 15 of the adopted Core Strategy states that developments in urban areas, including Earl Shilton) that provide 15 dwellings or more should allocate 20% of its units towards affordable housing.
- 8.79 The Applicant has suggested that the scheme can provide seven affordable housing units, which is 20% of the scheme's total number of dwellings and therefore in accordance with Policy 15 of the adopted Core Strategy.
- 8.80 The Council's Affordable Housing Officer has confirmed that this in accordance National Planning Policy, and the seven affordable housing properties should be provided in the following tenure mix:
- 2 x First Homes
 - 3 x Affordable Rent
 - 2 x Shared Ownership
- 8.81 Due to the relatively small number of affordable homes, the Council's Affordable Housing Officer highlighted that it is acceptable for the property types to be split between two and three-bedroom houses. All properties should, where possible, meet the Nationally Described Space Standards. However, the specific type of affordable housing within this provision will be confirmed at the Reserved Matters Stage.
- 8.82 Therefore, it is considered that the development can provide a policy compliant provision of affordable housing in accordance with Policy 15 of the adopted Core Strategy and National Planning Policy. This provision towards the supply of affordable housing is given significant weight in the planning balance.

Infrastructure Contributions

- 8.75 The following infrastructure contributions totalling £168,760.56 have been requested by the County Council, the Council's Section 106 Monitoring and Compliance Officer, and NHS England:
- Healthcare (NHS England) (£25,555.20)
 - Libraries (Earl Shilton Library) (£996.52)

- Off-Site Outdoor Sports Contributions (£11,468.16)
- Off-Site Outdoor Sports Maintenance (£5,448.96)
- On-Site Public Open Space Contributions (£21,613.28)
- On-Site Public Open Space Maintenance (£45,592.80)
- Post-16 Education (The Hinckley School) (£21,047.10)
- Six-Month Bus Passes (two per dwelling) (£33,660.00)
- Travel Packs (£52.85 per pack) (£1,744.05)
- Waste (Barwell Household Waste and Recycling Centre) (£1,634.49)

- 8.76 Leicestershire County Council confirmed that that the development is not required to provide financial contributions to primary or secondary education.
- 8.77 The Applicant agreed to all the contributions on 27 September 2024.

Public Open Space (POS):

- 8.78 Policy 2 of the adopted Core Strategy asserts that the Council will address the existing deficiencies, quantity and accessibility of green space and play provision within Earl Shilton. New green space and play provision will be provided where necessary to meet the standards set out in Policy 19 of the adopted Core Strategy.
- 8.79 Policy 19 of the Core Strategy identifies standards for play and open space within the Borough. Developments should accord with this 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 identifies the costs for off-site and on-site contributions.
- 8.80 The following on-site public open space provisions are therefore required:

Public Open Space (POS) Provision Requirements			
POS Type	Equipped Children's Play Space (ECPS)	Casual / Informal Space (C/ I S)	Accessible Natural Green Space (ANGS)
Provision per Dwelling (2.4 People per Dwelling)	3.6	16.8	40
No. of Dwellings	33	33	33
Sqm to Provided	118.8	554.4	1,320
On-Site Provision per sqm	£181.93	£4.44	£4.09

Provision Contribution	£21,613.28	N/A	N/A.
Maintenance Contribution per sqm (Based on 20 Years)	£175.60	£10.80	£14.20
Maintenance Contribution	£20,8621.28	£5,987.52	£18,744.00
POS Provision Total:	£21,613.28		
POS Maintenance Total:	£45,592.80		

8.81 An off-site contribution of £11,468.16 (£9.05 per sqm) and a maintenance contribution of £5,448.96 (£4.30 per sqm) towards 1,267.2sqm (38.4sqm per dwelling) of outdoor sports provision should also be provided within an agreed Section 106 Agreement.

8.82 For clarity, Casual/ Informal Space relates to informal recreational spaces such as greens and pocket parks whereas Accessible Natural Green Space refers to publicly accessible woodlands, urban forestry, and/or grasslands.

Summary

8.83 In summary, planning obligations totalling £168,760.56 have been requested.

8.84 All the above contributions are considered to meet the tests for planning obligations and should therefore form part of the Section 106 legal agreement to be formulated should the application be approved. Therefore, subject to the above contributions, the development is considered to comply with Policy DM3 of the SADMP, and Policy 19 of the Core Strategy.

Planning Balance:

8.85 Hinckley and Bosworth Borough Council are able to demonstrate 5.6 years of deliverable housing on 29 July 2024. However, due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.

- 8.86 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless 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.
- 8.87 The development is considered to result in an adverse impact to the rural character of the site, which is visually prominent from a variety of public viewpoints. However, given the context of the site and its surroundings, it is considered that the scheme is only likely to result in limited localised harm. As a result, it is considered that the harm to the rural character of the site attracts significant weight, but the overall visual harm to the wider landscape character area, landscape sensitivity area, and the countryside only attracts moderate weight in the planning balance.
- 8.88 The development is not considered to result in any adverse impacts to residential amenity in this location as a result of its scale, and it is considered that the use of conditions, together with the Council's continued role in assessing detailed plans at Reserved Matters stage, ensures that sufficient scrutiny and control is retained to protect the residential amenity of neighbouring residents and the future occupiers of the scheme. Nevertheless, as residential amenity would not be affected within this site without this proposed development, this is given neutral weight in the planning balance.
- 8.89 It is acknowledged that there are potential social benefits from the scheme. Firstly, the development provides 33 dwellings to the Borough's housing land supply. However, the Council can demonstrate a five-year housing land supply. Nevertheless, the development is within a sustainable location in relation to its proximity to amenities and facilities within Earl Shilton, which is in accordance with Policy DM17 of the SADMP and supports the Government's objective of significantly boosting the supply of homes without unnecessary delay in accordance with Section 5 of the NPPF. In the absence of relevant housing policies, the benefit of providing additional residential properties in the Borough is considered to attract moderate weight in the planning balance.
- 8.90 In addition, the scheme provides a policy-compliant level of affordable housing units, which is considered to attract significant weight in the planning balance. Furthermore, the proposal's social benefits including providing housing for a range of occupants including families. There are also economic benefits associated with the construction of the development, as well the opportunity for future occupants to act as new customers and employees for local businesses and services. These benefits when associated with 33 dwellings are considered to attract moderate weight in the planning balance.
- 8.91 By virtue of these factors, it is considered that, whilst the scheme is likely to cause significant harm to the rural character of the application site, this limited localised harm is not considered to significantly nor demonstrably outweigh the benefits of the scheme in these site-specific circumstances in accordance with Paragraph 11(d) of the NPPF.

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 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report.
The entering into of a S106 Agreement relating to affordable housing, highway improvements, open space provision and management and the financial contributions detailed above.
- That the Head of Planning be given powers to determine the final detail of planning conditions.

11.2 **Conditions and Reasons**

1. An application for approval of reserved matters shall be made within two years of the date of this permission and the development shall be begun not later than 18 months 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 commence until details of the layout, appearance, landscaping, and access other than vehicular access (hereafter called the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the details of the access onto the unnamed road and the scale of the development within submitted application details received by the Local Planning Authority as follows:

- Parameters Plan PPL-01A (submitted: 30.09.2024)
- Proposed Site Access Strategy 923-TA14 (submitted: 30.09.2024)
- Site Location Plan MANO.211003 SLP-01 (submitted: 16.05.2024)

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

4. 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.

5. Prior to the commencement of development, details in relation to the management of surface water on site during the 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 a proposed infiltration areas should also be provided. The agreed details shall be implemented throughout the course of the development.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

6. Development shall not begin until a scheme to provide a sustainable surface water drainage system in accordance with the Flood Risk Assessment dated May 2024 has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is completed. The development must be carried out in accordance with these approved details and completed prior to first occupation.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

7. Prior to the commencement of development, details in relation to the long-term maintenance of the sustainable surface water drainage system of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details of the SuDS Maintenance Plan should include responsibilities and schedules for routine maintenance, remedial actions and monitoring of the separate elements of the system, and procedures that must be implemented in the event of pollution incidents within the site. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

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

8. 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 in writing to, and approved 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).

9. If during development contamination not previously identified is found to be present at the site no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination 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 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).

10. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light, and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To protect the amenities of the occupiers of neighbouring residential properties and the occupiers of the proposed residential properties throughout the course of the development in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Development shall not begin until a scheme for protecting the proposed dwellings from noise from Leicester Road has been submitted to, and approved in writing by, the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To protect the amenities of the future occupiers of the scheme from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to the commencement of the development, a robust Reasonable Avoidance Measures Methods Statement (RAMMS) detailing precautionary methods of working such as how reptiles will be safeguarded during the works shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out as per the approved details.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

- Identification of potentially damaging construction activities; and
- Identification of any Biodiversity Protection Zones (BPZs) for retained trees and hedgerows as per industry standards; and
- Practical measures and sensitive working practices to avoid/ reduce impacts on habitats and protected species during construction; and
- Timing of works to avoid harm to nesting birds; and
- Measures to ensure safeguarding of hedgehogs and priority mammals during works; and
- Responsible persons for overseeing sensitive works; and
- Use of protective fencing where required.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has

been submitted to, and approved in writing by, the Local Planning Authority. The LEMP shall include the following details:

- Description and evaluation of the habitats and biodiversity features to be created/ managed; and
- Aims and objectives of management; and
- Appropriate management options for achieving aims and objections; and
- Prescriptions for management actions; and
- Work schedule; and
- Species/ seed mixes to be planted/ sown; and
- How proposed habitats will be monitored, by whom, and remedial measures to be undertaken.

The development will be implemented in accordance with the approved details within the LEMP.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. No development shall take until a Biodiversity Enhancements and Mitigation Plan (BEMP) has been submitted to, and approved in writing by, the Local Planning Authority. The BEMP shall include details in relation to the installation and management of on-site ecological enhancements as detailed within Section 6.2 of the Preliminary Ecological Appraisal (submitted: 16.05.2024), as well as a Tree Planting Plan that details a suitable species selection and planting methodology in accordance with the recommendations within Section 8 of the Arboricultural Impact Assessment (submitted: 16.05.2024).

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. No development shall take place until a scheme for the treatment of the Public Bridleway U25 has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction, proposed temporary route(s); any proposed permanent legal diversion; and construction of the new route. Physical construction should address width, surfacing, drainage, structures, signposting, landscaping, and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted Guidance Notes for Developers

(<https://tinyurl.com/devprowguide>). 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 104 of the National Planning Policy Framework (December 2023).

17. The development hereby permitted must provide electronic communications infrastructure to serve the development, including full fibre broadband connections. Prior to the commencement of the development hereby permitted, any electronic communications infrastructure, details of the infrastructure must first be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details and the infrastructure must be fully available prior to the occupation of each dwelling/unit on the site.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with Paragraph 118 of the National Planning Policy Framework (December 2023).

18. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing titled 'Proposed Site Access Strategy' drawing no. 923- TA14 have been implemented in full.

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

19. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 24 metres to the west and 2.4 metres by 36 metres to the east have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (December 2023).

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (December 2023).

21. Site preparation and construction shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday 09:00 – 14:00

No working on Sundays and Bank Holidays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. The development shall be undertaken in complete accordance with the Tree Retention and Removals Plan (0E-003) and the Tree Protection Plan (0E-004) at Appendix 4 of the Origin Environmental's Arboricultural Impact Assessment issued on 26 April 2024 (submitted: 16.05.2024).

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraphs 136 and 180 of the National Planning Policy Framework (December 2023).

23. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted, or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted, destroyed, or dies during the construction period, a replacement shall be planted at the same place during the first planting season following the completion of the development. The size and species of the tree or hedge shall be agreed in writing by the Local Planning Authority prior to its planting.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

24. Any forthcoming Reserved Matters application shall include a Building for a Healthy Life Assessment, which describes how the considerations in Building for a Healthy Life (2020) that are relevant to the matters for which approval is being sought have been addressed through the design process and how the proposed development responds to each of those considerations.

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).

25. Any forthcoming Reserved Matters application shall include details for the adequate provision for waste and recycling storage of containers and collection across the site. 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 support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

26. Any forthcoming Reserved Matters application shall include details for secure cycle parking in accordance with the guidance with the Good Design Guide (2020), Leicestershire Highway Design Guide (2020), and the Building for a Healthy Life (2020).

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 9 of the National Planning Policy Framework (December 2023).

27. Prior to installation, the details of any external lighting to be provided in association with the development hereby permitted shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation, a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles), and shall be demonstrate that the lighting will not cause harm to bat or their habitats. The details shall be installed, maintained, and operated as approved.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

****The Applicant agreed to all conditions in writing on 27 September 2024****

a. **Notes to Applicant:**

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. Your attention is drawn to the Biodiversity Net Gain note within the Decision Notice, which explains that the development is subject to the statutory biodiversity gain condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, Hinckley and Bosworth Borough Council prior to the commencement of development.
3. The Council requires monitoring fees for each planning obligation that is secured within a Section 106 Agreement, which include the following:
 - 11 to 50 dwellings or 1,000 to 3,000sqm gross floor space: (£419 per obligation).
 - Site Inspection Fee (minimum of 2): (£219 per visit).
 - Approval of Details/ Documents: (£327 per document).
 - Deed of Variation: (£649 per Section 106 topic).
4. In relation to Conditions 8, 9, 10, and 11, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any works are in accordance with their policies.
5. 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>.
6. To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
7. All proposed off-site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
8. A Public Right 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.

9. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). It would be advisable to include an area near the roadside for the safe placement of the various containers on collection day. This will then keep the access clear to allow vehicular access. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.