

1.4. The layout/amenity update is set out within paragraphs 8.85 and 8.86 of the report.

- 1.5. A hedgerow condition has been added as Condition 30 of the report.

2. Planning application description

- 2.1. The application seeks outline permission for the erection of up to 415 dwellings, open space, drainage, landscaping and associated infrastructure with all matters reserved except for access.
- 2.2. Proposed access for the development would comprise a 3-arm roundabout along the A47 Normandy Way, with shared footway/cycleway provision along the northern arm.
- 2.3. All detailed matters are reserved except for access which is a consideration for this outline application.
- 2.4. The following briefly summarises the development proposal as demonstrated within the Illustrative Masterplan:
- Dwellings predominantly two storey in height, with some 'pepper-potting' of up to 2.5 storeys
 - Access to the development will be via a new traffic island and access from Normandy Way on the southern site edge;
 - Main vehicle route through the scheme from the new traffic island, with secondary and tertiary routes radiating from;
 - Combined pedestrian and cycle route across the proposed scheme;
 - Formal public open space and informal pocket parks through the scheme;
 - Green corridor routes running through the scheme for pedestrian and cycle friendly movement, and linkage to the wider urban area and open countryside beyond the boundary of the site;
 - SUDs attenuation basins and swales; and
 - Public open space including the provision children's play areas, formal and informal landscape treatment, ecological betterment and habitat creation.

3. Description of the site and surrounding area

- 3.1. The site is located to the north of Hinckley, north of Normandy Way and to the west of Ashby Road. Westfield Farm lies in the middle of the site but is outside of the red line of the planning application. The Hinckley and Bosworth Community Hospital is situated to the north-east of the site and the northern boundary by existing hedgerows and associated trees. It is commonly referred to as Hinckley North Phase 2.
- 3.2. Hinckley North Phase 1, west of the site, was granted outline approval for the erection of up to 475 dwellings including reserving land for a primary school (plus expansion land) at appeal (reference 22/00318/OUT). A reserved matters application for 475 dwellings is currently under consideration by the Council (reference 25/00537/REM). A second outline application for Phase 1, also for the erection of up to 475 dwellings but excluding the school land previously approved gained a resolution to approve by Members subject to conditions and a Section 106 legal agreement (planning ref 23/00432/OUT). The Section 106 legal agreement is still progressing.

- 3.3. The site generally falls from a high point in the north-west toward the lower parts along the watercourse in the south.

4. Relevant planning history

- 4.1. **22/00318/OUT** - Outline planning application for the erection of up to 475 dwellings, including public open space, land reserved for a primary school together with future expansion land (Use Class F1(a)), drainage, landscaping and associated infrastructure – **REFUSED – ALLOWED AT APPEAL (18 Jan 2024) (adjacent to the site)**
- 4.2. **23/00432/OUT** – Outline planning application for the erection of up to 475 dwellings including public open space, drainage, landscaping and associated infrastructure – **Resolved to approve by Members subject to conditions and a Section 106 agreement (adjacent to the site) – S106 not yet signed/sealed**
- 4.3. **25/00537/REM** – Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 22/00318/OUT for construction of 475 dwellings and associated infrastructure and landscaping works – **pending consideration**
- 4.4. Under the Town and Country (Planning Impact Assessment) Regulations 2017 there is a requirement to ‘screen’ certain types of major development or other industrial, agricultural schemes to ascertain whether they would have significant environmental effects and are considered to be EIA development. Under Schedule 2 of these Regulations there are thresholds and criteria that are applicable to certain types of development in order to be ‘Schedule 2 development’.
- 4.5. This development is considered under Category 10 (b) ‘urban development project’ and the thresholds for this are:
- The development includes more than 1 hectare of urban development which is not housing development
 - The development includes more than 150 dwellings
 - The overall site of the development exceeds 5 hectares
- 4.6. In this case, the development includes more than 150 dwellings and exceeds 5 hectares and so is considered to be Schedule 2 development. This type of development requires ‘screening’ to determine whether it requires an Environmental Impact Assessment. The scheme has been screened by the Council as part of the pre application advice and it has been concluded that the site is not in or adjacent to an environmentally sensitive area (as per the definition within the EIA Regs), is not unusually complex and does not pose potentially hazardous environmental effects. Although it is acknowledged that the proposal would create some effects upon the environment when compared to the existing situation it was concluded that these effects would not be ‘significant’ and therefore under the provisions of the screening regulations the proposal did not require an Environmental Impact Assessment.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 27 public comments have been received, raising the following concerns/objections:
- The proposed changes to the road by placing a roundabout right outside my garden wall will impact directly upon my property and my physical and mental health. Our garden will be unusable due to noise and pollution from cars. It also encroaches on my personal space. There are already 2 junctions entering this estate from the Perimeter Road which would be better suited to accommodate a roundabout, why have these not been considered? Therefore please reconsider the placement of the roundabout and move it away from my garden and property.
 - Traffic has increased significantly since 2022 when the last road survey was completed and the road is usually at a stand still in peak times, we cannot turn right out of the estate onto the perimeter road and there are queues up to the lights on Ashby Road and down to the Morrisons lights. I would urge another traffic survey is undertaken in 2024 as a priority. My property is already suffering from damage due to the vibration and noise from the constant traffic and lorries. If the proposed roundabout will be built adjacent to my garden and property, we need to know who will be liable for damage to my property, and future health issues and concerns that this will cause?
 - It is difficult to ascertain exactly where the site southern boundary lies and how close it is to the existing gardens (outdoor living space) for the properties on Hardy Close?
 - Given the western downward gradient, water run off onto Normandy Way is often currently seen, so any drainage mitigation must account for this so existing properties are not subjected to adverse or increased flood risk, both during construction and once the development is completed.
 - Any planning decision related to this application (24/00264/OUT) should also take into account the existing impact and or possible future impact of other local and county planning applications, namely The HNFRI, Hollycroft Grange and phase 1 (22/00318/OUT).
 - We haven't got the supporting infrastructure to cover all the new housing developments that are popping up all around Hinckley, schools are at their limits for pupils, it is nearly impossible to get a doctor's appointment anymore because they are beyond capacity and adding more housing is only going to push these issues beyond the limits.
 - Please stop over developing the area and let the people and animals continue to enjoy the green spaces left.
 - There are brownfield sites in Hinckley, such as the Midland Studio College on London Road that could be developed before sacrificing yet more countryside.
 - Climate change is adversely affected by building on greenfield sites when compared to brown field sites.
 - The dwelling density is not in keeping with any of the housing in the surrounding roads. For example, a similar area on the opposite side of Normandy Way, contains approximately 226 dwellings, about 90% less dense.
 - Ashby Grange suffers regular power cuts, sometimes lasting several hours. With this number of new dwellings that will no doubt be fitted with heat pumps and car charging points, it will be inevitable that a substantial upgrade to the grid substation will be needed. Phase one, 22/0318/OUT, adds a further 475

dwellings, likely compounding the issue. There is no mention of provision for this in any of the documents relating to the application.

- Mobile broadband is quite poor at busy times in the area. With an extra 890 homes in the immediate vicinity this would again need a major upgrade.
- Ashby Grange residents are all retired and benefit from the amenity of a quiet, semi-rural, open aspect area with a high degree of privacy. However the only amenity that appears to be "protected" is retaining the existing hedges. This loss of amenity could be offset, at the very least, by providing a planting strip, including trees, along the entire length of number 4 and 5's northern boundaries, similar to that proposed along much of the northern site boundary with the hospital.
- Concerned by the damage this development will cause to ecological habitat.
- If the estate is built, roads and access should not be directed to the perimeter road. More suitable methods of traffic control should be used.
- The local hospital has many elderly patients. I see no indication that the impact on the hospital has been considered.
- The development of the land in Barwell has been planned for several years. There are many hundreds of houses planned for this development. As such there is no need for these additional houses, especially with the recent estate on the perimeter road from Bloor Homes.
- The proposed plan includes 20% of social housing which will undoubtedly increase crime rates and lower the value of current housing in the area.
- Hinckley and Bosworth Local plan is not yet finalised, which is crucial in any planning application decision. There are no up to date figures for the council's plan on how many homes they need to build in the next 10 years, without this information, I don't see how a committee could reasonably make a decision. Therefore I ask you to postpone this decision until the local plan is complete.
- The proposed development is not in-keeping with the area.
- Bats are present at the site, it is an integral bat highway used for foraging at dusk and dawn. This land is critical in the survival of the bat population in Hinckley.
- The development will result in a decrease in property values for existing houses.
- These are already Road traffic accident prone areas including sadly a motorcyclist fatality in the last year and a serious accident occurring at the cross roads just on Friday 5/4/24. The additional traffic would increase the risk of such incidents occurring.

- 5.3. 1 letter of support has been received from a third party which states the following:
- On behalf of Leicestershire Partnership NHS Trust, freehold owner of Hinckley and Bosworth Community Hospital, we do not object to this application in principle. The Trust requests are that any layout of the new estate should reflect the presence of the hospital so that privacy is maintained.
 - The Trust also request that appropriate boundary fencing be included with the development to assist with the future security of the hospital site.

6. Consultation

- 6.1. No objection has been received from:
- Leicestershire Badger Group
 - Environment Agency
 - LCC Minerals and Waste Authority
 - LCC Archaeology

- Leicestershire Police (subject to a financial contribution as part of a S106 agreement)
- LCC Tree Officer
- HBBC Environmental Health (Conditions relating to noise, CEMP, land contamination, construction hours)
- HBBC Drainage
- HBBC Waste (Condition relating to refuse storage and collection)
- LCC Drainage (Conditions relating to surface water drainage, management thereof and long-term maintenance thereof)
- LCC Planning Obligations Team – subject to request for planning obligations including libraries, waste, early years, secondary, post 16 and SEND education contributions
- LCC Ecology (subject to conditions – CEMP, LEMP and mandatory BNG condition)
- NHS – (subject to request for healthcare contributions as part of a Section 106 agreement)
- Severn Trent Water – subject to condition
- Open Space and S106 Monitoring Officer – subject to latest open space parameters plan

6.2. HBBC Affordable Housing – The application for this site is for 415 dwellings on land North of Normandy Way Hinckley.

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

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

83 dwellings should be for affordable housing. The tenure mix should provide 21 properties as First Homes, 41 properties for affordable or social rent and 21 for shared ownership. This would satisfy the requirements in NPPF that 25% of all affordable housing should be provided as First Homes, and meet the requirement for 10% of all dwellings for affordable home ownership.

The Council’s housing register has the following number of live applicants waiting for rented housing as at 05.04.24 with a preference for Hinckley:

Bedroom size	General register
1 bedroom	457
2 bedrooms	212
3 bedrooms	87
4 or more bedrooms	45
Total	801

As this is a development which will provide a significant amount of affordable housing for the Borough, a cross section of properties types for rented accommodation is requested. As there are 154 live applicants amongst the total number who are aged 60 and over and would be able to apply for housing for older people, it is requested that a proportion of the affordable housing should be for 2 bed roomed bungalows.

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

Property type	Affordable rent	Shared ownership	First Homes
1 bed 2 person quarter house or apartment	13%	0%	0%
2 bed 4 person bungalows	13%	0%	0%
2 bed 4 person houses	43%	50%	50%
3 bed 5 person houses	25%	50%	50%
4 bed 6 person houses	6%	0%	0%
Total	100%	100%	100%

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

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

- 6.3. Local Highway Authority – no objections subject to conditions and planning obligations including financial contributions of £1,515,341.71 towards A47 corridor improvements.
- 6.4. Active Travel – no objections subject to requested conditions/contributions.
- 6.5. National Highways – Requested further information including the development's impact on the Long Shoot and Dodwells junctions on the A5. Further comments are expected prior to committee and will be provided in the late items report.
- 6.6. HBBC Conservation Officer - I agree with the conclusions of the Built Heritage Impact Assessment submitted to accompany the proposal, with there being no adverse impacts upon designated heritage assets resulting from the proposal so it complies with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD (SADMP) and Section 16 of the National Planning Policy Framework (NPPF). The Assessment does however identify that Westfield

Farm and the former Isolation Hospital, Ashby Road (considered to be a non-designated built heritage asset) have the potential to be affected by development within the application site through changes within their settings. I agree with the conclusions of the Assessment which are summarised below. Westfield Farm will be retained within the proposed development. The loss of the farmland surrounding will not affect the understanding of the significance of the farmhouse itself, which principally relies on its physical fabric, rather than a contribution from its setting. Westfield Farm as part of the setting of medieval ridge and furrow located within the site does, however, make a negligible contribution to the significance of these earthworks. The ridge and furrow have been assessed as a non-designated heritage asset within the RPS Archaeological Desk-Based Assessment. The proposed preservation of a complete set of selions within the proposed landscape area of the proposals will ensure their historic and aesthetic value, as part of the Medieval landscape continuing into 19th and 20th century farming will remain appreciable. Owing to the proposed preservation of the ridge and furrow, the loss of the remaining farmland surrounding Westfield Farm is not considered to result in a harmful impact to the significance of Westfield Farm. The assessment establishes that the proposed development will have no impact on how the relationship of the buildings of the Isolation Hospital are understood or appreciated within their immediate setting of the hospital complex, which forms the most important part of their setting. However, the proposed development will reduce the rural setting surrounding the Isolation Hospital. The proposed development will be offset from the Isolation Hospital and proposed planting schemes has the potential to complement the immediate setting of the Isolation Hospital. The reduced wider rural setting of the Isolation Hospital will cause a harmful impact on the historic narrative of the Isolation Hospital, but this will not alter how the more important functional relationships of the buildings and their immediate setting is appreciated or understood. In the context of the National Planning Policy Framework, this will engage the test of paragraph 209. Paragraph 209 of the NPPF states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” Policy DM12 of the SADMP states that development proposals should make every effort to retain the significance of locally listed heritage assets. The application of paragraph 209 of the NPPF within the overall planning balance is left to the decision-taker, however in my opinion I agree with the assessment that given the limited significance of the Isolation Hospital and the low contribution the application site makes to this as part of its total rural setting, the impact of the proposed development on the significance of the Isolation Hospital is a small consideration within the overall planning balance.

Public Realm Improvements Contribution

A number of projects towards public realm and transportation improvements in Hinckley Town Centre have been identified within the Hinckley Town Centre Area Action Plan (Policy 11) and the Hinckley Town Centre Public Realm Strategy. The Major Projects Team are of the opinion that such contribution is necessary, directly related to the development, is fair and reasonably related. A figure of £75,000 has been secured for public realm improvements as part of the Section 106 agreement for the approved 475 dwellings on the adjacent site to the west (reference 22/00318/OUT). The above equated to an average of £158 per dwelling. Given that this application proposes up to 415 dwellings, a proportionate figure using the recent agreement above is (415×158) £65,570, rounded up to £66,000. The same clause as per the Section 106 (4.4) in that there shall be no first occupation of more

than 50% of the dwellings unless and until the owner shall have paid the contribution to the Council, should also be applied.

7. Policy

7.1. Core Strategy (2009)

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

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

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

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highway Design Guide
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Landscape Sensitivity and Green Infrastructure Study for Leicester & Leicestershire (October 2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2024)
- Affordable Housing SPD
- Leicestershire Minerals and Waste Local Plan

8. Appraisal

8.1. As this is an outline planning application with all matters reserved except for access, the number of detailed considerations relevant at this stage are limited. Nonetheless, the following represent the key issues:

- Principle of development
- Housing land supply

- Housing mix and supply
- Impact upon highway safety
- Landscape and visual impact
- Heritage Impacts
- Archaeology
- Residential amenity
- Flood risk and drainage
- Ecology and biodiversity
- Minerals
- Planning Obligations
- Planning balance

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 8.4. The Emerging Local Plan is due to cover the plan period 2024-2045. The previous public consultation on the Regulation 18 Draft Local Plan ran from Wednesday 31 July to Friday 27 September 2024. The latest Local Development Scheme (LDS), was published on 06 March 2025 and can be found on the Council's website. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a further Regulation 18 consultation scheduled for September/October 2025, and the Regulation 19 consultation scheduled for around March/April 2026. Given the early stage of the Emerging Local Plan and outstanding evidence still to be undertaken, the emerging policies are therefore attributed very limited weight.
- 8.5. The site is located in open countryside outside of the settlement boundary of Hinckley, however the site did feature within a wider proposed housing allocation in the Regulation 18 draft version of the Local Plan (July-September 2024). Draft Policy SP02, found within the main draft Local Plan document states that provision has been made through this wider draft allocation at 'land north of Normandy Way, Hinckley' for a minimum of 1200 homes. However this can only be given limited weight at this stage as it has not been tested through examination in public.
- 8.6. The site ref 'AS1031 A' was submitted to the Borough Council through the Call for Sites process and is included within the SHELAA (2022). The site is slightly different in size to the application, given a central pocket contained within the SHELAA site around Westfield Farm is removed from the application red line. The

outcome in the SHELAA 2022, is that the site is suitable, available and achievable. The timeframe given in the SHELAA 2022 trajectory for was for the site to be under construction within 6-10 years and for completion within 11–15-year timeframe. The site is classified as developable.

- 8.7. Policy DM4 of the SADMP states “that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 8.8. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and It can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation
- And
- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and
 - ii) It does not undermine the physical and perceived separation and open character between settlements and
 - iii) It does not create or exacerbate ribbon development
 - iv) If within a Green Wedge it protects its role and function in line with Core Strategy Policies 6 and 9 and
 - v) If within the National Forest it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21
- 8.9. The proposed development does not relate to any of the criteria above. The application sets out why development in this location is deemed to be sustainable; and provides a reasonable and accurate assessment of how the proposal would contribute to sustainable development as required by the NPPF. The proposal is also supported by a Landscape Visual Impact Assessment (LVIA) setting out the impact on the wider landscape character.
- 8.10. Whilst there is conflict with Policy DM4, the proposed development is located on the edge of an urban settlement, is not considered to be isolated, does not exacerbate ribbon development and is not within the National Forest. It needs to be assessed against the material planning considerations set out in the below sections.
- 8.11. An appeal for application 22/00318/OUT for up to 475 dwellings has been allowed by the Planning Inspectorate (18 Jan 2024) and a subsequent planning application has been resolved to be approved subject to conditions and a Section 106 legal agreement (23/00432/OUT) – Phase 1. This is a material consideration for this planning application which lies adjacent to this application site.

Housing land supply

- 8.12. 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.

- 8.13. The Planning Policy team are currently reviewing the revised NPPF (2024) and implications for the Council's Five Year Housing Land Supply. A revised position will be published in 2025 once the monitoring for the 2024/25 year has been completed. It is however very likely that, with the revised housing need figure of 682 dwellings per annum from the Dec 2024 NPPF (649dpa + 5% buffer as per Para 78a), that the Council will be unable to demonstrate a Five Year Housing Land Supply once the revised position is published.
- 8.14. As part of the planning appeal APP/K2420/W/24/3357570 at the Oddfellows Arms, 25 Main Street, Higham on the Hill, the Council have provided an indicative housing land supply figure via an Interim Five-Year Housing Land Supply Statement (2024 and 2025). When applying the standard method figure and the 5% buffer to the Council's requirement of land for housing, the Policy Team confirmed that, as of 29 July 2025, the Local Planning Authority could demonstrate a 3.89-year supply of land for housing. Paragraph 3.5 of this Statement confirms that these figures are indicative, and the supply figures are expected to decrease slightly as the monitoring exercise is further progressed.
- 8.15. For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. Due to the age of relevant housing policies in the Core Strategy, in accordance with paragraph 11d) of the NPPF, the Council should 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. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.16. 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”*
- 8.17. Paragraph 61 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”*.
- 8.18. 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 78 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.”*

- 8.19. Therefore, currently the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.20. The provision of up to 415 dwellings, 20% of which is to be Affordable Housing, is considered to be a significant social, economic and community benefit of the proposal for the Hinckley area and weighs heavily in favour of the scheme.

Housing mix and supply

- 8.21. Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a ‘very good’ rating against Building for Life, unless unviable. The Good Design Guide SPD also advocates the use of the Building for Life assessment.
- 8.22. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 8.23. The final number and mix of dwellings will be determined at Reserved Matters stage, but the illustrative layout shows a mix of types and sizes can be accommodated (up to 415 dwellings).
- 8.24. 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%. But this policy is now considered to be out of date. When compared with the 2019 Housing Needs Study, the up to date 2024 study points to a stronger need for housing from households unable to rent in the market (and therefore a greater need for rented affordable products) – the difference looks to be driven by worsening affordability due to increased private rental costs and a reduction in turnover of the social housing stock (fewer relets). However, both studies clearly point to a high level of affordable need and for the Council to need to seek to maximise delivery.
- 8.25. Given the nature of the area and the needs identified, the analysis suggests that the majority of units should be houses rather than flats although consideration will also need to be given to site specific circumstances (which may in some cases

lend themselves to a particular type of development). There is potentially a demand for bungalows, although realistically significant delivery of this type of accommodation may be unlikely. It is however possible that delivery of some bungalows might be particularly attractive to older person households downsizing and may help to release larger (family-sized) accommodation back into family use.

8.26. In all sectors the analysis points to a particular need for 2-bedroom accommodation, with varying proportions of 1-bedroom and 3+-bedroom homes. For general needs rented affordable housing there is a clear need for a range of different sizes of homes, including 40% to have at least 3-bedrooms.

8.27. The Housing Officer has requested 20% affordable housing provision as set out in the Core Strategy, Policy 15. This would give 83 dwellings for affordable housing. Guidance in the National Planning Policy Framework states that:

“Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across social rent, other affordable housing for rent and affordable home ownership tenures.

8.28. At the time this application was submitted (early 2024), the policy relating to tenure required at least 10% of all housing on qualifying sites to be for affordable home ownership, and 25% of the affordable housing provision to be for First Homes. Negotiations around affordable housing provision on this site complied with this guidance and offered the appropriate mix. However, this guidance was removed in the most recently published National Planning Policy Framework issued in December 2024. Notwithstanding this, the Housing Officer has confirmed in her latest response that the changes do not apply retrospectively and therefore the affordable housing tenure split for this application remains as per tenure delivery for affordable housing as follows:

- 21 homes for First Homes
- 41 homes for affordable rent
- 21 homes for shared ownership
- = Total 83 affordable units

8.29. This meets both the requirement in NPPF for 10% of all homes to be for affordable home ownership (the First Homes and the shared ownership) and the ministerial guidance that 25% of the affordable housing provision should be for First Homes. The remainder of the affordable housing requirement is made up of affordable rented homes.

8.30. As this is a development which will provide a significant amount of affordable housing for the Borough, a cross section of properties types for rented accommodation is requested. As there are 154 live applicants amongst the total number who are aged 60 and over and would be able to apply for housing for older people, it is requested that a proportion of the affordable housing should be for 2 bed roomed bungalows. The optimum mix for property types for each tenure would be as follows:

Affordable rent

1 bed 2 person quarter house or apartment 13%
2 bed 4 person bungalows 13%
2 bed 4 person houses 43%

3 bed 5 person houses 25%
4 bed 6 person houses 6%

Shared Ownership

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

First Homes

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

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

Impact upon highway safety

- 8.33. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.34. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.35. Paragraph 116 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 117(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.36. Both National Highways and Active Travel have been consulted on this application. In their initial responses they requested that determination of this application be deferred whilst further information is sought/assessment of the application considered. National Highways are of the view that based upon this level of impact, and in order to be consistent with other planning applications within the local area, an assessment needs to be undertaken using the agreed A5 Padge Hall Farm VISSIM model so that the impact upon the SRN at both the Dodwells roundabout and A5 / Longshoot signals can be understood. It should also include sensitivity testing with and without the Padge Hall Farm development

including associated committed mitigation proposals at the A5 Dodwells roundabout.

8.37. Active Travel stated that further information was needed on:

- Trip generation and assignment
- Active travel route audit
- Pedestrian access to local amenities
- Cycling accessibility
- Access to public transport
- Off-site transport infrastructure
- Site permeability
- Placemaking
- Cycle parking and trip-end facilities
- Travel planning

8.38. The applicant subsequently provided additional details in respect of the above matters and Active Travel removed their objection subject to conditions and contributions.

8.39. The Local Highway Authority also responded initially with the request for further information. Specifically they requested that the PIC data did not cover the latest five-year period and updates were required. The area of influence identified that the following junctions required further investigation/assessment in the 2032 and 2036 future year scenarios:

- Stoke Road/A47 roundabout;
- Ashby Road/A47 signal junction;
- A47/Wykin Road roundabout
- A47/Roston Drive roundabout
- Stoke Road/Tudor Road priority junction
- Stoke Road/Hollycroft/Wykin Road mini roundabout
- The Common/A47 roundabout;
- Leicester Road/Highfields Road signal junction; and
- Hinckley Road/Stoke Road mini roundabout

8.40. It was established that the developments traffic would have an impact at the A47/A447 junction because of the junction capacity assessment undertaken which tested the junction with a LCC mitigation scheme in place. The Pan Regional Transport Modelling assessment also shows strategic impact along A47 corridor both south towards A5 Longshoot Dodwells and north along A47 towards Leicester. On the basis of the above, the LHA has agreed a total strategic highway contribution with the applicant based on the impact. The LHA will use the contribution towards delivering necessary highway improvements along the A47 corridor and it will be used to deliver network improvements in line with LCC's wider delivery strategy and network priorities. The contribution amount is calculated on the basis of the site's proportionate impact at these junctions calculated as a proportion of the total scheme costs. The delivery strategy therefore is to pool contributions to provide comprehensive improvements to account for the severe cumulative impact of this and other planned and speculative growth coming forward whilst adhering to a CIL compliant obligation request.

- 8.41. The LHA are now satisfied with the application as proposed subject to conditions and off site highway contributions. A total contribution of £1,515,341.71 towards off site strategic highway improvements along the A47 corridor has been requested alongside Travel Packs, Bus Passes for each dwelling, STARS and a Construction Traffic Routing Agreement.
- 8.42. At the time of writing the Committee report, the Council is still awaiting updated comments from National Highways. The agreed contributions to the A47 corridor may address National Highways' concerns. An update will be provided to Members at the Planning Committee through the late items report.
- 8.43. Since the deferral of the application in August by Members, the applicant has provided a further update in respect of queries raised regarding the position of the proposed 3-arm roundabout along the A47 Normandy Way and the impact on residents immediately to the south of the A47. A technical note provided by HUB (transport consultant for the applicant) states that it would be unfeasible to relocate or resize the proposed roundabout to the site access from the A47.
- 8.44. The site access roundabout junction has been designed in the proposed location to take account of multiple issues, including (but not limited to), land ownership constraints, DMRB design guidance, capacity and safety. Due to the issues set out above, it is not feasible to relocate or redesign the junction to move the southern extent of it further from the existing residential area to the south of the A47. As shown, the current design actually results in more of the A47 carriageway being moved away from the residential area than existing verge taken to deliver the junction. Even a very small change to the location or design is likely to have significant implications in terms of other factors that have contributed to the design as shown, but in doing so would achieve very little in terms of reducing the impact on the residents on the southern side of the A47. A substantial design change in terms of the geometry or location is therefore not considered to be feasible.
- 8.45. The Environmental Health Officer was also notified of the deferral and has considered the noise query. It is recognised that there are already high background noise levels in this location due to existing traffic close to the rear gardens of properties on Hardy Close as a result of the proximity of the A47. The change in the road layout would change the nature of the noise generated but considers that it would not cause significant impact. The roundabout would cause vehicles to slow down and reduce noise but there would be additional acceleration from vehicles pulling away, which overall would alter the nature of the noise. The modelling data provided by the applicant indicates that the introduction of the roundabout would result in a 1 dB decrease in noise level at the worst-affected receptor. Therefore, it is considered that there is no discernible difference in noise levels for residents in this location with the roundabout in place when compared to the existing situation. As such, the proposal is deemed to be acceptable in terms of noise impact.
- 8.46. Overall, it is currently considered that the impacts of the development on highway safety and access would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Therefore, the development accords with policy 17 of the SADMP and paragraph 116 of the National Planning Policy Framework (2024).

Landscape and visual impact

- 8.47. 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.
- 8.48. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the outline planning permission by a qualified Landscape Architect from ZLA who undertook a site-based assessment. Field-based observations were undertaken during late autumn (mid-November 2023). ZLA visited publicly accessible locations, walked PRow and drove around the local road network. The LVIA includes 17 representative viewpoints from which landscape impact from the proposed development is assessed.
- 8.49. The site does not lie within or close to a nationally designated landscape. Indeed, there are no landscape or environmental designations or sensitivities or note for the site and its immediate surroundings.
- 8.50. In the Landscape Sensitivity and Green Infrastructure Study for Leicester & Leicestershire (October 2017), the site is found to be within the regional landscape character area, the Mease/Sence Lowlands Landscape Character Area.
- 8.51. The site constitutes eight interconnecting fields managed for livestock pasture north of the A47, Normandy Way and west of the A447 Ashby Road. This land parcel is found to the north of Hinckley town centre. Internally, there are mature hedgerows (native species), scattered hedgerow trees (broadleaf species) which broadly define each field, as well as a small tree groups scattered around the site's northern edge with the neighbouring Hinckley and Bosworth Community Hospital.
- 8.52. The brook (a tributary of the River Tweed) is situated running along the site's western boundary. This watercourse separates the site from the Hinckley Phase 1 site (LPA planning application refs: 22/00318/OUT and 23/00432/OUT) to the west.
- 8.53. There are no Public Rights of Way (PRow) passing through the application site, or along its boundaries.
- 8.54. The site lies within the local landscape Character Area 'E' (Stoke Golding Rolling Farmland); the key characteristics include:
- Undulating arable and pasture farmland with gentle valleys sloping down to the Ashby Canal, Tweed River and associated tributaries.
 - Small to medium scale rectilinear field pattern divided by low hedgerows and mature hedgerow trees typical of parliamentary enclosure, with smaller pasture fields around settlements, creating a largely unified field pattern and providing continuity with the agricultural past.
 - Rural settlement pattern with former agricultural villages typically demonstrating a historic core, modern outskirts and sporadic farmsteads on the outer edges, within a strong rural setting.
 - Historic villages occupying higher ground with attractive red brick cottages fronting onto the road and connected by rural lanes with grass verges and well-maintained hedgerows.

- Church spires and towers within villages in and around the character area form distinctive landmarks on the skyline.
 - Associations with the Battle of Bosworth, particularly at Crown Hill in Stoke Golding.
 - Ashby Canal has affiliations with coal mining that has influenced the landscape over the years and is designated as a conservation area. It is now important for biodiversity and tourism.
- 8.55. The HBBC Landscape Character Assessment (September 2017) shows that the application site is also located within Sensitivity Area 6 – Hinckley West and North which has the following key sensitivities:
- The rural and sparsely settled character of the landscape with a relative sense of tranquillity
 - Low hedgerows and mature hedgerow trees define historic field patterns and form part of the overall ecological network
 - The remaining historic country houses and associated designed landscape which create a sense of historic time depth and visual amenity
 - The open countryside that forms much of the separation between the settlements of Hinckley and Stoke Golding character of the rural lanes
 - The River Tweed and local tributaries and associated habitat values
 - The Ashby de la Zouche Canal – historic character and role as part of the Green Infrastructure Network
 - The uninterrupted views over undulating farmland which contributes to the high scenic quality and attractive setting to Hinckley
- 8.56. However, it is highlighted that the site occupies an urban edge location situated off Normandy Way on the northern edge of Hinckley. Consequently, the site is overlooked by and enclosed along its southern and eastern peripheries by existing residential development, as well as commercial/employment built form on Normandy Way. Planning permission for 475 dwellings has also been granted to the west of the application (22/00318/OUT and 23/00432/OUT). It is considered, therefore, that the site is part of the transition from the urban edge to the wider open countryside rather than an isolated rural site. Consequently, the site area, and its immediate context is not considered to have 'strong rural qualities' when compared to other parts of the wider Character Area.
- 8.57. Notwithstanding this, given the nature of the development proposal, it is inevitable that the landscape character of the site would be impacted as a result of the development over the short and long term (1-15 years). The landscape character assessment categorises this sensitivity area (06) as having a medium to high sensitivity to residential development. However, it is recognised that some parts of the area have a stronger relationship with the settlement of Hinckley and as such are influenced by adjacent urban development. The application site is considered to be one such area.
- 8.58. The LVIA submitted as part of the application states that the following landscape mitigation measures would be provided by the applicant:
- Proposed residential dwellings to be located within the main body of the site area, enabling land within the periphery of the site to be developed for retaining existing landscape fabric, new landscaping and the provision of public open space.

- Residential built form will be set inside and set back from the northern site boundary to enable the development to be situated at lower topography, below that of the open countryside beyond the site.
- Toward the southern edge of the site, new development is set within the existing field pattern, creating a softer development edge.
- Development is to be set back from the western edge in order to protect the existing brook (a tributary of the River Tweed), and affords the opportunity for proposed attenuation features and retention of a proportion of the existing field pattern to compliment that retained west of the brook
- The existing field pattern is to be retained, and development integrated within, and new access routes provided at natural openings or degraded sections of the existing hedgerow structure where protection of tree fabric is not a restriction.
- Primary streets are to be generally oriented north east to south west through the length of the site enabling the opportunity for extensive tree planting within the street layout.
- Tree planting will run through the core of the development breaking up the mass of the scheme and filtering views of the proposed built form.
- Secondary and tertiary routes and private driveways afford the opportunity for tree planting to further break up the mass of development and filter views of the scheme. These routes interconnect with proposed green corridors and green infrastructure for a similar effect.
- Building heights have been restrained to those similar to the site's context with existing residential development and arranged in a manner to reduce their discernibility against the wider environment.
- The margin of retained ridge and furrow has been aligned to where these features are most prevalent, and the scheme devised around that as a parameter.

8.59. Physical features, landform, built form and landscape fabric determines the Zone of Primary Visibility for the application site. This 'ZPV' is located largely to local setting of the application site which is considered to be:

- Rogues Lane running north east to north west;
- A447 Ashby Road between the Hinckley and Bedworth Community Hospital and Brook Hill Farm (before landform slopes further to a lower level where the River Tweed passes through the open countryside) – situated to the north east-east;
- Hinckley Lane to the east (around the junction with the A447) to the east;
- A47 Normandy Way passing between the A447 and Stoke Road from south east to south west;
- A47 Normandy Way passing west-south west from the junction of the A47 and Stoke Road.
- Dwellings situated to the east along Ashby Road which neighbour the application site, including Ashley Grange bounds the eastern site edge
- The western edge of Barwell along the Hinckley Road; Residential neighbourhoods situated off Normandy Way (A47) including Nelson Drive and Drake Way to the south
- The outlying settlements of Stoke Golding and Dadlington; and scattered isolated dwellings off Rogues Lane.

8.60. Given the development proposals, it is acknowledged that the site will be changed from open agricultural fields of pasture to become part of the built settlement, adopting similar characteristics of built form within the site's immediate context. A

change of landscape character is therefore inevitable. However, it is considered that where the development would be discernible, its context would be seen against the wider urban edge setting of Hinckley, including long-standing development along the A47 Normandy Way which comprises employment and commercial development, the wider industrial estate and the surrounding residential neighbourhoods rather than the more rural isolated parts of the sensitivity area. It would be reasonable, in this context, to describe the application site as having a 'developed countryside' character. This is distinct from other portions of Sensitivity Area 6, which are not so visually linked with the existing built form.

- 8.61. The tranquillity of the site is diminished and adversely impacted by traffic movement along the A47 Normandy Way and A447 Hinckley Road, with the site perceived as being overlooked by existing urban development. There is intervisibility between the site and the wider urban settlement of the Hinckley. Consequently, the site is considered to have a stronger relationship with the urban setting than the wider open countryside.
- 8.62. Overall therefore, the landscape in this character area is considered to have a moderate to medium sensitivity to residential development due to the strong influences of the existing settlement edge of Hinckley, the A47 and the recent permission for 475 dwellings to the west of the application site.
- 8.63. It is important however that tree planting should be incorporated into the landscaping scheme, especially if tree removal is required to facilitate the development proposal and this would need to form a key part of the landscaping details as part of any future Reserved Matters application. Such planting would enhance the landscape setting of the site and provide long-term amenity benefits to the surrounding areas. With the mitigation measures proposed, the resultant impact is considered to be minor-moderate. It is considered that the proposals would not have such a detrimental impact on landscape character or from a visual perspective to warrant refusal of the application. Therefore, the proposals are considered to be acceptable with respect to landscape and visual impact and development plan policy.

Heritage Impacts

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

designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 8.67. 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. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.
- 8.68. A Heritage Impact Assessment has been submitted as part of the application details.
- 8.69. The Conservation Officer has been consulted on the application and does not object to the proposal. The Assessment identifies that Westfield Farm and the former Isolation Hospital, Ashby Road (considered to be a non-designated built heritage asset) have the potential to be affected by development within the application site through changes within their settings.
- 8.70. Westfield Farm will be retained within the proposed development. The loss of the surrounding farmland is not considered to affect the understanding of the significance of the farmhouse itself, which principally relies on its physical fabric, rather than a contribution from its setting. Westfield Farm as part of the setting of medieval ridge and furrow located within the site does, however, makes a negligible contribution to the significance of these earthworks. The ridge and furrow have been assessed as a non-designated heritage asset within the RPS Archaeological Desk-Based Assessment. The proposed preservation of a complete set of selions within the proposed landscape area of the proposals will ensure their historic and aesthetic value, as part of the Medieval landscape continuing into 19th and 20th century farming will remain appreciable. Owing to the proposed preservation of the ridge and furrow, the loss of the remaining farmland surrounding Westfield Farm is not considered to result in a harmful impact to the significance of Westfield Farm.
- 8.71. The assessment establishes that the proposed development will have no impact on how the relationship of the buildings of the Isolation Hospital are understood or appreciated within their immediate setting of the hospital complex, which forms the most important part of their setting. However, the proposed development will reduce the rural setting surrounding the Isolation Hospital. The proposed development will be offset from the Isolation Hospital and proposed planting schemes have the potential to complement the immediate setting of the Isolation Hospital. The reduced wider rural setting of the Isolation Hospital will cause a harmful impact on the historic narrative of the Isolation Hospital, but this will not alter how the more important functional relationships of the buildings and their immediate setting is appreciated or understood.
- 8.72. Given the limited significance of the Isolation Hospital and the low contribution the application site makes to this as part of its total rural setting, the impact of the proposed development on the significance of the Isolation Hospital is a small consideration within the overall planning balance.
- 8.73. Therefore, overall, the proposed development of the site is considered to be in accordance with the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and conforms to the requirements of the NPPF and

local planning policy with regard to Heritage considerations, specifically Policies DM11 and DM12 of the SADMP.

Archaeology

- 8.74. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. The NPPF also reiterates this advice.
- 8.75. 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 207 states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and where necessary a field evaluation.
- 8.76. The Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies within an area of archaeological interest. The applicant has commissioned an archaeological desk-based assessment.
- 8.77. The geology of the site includes sands and gravels, which would have been conducive for settlement in the prehistoric and Anglo-Saxon periods. The site also appears to have suffered relatively little disturbance, as such there is a likelihood that any buried archaeological remains present will be well-preserved.
- 8.78. The applicant has provided a geophysical survey, although LCC Archaeology considered that the results of this work were largely inconclusive. Not all types of archaeological deposit are sensitive to detection by this method, and are therefore rarely identified through geophysical survey alone. The survey has however identified a number of linear and discrete anomalies identified as being of uncertain, but possibly archaeological origin. Given the limitations of geophysical survey as a means of archaeological evaluation and taking into account the scale of the proposals, LCC Archaeology recommended that further information be provided specifically a programme of evaluation trial trenching in order to assess the character, quality and extent of any archaeological buried remains present within the site and an earthwork survey. LCC Archaeology also noted that archaeological remains may be adversely affected by this proposal and requested that an Archaeological Impact Assessment be submitted.
- 8.79. The applicant subsequently provided the additional information and a re-consultation was carried out.
- 8.80. The Archaeology Team have no objections to the application being granted permission and recommend no conditions. It is therefore considered that proposal accords with Policy DM13 of the SADMP and the requirements set out within the NPPF with respect to archaeological considerations.

Impact upon neighbouring residential amenity

- 8.81. 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.

- 8.82. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.83. Paragraph 135 (f) of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.84. Paragraph 198 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development
- 8.85. The scheme, subject to the detailed matters to come forward at Reserved Matters stage, will have a suitable relationship with nearby residential units. The Council has highlighted that the boundary between the proposed development and existing dwellings bordering the site from Ashby Grange will need to be carefully considered. Whilst this can be managed at the Reserved Matters it is considered prudent in this instance to impose a condition to ensure that the hedgerow boundary with the site and No 4 and 5 Ashby Grange is retained and enhanced (where possible) to help protect privacy and amenity for these existing residents.
- 8.86. Objections have been received by residents along Ashby Road in respect of the proximity of proposed housing in relation to their dwellings/gardens. Originally, an allotment area was proposed to back onto the gardens of Ashby Road, however this was omitted in favour of securing other open space typologies on site in accordance with development plan policy. The open space parameters plan submitted with this application shows the provision of suitable open space across the site including play areas, a multi-use games area, accessible/natural greenspace and casual/informal spaces. The requirement for allotments is not a requirement within development plan policy at the current time. Whilst it is recognised that residents along Ashby Road would have preferred an allotment area bordering their gardens, it is also recognised that existing dwellings along Ashby Road have very long rear gardens. As a result, the proposal of dwellings in this location is acceptable and the separation distances would be far in excess of what is required within design guidance to achieve a satisfactory relationship with respect to residential amenity.
- 8.87. The Environmental Health Officer has requested conditions with respect to noise, a construction environmental management plan including air mitigation, construction hours and land contamination. These are all reasonable requests that can be appropriately sought through conditions and will help to protect residential amenity.
- 8.88. Objections from third parties/local residents have been received in relation to noise and air pollution concerns. It is considered that the proposed conditions to be

placed on the scheme (particularly those relating to noise, air quality and construction management), together with the Council's continued role in approving detailed plans at Reserved Matters stage, will ensure that sufficient scrutiny and control will be retained and that these concerns can be appropriately mitigated.

- 8.89. Subject to conditions recommended by the Environmental Health Team this application is considered to be acceptable in amenity terms and in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

- 8.90. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.91. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 181 also states that developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.92. The application site is located greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a predominately very low risk of surface water flooding with the sites western boundary having associated high risk areas due to the adjacent unnamed ordinary watercourse.
- 8.93. The site is proposed to be split into 4 sub-catchments, each seeking to discharge at the average greenfield runoff rate (estimated at 4.4 l/s/ha) for a total cumulative discharge rate of 50.1 l/s via rain gardens and associated attenuation basins to the aforementioned on-site watercourse at the western boundary.
- 8.94. The material provided is sufficient to demonstrate the surface water drainage strategy expected in an outline planning application.
- 8.95. Swales are also proposed in the text of the surface water drainage strategy however are not shown on plan drawings. The applicant should confirm the location of these as well as the location of proposed rain gardens and any other source control SuDS in any application to support approval of reserved matters.
- 8.96. Severn Trent has also responded to the application and stated that with respect to sewerage matters this application is acceptable subject to a suitably worded condition relating to foul drainage.
- 8.97. The LCC Drainage Team advises that the proposals are acceptable subject to conditions and the development will satisfy Policy DM7 of the SADMP and the requirements of the NPPF.

Ecology and Biodiversity

- 8.98. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 187 of the NPPF states

that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.

- 8.99. The Ecologist requested on initial submission of the application that a number of surveys were to be provided in respect of bats and birds. The report showed a -28.50% decrease in habitat biodiversity, a +18.26% increase in hedgerow biodiversity, and a 0% change in watercourse biodiversity. Therefore, as stated in the report, 20.81 habitat units, and 0.53 watercourse units will need to be gained off-site.
- 8.100. Further information was submitted by the applicant. The details were assessed by LCC Ecology and considered to be acceptable/satisfactory.
- 8.101. Subject to suitably worded conditions in respect of badgers, a construction and environment management plan, a landscape and ecological management plan and mandatory BNG condition, this application is considered to be acceptable with respect to ecological matters and in compliance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

Minerals

- 8.102. The application site sits within a Minerals Safeguarding Area for sand and gravel, and therefore policy M11 of the Leicestershire Minerals and Waste Local Plan is a relevant development plan policy. The planning application is supported by a Minerals Assessment.
- 8.103. The Minerals and Waste Team at LCC has been consulted on the application and has no objection to the proposed development. No conditions have been requested by the Minerals Team in this case. As such, the application is considered to be acceptable in this regard and compliant with relevant Development Plan Policy and the requirements of the NPPF.

Planning Obligations

- 8.104. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016 updates these standards and also identifies the costs for off-site and on-site contributions. The applicant has submitted a Parameters Plan which sets out the various on-site open space typologies for this development as set out below:

- 1494 sq metres of Equipped Children's Play Space – comprising 1x LEAP, 1x MUGA, 1x LAP and 2x Play on the Way events
- 6972 sq metres of Casual/Informal Space
- 16,600 square metres of Accessible Natural Green Space

The outdoor sports provision will be provided as an off-site financial contribution towards Richmond Park.

8.105. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 58 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:

- A) Necessary to make the development acceptable in planning terms;
- B) Directly related to the development; and
- C) Fairly and reasonably related in scale and kind to the development.

8.106. The financial contributions and planning obligations sought are detailed below:

Open Space spreadsheet submitted and amounts/provision to be agreed

- **Off site Outdoor Sports Provision - £144,220.80 (Richmond Park)**
- **Off site Outdoor Sports maintenance - £68,524.80 (Richmond Park)**
- **On site Children's Equipped Play - £271,803.42 (minimum spend for play provision on site)**
- **On site Children's Equipped Play maintenance - £262,346.40**
- **On site open space provision in accordance with the Open Space Parameters Plan including Casual/Informal Space and Accessible Natural Green Space (see paragraph 8.98)**
- **Affordable Housing – 20%**
 - 21 homes for First Homes
 - 41 homes for affordable rent
 - 21 homes for shared ownership
- **Library Services (£12,532.05)**
- **LCC Waste Management (£20,554.95)**
- **Healthcare (£321,376.00.)**
- **Early years education (£647,507.90)**
- **Primary Education (no contribution sought)**
- **Secondary Education (£1,238,896.18)**
- **Post 16 Education (£264,683.27)**
- **SEND Education (£234,260.99)**
- **A total contribution of (£1,515,341.71) towards off site strategic highway improvements along the A47 corridor.**
- **Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500**
- **Six-month bus passes, two per dwelling (application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. This can be supplied through LCC at (average) £445.00 per pass.**
- **STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.**
- **A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times**
- **£66,000.00 towards Hinckley Town Centre public realm projects**
 - **A Local Employment and Training Strategy**

- **Council's Monitoring Fees**
- **Council's Legal Fees**

- 8.107. The nearest library to this development is Hinckley Library and it is estimated that the total assumed occupancy of 1245 arising from the development will create additional pressures on the availability of the facilities at that library, and others nearby. This contribution would be used at to provide improvements to this and its facilities, including, but not limited to, books, materials, or associated equipment or to reconfigure the internal or external library space to account for additional usage of the venue arising from an increase in members to the library as a result of this development.
- 8.108. The nearest Recycling and Household Waste Site to this development is Barwell RHWS and the proposed development of 415 dwellings would create additional pressures on the site. The contribution is determined by multiplying the proposed dwellings by the current rate for the above RHWS, which is £49.53 per dwelling.
- 8.109. In terms of healthcare the housing development will result in a minimum population increase of 1,004.30 patients. The GP Practices in closest proximity of the application site are Barwell & Hollycroft Medical Centres. These practices are already experiencing capacity issues in relation to their premises and would need to increase facilities to meet the needs resultant of this development; therefore the requested contribution of **£321,376.00** would be required prior to first occupation.
- 8.110. With respect to early years education a desktop review of providers in a one-mile radius of the site is undertaken using the most recent capacity figures against a pupil yield rate of 8.5 children per 100 dwellings of 2 bedrooms or more (or 0.085 children per dwelling). A request for contributions is made where there is not sufficient capacity within those providers, and a cost multiplier of £18,356 per place is applied to the likely number of children generated. This development will see an increase of 40.375 Early Years children to the area. There is currently 1 provider within a one-mile distance of the proposed development site, providing a total of 104 spaces. In the summer period 2022, there were 62 children aged 2, 3 and 4 years who claimed the Free Early Education as recorded on the Headcount. This does not take into account babies, 1-year olds and non FEEE 2-year-olds. This means that there is a surplus of 42 places. There are 3 other developments within Hinckley with a planned housing total of 924 dwellings. This creates 78.54 places that are required. This deficit along with the additional 40.375 places from this development creates a total deficit of 118.915 places, so a full claim is justified. This contribution would be used to accommodate the early learning capacity issues created by the proposed development at Hinckley Parks Primary School, a new school being built or, by improving, remodelling, or enhancing existing facilities at other schools or other early learning provision within the locality of the development. The average cost to provide an Early Years place is £18,356.00, and therefore the total contribution requested from this development in respect of Early Years Education is **£647,507.90**.
- 8.111. The development yields 125 primary aged children. Richmond Primary School is the catchment primary school for the development and has a net capacity of 630 places and there will be a deficit of 109 places if this development goes ahead. The overall surplus including all schools within a two-mile walking distance of the development is 4 pupil places. The 125 places created by this development can therefore be fully accommodated at nearby schools. Therefore, there is no claim for a developer contribution on this occasion.

- 8.112. The development yields 70 secondary aged children. Redmoor Academy is the catchment secondary school for the development and has a net capacity of 925 places and there will be a deficit of 331 places if this development goes ahead. The overall deficit including all schools within a three-mile walking distance of the development is 421 pupil places. A total of 283 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 138 places. The 70 places created by this development can therefore not be accommodated at nearby schools. Therefore, there is a justified full claim for a developer contribution towards the secondary sector of **£1,238,896.18**
- 8.113. The development yields 14 post 16 aged children. The Hinckley School is the catchment post 16 school for the development and has a net capacity of 300 places and there will be a deficit of 108 places if this development goes ahead. A total of 50 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 58 places. The 14 places created by this development can therefore not be accommodated at nearby schools. Therefore, there is a justified full claim for a developer contribution towards the post 16 education sector of **£264,683.27**.
- 8.114. This development yields 4 SEND children. The Dorothy Goodman School Hinckley is the nearest area special school and has a net capacity of 369 places and there will be a deficit of 67 places if this development goes ahead. The overall deficit including all area special schools near to the development is 74 pupil places. A total of 10 pupil places have been deducted that are being funded from S106 agreements for other developments in the area, leaving a deficit of 64 places. This development will yield 1.51 primary aged children with SEND, and 1.66 secondary aged children with SEND. Therefore a full request for contributions in respect of the SEND education sector of **£234,260.99** is justified.
- 8.115. Contributions have been sought by Leicestershire Police in order to help mitigate the additional impacts of this development as existing infrastructure will not have the capacity to meet this new demand = Total contribution is **£87,148.00**. The applicant has queried the Leicestershire Police request and stated that they are of the view that the financial contribution request does not meet the Reg 122 CIL test and the NPPF requirements. No further justification or information has been provided by the Police. The Council considers that this request does not meet the tests set out within Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.
- 8.116. The Local Highway Authority have requested a number of planning obligations. Firstly, Travel Packs are required in order to inform new residents from first occupation what sustainable travel choices are available within the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500. The Local Highway Authority has also requested six-month bus passes, two per dwelling (application forms to be included in Travel Packs and funded by the developer); in order to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. This can be supplied through LCC at (average) £445.00 per pass. The LHA have also requested STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000. This is to enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being

achieved, and to take responsibility for any necessitated planning enforcement. A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

- 8.117. A total contribution of **£1,515,341.71** towards off-site highway strategic improvements along the A47 corridor.
- 8.118. The Council's Planning Majors Team and the Conservation Officer have requested a public realm contribution for Hinckley Town Centre comprising **£66,000.00**.
- 8.119. The Economic and Regeneration Officer has also requested a Local Employment and Training Strategy to form part of the Section 106 legal agreement.
- 8.120. The Council also require monitoring fees and legal fees as part of any agreed Section 106 Agreement.
- 8.121. All of the above contributions (save for the Police request) are considered to meet the tests within the Community Infrastructure Levy (CIL) Regulations 2010, and therefore will form part of a Section 106 legal agreement if Members are minded to approve the application. Subject to the signing and sealing of a Section 106 Legal Agreement the application is considered to be in accordance with Policy DM3 of the Site Allocations and Development Management Policies Development Plan Document, Policy 19 of the Core Strategy and the requirements of the NPPF.

Planning Balance

- 8.122. 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.
- 8.123. The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.124. The provision of up to 415 dwellings (20% of which to be affordable units) is considered to be a significant benefit of the proposal and weighs heavily in favour of the scheme.
- 8.125. The scheme does not fully comply with Policy DM4 of the SADMP but the impact on landscape and visual amenity has been assessed and is considered to be medium for this development proposal. In addition, the provision of much-needed housing is considered to outweigh the landscape impact identified. Therefore, the adverse impact does not significantly and demonstrably outweigh the benefits in this case.
- 8.126. An application for 475 dwellings lies adjacent to this application site (22/00318/OUT) and has been allowed at appeal by the Planning Inspectorate and

is dated 18 Jan 2024. This is another key material consideration in favour of granting permission for this application.

- 8.127. In light of the above, and the 'tilted' balance required by Paragraph 11(d) of the NPPF, it is not considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole. As a result, it is recommended that, in accordance with Paragraph 11(d) of the NPPF that planning permission is granted subject to the imposition of conditions and the signing of a Section 106 Legal Agreement.

9. Equality implications

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

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officer have taken this into account and given due regard to this statutory duty in the consideration of this application.

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

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

10. Recommendation

- 10.1 Grant planning permission subject to:

- Withdrawal of objections from National Highways
- Section 106 agreement (as per the Heads of Terms set out in this report)
- Planning conditions outlined at the end of this report
- The Head of Planning be given powers to determine the final detail of planning conditions and terms of the S106 agreement

Conditions and Reasons

1. An application for the approval of reserved matters shall be made within 3 years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

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

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) Appearance of the development including proposed materials and finishes
 - b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges, provision of trees
 - c) Layout of the site including the housing mix, the location of electric vehicle charging points and the way in which buildings, routes and open spaces are provided. This should include a design statement that sets out how consideration has been given to densities that are appropriate to the hierarchy of streets.
 - d) Scale of each building proposed in relation to its surroundings have been submitted to and approved, in writing, by the Local Planning Authority.

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

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

3. The development hereby permitted shall not be carried out otherwise than general accordance with the submitted application details, as follows:
 - Site Location Plan – n2225 001D received 20 March 2024
 - Parameters Plan – Open Space Provision n2225 004-02 received 11 March 2025
 - Proposed Site Access Layout T23548.001 rev H received 15 July 2025

Where the above plans and documents include proposed mitigation measures, these shall be implemented in accordance with the approved details, unless otherwise dealt with by conditions to follow.

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

4. Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that a satisfactory relationship is achieved between buildings in accordance with Policy DM10 of the Site Allocations and

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

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

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

6. No development shall commence above base course until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

9. Any forthcoming Reserved Matters application shall include details of all trees, shrubs and hedges to be retained, including any trees located outside but adjacent to the site boundary, together with the means of protecting them from damage during the carrying out of the development. The approved means of protection shall be installed prior to the commencement of development and shall remain in place until after the completion of the development.

Reason: Whilst landscaping is a reserved matter, a condition is necessary at this stage to ensure that the existing landscaping on the site is protected in accordance with DM4 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

10. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

11. No trees and shrubs shall be removed on site during the bird nesting season (1st Feb - 31st August inclusive).

Reason: To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

12. No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority and the approved details shall then remain in force throughout the construction period. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. Site preparation and construction work shall be limited to between 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no working on Sundays and Bank Holidays. The CEMP shall include the provision of mitigation measures for construction phase dust emissions as set out within the Air Quality Assessment prepared by BWB Consulting.

Reason: To ensure the protection of neighbouring residential amenity during construction to accord with Policies DM7 and DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

13. No development shall commence on the site until such time as a Construction Traffic Management Plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users, and lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

14. Any forthcoming Reserved Matters application shall include details of external lighting for the site. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework .

15. Prior to the occupation of any of the dwellings on site, full fibre broadband connection shall be made available and ready for use.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with the requirements of the National Planning Policy Framework.

16. Any forthcoming Reserved Matters application shall include a scheme that makes provision for waste and recycling storage and collection across the site. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document 2016 and the requirements of the National Planning Policy Framework.

17. Any forthcoming Reserved Matters application shall include a surface water drainage scheme and foul water drainage scheme. The development must be carried out in accordance with these approved details and completed prior to commencement of development.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water

management systems though the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

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

20. Any forthcoming Reserved Matters application shall include details of infiltration testing (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

21. Any forthcoming Reserved Matters application shall include a scheme for protecting the proposed dwellings from noise from the adjacent road network and the adjacent farms has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure the protection of neighbouring residential amenity to accord with Policies DM7 and DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

22. Any forthcoming Reserved Matters application shall include a scheme that makes provision for the secure storage of cycles for each dwelling. The approved scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of promoting a modal shift in transport movements and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

23. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Access Layout T23548.001 Rev H have been implemented in full. Visibility splays once provided 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 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.

24. No part of the development shall be occupied until such time as the offsite works shown on Proposed Site Access Layout, drawing number 001 Rev H have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

26. No dwelling hereby approved shall be occupied unless and until a Public Transport Strategy has been submitted to and agreed in writing by the Local Planning Authority. The Public Transport Strategy shall include details of upgrades of the Ashby Road bus stops to include shelters with seating and Real Time Information timetables.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

27. No development shall take place (including ground works or vegetation clearance) until an updated badger survey has been submitted to and approved in writing by the Local Planning Authority. This survey is to be carried out within 6 months of the likely commencement of works on site. It is to include details on mitigation measures for badgers if necessary (such as badger gates). All works are to proceed strictly in accordance with the approved document.

Reason: In order to protect badgers and their habitats on site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

28. 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 LPA. The CEMP shall include the following details:

A. Identification of potentially damaging construction activities

- B. practical measures and sensitive working practices to avoid or reduce impacts during construction on protected species.
- C. timing of works to avoid harm to nesting birds
- D. responsible persons for overseeing sensitive works
- E. use of protective fencing where required

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

Reason: In order to help protect wildlife species and their habitats on site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

29. 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:
- A. description and evaluation of the features to be created/enhanced
 - B. aims and objectives of management
 - C. appropriate management options for achieving aims and objectives
 - D. prescriptions for management actions
 - E. work schedule
 - F. species/seed mixes to be planted/sown
 - G. ongoing monitoring and remedial measures
- The approved plan will be implemented in accordance with the approved details.

Reason: In order to help protect wildlife species and their habitats on site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

30. The boundary hedge bordering the site with Numbers 4 and 5 Ashby Grange shall be retained and enhanced as part of any boundary treatment measures proposed for this development hereby approved. Details shall be provided as part of any future reserved matters application submission.

Reason: To help aid privacy and protect residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

31. Any forthcoming Reserved Matters application shall include details that demonstrate that all dwellings within the development comply with the minimum bedroom, storage, and internal area requirements of the Nationally Described Space Standards (2015).

Reason: To ensure that the development provides a high standard of residential amenity for the future occupants of the scheme in accordance with Paragraph 6.21 of the Design and Access Statement, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document 2016 and the requirements of the NPPF.

