

**Planning Committee 6 June 2023
Report of the Head of Planning (Development Management)**

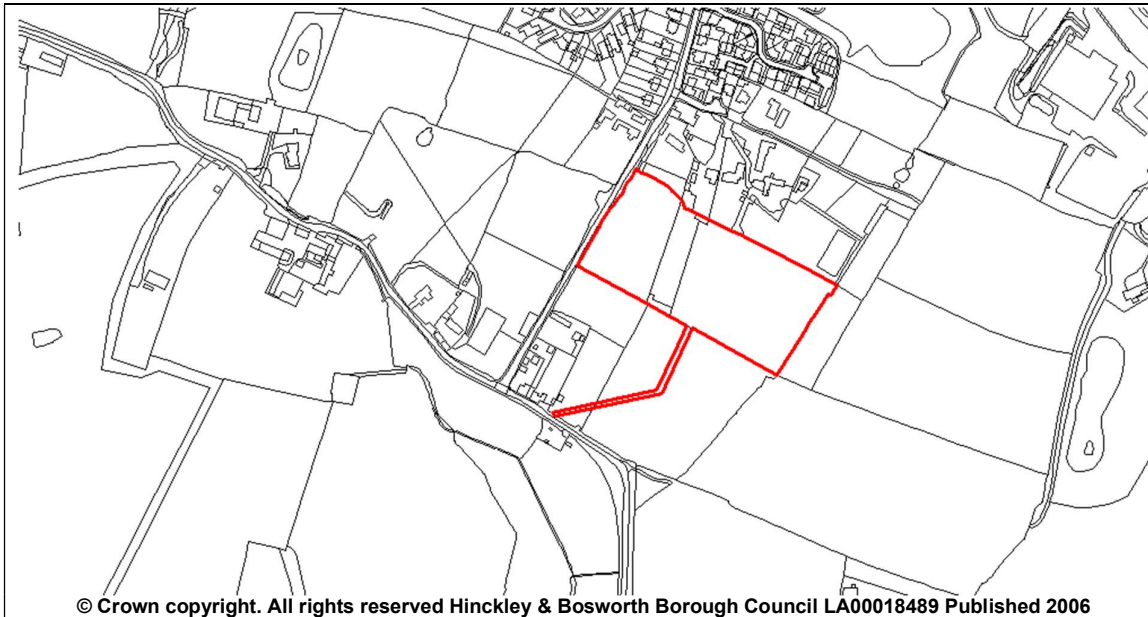
**Planning Ref: 22/00527/OUT
Applicant: c/o Agent
Ward: Markfield Stanton & Fieldhead**



Hinckley & Bosworth
Borough Council

Site: Land South Of 295 Main Street Stanton Under Bardon

Proposal: Outline Application for proposed development of up to 50 dwellings (All Matters Reserved, except access)



1. Recommendations

- 1.1. **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report
 - The entering into of a S106 Agreement
 - That the Head of Planning be given powers to determine the final detail of planning conditions

2. Planning Application Description

- 2.1. The application seeks outline permission for the erection of up to 50 dwellings at the land south of 295 Main Street, Stanton under Bardon. This provides a development density of 37 dwellings per hectare. The proposed residential units consist of 30 x market housing, and 20 x social, affordable, or intermediate rent units. Only access is sought for approval within this outline application, and all other matters are reserved.
- 2.2. The proposed dwelling types are suggested to be all two-storey in massing, and range in size from two-bedroom to four-bedroom properties, which will take the form of detached, semi-detached, and terraced properties.

- 2.3. Access is provided to the site from Main Street via a priority T-junction, at the north-western end of the site, with an internal access road that arcs from the south and extends eastwards. The existing public footpath that runs through the site is retained.
- 2.4. A landscape buffer is provided along the southern and eastern boundaries of the application site where no buildings are constructed. Within this buffer, a strong planted belt is provided along the southern boundary of the site, and a landscaped area is also proposed within the south-eastern aspect of the site to create an area for biodiversity improvements and a water surface attenuation basin.
- 2.5. The application is accompanied by the following reports and documents:
- Air Quality Constraints & Opportunities Appraisal
 - Archaeological Evaluation following Trial Trenching
 - Archaeological Written Scheme of Investigation
 - Design & Access Statement
 - Constraints & Opportunities
 - Ecological Appraisal Report
 - Flood Risk Assessment
 - Highways Technical Note
 - Landscape & Visual Appraisal
 - Lighting Equipment Specification, Design Notes, Risk & Environmental Considerations
 - Light Spill Assessment
 - Noise Impact Constraints & Opportunities Appraisal Statement
 - Planning Statement
 - Preliminary Geo-environmental Investigation Report
 - Stage 1: Road Safety Audit Report
 - Statement of Community Involvement
 - Swept Path Analysis
 - Transport Statement Report
 - Tree Survey & Arboricultural Implications Assessment

3. Description of the Site and the Surrounding Area

- 3.1. The 2.2 hectare application site is located adjacent to, but outside of, the southern settlement boundary of Stanton under Bardon. Stanton under Bardon is classified as a rural village within the adopted Core Strategy and is designated as lying within Charnwood Forest and the National Forest.
- 3.2. The rural village is largely characterised as a linear settlement, with a number of cul-de-sacs extending from the core vehicular route through the village, Main Street. There is notably more development towards the south of Stanton under Bardon than the north of the village. As a result of the linear structure of the village, development within Stanton under Bardon only extends approximately 200m to 220m from Main Street to the east, and 130m to the west. Main Street is an adopted, but unclassified, road that is subject to a 30mph at the proposed point of access into the application site.
- 3.3. The site currently consists of agricultural land that is bounded by mature hedgerow to its northern and western boundaries. A Public Right of Way (PRoW), Footpath R19, runs north-to-south through the centre of the site.
- 3.4. Main Street flanks the western boundary of the application site beyond the mature hedgerow, and beyond Main Street is open agricultural fields. There are further open

agricultural fields to the east and south of the site. However, there is also a collection of dwellings at the junction of Thornton Lane and Main Street to the southwest of the site, but beyond this development is further open agricultural fields. Immediately to the north of the site are a number of residential dwellings along Main Street and Meadow Lane whose gardens flank the entire northern boundary of the site. Beyond these residential dwellings lies the built-up area of Stanton under Bardon.

- 3.5. The application site is located within Flood Zone 1, and the western side of the site is identified as a potential Local Wildlife Site due to its potential species richness.
- 3.6. The application site is identified as a reserve site to meet the housing requirements of the village within the 2020 draft Bagworth, Thornton and Stanton under Bardon Neighbourhood Plan (BTSNP). The BTSNP stated that the site had a capacity for around 50 dwellings. However, in the latest draft of the BTSNP (2021), the document was amended to remove all housing allocations from the plan.
- 3.7. The application site is located within Flood Zone 1, and the western side of the site is identified as a potential Local Wildlife Site due to its potential species richness.

4. Relevant planning history

- 4.1. None.

5. Publicity

- 5.1. The application has been publicised by sending out letters to 22 local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. A total of 15 objections have been received from 11 of the occupiers of neighbouring properties, raising the following concerns and points:
 - Ecological concerns
 - There are protected species on site, and the development would harm the biodiversity of the area.
 - Flooding concerns
 - The development could lead to flooding downhill of the development to the properties on Thornton Lane.
 - Highway safety concerns
 - 50 dwellings in this proximity to Stanton under Bardon will create highway issues along Main Street into the village, which will increase congestion and traffic issues.
 - The access to the site is not safe for drivers and pedestrians.
 - The development intensifies the issues of accessing Main Street from Meadow Lane due to the increased volume of vehicles.
 - Exacerbation of existing on-street parking issues.
 - Feasibility concerns of how HGVs will access the site through the village's narrow streets.
 - The requirement of a two-metre width pavement from the site to Meadow Lane further restricts the width of the road.
 - Stanton under Bardon lies on a substantial gradient, which could further restrict accessibility.

- There is no existing pavement to the site along the road and creating one will make the already narrow road tighter.
 - Vehicular visibility concerns from the site access.
- Significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside, contrary to Policy DM4 and Policy DM9 of the SADMP.
 - 50 additional dwellings in the countryside causes harm to the National Forest.
 - The development is an unwelcome incursion into green open space and is in the designated open countryside, which causes harm to the appearance and nature of the local area.
 - The development is located within land that is designated within the Borough's Green Belt.
 - The scheme is not in keeping with the character of the surrounding area.
 - Unsustainable location for development
 - Dependence on private motorised transport.
 - Increased pressure on existing infrastructure such as broadband facilities, Stanton under Bardon Primary School, Markfield Medical Centre, and the Severn Trent Water sewage system to the south of the site.
 - No major employment opportunities within the local area.
 - Stanton under Bardon has limited facilities, which do not include a post office or a shop.
 - Stanton under Bardon has a very limited bus service.
 - Stanton under Bardon has breached its sustainable capacity.
- 5.3. The above objections include representations objecting to the proposed development from Cllr Lay, who has requested that the application is called into Planning Committee for determination.
- 5.4. One member of the public has suggested that Leicestershire County Council intend to close the Flying Horse roundabout (Stanton Lane/ A511/ B591 roundabout) to Stanton residents who wish to go right or straight, however it is noted that this has not been referred to by the Local Highway Authority (LHA).
- 5.5. Another member of the public has highlighted that the proposals incorrectly show the location of the Public Right of Way (PRoW), R23. This concern is addressed through the planning conditions requested by the Local Highway Authority (LHA).
- 5.6. A further individual has suggested that the application site is within the Borough's designated Green Belt. It is confirmed that the development is not within either of the Boroughs two designated green wedges, which are: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge, and the Rothley Brook Meadows Green Wedge.
- 5.7. Two members of the public have referred to a previous planning application on the site, which was believed to be refused on the grounds of site access issues. One objector also highlights that the Transport Statement provided within this application was dated on 05 January 2021, which is prior to the refusal of the previous application on 18 January 2021.
- 5.8. It is noted that planning application 20/00866/OUT was located to the south of the application site and accessed via Thornton Lane. This outline application was for

residential development of up to 82 dwellings with public open space and access, and it was refused on 18 January 2021. This planning application was refused for ten reasons including:

1. Significant adverse harm to the countryside
 2. Lack of accordance with National Forest Strategy
 3. Absence of safe and suitable access for all highway users
 4. Significant impacts from the development on the transport network in terms of capacity, congestion, and highway safety
 5. Lack of opportunities to promote sustainable modes of transport.
 6. Inadequate surface water drainage strategy.
 7. Failure to demonstrate the impact of the development upon protected species.
 8. The development would not result in biodiversity net-gain.
 9. Failure to demonstrate that the site does not contain archaeological remains of significance.
 10. Failure to provide adequate quality play and open space.
- 5.9. If permission is granted, a member of the public has requested that there is provision for them to have access to their boundary fence and hedge at 4 Meadow Lane for maintenance.

6. Consultation

6.1. Stanton under Bardon Parish Council

Stanton under Bardon Parish Council objects to the application for the following reasons:

- The application makes no reference to the Public Right of Way (R19), which crosses the site.
- Highway safety concerns
 - Additional traffic from 50 houses is, “Unsustainable.”
 - Both accesses to the site are located either near to a junction or a bend. The Parish Council considered that access and egress from the site by large vehicles, such as refuse lorries, will require the full width of the carriageway to enable them sufficient turning, which is likely to be a hazard.
 - Main Street in Stanton under Bardon has several pinch points where parking further restricts road width.
- Increasing pressure on existing infrastructure
 - Stanton under Bardon Primary School is not able to accommodate additional pupils. Nearby villages such as Markfield and Thornton are also under pressure due to the increased number of properties in the area.
 - The Severn Trent Water sewage facility on Thornton Lane is already under severe pressure, and is known to overflow, which cause effluent to enter the water course and the reservoir system. There have been 147 instances of overflow into the brooks in the last 12 months.
- Significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside, contrary to Policy DM4 and Policy DM9 of the SADMP.
 - The development is outside of the settlement boundary.
 - The development exacerbates ribbon development.

- Residential development does not safeguard the Borough's natural and semi-natural open spaces.
- The site is not contiguous with the current settlement boundary and is considered to be a standalone site.
- Unsustainable location for development.
 - Limited and poor bus services through Stanton under Bardon
 - The only facilities available to residents is two churches, the village hall, and one public open house. The community shop closed in March 2020.

Following revised plans, Stanton under Bardon Parish Council were reconsulted on 03 May 2023, and no comment was received.

6.2. **The Coal Authority**

The Coal Authority have advised that the application site does not fall within the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach, that has been agreed with the Local Planning Authority, for a Coal Mining Risk Assessment to be submitted or for the Coal Authority to be consulted.

In this instance, the Coal Authority refers to standing advice.

6.3. **Environment Agency**

The Environment Agency have not made any formal comment on the submission. This is because the development falls within Flood Zone 1, and therefore the Environment Agency have no fluvial flood risk concerns associated within the site. Furthermore, there are no other environmental constraints associated with the application site that fall within the remit of the Environment Agency.

6.4. **National Forest Company (NFC)**

The National Forest Company (NFC) has highlighted a discrepancy within the size of the site, which is identified as 2.22ha within the Application Form and 2.37ha within the Design and Access Statement.

The NFC have advised that, in line with Policy 21 of the Core Strategy, 20% of the site should be landscaping that meet the National Forest's planting guidelines. Based on the two size areas that the Applicant has referred to, the National Forest's planting guidelines advise that this should be a minimum of 0.44ha or 0.48ha respectively.

Although indicative, the submitted Landscape Strategy Plan does not show National Forest planting that meets the planting guidelines. As detailed in Policy 21 of the Core Strategy, the NFC are looking for new woodland planting that is a minimum of 0.25ha.

Whilst the area of the landscape buffer has not been specified within the submitted Landscape Strategy Plan, the NFC advise that this does not appear to provide a compliant area of National Forest planting as woodland belts should be a minimum of 15m wide, and woodlands should be a minimum of 0.25ha. Additionally, the landscape buffer includes the drainage pond, which limits the opportunity for the introduction of trees. Whilst drainage ponds can contribute to National Forest planting, they need to be ecologically designed and include tree planting, but it is not apparent within this application that this can be achieved.

The NFC note that they are unable to find information about the potential area for biodiversity improvements within the application documents and have concerns whether these improvements will meet the requirements of the National Forest's planting guidance.

6.5. **Natural England**

No response to date.

6.6. **NHS England**

No response to date.

6.7. **Severn Trent Water**

Severn Trent Water have not formally objected to the scheme, and they have advised that connecting the development into the public foul water sewer system that connects into the sewage pumping station is subject to a formal s106 sewer connection agreement.

As this development is proposed to discharge in the sewage pumping station, a sewer modelling study may be required to determine the impact that this development will have on the existing system, and if flows can be accommodated. Severn Trent Water may need to undertake a more comprehensive study of the catchment to determine if capital improvements are required. If Severn Trent needs to undertake capital improves, a reasonable amount of time will be needed to be determined to allow these works to be completed before any additional flows are connected.

Severn Trent Water have no comment on the proposal to discharge surface water into a watercourse. It is advised that surface water proposals need to be discussed with the Lead Local Flood Authority.

6.8. **Leicestershire Fire and Rescue Service HQ**

No response to date.

6.9. **Leicester, Leicestershire, and Rutland Integrated Care Board (ICB) Care Commissioning Group**

The Leicester, Leicestershire and Rutland ICB Commissioning Group have stated that the development results in a minimum population increase of 75 additional patients to Markfield Medical Centre, based on the agreed average of 2.42 per dwelling.

Markfield Medical Centre has seen significant increase in patient registration and demand for appointments over the past five years. As a result of this, the Leicester, Leicestershire, and Rutland ICB Commissioning Group have requested s106 healthcare contributions of £20,757.00 to increase and improve primary care services in Markfield town.

6.10. **Leicestershire Police**

Leicestershire Police have no formal objections in principle to the application but do provide detailed recommendations for the scheme to be taken into account at reserved matters stage.

6.11. Leicestershire & Rutland Wildlife Trust

No response to date.

6.12. Leicestershire & Rutland Playing Fields Association

No response to date.

6.13. Leicestershire County Council (LCC) Local Highway Authority

Originally the Local Highway Authority (LHA) did not consider the application as submitted to fully assess the highway impact of the proposed development, and further information was required to provide final highway advice on the application. As a result of this, the LHA requested additional information in relation to detailed highway impacts.

Following the submission of further detailed highway information the LHA advised that the impacts of the development on highway safety are not considered to be unacceptable, and when considered cumulatively with other developments, the impacts on the road network are not severe, subject to planning conditions and obligations.

The LHA has recommended six planning conditions in relation to a construction traffic management plan, off-site works, access arrangements, vehicular visibility splays, site drainage details, and the Public Right of Way (PRoW). Furthermore, the LHA have requested three financial contributions:

1. £244,200 (£4,884 per dwelling) towards the Coalville Transport Strategy.
2. One travel pack per dwelling (which can be supplied by LCC at £52.85 per pack).
3. Two six-month bus passes per dwelling (which can be supplied by LCC at £400 per pass).

Highway Safety

The LHA accepts the Applicants Personal Injury Collision (PIC) analysis, which was undertaken with data from Leicestershire County Council between 01 January 2016 and 07 September 2021. The LHA conclude that there does not appear to be any specific patterns or causation factors affecting the type or volume of accidents within the vicinity of the site. The LHA therefore accept that the proposals are unlikely to exacerbate highway safety concerns.

Internal Layout

The internal layout of the development is not for consideration at this stage, and therefore the LHA strongly advise the Applicant that, in the event that the development is granted planning permission, the internal road network is designed to an adoptable standard in accordance with the Leicestershire Highway Design Guide (LHDG) guidance for possible adoption in the future.

Junction Capacity Assessments

The Applicant has undertaken capacity assessments at the following junctions:

1. Site Access/Main Street
2. Main Street/ Stanton Lane/ Cliffe Hill Road
3. Stanton Lane/ A511/ B591 roundabout (Flying Horse roundabout)

The Applicant revised the assessments to be calculated using an average of the peak hour flows from 13 to 15 October 2021, as they are weekday flows outside of the school holiday period. The COVID-19 uplift factors for the traffic flow past the proposed site access have also been revised and are now calculated with an average of the three-peak hour factors from 13 to 15 October 2021. The LHA now consider the survey data for Junction 01 to be acceptable.

The LHA has reviewed the traffic growth factors along with the traffic flow diagrams and consider these to be acceptable.

The Ratio of Flow to Capacity (RFC) of Junctions 01 and 02 are not predicted to exceed 0.85 with the development in place in 2027. The LHA are satisfied that Junctions 01 and 02 will operate within capacity.

However, the LHA consider that the Applicant's assessment of Junction 03 demonstrates that the junction is already operating at capacity and the proposed development would add additional traffic movements to the junction. The LHA therefore advise that a financial contribution of £4,884 per dwelling should be secured towards improvements on the A511/A50 corridor as part of the extended Coalville Transport Strategy and in mitigating the otherwise severe off-site impact of this development.

This is consistent with other developments within the nearby village of Markfield, where the LHA has advised approval, such as on Ratby Lane (20/00848/FUL), London Road (20/01283/FUL), Hill Lane (21/00387/OUT), and Ashby Road (21/00787/OUT).

Off-Site Implications

The LHA advise that a retaining wall constructed adjacent to the public highway to support private land will require technical approval in accordance with CG 300 Technical Approval of Highway Structures. The scope of the technical approved will be determined by the retained height.

The wall must be designed to Eurocodes and be fully compliant with the Design Manual for Roads and Bridges and Manual of Contract Documents for Highway Works. The LHA are not prescriptive on materials, but the design life required by the design codes is 120 years.

Whilst the LHA supports the principle of the retaining walls, the LHA requested that the walls are situated off-highway within land under the Applicant's control. The Applicant provided revised details of the retaining wall alongside the proposed footway, which are now located outside of the highway boundary, which is welcomed by the LHA.

It is noted by the LHA that the proposed retaining wall to the south of the site access has also been removed, and the Applicant is intending to undertake works within the highway and their own land to create a new embankment, which would enable

vehicular visibility to the south. The LHA consider the proposal likely to have a considerable impact on the existing hedgerows and non-highway trees along the site frontage.

Public Rights of Way (PRoW)

The LHA consider the proposals to be unlikely to have a significant impact on the Public Right of Way (PRoW), R19. However, the LHA have recommended a scheme for the treatment of the PRoW to be secured via planning condition to protect and enhance the PRoW and its access.

Site Access

The LHA note that there is a significant gradient between the carriageway and the development site. As per Tale DG1 of Part 3 of the LHDG, longitudinal gradient should not exceed 1:30 at a junction. The Applicant has confirmed that the access gradient for the site access is 1:30 for the first 10 metres at the junction. The LHA note that details of retaining walls have been provided at both sides of the access to enable the footpath construction and vehicular visibility.

The Applicant has undertaken a speed survey as part of an Automatic Traffic Count (ATC) between Wednesday 13 October and Tuesday 19 October 2021. Whilst this has implications for traffic counts, the LHA does not have any concerns with the speed survey being undertaken at this location during the school holidays.

A relocation of the speed limit is not supported by the LHA in this location, given that it is unlikely this alone would further reduce speeds in the proximity of the access.

The Applicant's Stage 1 RSA identified three problems (drainage, vehicular visibility splays in respect of landscaping and vegetation, and visibility of the proposed uncontrolled pedestrian crossing point) at the site access. The Applicant has accepted the recommendations made by the RSA in respect of all three issues. The LHA notes that the Applicant intends to undertake landscaping works and provide retaining walls in order to achieve appropriate visibility at the site access (as discussed within Off-Site Implications), and that further details in respects of this as well as drainage can be considered at detailed design.

Transport Sustainability

The centre of the site is approximately a 320m walk from bus stops that are served by a bus service between Leicester and Coalville/Castle Donnington, which runs every three-to-four hours, as well as a 480m walk from Stanton under Bardon Primary School.

In the view of the LHA, the lack of an hourly bus service to the village reduces the transport sustainability of the site as it means that residents are likely to have to rely on the use of private car. In addition, there is currently no convenience store in the village, therefore requiring travel outside of the village in order to pick up basic provisions, which further reduces the transport sustainability of the site. Given the scale of the development proposed, it would not be possible for the LHA to justify the significant costs involved in funding additional bus services to the village.

Notwithstanding the above, while the LHA advises that the site is in a poor location in terms of transport sustainability, the LHA are satisfied for the Local Planning Authority to consider transport sustainability alongside its other sustainability

considerations for the site. In addition, the LHA have requested the provision of one travel pack (£52.85 per pack) per dwelling in order to promote sustainable travel options to and from the site, which could include cycling and car sharing, as well as two x six-month bus passes per dwelling at a cost of £400 per pass.

Trip Generation

The LHA accepts the proposed vehicle trip rates submitted by the Applicant and considers the trip distribution to be acceptable.

6.14. **LCC Archaeology**

The application site lies within a wider archaeological landscape that is rich in prehistoric and Roman remains. The itself however has not previously been subject to any archaeological investigation, and the archaeological potential of the site therefore remained unknown. Since it is possible that archaeological remains could be adversely affected by this proposal, LCC Archaeology recommended that the Local Planning Authority defer determination of the application and request that the Applicant completes an Archaeological Impact Assessment (AIA) of the proposals on 11 July 2022. LCC Archaeology advised that lack of archaeological information can be considered a reason for refusal if this information is not provided.

The AIA was required to include an archaeological desk-based assessment and geophysical survey, and a field evaluation, by appropriate techniques including trial trenching, if identified necessary in the assessment, to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Further design, civil engineering, or archaeological work may then be necessary to achieve this.

The Applicant provided a Written Scheme of Investigation (WSI) and an Archaeological Evaluation report reporting following trial trenching on 28 October 2022 and 28 February 2023 respectively.

LCC Archaeology were reconsulted and on 22 May 2023, they stated that they were in a position to recommend the application for approval, subject to planning conditions that secure a programme of archaeological mitigation.

LCC Archaeology's assessment of the Leicestershire and Rutland Historic Environment Record (HER) was supported by the results of the Applicant's archaeological evaluation of the development area within the Archaeological Evaluation report, which demonstrates that the application site lies within an area of significant archaeological potential.

The Applicant's archaeological investigation has indicated the presence of significant archaeological remains, which are notably associated with Trenches 2 and 5 within Figure 3 of the Archaeological Evaluation report.

In line with Paragraphs 190 and 199 of Section 16 of the National Planning Policy Framework, LCC Archaeology have recommended that the Applicant must make arrangements for, and implement, an appropriate programme of archaeological investigation. The mitigation must comprise of two stages, including an initial phase of three further trial trenches that target the trackway and associated features identified in Trench 5 to determine the consistency of these linear features across the area and identify any associated occupational evidence. Contingency for a subsequent 25m x 25m area excavation is also requested, which may be utilised, if

deemed appropriate by this phase of trial trenching. In addition to any further excavation following the results of this further trenching, the final stage of mitigation must also include an area excavation targeting the significant features identified in Trench 2. These two stages should then be followed by post-excavation assessment, analysis, reporting and archive deposition.

6.15. **LCC Drainage (Local Lead Flood Authority (LLFA))**

The LLFA notes that that the 2.2ha greenfield site is located within Flood Zone 1, which is at low risk of fluvial flooding and predominantly a very low risk of surface water flooding. The high and medium surface water risk areas indicate that there is an ordinary watercourse to the east of the site, and the proposal seeks to discharge 9.7l/s via an attenuation basin to the aforementioned on-site watercourse.

The Flood Risk Assessment has discounted the use of pervious paving based on invalid reasoning, and the inclusion of pervious paving should be considered in full prior to reserved matters stage in terms of volume control, and pollution management.

Overall, LCC Drainage as Local Lead Flood Authority consider the development to be acceptable, subject to four planning conditions, which require: a surface water drainage scheme; details in relation to the management of surface water during construction of the development; details in relation to the long-term maintenance of the surface water drainage system; and infiltration testing to be carried out to confirm the suitability of the site for the use of infiltration as a drainage element.

6.16. **LCC Ecology**

LCC Ecology have suggested that the proposed development is likely to lead to the loss of grassland habitat, and a section of species-rich hedgerow along the northern half of the western boundary, which is also a potential Local Wildlife Site due to its species-richness.

The Applicant suggests that a net gain of 2.57% is ensured for habitats within the ecological assessment report, via the provision of a wildflower meadow, scrub planting, and roadside tree planting. LCC Ecology requested the DEFRA metric spreadsheet for this net gain on 20 July 2022, and this was provided to LCC Ecology on 02 May 2023.

On 15 May 2023, LCC Ecology recommended that the improvements to species diversity within the existing grassland to the east of the site to offset the grassland loss needs to be secured via planning condition. Given the above, LCC Ecology requested a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity) as well as Landscape and Ecological Management Plans (LEMP) to ensure the protection of sensitive habitats and species, and to secure the creation and appropriate management of new habitats.

6.17. **LCC Minerals**

No response to date.

6.18. **LCC Planning Obligations**

The following contributions totalling £264,183.40 are required as a result of this development. These contributions include:

- Libraries at Markfield Library (£1,513.80)

- Primary Education at Stanton under Bardon Community Primary School (£110,136)
- Post-16 Education at Castle Rock School (£0)
- Secondary Education (11 – 16) at South Charnwood High School (£149,264.60)
- Waste at Coalville's Recycling and Household Waste Site (RHWS) (£3,269)

The request for planning obligations has regard to Paragraph 57 of the NPPF, which states that planning obligations must only be sought where they meet the three tests. The County Council's approach to requesting developer contributions as part of the planning application process is set out in its Planning Obligations Policy (July 2019).

6.19. LCC Public Rights of Way

No response to date.

6.20. LCC Tree Officer

No comment to make on the application.

6.21. Hinckley & Bosworth Borough Council (HBBC) Affordable Housing

As the site lies in a rural area, the affordable housing requirement is 40%, which should be split between 75% social rented, and 25% intermediate tenure. Given that the planning application is for a development of 50 dwellings, this means that 20 properties are required to be available for affordable housing.

To comply with National Guidance, such as the National Planning Policy Framework (NPPF), and the First Homes initiative, the development should provide:

- 05 x First Homes
- 11 x Affordable Rent
- 04 x Shared Ownership

This provision is considered to satisfy the requirements of the NPPF that requires 25% of all affordable housing to be provided as First Homes, and 10% of all dwellings to be for the provision of affordable home ownership.

The preference for affordable rented dwellings in Stanton under Bardon is suggested to be a mixture of:

- One-bedroom, two-person homes as quarter houses or bungalows.
- Two-bedroom, four person dwellings.
- Three-bedroom, five person dwellings.

Affordable housing ownership properties are recommended to be a mixture of two-and-three-bedroom houses. This affordable housing should be spread in small clusters across the site.

As this site is in the rural area, any Section 106 (s106) Agreement should include a cascade priority requirement to people with a local connection to Stanton under Bardon in the first instance, then to people with a connection to the Borough if there are no village connection applicants. The local connection criteria are set out in the Council's Housing Allocations Policy.

6.22. HBBC Arboricultural Officer

The Council's Arboricultural Officer accepts the results of the Arboricultural Survey in respect of tree quality and importance. It is considered that most of the verge and highway boundary trees, such as T15, T19 and T20 marked for removal, are unremarkable in themselves and are classified as Category C (low quality trees).

It is also noted that there is an immature wild cherry T23 (Category B), with a proposed building right up to the protective barrier and Root Protection Area (RPA), which provides no space for future growth. The Arboricultural Officer has recommended that the tree requires greater clearance, which is secured via planning condition.

The Arboricultural Officer has recommended consulting LCC's Forestry and Arboricultural Group in relation to highway trees and this was done on 4 May 2023.

6.23. HBBC Compliance and Monitoring

Given the minimal areas for play for smaller children within Stanton under Bardon, it is recommended that the provision of a play area for toddlers is provided within the green space areas of the site. This play area should be secured via a s106 Agreement, and off-site contributions are welcomed where on-site provision cannot be fully provided.

6.24. HBBC Drainage

No objections to the scheme, subject to three pre-commencement planning conditions in relation to a scheme for a sustainable surface water system; details in relation to the management of surface water on site during the construction of the development; and details in relation to the long-term maintenance of the sustainable water drainage system.

6.25. HBBC Environmental Health

Based on the reports submitted with this application further investigations and controls are required. Planning conditions are requested in relation to contaminated land, noise attenuation, a Construction Environmental Management Plan (CEMP), and limitations to the site preparation and construction hours.

6.26. HBBC Green Spaces

No response to date.

6.27. HBBC Waste Management

If all or part of the new road to the new properties is to be private (unadopted), then consideration will need to be given to adequate and safe collection point space at the adopted highway boundary for the placement of all the containers on collection day (up to two bins per property at one time).

To ensure this a planning condition to ensure that a scheme makes adequate provision for waste and recycling storage of containers and collection across the site.

7. Policy

7.1. Core Strategy (2009):

- Policy 12: Rural Villages
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 21: National Forest
- Policy 22: Charnwood Forest

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 DM9: Safeguarding Natural and Semi-Natural Open Spaces
- Policy DM10: Development and Design
- 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) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance:

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

7.5. The Bagworth, Thornton, and Stanton under Bardon Neighbourhood Plan (BTSNP) is currently at the Regulation 14 pre-submission consultation stage. Therefore, the draft BTSNP only carries very limited weight in the decision-making process.

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
- Impact on the Character and Appearance of the Area
- Impact on Heritage Assets
- Design and Layout

- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Archaeology
- Trees
- S106 Heads of Terms
- Conclusions and Planning Balance

Principle of Development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise, and that the NPPF is a material planning consideration in planning decisions.
- 8.2 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the adopted 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. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3 The current Development Plan consists of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.4 Both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.5 Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 174(b) specifically highlights that this should be achieved by, "Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services."
- 8.6 Policy 12 of the adopted Core Strategy states that rural villages, such as Stanton under Bardon, are, "The focus of limited development with the aim of ensuring existing services... are supported." This policy only supports housing development in rural villages it is, "Within settlement boundaries," and, "Provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16 [of the adopted Core Strategy.]"

- 8.7 Contrary to Policy 12 of the adopted Core Strategy, the application site is located adjacent to, but outside of, the settlement of Stanton under Bardon on land that is designated as countryside in both Charnwood Forest, and the National Forest.
- 8.8 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new house building. Paragraph 80 of the NPPF and the Local Plan set a general presumption against new isolated dwellings in the countryside to protect its intrinsic value, beauty, open character, and landscape character. The exception to this stance is where:
- (a) There is an essential need for housing a rural worker.
 - (b) The development represents the optimal viable use of a heritage asset.
 - (c) The scheme re-uses a redundant or disused building that enhances the immediate setting.
 - (d) The development includes the subdivision of an existing residential building.
 - (e) The design is of exceptional quality in that it is truly outstanding and reflects the highest standards in architecture.
- 8.9 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation”.
- 8.10 Importantly, Policy DM4 also requires that development meets five further requirements to be considered as sustainable development. These is discussed in detail further in the report.
- 8.11 It is acknowledged that the application site is located close to the settlement boundary of Stanton under Bardon, and to other residential properties along Main Street and Meadow Lane to the north of the site. Therefore, the application site is not considered to be in an isolated location. Nevertheless, policies restricting development outside of settlements still apply.
- 8.12 The proposed development does not relate to, or comply with, any of the criteria above in either Policy DM4 or Paragraph 80 of the NPPF, but this does not mean that the development is not sustainable. The application seeks to justify why development in this location might be deemed to be sustainable; and puts forward an assessment of how the proposal would contribute to sustainable development as required by the NPPF.
- 8.13 The thrust of the justification for the proposal is that it responds positively to the identified lack of a five-year housing land supply in the Borough and provides sustainable development within walking distance of a number of facilities and that

meets an identified need for affordable housing in Stanton under Bardon. This is discussed further within the planning balance of this report.

- 8.14 It is also acknowledged that the application site is within 200m of the Old Thatched Inn Public House, 450m from Stanton under Bardon Community Primary School, and 600m from the Village Hall and Allotments. In spite of this, it is considered that future occupants of the application site are considered to be dependent on private motorised transport to meet their day-to-day needs, which is not considered to amount to sustainable development.
- 8.15 Overall, it is considered that the proposed development fails to comply with Policy DM4 of the SAMP, and Policy 12 of the adopted Core Strategy.
- 8.16 However, it is acknowledged that, through its intentions to implement the Core Strategy through its approach to the countryside and settlement boundaries, Policy DM4 is considered out-of-date. Nevertheless, the emphasis of Policy DM4 is to promote sustainable development proposals within the countryside and to safeguard it from unsustainable schemes. In this regard, Policy DM4 is consistent with, and accords with, the NPPF, and therefore it is afforded significant weight within the planning balance.
- 8.17 Therefore, the Council considers that the proposal is offered no support by Policy DM4 of the SADMP. As such the application does not accord with development plan policy and is unacceptable in principle, subject to the assessment of all other material considerations.

Housing Land Supply

- 8.18 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.
- 8.19 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.20 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), the Council are able to demonstrate 4.89 years of deliverable housing as of 01 April 2022. In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.21 Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.22 Paragraph 11 (d) of the NPPF requires planning permission to be granted 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.
- 8.23 Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. Paragraph 78 of the NPPF states that planning policies should be responsive to local circumstances and support housing developments that reflect local needs, and Paragraph 79 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.24 Policy 12 of the adopted Core Strategy allocates land for the development of a minimum of 30 new homes within Stanton under Bardon. It is also acknowledged that the application was referenced as a reserve site to meet housing requirements in the rural village within the draft Bagworth, Thornton and Stanton under Bardon Neighbourhood Plan (BTSNP). Whilst the BTSNP is offered very limited weight within the determination of this application, it is acknowledged that the allocation of the site for land for housing within the draft neighbourhood plan is a material planning consideration.
- 8.25 Moreover, within the Council's response to the Regulation 14 pre-submission consultation of the draft BTSNP, the Council stated that there were insufficient housing allocations to meet the housing growth aspirations of the draft Local Plan 2020 – 2039 and stated that the apportioned net housing requirement for the neighbourhood plan area was approximately 157 – 186 dwellings. In addition, the Council were critical of the four proposed housing allocation sites, which did not include the application site, and doubted their likely viability and acceptability by the Examiner when assessing the neighbourhood plan.
- 8.26 Whilst the provision of up to 50 dwellings within this application site, a proportion of which is to be Affordable Housing, is unlikely to be a significant benefit to the housing land supply within the Borough, the development can provide almost a third of the required net housing for the neighbourhood plan area up to 2039. Given the above and in light of the Council's failure to deliver a five-year supply, it is considered that moderate weight should be given to the provision of the proposed dwellings.

Housing Mix and Supply

- 8.27 Policy 16 of the Core Strategy 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 Core Strategy, and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a 'very good' rating against Building for Life, unless unviable. A minimum density of 30 dwellings per hectare is required in rural areas, a lower density may be required where individual site circumstances dictate and are justified.
- 8.28 Paragraph 62 of the NPPF states that the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The above policy allows for the most recent evidence to be taken into account in decisions and thus Policy 16 is considered up to date in this regard.

- 8.29 The final number and mix of dwellings will be determined at Reserved Matters stage, but the illustrative layout shows that a mix of types and sizes can be accommodated. The development is for up to 50 dwellings and the appropriate layout and density will be determined at Reserved Matters stage. However, the Applicant suggests that the scheme provides a density of 37 dwelling per hectare in accordance with Policy 16 of the adopted Core Strategy.
- 8.30 The Good Design Guide SPD advocates the use of the Building for Life Assessment.
- 8.31 The Applicant has not undertaken a Building for Healthy Life Assessment (the replacement for Building for Life), but this can be provided at Reserved Matters stage, and is required by condition.
- 8.32 Policy 15 of the Core Strategy sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%. The rest will be delivered in urban areas at a rate of 20%. The Borough has an unmet affordable housing need, and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.
- 8.33 The Council's Affordable Housing Officer has requested 40% of units on the site to be affordable, with a mix of 75% of those to be social or affordable rented and 25% intermediate tenure/shared ownership. The greatest need for affordable rented housing in the Borough is for smaller units of accommodation to assist single people or childless couples, and for small families with or two children.
- 8.34 Given that the planning application is for a development of 50 dwellings, this means that 20 properties are required to be available for affordable housing. The Council's Affordable Housing Officer has advised that, in line with National Guidance, the development should provide five First Homes, 11 affordable rent units, and four shared ownership properties.
- 8.35 The preferred mix of property types for rent would be of smaller properties comprising of one bedroom, two person homes that are either quarter homes or bungalows, or two-bedroom, four-person or three-bedroom, five-person houses. These dwellings should all meet the Nationally Described Space Standards.
- 8.36 The Applicant has indicated that the site can provide the policy-compliant requirement of 20 affordable homes.
- 8.37 As this site is in the rural area, the Section 106 Agreement requires a connection to the Borough as set out in the Council's Housing Allocations Policy.
- 8.38 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.

Impact upon Highway Safety

- 8.39 Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 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 112(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.

- 8.40 Policy 14 of the adopted Core Strategy requires developments to support accessibility within rural areas by:
- Supporting the delivery of a viable, high quality public transport network between the Key Rural Centres and their nearest urban centre and between the Rural Villages and their nearest Key Rural Centre or urban centre.
 - Supporting the provision of accessible transport services for mobility impaired and rurally isolated residents.
 - Delivering safe cycle paths as detailed in the Hinckley & Bosworth Council's Rural Parishes Cycling Network Plan. This will deliver safe routes to school, to residential and employment areas, Key Rural Centres/urban areas, community, and leisure facilities and into the countryside.

Developers will be required to contribute towards these initiatives through developer contributions and/or land where they meet the tests set out in National Guidance. New development that would prejudice their implementation will not be permitted.

- 8.41 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 highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.42 Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.43 No charging points for electric or low emissions vehicles have been included at this stage, but this can be conditioned at the Reserved Matters phase of the development.
- 8.44 The Applicant has been in lengthy discussions with the Local Highway Authority to overcome a number of initial concerns that were raised. They have submitted additional technical information, road safety audits, and proposals for off-site highway improvements. These are detailed above in Paragraph 6.13.
- 8.45 Highway concerns have been raised by many residents and Stanton under Bardon Parish Council in relation to increased congestion and traffic issues, which are also exacerbated by the narrowness of Main Street.

Highway Safety

- 8.46 The Local Highway Authority (LHA) advised that the impacts of the development on highway safety are not considered to be unacceptable, and when considered cumulatively with other developments, the impacts on the road network are not severe, subject to planning conditions and obligations. This is supported by the Applicant's Personal Injury Collision (PIC) analysis, which was accepted by the LHA, which concluded that there does not appear to be any specific patterns or causation factors affecting the type or volume of accidents within the vicinity of the site.

Site Access and Visibility Splays

- 8.47 The proposed site access is a new priority-controlled T-junction within the section of Main Street that is subject to a 30mph speed limit. The vehicular access is 4.8m wide with a 6m junction radii, and a 2m wide footway, which accords with Tables DG1 and DG5 of Part 3 of the Leicestershire Highway Design Guide (LHDG). The Applicant has also confirmed that the gradient of the site's access is 1:30 for the first 10m at the junction, which is in accordance with Table DG1 of Part 3 of the LHDG.
- 8.48 The Applicant has undertaken a speed survey as part of an Automatic Traffic Count (ATC), which indicated that average 85%ile speeds of 38.4mph northbound, and 39.1mph southbound. The LHA did not have any concerns with the speed survey, nor the fact that it had been undertaken at this location during the school holidays.
- 8.49 Based on this data, visibility splays of 2.4m x 73m should be provided in each direction as per Table DG4 of Part 3 of the LHDG. This is secured via planning condition.

Trip Generation and Junction Capacity

- 8.50 In order to ascertain the level of trips the proposed development generates; the Applicant undertook an assessment using the industry standard TRICS database. The predicted level of trips to and from the development were estimated to be 35 trips in the peak AM hours and 39 in the peak PM hours of the day. The LHA accepts the proposed vehicle trip rates submitted by the Applicant and considers the trip distribution to be acceptable.
- 8.51 The Applicant has also undertaken Junction Capacity Assessments (JCA) at three junctions:
1. The confluence between the site's access and Main Street.
 2. The junction between Main Street, Stanton Lane, and Cliffe Hill Road.
 3. The roundabout that connects Stanton Lane, the A511 and the B591 ("Flying Horse roundabout.")
- 8.52 The Applicant provided traffic flow data past the proposed site access using an average of the peak hour flows between 13 and 15 October 2021. The COVID-19 uplift factors for the traffic flow past the proposed site access have also been calculated using an average of the three peak hour factors between 13 and 15 October 2021. As a result, the LHA now consider the survey data for Junction 1 to be acceptable.
- 8.53 TEMPro traffic growth factors have been applied to the baseline traffic data to factor levels up to the 2022 base year and 2027 future year scenarios, which the LHA also consider to be acceptable.
- 8.54 Ratio of Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to capacity. Typically, a value of 0.85 is seen as the practical capacity, with results higher than this more likely to experience queuing or delay.
- 8.55 The RFC of Junctions 01 and 02 are not predicted to exceed 0.85 with the development in place in 2027, and therefore the LHA are satisfied that Junctions 01 and 2 can operate within capacity.

- 8.56 However, the LHA consider the assessment of Junction 03 to demonstrate that the junction is already operating at capacity, and the proposed development is likely to add additional traffic movements to the junction. Nevertheless, the LHA have recommended a holistic approach to development where a material impact is demonstrated, and transport mitigation is necessary in accordance with the NPPF.
- 8.57 The Applicant has identified within their Technical Note that Leicestershire County Council has developed a road improvement scheme for Junction 03, with the view of improving its performance. Given the above, the LHA have advised a financial contribution of £4,884 per dwelling is secured towards improvements on the A511/A50 corridor as part of the extended Coalville Transport Strategy and in mitigating the otherwise severe off-site impact of this development.

Public Rights of Way (PRoW)

- 8.58 The development provides pedestrian linkages to and from the site that tie into the existing Public Right of Way (PRoW) and the pedestrian infrastructure in the vicinity of the site. To facilitate this, the scheme provides a new 2m wide footway, which tapers down to 1.5m outside the public house, from the site along the eastern edge of Main Street that connects to the existing footpath at the public house to the north of the site.
- 8.59 The Applicant provides a retaining wall alongside the proposed footway that is situated outside the highway boundary, which is accepted by the LHA.
- 8.60 The LHA consider the proposal unlikely to have a significant impact on the Public Right of Way (PRoW), R19. However, the LHA have recommended a scheme for the treatment of the PRoW to be secured via planning condition to protect and enhance the PRoW and its access.

Internal Layout

- 8.61 The internal layout of the development is not for consideration at this stage.

Transport Sustainability

- 8.62 The centre of the site is approximately a 320m walk from bus stops served by the 125-bus service between Leicester, Coalville, and Castle Donnington, which runs every three to four hours. In the view of the LHA, the lack of an hourly bus service to the village reduces the transport sustainability of the site as it means that residents are likely to rely on the use of the private car. In addition, there is currently no convenience store in the village, which requires travel outside of the village in order to pick up basic provisions and further reduces the transport sustainability of the site.
- 8.63 Given the above, the LHA consider the site to be in a poor location in terms of transport sustainability. However, due to the scale of the development, it is not considered to be possible to justify the significant costs involved in funding additional bus services to the village. Therefore, to mitigate the poor transport sustainability of the site, the LHA have recommended the provision of one travel pack per dwelling, which could include cycling and car sharing, as well as two six-month bus passes per dwelling to promote sustainable transport within the development.

Summary

- 8.64 The LHA has recommended six planning conditions in relation to a construction traffic management plan, off-site works, access arrangements, vehicular visibility splays, site drainage details, and the Public Right of Way (PRoW). Furthermore, the LHA have requested three financial contributions:
- £244,200 (£4,884 per dwelling) towards the Coalville Transport Strategy.
 - One travel pack per dwelling (which can be supplied by LCC at £52.85 per pack).
 - Two six-month bus passes per dwelling (which can be supplied by LCC at £400 per pass).

- 8.65 With support from the planning conditions and financial contributions that are required, the effects of the proposed development in relation its access and impact upon highway safety and the road network are not considered to be unacceptable, nor severe. Therefore, in accordance with Paragraph 111 of the NPPF, the development is considered acceptable in relation to highways grounds.

Impact on the Character and Appearance of the Area

- 8.66 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- 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.
- 8.67 Policy 21 of the adopted Core Strategy will support development that contributes to the delivery of the National Forest Strategy, and provided that:
- The siting and scale of the proposed development is appropriately related to its setting within the Forest.
 - The development respects the character and appearance of the wider countryside and
 - The development does not adversely affect the existing facilities and working landscape of either the Forest or the wider countryside.
- 8.68 The National Forest Strategy includes increasing woodland cover; enhancing biodiversity; developing a new woodland economy for timber products and wood fuel energy; outdoor recreational and sports provision; and tourism developments, especially overnight quality accommodation linked to tourism in the Forest.
- 8.69 The development does not develop a new woodland economy, any outdoor recreational and sports provisions, nor any tourism facilities. However, the scheme's enhancement of biodiversity within the site is discussed in detail further within the report.
- 8.70 Policy 22 of the adopted Core Strategy requires proposals within Charnwood Forest to:
- Maintain the traditional working landscape of the forest, particularly those which involve rural diversification and sustainable tourism, including green tourism initiatives.

- Provide new recreation facilities around the fringes of the area.
 - Provide access to and from the rural areas into and within the regional park by non-vehicular means, provided that they:
 - Retain local character and complement the local landscape.
 - Enhance open spaces, including the treatment of built edges.
 - Enhance woodland and habitat provision and connectivity.
 - Manage and enhance the cultural heritage of the area.
- 8.71 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.72 The site itself slopes from the high point of approximately 168 Above Ordnance Datum (AOD) in the north to approximately 158m in the south, which is reflective of the surrounding undulating landscape.
- 8.73 Ultimately, the development is considered to result in a change of character to the site through the introduction of built form into an area of currently development pastoral land, and the changing of levels to accommodate the residential properties.
- 8.74 In spite of this, it is considered that the fields within the site lack any features of above ordinary value. In addition, the application site is situated adjacent to, and south of, the built edge of the settlement boundary of Stanton under Bardon. Therefore, as the proposal is adjacent to the existing built form of the rural village, it is not considered that development is incongruous to the surrounding area. Pages 33 to 37 of the Applicant's Landscape & Visual Appraisal provides images of the viewpoints of the site from the surrounding area.
- 8.75 The proposal is considered to have limited visibility from Main Street to the northwest of the site due to the presence of existing residential properties, the raised levels of these properties in comparison to the public highway, and the existing vegetation. In accordance with the Illustrative Layout, the proposed development is set back from the western boundary by over 16m, which preserves the existing site boundary vegetation, and limits the experience of the built form from the public highway. In addition, the experience of the built form from the western boundary of the site is for a shorter period of time as part of a vehicular journey.
- 8.76 Similarly, the proposed development is visible from the south via Thornton Lane, but this view is only experienced between the existing hedgerows as part of a vehicular journey. The application site's closest boundary to Thornton Lane is 140m from the highway, which further reduces its impact on the character of the surrounding area from this position. The scheme also introduces new features that enhance the site and its surrounding such as new hedgerow and buffer tree planting along the southern boundary, which assist with filtering the views of new built form.
- 8.77 Moreover, the existing residential development at Meadow Lane in Stanton under Bardon is already visible from this view, and there is also some residential development along Thornton Lane adjacent to its junction with Main Street, which is the most immediate residential context that is experienced whilst travelling along Thornton Lane. Therefore, the proposed development is not considered to introduce incongruous uses into the experience of the surrounding area from Thornton Lane.
- 8.78 Whilst the application site is viewable from Footpath R18, the PRoW is over 150m east of the proposed development, which limits the impact of the scheme on this view.

This is furthered by the fact the scheme is set back from the eastern site boundary by over 50m, which is utilised for a large open green space and new tree planting, and beyond this the Applicant has identified an area for potential biodiversity improvements. The built form of Stanton under Bardon is also visible from this PRow, and therefore the development is not considered to appear incongruous to its setting.

- 8.79 The development is visible from Footpath R23, but this is only from a short distance from the site. Furthermore, these routes are experienced by walking through the existing residential properties on the southern edge of Stanton under Bardon, and therefore the development does not introduce any incongruous features.
- 8.80 The experience that is impacted by this proposal, is the views along Footpath R19, which runs north-to-south directly through the centre of the site. However, it is considered that the PRow, when experienced north to south, is viewed in the context of Stanton under Bardon. Therefore, the development feels like a continuation of the built form, which does not have a significant adverse impact on the experience of the route. Moreover, when the footpath is experienced south to north, the existing built form of Stanton under Bardon is visible along the entire path. Therefore, the development is not considered to result in an incongruous development in comparison to the existing context of the site. On the contrary, it is considered that, by virtue of the improvements to the site including tree planting, wildflower planting, and the provision of open green space, the experience of this area of the PRow is likely to be improved.
- 8.81 To summarise, it is acknowledged that the development results in a change of character to the application site due to the introduction of built form. However, the character of the existing site is not considered to consist of anything above ordinary value. As the application site is adjacent to the settlement boundary, and the built form, of Stanton under Bardon, the development is not considered to be incongruous to the character of the area and it is viewed as a continuation of the rural village. Whilst the proposal is viewable from several Public Rights of Way, by virtue of the indicative layout of the site, and the proposed landscaping treatments within the site and on its site boundaries, the scheme is not considered to result in a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside in accordance with Policy DM4(i) of the SADMP.

Design and Layout

- 8.82 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.83 The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment.
- 8.84 This is an outline application with all matters reserved except for access and therefore detailed layout and appearance considerations are not being assessed at this stage, however, they will form details at the Reserved Matters stage. Notwithstanding this, the indicative plans illustrate that the development will comprise up to 50 dwellings with access into the site from Main Street.

- 8.85 It is considered that the illustrative plans provide a reasonable approach to the scheme that will flow through into the detailed plans submitted at Reserved Matters stage and indicate that a suitable form of development could be brought forward in accordance with Policy DM10 of the SADMP and the Good Design Guide SPD.

Impact upon Residential Amenity

- 8.86 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.
- 8.87 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.
- 8.88 Paragraph 130 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.
- 8.89 Paragraph 185 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.
- 8.90 A Lux Plan Assessment and a Lighting Design report have been submitted as part of the application. Within this, the Applicant has acknowledged the concerns that the development increases ambient lighting levels within the local area. As a result of this, the Applicant has designed the lighting for the scheme to be in accordance with BS5489, and to ensure there is no additional sky glow from any part of the installation. Given the above, and the fact that the Council's Pollution Officer has raised no concerns to the lighting of the development, it is not considered that the development would cause significant adverse harm to the adjacent users or residents due to increased light pollution.
- 8.91 The Applicant has also provided an Air Quality Constraints and Opportunities Appraisal Statement, which states that, with suitable mitigation measures and good site practise, the impacts of dust soiling and particulate matter concentrations can be significantly reduced to a non-significant level. To ensure this, a Construction Environmental Management Plan is secured via planning condition alongside a scheme for protecting the nearby dwellings from noise, and an investigation into potential land contamination within the site. Site preparation and construction hours has also been limited, which is secured by planning condition to protect the residential amenity of nearby residents from noise pollution.
- 8.92 The closest neighbouring dwelling is 2 Meadow Lane, which is over 30m away from the northern site boundary of the site, and there are no nearby neighbouring dwellings to the east, south or west of the site that are considered to be affected further by the

development. It is therefore considered that the scheme, subject to the detailed matters to come forward at Reserved Matters stage, could be designed such to have a suitable relationship with the nearby residential units.

- 8.93 Concerns raised by the neighbours to the scheme have been taken into account, but it is considered that the use of conditions, together with the Council's continued role in assessing detailed plans at Reserved Matters stage, ensures that sufficient scrutiny and control is retained to ensure all concerns are appropriately addressed.
- 8.94 It is considered that the proposed development can be designed as such to be acceptable in amenity terms and in compliance with Policy DM10 of the SADMP, the Good Design Guide, and the requirements of the NPPF.

Flood Risk and Drainage

- 8.75 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.
- 8.76 Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.
- 8.77 The site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning, which is at low risk of fluvial flooding and predominantly a very low risk of surface water flooding. The Flood Risk Assessment has highlighted that there is a medium-to-high risk of surface water flooding to the south-eastern edge of the site, which is due to the presence of an existing watercourse within the lower parts of the site.
- 8.78 The Applicant seeks to discharge 9.7l/s via an attenuation basin to the aforementioned on-site watercourse.
- 8.79 The Flood Risk Assessment has discounted the use of pervious paving, which the Local Lead Flood Authority (LLFA) have argued is based on invalid reasoning. The LLFA has recommended that the inclusion of pervious paving should be considered in full prior to reserved matters stage in terms of volume control, and pollution management.
- 8.80 The Environment Agency have no fluvial flood risk concerns associated within the site, and LCC Drainage, as the LLFA, consider the development to be acceptable, subject to four planning conditions, which require: a surface water drainage scheme; details in relation to the management of surface water during construction of the development; details in relation to the long-term maintenance of the surface water drainage system; and infiltration testing to be carried out to confirm the suitability of the site for the use of infiltration as a drainage element. The views of the LLFA are supported and reiterated by HBBC Drainage.
- 8.81 To conclude, the application site is at low risk from flooding, with the exception of the south-eastern part of the site, where moderate flood risk is indicated in association with the existing watercourse. It is considered that the flood risks within the site can be suitably mitigated by the planning conditions requested by the LLFA and HBBC Drainage, and therefore, subject to compliance with the requested planning conditions, the development complies with Policy DM7 of the SADMP.

Ecology and Biodiversity

- 8.82 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 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.83 LCC Ecology have suggested that the proposed development is likely to lead to the loss of grassland habitat, and a section of species-rich hedgerow along the northern half of the western boundary, which is also a potential Local Wildlife Site due to its species richness.
- 8.84 However, the Applicant has suggested that a net gain of 2.57% is ensured for habitats within the Ecological Assessment Report, via the provision of a wildflower meadow, scrub planting, and roadside tree planting. Upon receiving the DEFRA metric spreadsheet for this net gain, LCC Ecology has recommended that the development is acceptable, subject to securing the net gains for biodiversity via planning condition.
- 8.85 In line with the recommendations of LCC Ecology, the development is considered acceptable with Policy DM6 of the SADMP, subject to the provision of a Construction Environmental Management Plan for biodiversity (CEMP: Biodiversity), as well as a Landscape and Ecology Management Plan (LEMP) to ensure the protection of sensitive habitats and species, and to secure the creation and appropriate management of new habitats.

Archaeology

- 8.86 Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk-based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.
- 8.87 In line with the NPPF Section 16, the Local 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 199 states that where loss of the whole or a material part of the heritage asset's significance is justified., local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.
- 8.88 Paragraph 203 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 and that in weighing applications that directly affect non-designated assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.89 At the request of LCC Archaeology, the Applicant provided a Written Scheme of Investigation (WSI) and an Archaeological Evaluation report reporting following trial trenching.

- 8.90 LCC Archaeology's assessment of the Leicestershire and Rutland Historic Environment Record (HER) was supported by the results of the Applicant's archaeological evaluation of the site which demonstrates that the site lies within an area of significant archaeological potential.
- 8.91 The Applicant's archaeological investigation has indicated the presence of significant archaeological remains.
- 8.92 LCC Archaeology has confirmed that the application is acceptable subject to planning conditions that secure a programme of archaeological mitigation and a WSI.
- 8.93 Given the above, the development is considered to comply with Policy DM13 of the SADMP and Section 16 of the NPPF, subject to appropriate conditions.

Trees

- 8.94 Policy DM6 of the SADMP sets out that on site features should be retained, buffered and managed favourably to maintain their ecological Value, connectivity and functionality in the long term.
- 8.95 In this instance both the County and Borough Tree Officers have commented on the proposals and do not have significant concerns.
- 8.96 The Council's Tree Officer highlights that the Category B Tree, T23, requires greater clearance from its protective barrier and Root Protection Area (RPA). A planning condition is utilised to ensure that there is adequate site working space and canopy growth space for this tree.
- 8.97 In total, six trees, which are all classified as Category C1 trees, are removed to facilitate the development. A further two trees are recommended to be felled due to their low quality and limited future lifespan. In addition, the proposals provide for significant new tree planting including ornamental street trees, native trees around the Sustainable Drainage System (SuDS), native hedgerow trees, and native open space trees.
- 8.98 It is therefore considered therefore that the proposal is acceptable regarding the requirements of Policy DM6 of the SADMP.

Other Matters

- 8.99 The loss of this pastoral land is not considered significant given the sites use as grazing land rather than for crops.

S106 Heads of Terms

- 8.100 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.
- 8.101 Policy 19 of the Core Strategy identifies standards for play and open space within the Borough. Developments should accord with this Policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016 updates these standards and identifies the costs for off-site and on-site contributions.

- 8.102 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 57 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.
- 8.103 The following contributions totalling £571,782.90 are sought as a result of this development. These contributions include:
- Coalville Transport Strategy (£244,200 (£4,884 per dwelling))
 - Libraries at Markfield Library (£1,513.80)
 - Markfield Medical Centre (£20,757)
 - Primary Education at Stanton under Bardon Community Primary School (£110,136)
 - Post-16 Education at Castle Rock School (£0)
 - Secondary Education (11 – 16) at South Charnwood High School (£149,264.60)
 - Six-month bus passes (two per dwelling) (£40,000 (£400 per pass))
 - 50 x Travel Packs (One per dwelling) (£2,642.50 (£52.85 per pack))
 - Waste at Coalville's Recycling and Household Waste Site (RHWS) (£3,269)
- 8.104 All of the above contributions are considered to meet the tests for planning obligations and should therefore form part of the Section 106 legal agreement to be formulated should the application be approved. Therefore, subject to the above contributions, the development is considered to comply with Policy DM3 of the SADMP, and Policy 19 of the Core Strategy.

Conclusions and Planning Balance

- 8.105 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.
- 8.106 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. It is necessary therefore to consider that 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.
- 8.107 The provision of up to 50 dwellings is considered to be a benefit of the proposal to which moderate weight in favour of the scheme is attached. The provision of affordable dwellings is afforded significant weight.
- 8.108 Other benefits of the scheme apart from the delivery of market and affordable homes include the likely economic and social benefits through the construction of the dwellings and from the subsequent activities of the future residents in the local area. These benefits are considered to attract moderate weight.

- 8.109 Whilst the proposal is offered no support by Policy DM4(a, b, c, d and e) of the SADMP, the Council does not regard the development to have a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the countryside, in accordance with Policy DM4(i) of the SADMP. This is by virtue of the location of the application adjacent to the built form of Stanton under Bardon, which enables the development to be experienced as a natural continuation of the rural village. This view is supported by the indicative layout of the site, and the proposed landscaping treatments within the site and on its site boundaries but on balance the effect on the countryside attracts moderate weight against the development.
- 8.110 Although the countryside is not considered a sustainable location for new residential development, the proposal is likely to support local services within the rural village. The sustainability of the site is also supported by the recommended financial contributions towards travel packs and bus passes for each dwelling. Moreover, the development's impact on the highway network is considered to be mitigated by the proposed financial contributions and planning conditions attached to the development. These considerations add weight to both sides of the argument and are considered to balance each other out.
- 8.111 In relation to residential amenity, it is considered that the use of conditions, together with the Council's continued role in assessing detailed plans at Reserved Matters stage, ensures that sufficient scrutiny and control is retained by the Council to ensure all concerns are appropriately addressed.
- 8.112 The current application site is at low risk from flooding, with the exception of the south-eastern part of the site, where moderate flood risk is indicated in association with the existing watercourse. Nevertheless, it is considered that the flood risks within the site can be suitably mitigated by the planning conditions requested by the LLFA and HBBC Drainage.
- 8.113 Whilst the new proposal does result in the loss of an area of grassland, the development does ensure a biodiversity net gain of 2.57% for the site through the provision of a wildflower meadow, scrub planting, and roadside tree planting, which is secured via planning condition.
- 8.114 The Applicant's Archaeology Evaluation report demonstrates that the application site lies within an area of significant archaeological potential. Ultimately, LCC Archaeology confirmed that the application can be recommended for approval, subject to planning conditions that secure a programme of archaeological mitigation that is compliant with a Written Scheme of Investigation (WSI).
- 8.115 Despite the fact that there is no currently proposed provision for an open play area within the site, there is formal park within 400m of the site. Nevertheless, this provision is secured via a s106 agreement.
- 8.116 Although it is not a material planning consideration, it is noted that the current application is smaller in scale, and adjacent to the identified settlement boundary the rural village in comparison to the previously refused outline planning application 20/00866/OUT, which was for residential development of up to 82 dwellings with public open space and access, which was separated from Stanton under Bardon via the current application site.
- 8.117 To summarise, the application must be assessed against the 'tilted' balance of Paragraph 11(d) of the NPPF. The proposed development provides up to 50

dwellings towards the Council's housing land supply, which incorporates 40% affordable housing units in accordance with the requirements of Policies 15 and 16 of the adopted Core Strategy.

- 8.118 By virtue of all these factors, it is considered that the impacts of granting planning permission do not significantly and demonstrably outweigh the benefits of the development when assessed against the policies in the National Planning Policy Framework taken as a whole.

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 Officers 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:**

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

11.2 Conditions

1. Application for approval of reserved matters shall be made within two years of the date of this permission and the development shall be begun not later than 18 months from the date of approval of the last of the reserved matters to be approved.

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

2. No development shall commence until details of the layout, scale, appearance, landscaping and access other than vehicular access (hereafter called the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:
 - Location Plan dwg no. n1686 001 Rev D (submitted 01.06.2022)
 - Location Plan (With Topo Survey) dwg no. n1686 001-01 Rev D (submitted 01.06.2022)
 - Site Access Retaining Wall Proposals dwg no DR-102-Rev C (submitted: 21.03.2023)
 - Site Access + Visibility Splays dwg no T21521 001 Rev B (submitted: 21.03.2023)
 - Swept Path Analysis (submitted: 21.03.2023)

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

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

Reason: To ensure a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss and recording as specified in *Historic England's Good Practise Advice Note 2, Managing Significance in Decision-Taking in the Historic Environment (p. 11)* and to advance the understanding of, and safeguard the significance of the heritage asset in a manner proportionate to its importance in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 205 and Section 16 of the National Planning Policy Framework.

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

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

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

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

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

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016), and Section 14 of the National Planning Policy Framework (2021).

8. 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. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided. 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 through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development

Management Policies Development Plan Document (2016), and Section 14 of the National Planning Policy Framework (2021).

9. 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 (SuDS) within the development have been submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include responsibilities and schedules for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the site. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016), and Section 14 of the National Planning Policy Framework (2021).

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

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016), and Section 14 of the National Planning Policy Framework (2021).

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

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

12. 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) Identification of biodiversity protection zones.

- c) Practical measures and sensitive working practices for reptiles and bats, to avoid or reduce impacts during construction.
- d) Timing of works to avoid harm to nesting birds.
- e) Responsible persons for overseeing sensitive works.
- f) Use of protective fencing where required.

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

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

13. 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 LPA. This shall be based on the BNG metric spreadsheet completed by Tyler Grange (Milly Robinson 16/05/22). The LEMP shall include the following details:
- a) Description and evaluation of the features to be created/managed.
 - 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 protect the protected wildlife species and their habitats that are known to exist on the site in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

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

Monday to Friday: 07:30 to 18:00
Saturday: 09:00 to 14:00
No working on Sundays and Bank Holidays

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with

Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.

17. No part of the development shall be occupied until such time as the offsite works (pedestrian footways, retaining walls and embankment works) shown on Hub drawing number T21521.001 Rev. B and PJS Consulting drawing number DR-102 Rev C have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

18. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Hub drawing number T21521.001 Rev. B have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).

19. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 73 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (2021).

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).

21. No development shall take place until a scheme for the treatment of the Public Right of Way (R19) has been submitted to and approved in writing by the Local

Planning Authority. Such a scheme shall include provision for their surfacing, width, structures, signing, landscaping, and management during construction, in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2021).

22. Before any development commences on site, including site works of any description, a Tree Protection Plan for the Category B Tree, T23, as identified within the submitted Tree Survey & Arboricultural Implications Assessment Tree Retention & Removal Plan (submitted: 01.06.2022), which has been prepared by a suitably qualified arboriculturist shall be submitted to, and approved in writing by, the Local Planning Authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left unsevered. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the Category B tree on site is retained and adequately protecting during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016), and Paragraph 170 of the National Planning Policy Framework (2021).

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

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with Paragraph 112 of the National Planning Policy Framework (2021).

24. The development hereby permitted shall not be first used until such time as the scheme makes adequate provision for waste and recycling storage of containers and collection across the site, which has been submitted to, and approved in writing by, the Local Planning Authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

Reason: To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the Site Allocations and Development

Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

25. Any reserved matters application relating to layout or landscaping shall demonstrate the development's compliance with the National Forest design principles of the Good Design Guide (2020), the requirements of Policy 21 and Policy 22 of the adopted Core Strategy (2009), the National Forest Strategy (2014-24), and the recommendations of the National Forest's planting guidelines. This should include, but is not limited to, the following:
- 20% of the site to be forest green infrastructure that meets the National Forest planting guidelines
 - A minimum of 0.25ha of new woodland planting
 - The creation of new habitats (such as: wetlands, reedbeds, meadows, heathlands)
 - The creation of woodland belts that are a minimum of 15m wide
 - The development landscaping with a strong tree emphasis
 - Ecologically designed sustainable drainage systems
 - Greenways such as landscaped footpath and cycle routes
 - The incorporation and management of existing woodland and hedgerows
 - Open space provision
 - Planting to form parkland style landscapes
 - The provision of new recreational facilities
 - The provision of roadside trees

Reason: In order to protect and enhance the intrinsic value, beauty and landscape character of the countryside, Charnwood Forest and the National Forest, and to protect the protected wildlife species and their habitats that are known to exist on site in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016), Policies 21 and 22 of the adopted Core Strategy, the Good Design Guide, Sections 12, 13, 15 of the National Planning Policy Framework (2021), and the National Forest Strategy (2014 – 2024) (2014).

11.3. **Notes to Applicant**

1. In relation to Conditions 5 and 6, advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
2. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991, as amended by the Water Act 2003. You may not build close to, directly over, or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution, which protects both the public sewer, and the proposed development. If the Applicant proposes to divert the sewer, the Applicant will be required to make a formal application to Severn Trent Water under Section 185 of the Water Industry Act 1991. They maintain obtain copies of our current guidance notes and application form from either their website (www.stwater.co.uk), or by contacting their Developer Services Team on 0800 707 6600.

3. For the use, or reuse, of sewer connections, either direct or indirect, to the public sewerage system, the Applicant is required to make a formal application to the Severn Trent Water under Section 106 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either their website (www.stwater.co.uk), or by contacting their Developer Services Team on 0800 707 6600.
4. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you contact Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
5. Any works to highway trees will require separate consent from Leicestershire County Council as Local Highway Authority (telephone 0116 305 0001). Where trees are proposed to be removed, appropriate replacements will be sought at the cost of the applicant.
6. To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
7. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
8. A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
9. A separate application for a diversion of an existing Public Right of Way should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority.
10. The applicant is not entitled to carry out any works directly affecting the legal line of Public Rights of Way until a Diversion Order has become operative.
11. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the local Highway Authority (telephone 0116 305 0001). If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to

networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.

12. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority.
13. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway which is Newbold Road. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point and returned to private properties after collection place. Please ensure occupiers are advised procedure and bin collection points.
14. The National Forest Company have advised the Applicant to refer to the design principles of the National Forest in the Good Design Guide, Policy 21 of the adopted Core Strategy, and the National Forest's planting guidelines.