

**Planning Committee 8 December 2020  
Report of the Planning Manager**



Hinckley & Bosworth  
Borough Council

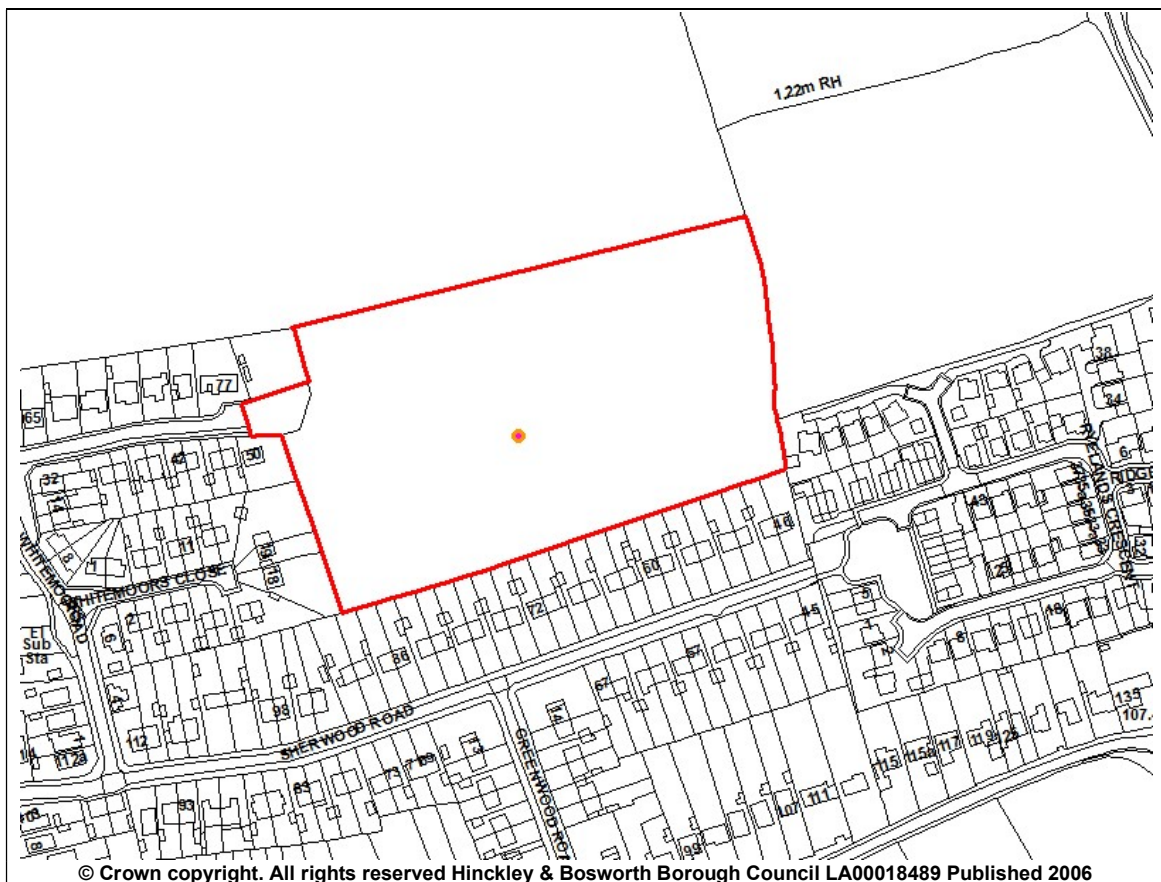
**Planning Ref: 20/00779/OUT**

**Applicant: Glenalmond Developments Ltd, Richard Furniss,  
Dorothy Furniss, Anna Furniss and Irene Milmoe**

**Ward: Ambien**

**Site: Land East Of Roseway Stoke Golding**

**Proposal: Residential development of up to 65 dwellings including public open space,  
landscaping and associated infrastructure (Outline- access only)**



**1. Recommendations**

**1.1. Grant planning permission subject to:**

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
  - Provision of 40% affordable housing with a tenure mix of 75% affordable rented and 25% intermediate housing
  - £1,890 towards Hinckley Library
  - £3,219 towards Barwell Household Waste and Recycling Centres
  - Off site open space provision contribution of £22,588.80 and maintenance contribution of £10,732.80
  - On site open space maintenance contribution £160,916.80

- £262,656.00 towards improving, remodelling or enhancing existing facilities at St Margaret's Church of England Primary School, Stoke Golding or any other school within the locality of the development.
  - Bus Passes at £360 per pass
  - Improvement to local bus stops £100
  - £32,910.31 towards Castle Mead Medical Practice to Stoke Golding Surgery
  - Planning conditions outlined at the end of this report
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

## **2. Planning application description**

- 2.1. This application seeks outline planning permission for residential development of up to 65 dwellings and associated works. All matters are reserved with the exception of access. Access to the proposed development is from Roseway.
- 2.2. An indicative Masterplan and Landscape Strategy have been submitted to demonstrate how the proposed dwellings could be accommodated on site. These plans show landscaping areas to the north west and east of the site, with a Local Equipped Area for Play (LEAP) within the north west. Landscaping and a SUDs feature is identified to the south west of the site. The Illustrative Masterplan identifies the planting of a native boundary hedgerow and tree planting to create a clear boundary between the application site and the wider agricultural field.
- 2.3. The application proposes 40% affordable housing with a mix of 75% affordable rent and 25% intermediate.
- 2.4. This application has been supported by the following technical documents; Design and Access Statement, Planning Statement, Built Heritage Statement, Ecological Impact Assessment, Flood Risk Assessment and Drainage Strategy, Landscape and Visual Impact Assessment, Transport Statement, Travel Plan, Topographical Survey, Archaeological Desk Based Assessment and Arboricultural Impact Assessment.

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

- 3.1. The site is approximately 2.85 hectares in size. The site comprises a plateau in the south east corner at a level of 112.13 AOD which gently slopes down to the north and west. The northern boundary has a level of approximately 109.29 AOD representing a 3m fall. The western boundary has a level of 105.18 AOD representing a 7m fall.
- 3.2. The site is presently undeveloped and is in agricultural use comprising a section of a wider single arable field. The site is bound by hedgerows along the west, south and east boundaries with trees sporadically located along the site boundary primarily to the south and east.
- 3.3. The application site is located on the northern side of Stoke Golding. The site adjoins the built-up area of Stoke Golding to the west with dwellings along Roseway and Whitemoors Close and to the south with dwellings along Sherwood Road and in the south east corner with dwellings along Ryeland Crescent.
- 3.4. Roseway and Whitemoors Close comprise primarily two-storey houses, with some bungalows, which are stepped down the sloping gradient to the west responding to the topography. Sherwood Road comprises bungalows, some of which have been converted to provide dormer accommodation. To the south east of the site is a

relatively recent residential development comprising primarily two-storey dwellings but with the inclusion of some 2.5 storey dwellings, including the dwelling closest to the application site.

- 3.5. To the east of the application site is an agricultural field, separating Hinckley Road, which is heavily screened by vegetation. To the north of the application site is the remainder of the agricultural field. The land continues to slope down to the north where it adjoins, and is accessed from, Stoke Road.

#### **4. Relevant planning history**

##### **80/00841/4**

- Residential Development  
Refused  
24.06.1980

##### **75/01254/4**

- Erection of dwellings and the formation of access on land part os parcel nos 2553 and 3947  
Refused  
25.11.1975

#### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.

- 5.2. 410 letters of objection were received from 278 different addresses. The following concerns were raised in these letters:

- 1) Lack of infrastructure
- 2) Roads are at capacity
- 3) Doctors and schools are over subscribed
- 4) The village only had 1 small shop
- 5) More appropriate infill and redevelopment sites within the borough
- 6) Negative effect on wildlife habitat
- 7) Moves closer to becoming one large area connected with Dadlington and Hinckley, will no longer be a village
- 8) Terrible policy of development on fields because its cheaper than redeveloping sites
- 9) Will spoil the views of the canal and footpaths
- 10) Roseway already struggles with traffic and is a dangerous road
- 11) Concerns with flooding
- 12) Location of natural beauty
- 13) Impact upon future generations and wildlife
- 14) Site is within green belt land
- 15) Housing numbers could increase
- 16) Housing not needed in Stoke Golding, already have had development
- 17) No bus routes close to development
- 18) Impact upon bungalows on Sherwood Road with two storey dwellings proposed to rear of these
- 19) Safety of children with more cars on the street
- 20) Parking issues on Roseway
- 21) The field has historic value, impact upon the Battlefield
- 22) One dwelling was refused on site for access and area suitability
- 23) Construction access should not be from Roseway
- 24) Noise, dust, dirt, pollution impacts of construction to existing properties

- 25) Will join Dadlington and Stoke Golding
  - 26) Not identified in the local plan and is outside the settlement boundary
  - 27) Will impact the views of St Mary's Church
  - 28) Impacts upon crime and anti-social behaviour
  - 29) Existing sewers are not adequate for further development
  - 30) Impacts upon privacy, overlooking and overbearing to existing properties
  - 31) Concerns with emergency access
  - 32) Inadequate archaeology provision
  - 33) Inadequate public consultation
  - 34) Land is agricultural in nature not residential
  - 35) 5 year land supply has been met
  - 36) Access is not sufficient
  - 37) Soil/bedrock composition impede drainage
  - 38) Applications in 1973, 1975 and 1980 of similar nature
- 5.3. Stoke Golding Friends of the Community have submitted a report on behalf of Stoke Golding residents addressing concerns and issues with Flood Risk and Drainage Strategy of the proposed development site.
- 5.4. Councillor Collett objects to this application on the following grounds:
- 1) The application is unacceptable and too large
  - 2) It is too close to Dadlington and erodes the boundary between the two villages
  - 3) Development in Stoke Golding is not sustainable – there is a waiting list for GPs surgery of one month, school places are full, utilities are stretched and there is no post office
  - 4) There has already been too much development in Stoke Golding
  - 5) The number of homes will result in an unacceptable increase in traffic movement along Roseway a small village road to the detriment of the safety of motorists, cyclists and pedestrians particularly during the evening. This is contrary to Spatial Objective 5,6, 8 and 13 and Policy 14 of the Core Strategy 2009 and Policy DM17 of the SADMP 2016.
  - 6) It has not been demonstrated that housing can be provided elsewhere around less harmful settlement boundaries
  - 7) It will cause substantial and demonstrable harm to the intrinsic value, beauty and open character of this part of Stoke Golding
  - 8) The benefit of providing 65 homes does not outweigh this harm and is therefore contrary to Policy DM4 of the SADMP
- 5.5. County Councillor Ould objects to this application on the following grounds:
- 1) Lack of need of housing in Stoke Golding, identified in the Local Plan
  - 2) A single house was refused in 2016 using DM4, 65 dwellings will destroy and obliterate that same landscape judged as the reason for refusal four years ago
  - 3) Concerns that Stoke Golding is becoming similar to Burbage, it will become part of greater Hinckley
  - 4) Flooding is a major concern in this area, some remedial work has been undertaken but it remains a fact that flooding still exists today
  - 5) Water from Stoke Golding and Dadlington eventually reaches where the River Sence joins with the River Anker and can cause flooding at Mythe Lane back to Sheepy Magna and across the fields to the east of Witherley.
  - 6) Medical Care services overloaded
  - 7) More recreation grounds are needed
  - 8) The ethos and atmosphere that make Stoke Golding a unique settlement is being destroyed by over-development characterised by immediate resources becoming overloaded

## **6. Consultation**

- 6.1. No objections, some subject to conditions have been received from:
- HBBC Environmental Health (Pollution)
  - Leicestershire County Council (Ecology)
  - Leicestershire County Council (Lead Local Flood Authority)
  - HBBC Waste Services
  - Leicestershire County Council (Highways)
  - Severn Trent Water
  - HBBC Environmental Health (Drainage)
  - Leicestershire County Council (Archaeology)
  - Historic England
  - HBBC Conservation Officer
  - HBBC Affordable Housing
- 6.2. West Leicestershire CCG have requested a contribution of £32,910.31 to mitigate the impact of the development on the GP practice on Pine Close, Stoke Golding, with the main services being provided at Castle Mead Medical Practice, Hinckley.
- 6.3. George Elliot Hospital request a contribution of £70,681.09 towards the maintenance of the delivery of health care services at George Elliot Hospital.
- 6.4. University Hospitals Leicestershire NHS Trust request a contribution of £17,459 towards adequate health services at University Hospitals Leicestershire.
- 6.5. Leicestershire County Council (Developer Contributions) have requested the following contributions:
- £1,890 towards Hinckley Library
  - £3,219 towards Barwell Household Waste and Recycling Centres
  - £262,656 towards the improvement, remodelling or enhancing existing facilities at St Margaret's Church of England Primary School, Stoke Golding or any other school within the locality of the development.
- 6.6. Stoke Golding Parish Council object to the application on the following grounds:
- 1) Over development on an appropriate green field site
  - 2) Increase pressure on village infrastructure including roads, schools and doctor's surgery
  - 3) Questions sustainable status of the application and based on outdated data
  - 4) History of flooding in the area is a concern
  - 5) Distance for potential residents to access public services such as buses is questions
  - 6) If approved it would continue to far exceed the original housing allocated in the Local Plan

## **7. Policy**

- 7.1. Core Strategy (2009)
- Policy 11: Key Rural Centres Stand Alone
  - Policy 14: Rural Areas Transport
  - Policy 15: Affordable Housing
  - Policy 16: Housing Density, Mix and Design
  - Policy 19: Green Space and Play Provision
  - Policy 20: Green Infrastructure

- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM4: Safeguarding the Countryside and Settlement Separation
  - Policy DM6: Enhancement of Biodiversity and Geological Interest
  - Policy DM7: Preventing Pollution and Flooding
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards

- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
  - Planning Practice Guidance (PPG)

- 7.4. Other relevant guidance
- Good Design Guide (2020)
  - National Design Guide (2019)
  - Landscape Character Assessment (2017)
  - Landscape Sensitivity Assessment (2017)
  - Open Space and Recreation Study (2016)
  - Housing Needs Study (2019)
  - Affordable Housing SPD (2011)
  - Leicestershire Highways Design Guide

## **8. Appraisal**

- 8.1. Key Issues
- Assessment against strategic planning policies
  - Design and impact upon the character of the countryside and character of the area
  - Historic Environment
  - Affordable Housing
  - Impact upon neighbouring residential amenity
  - Impact upon highway safety
  - Flooding and Drainage
  - Ecology
  - Pollution
  - Infrastructure Contributions
  - Other Matters
  - Planning Balance

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan

Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

- 8.4 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. Stoke Golding is identified as a Key Rural Centre stand alone within Policy 7 and 11 of the Core Strategy. To support its role as a Key Rural Centre focus is given to limited development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5 Policy 11 provides the policy framework for each Key Rural Centre that Stands Alone (away from Leicester and outside of the National Forest). The first criterion for Stoke Golding seeks the provision of a minimum of 60 new homes. Since the adoption of the Site Allocations and Development Management Policies (2016) DPD which allocated sites in Stoke Golding in accordance with the Core Strategy. STG02PP has been granted and approved 59 dwellings, and STG25 benefits from consent for 75 Dwellings off Hinckley Road. Since 2009 Stoke Golding has delivered 157 dwellings.
- 8.6 However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement (450dpa) than required by the up-to-date figure using the standard methodology of 452 dwellings per annum. Notwithstanding the very limited change in housing requirements per year, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.7 Nevertheless, using the Standard Methodology set by MHCLG, as of the 1<sup>st</sup> April 2020 the Council is able to demonstrate 5.15 years of deliverable housing supply. Therefore, this is an up to date position demonstrating that the Council is planning for its most recently calculated housing need.
- 8.8 Stoke Golding is an identified Neighbourhood Plan Area; however, given the early stages that the preparation of the plan is at, this has very limited weight in the planning balance.
- 8.9 This site lies outside, but adjacent to the settlement boundary of Stoke Golding and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.10 Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
  - a) It is for outdoor sport of 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.
- 8.11 The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.
- Design and impact upon the character of the countryside and character of the area
- 8.12 Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.13 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would be contrary to Policy DM4.
- 8.14 The Borough's Landscape Character Assessment (2017) identifies the site within Character Area E, Stoke Golding Rolling Farmland. This is characterised by:
- 1) Undulating arable and pasture farmland with gentle valleys sloping down to the Ashby Canal, Tweed River and associated tributaries.
  - 2) Small to medium scale rectilinear field pattern divided by low hedgerows and mature hedgerow trees typical of parliamentary enclosure, with smaller pasture fields around settlements, creating a largely unified field pattern and providing continuity with the agricultural past.
  - 3) Rural settlement pattern with former agricultural villages typically demonstrating a historic core, modern outskirts and sporadic farmsteads on the outer edges, within a strong rural setting.
  - 4) Historic villages occupying higher ground with attractive red brick cottages fronting onto the road and connected by rural lanes with grass verges and well-maintained hedgerows.
  - 5) Church spires and towers within villages in and around the character area form distinctive landmarks on the skyline.
  - 6) Associations with the Battle of Bosworth, particularly at Crown Hill in Stoke Golding.
  - 7) Ashby Canal has affiliations with coal mining that has influenced the landscape over the years and is designated as a conservation area. It is now important for biodiversity and tourism.
- 8.15 In addition to these characteristics the study also identifies the following key sensitivities and values:
- 1) The rural character of the landscape, despite its proximity to urban areas, and areas with little light pollution – particularly in the north of the area which



create a relative sense of tranquillity compared to some other parts of the borough

- 2) The gap between Stoke Golding and Dadlington is important in retaining the 'village' character and distinctiveness of the settlements
- 3) Low hedgerows and mature trees are important elements because of the relatively low level of woodland in the landscape and their role in defining historic field patterns
- 4) Distinctive character and local vernacular of the villages, including red brick and traditional buildings with links to the agricultural history of the settlements. Former farmhouses and landmark buildings contribute to the sense of place and provide historic time depth
- 5) Historic value and associations with the nearby Bosworth Battlefield
- 6) The Ashby Canal is a valued landscape asset, particularly as a recreation and biodiversity resource as well as a reminder of the areas industrial heritage
- 7) Footpaths including popular recreational routes provide connections with the wider landscape
- 8) Uncluttered rural views of church spires are sensitive to change and are valued for the sense of local distinctiveness they provide

8.16 The council have also undertaken a landscape sensitivity assessment in 2017. The site does not fall within any of the sites identified within this study, however it is within proximity to the assessment area 'Bosworth Battlefield'. The relevant guidelines identified, which could be considered when assessing the site are:

- Promote the strong historic character and heritage in the landscape, including connections with the Battle of Bosworth
- Seek to maintain the rural character of the landscape, and where possible ensure development is fully integrated into and informed by the landscape, respecting the harmonious pattern and local vernacular styles and materials
- Conserve and enhance the view to church spires and towers
- Respect hedgerows and replace hedgerow trees where possible

8.17 The site is not a 'valued landscape' for the purposes of Paragraph 170 of the NPPF. Nor has the site got any national or local designations and is not unique or remarkable for any landscape purposes.

8.18 The site is part of a large agricultural field, which is not a typical field type character identified in the landscape assessment. The site has limited planting due to the boundary with residential properties and its agricultural use; there is a hedge along the eastern boundary with some hedging along the western boundary, with some tree planting adjacent to the north eastern boundary. The character of the site is open and due to its elevated position there are long distance views within the site looking north. The site, however, is also influenced by residential development to the south, west and south east. When viewing the site from the north, looking west, for example on Stoke Road, the site is viewed within the backdrop of the urban built up area of Stoke Golding.

8.19 A landscape and visual impact assessment (LVIA) has been submitted with the planning application and identifies in terms of the susceptibility of the landscape resource to accommodate change of the type proposed, it is considered that the presence of the existing urban edge immediately to the south and west, and in part, to the east, reduces the susceptibility of the Site to change resulting from residential development. The LVIA also notes that the Site is located on high ground with the established vegetation structure along the eastern site boundary and the localised landform reducing the contribution the Site makes to the local and wider landscape. It is therefore considered that the Site relates much more closely to the settlement edge than the lower lying arable landscape to the north west. The assessment

therefore concludes that it is considered that the landscape character of the Site has capacity to accommodate sensitively designed residential development.

- 8.20 The indicative masterplan and landscape strategy submitted with the application identifies an area to the north east of the site which does not include built development, only soft landscaping. The LVIA acknowledges that this would provide a 'rounding off' to the edge of the settlement, ties in with the adjacent recently completed development off Hinckley Road and provides openness to the more sensitive part of the site being the closest part of the site to Dadlington. The landscape character assessment identifies the gap between Stoke Golding and Dadlington is important to the distinctiveness of the villages. This site is two fields away to the south west from the linear development along Hinckley Road which is the start of the village of Dadlington. It is not considered that this proposal would read in the context of any street scenes and/or landscape views as closing of the gap between these two villages. A detailed design scheme would therefore ensure that the gap between Stoke Golding and Dadlington is maintained.
- 8.21 The proposals would be partially visible from existing residential development and road corridors within the immediate context of the Site and a number of public rights of way within the local landscape to the north and north west. However, the proposals would be seen in the context of the existing settlement edge to Stoke Golding, with the combination of intervening landform and mature vegetation structure reducing the intervisibility of the proposals from the local and wider more open setting to the north east, east, south and west. Whilst landscaping and layout is not a matter for consideration in this instance it is demonstrated through the illustrative plans submitted that a landscape scheme could be designed which would introduce a formal northern hedgerow boundary, typical of the surrounding field boundaries of the area. Once mature landscaping would further filter and soften the impact of the proposed development and provide a more suitable and sensitive transition between the urban and rural landscape.
- 8.22 The LVIA concludes 'In reviewing effects upon the landscape character, it is considered that whilst some harm is acknowledged to the immediate landscape character of the Site itself, the harm is restricted to the Site only and reduces within the immediate setting and further more in the wider setting.' It is considered upon completion of development there may be some minor harm to the wider landscape views, due to the lack of mature planting. However, subject to appropriate layout and landscaping it is considered this harm could be reduced significantly and once the landscaping is matured the proposed development would read in the context of the settlement edge of Stoke Golding.
- 8.23 Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum net density of a least 30 dwellings per hectare within key rural centres such as Stoke Golding. The Design and Access Statement confirms that the density of the housing contained within the development framework parameters is on average 35 dwellings per hectare. However, lower densities will occur on the western edge, of the site, whilst higher densities will be located along the primary vehicular route and towards the existing settlement edge. These density calculations are based upon the identified 'developable area'. The site however is 2.85ha in size and if calculating the density is based upon the whole site this would result in 23 dwellings per hectare. Due to landscaping requirements of the site and the acknowledgement that areas of the site would not include built development to allow the site to assimilate better into both the local and wider landscape the lower density figure is considered an acceptable design approach to achieve a balance between efficient use of land, whilst assimilating with the character of the area.

8.24 The proposal would extend development beyond the settlement boundary of Stoke Golding and it is considered that the proposal would result in some harm to the character and appearance of the area and would therefore conflict with Policy DM4 and DM10 of the SADMP DPD. It is noted however that an appropriate and sensitively design scheme could significantly reduce the harm of the development to both the local and wider landscape.

#### Historic Environment

- 8.25 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.26 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.27 Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (paragraph 200).
- 8.28 Policies DM11 and DM12 of the Site Allocations and Development Management Polices DPD seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:
- a) An understanding of the significance of the heritage asset and its setting, and
  - b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
  - c) How the benefits of the proposal will outweigh any harm caused
  - d) Any impact on archaeology in line with Policy DM13
- 8.29 Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting, and that development proposals should ensure the significance of a conservation area is preserved and enhanced. In addition development proposals within or adjacent to the historic landscape of Bosworth Battlefield should seek to better reveal the historic significance of the area. Proposals which adversely affect the Bosworth Battlefield or its setting should be wholly exceptional and accompanied with clear and convincing justification. Such proposals will be assessed against their public benefits.

- 8.30 The Borough Council's Good Design Guide SPD (2020) also identifies design objectives for the settlement of Stoke Golding to retain its key characteristics.
- 8.31 The application site has been in agricultural use since at least the medieval period (as informed by the submitted Built Heritage Statement) and although some distance from the original village core it forms part of its historic surrounding rural landscape. Despite the creation of smaller fields during Enclosure and subsequent periods by the 1990s historic mapping identifies that the arrangement of the site is generally how it is experienced today.
- 8.32 A Built Heritage Statement and an Archaeological Desk-Based Assessment have been submitted as part of the application. In determining applications, paragraph 189 of the National Planning Policy Framework (NPPF) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. These two documents provide a reasonable and proportionate assessment of the impact on the proposal upon affected heritage assets and their settings. Paragraph 190 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. That required assessment has been undertaken in the body of these comments.
- 8.33 There are no designated or non-designated heritage assets within the site itself. The Stoke Golding Conservation Area is located to the west of the application site and includes the historic core of the settlement. At its closest point the small paddocks on Stoke Road that form the north-east corner of the conservation area are approximately 250m from the north-western boundary of the application site. There is a single scheduled monument (Hlaew and medieval farmstead) and a small number of listed buildings located within the conservation area boundary. All are grade II listed (12 Station Road, 55 High Street, and 1 Main Street) other than the grade I listed Church of St Margaret. Outside of the conservation area there are also other listed buildings sited within a 1km search area from the application site, these being two further grade II buildings in Stoke Golding (war memorial at Hinckley Road cemetery and the Royal Observer Corps monitoring post) and two further buildings in Dadlington to the north (the grade II\* listed Church of St James and the grade II listed 1 Main Street). The Ashby Canal is approximately 300m to the north-west of the site as it meanders its way through the surrounding countryside. The length of the canal is designated as the Ashby Canal Conservation Area. At its closest proximity to the application site the canal forms the boundary of the Battle of Bosworth Field (1485). The Registered Battlefield extends further to the north and west.
- 8.34 As there are designated heritage assets located within a proportionate search area around the application site, it must be assessed if the site falls within the setting of these assets. The NPPF (Annex 2) defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral." Historic England provide advice on the setting of heritage assets in their Good Practice in Planning Note 3 (2015), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the

heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.

- 8.35 Historic England recommends undertaking a five step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings are affected by the proposal.
- 8.36 Due to either the topography and presence of intervening built form and vegetation there is no inter-visibility between the application site and the scheduled monument or the grade II and grade II\* listed buildings identified above, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal it is considered this position would not be altered following the development.
- 8.37 Within the northern and eastern parts of the site longer views across the surrounding fields to the west, north and north-west are possible. Within these views the spire of the grade I listed Church St Margaret , elements of the Stoke Golding Conservation Area, the Ashby Canal Conservation Area and the Battle of Bosworth Field are all visible. The application site is therefore considered to fall within the setting of these designated heritage assets.

Significance of affected heritage assets

- 8.38 Step 2 is to assess the degree to which these settings make a contribution to the significance of the heritage asset or allow significance to be appreciated.

*Church of St Margaret*

- 8.39 The grade I listed Church of St Margaret is located c.450m west of the proposed access to the application site. It comprises of an early 13<sup>th</sup> century church built in dressed freestone blocks and with subsequent alterations including a 14<sup>th</sup> century west tower with spire. It principally derives its significance from the historic and architectural interest of its built form as an early parish church although the church also embodies communal value as a place of worship and as the social and physical focal point of both the past and present community of Stoke Golding.
- 8.40 The church is located on slightly raised ground within a small church yard and is surrounded by built form. This immediate and contained setting contributes positively to the church's significance, reinforcing its historic, architectural and communal values. By virtue of the height of the church spire and varied topography of the surrounding landscape, which includes the church being sited largely on raised ground, the church can also be seen within a much wider setting. Whilst this does reflect the status and role of the church, the visibility of the church is sometimes incidental and obscured by intervening built form and vegetation. Looking west from within the application site there are partial views where varying extents of the church tower and spire can be seen, such views are beyond the intervening vegetation and built form. Such views do demonstrate the importance of the church within the wider landscape and the application site does form part of its wider setting, although only a negligible appreciation of its significance is obtained from the views due to their limited extent and the intervening distance.

*Stoke Golding Conservation Area*

- 8.41 The Stoke Golding Conservation Area Appraisal (SGCAA) (2013) identifies that the character of the conservation area is primarily derived from the agricultural origins of the settlement; this can be attributed to the number of historic farmhouses and farm buildings, strong visual links to the countryside and several important open spaces. The northern part of the conservation area includes the fields either side of High Street where it becomes Stoke Road. The SGCAA identifies that these fields

contain ridge and furrow and their experience in conjunction with Ivy House Farm at the northern extent of the village reinforces the agricultural history and development of the village.

- 8.42 The setting of the conservation area principally comprises the Ashby Canal to the north and west of the village and the fields that surround the village to the north, south and west. Due to the presence of modern housing associated with the expansion of the village during the 20<sup>th</sup> century it is generally not possible to visually experience the historic core of the village within its wider agricultural setting from the eastern side. As such the only visibility between the application site and the conservation area is limited to the northern part along High Street. Such views are not identified as being key in SGCAA.
- 8.43 In views from the application site the buildings to both sides of High Street are visible beyond the intervening buildings and fields and give way to the field between Ivy House Farm and the canal which is partially visible. In views of the application site from the northern part of the conservation area the site is experienced beyond intervening fields either side of High Street as part of the ridgeline which is terminated by built form to the east and west. Overall it is considered that the site is only distantly experienced in conjunction with a small part of the conservation area. Although the site does form part of the wider setting of the Stoke Golding Conservation Area, by virtue of the intervening distance and visual association of the site with adjacent modern housing, the site is considered to comprise a neutral element of the wider setting of the conservation area which makes no particular contribution to its significance.

#### *Ashby Canal Conservation Area*

- 8.44 The Ashby Canal was opened in 1798 and constructed in further phases during the early 19<sup>th</sup> century to transport reserves from the Leicestershire coalfield. It is designated as a conservation area due to its historic and evidential interest as part of the wider industrial development of the area. The Ashby Canal Conservation Area Appraisal (ACCAA) (2009) also notes that the canal is generally experienced within open countryside which allows for long views of the surrounding landscape. This reflects the historic context within which the canal would have been experienced within and positively contributes to its significance.
- 8.45 Intervening built form, variations in topography and mature vegetation preclude views of the site from most of the Ashby Canal Conservation Area as it meanders through the landscape surrounding Stoke Golding. A small section of the conservation area to the north of Ivy House Farm is inter-visible with the northern section of the application site, where it is experienced between the existing housing to its eastern and western boundaries beyond the intervening open land. There is a negligible appreciation of its open character and due to its surrounding context the site is considered to comprise a neutral element of the wider setting of the conservation area which makes no particular contribution to its significance.

#### *Battle of Bosworth Field*

- 8.46 The Battle of Bosworth Field (1485) was a turning point in English history, although the major engagements during the battle around Stoke Golding were further into the battlefield to the north-west. There is no evidence to suggest the area of the application site was part of the battlefield or an area where significant activity or troop movement occurred, but as it does lie on rising ground it may have been visible from certain parts of the battlefield, such as the high ground at Crown Hill to the west. Although there are no defined key views to or from the application site it would have formed part of the landscape backdrop to the battlefield; it is part of the Registered Battlefield's setting.

8.47 Today the site survives as an open and undeveloped rural parcel of land, and although a different size and under different agricultural practices, it still reflects some traits of its likely appearance and land-use at the time of the battle. The application site and its neighbouring agricultural land therefore provides historic context which assists in understanding the character of the wider surroundings in which the battle was fought. The application site is therefore currently considered to make a positive contribution to the battlefield's setting. This contribution has however been denuded by the spread of 20<sup>th</sup> century and more recent housing around the application site, which creates a visible urban fringe that has eroded away parts of the historic landscape backdrop to the battlefield and negatively impacting upon its setting.

Impact of the proposal upon the significance of affected heritage assets

8.48 Step 3 of the Historic England Good Practice in Planning Note 3 is to assess the affects of the proposal, whether beneficial or harmful, on the significance of affected heritage assets or on the ability to appreciate that significance. Access is the only matter for consideration as part of this application with all other matters reserved (appearance, landscaping, layout and scale), however the details provided including an indicative layout and landscaping proposal do allow for a reasoned assessment of the impact of the proposal upon the significance of the affected heritage assets.

8.49 A glimpsing view of the tower and spire of the grade I listed Church of St Margaret through a gap in the mature hedging to the east of the application site along Hinckley Road would be partially or completely lost by the proposed development. The proposal would result in the addition of residential development within the context of the views, however this is set against existing residential dwellings and buildings and would not significantly alter the character and wider setting of the church. However wider views of the tower and spire to the north, south and west are unlikely to be affected. There are potential opportunities within the layout and massing of development which could seek to retain some partial views of the spire from wider viewpoints, however at this stage it is unknown if this is achievable. This development would have the opportunity to create public viewpoints of the tower and spire from within the site through careful layout. It is considered that whilst there may be an impact to one view of the church this is fleeting and considered to be a negligible appreciation of its significance. The impact of the proposal upon the significance of the church is considered to be neutral and not adverse.

8.50 Where there are views of the application site from the Stoke Golding Conservation Area and Ashby Canal Conservation Area, the proposed development would appear part of the wider built development already present along the ridgeline and will not extend beyond Roseway closer to the conservation areas. In addition the set back of the development from the north-eastern and north-western corners and the proposed planting along the northern boundary, which once matured would be a characteristic feature of the surrounding landscape, would limit the visibility of the development from the two conservation areas and where visible would also soften the appearance of the development. Whilst the development would result in a minor visual change within some limited views of the wider setting of these two conservation areas, the development would not appear as an incongruous or harmful addition and would maintain the present neutral contribution the application site makes to their significance.

8.51 The application site will also be visible from the parts of the battlefield including the section closest to the site near the bend of the Ashby Canal. The proposed development would add to the spread of modern housing in the area, eroding into the open and undeveloped rural landscape and exacerbating a negative element of the battlefield's setting. However, the overall effect of this would be reduced due to

the distance between the application site and the battlefield, the development appearing part of the wider built development already present along the ridgeline, it not extending beyond Roseway closer to the battlefield, and the proposed soft edge to the northern boundary. Providing a soft landscaping edge to this boundary is critical to minimising the effects of the proposal on the battlefield and details should be secured at reserved matters stage. Overall it is considered that whilst the development would result in a minor visual change within the wider setting of the battlefield, the effect is negligible with the impact upon the significance of the battlefield not being adverse.

#### Summary of assessment

8.52 This proposal affects the significance of the grade I listed building the Church of St Margaret, the Stoke Golding Conservation Area, the Ashby Canal Conservation Area and the Registered Battle of Bosworth Field, by virtue of its location within the wider setting of these designated heritage assets. Overall the proposal is considered to have a neutral impact causing no harm to their significance, although a key component of determining this impact is the requirement for an appropriate layout and the use of a soft landscaped treatment to the northern boundary which must be confirmed at reserved matters stage. The proposal is therefore compatible with the significance of the listed building, will preserve the significance of the conservation areas and the Registered Battlefield, so consequently the proposal accords with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

8.53 Step 4 in the Historic England assessment approach is to explore ways to maximise enhancement and avoid or minimise harm. As identified above it is considered that the landscaping details included within this application should be delivered at reserved matters stage.

8.54 Step 5 relates to making and documenting the decision and monitoring outcomes. Such recommended good practice has been achieved by setting out the assessment stage of the decision-making process in an accessible way in the body of this report.

#### Archaeology

8.55 Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.

8.56 The Leicestershire and Rutland Historic Environment Record (HER) identifies that the application site has not been previously subject to archaeological investigation, and the archaeological potential of the site is therefore unknown.

8.57 Although the site is located outside of the historic village settlement core, given the scale of the proposed development and its location within a wider landscape that is rich in prehistoric, Roman, Saxon and medieval remains, it is appropriate that the site should be subject to a programme of archaeological investigation, to be undertaken prior to the commencement of any permitted development here.

8.58 In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 190, assessment of the submitted development details and particular archaeological interest of the site, has indicated that the proposals are likely to have a detrimental impact upon any heritage assets present. NPPF paragraph 199, states that developers are required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner



proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

- 8.59 Subject to conditions for an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording the proposal is considered to be in accordance with Policy DM13 of the SAMDP.

#### Affordable Housing

- 8.60 Policy 15 of the Core Strategy requires residential development in rural areas to provide 40% Affordable Housing with a tenure split of 75% affordable rented and 25% intermediate housing. The original details identified a mix of 53% intermediate and 47% affordable rent. The affordable housing officer raised that the preferred mix and tenure split for the site would be 75% affordable rent and 25% intermediate housing. The applicant amended the proposals to reflect these comments.
- 8.61 The proposal now identifies that based upon the delivery of 65 dwellings on site this would result in 39 market dwellings and 26 dwellings affordable dwellings, with a mix of 19 dwellings for affordable rent and 7 intermediate dwellings. This is a mix of 75% affordable rent and 25% intermediate housing.
- 8.62 The demand for affordable housing in Stoke Golding as of August 2020 identifies 63 applicants with a further 36 whose information is either incomplete or pending assessment.
- 8.63 The affordable housing officer identifies that there is a preference for a small number of bungalows to be provided on site, however these details would be provided and dealt with at the reserved matters stage, reflecting the need at that time.
- 8.64 Due to the information above, the proposal is considered in line with Policy 15 of the Core Strategy, subject to the securing of the affordable housing within a S106 agreement.

#### Impact upon neighbouring residential amenity

- 8.65 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.66 The site is bound to the west, south and south east of the site by residential development. The boundary is shared with rear gardens of properties along, Whitemoors Close, Sherwood Road and the side/rear garden to no 50 Roseway. The distance from the dwellings to the boundary of the site ranges between 10 – 18 metres.
- 8.67 Whilst the applicant has provided an indicative masterplan which identifies how the dwellings could be accommodated on site, this is only indicative and the details would have to be submitted at a reserved matters stage for full consideration.
- 8.68 The Good Design Guide SPD 2020 requires new dwellings to have a back to back separation distance of not less than 21 metres and a side to back distance of not less than 8metres for a single storey building and 14 metres for a two storey building. The indicative masterplan illustrates that this is achievable on site adjacent to the existing properties along Sherwood Road, Whitemoors Close and Roseway. Internally there are a number of plots which conflict with these requirements, however it is considered that these conflicts could be overcome at the detailed design stage and would not result in a development which could not achieve

acceptable distances in separation between dwellings. In addition to this the Good Design Guide identifies a minimum garden length of 7m and a size of 60sqm for a 2 bedroom house and 80sqm for a 3 bedroom house. This has not been achieved on all plots identified on the indicative masterplan, however as discussed the plan is illustrative only and it is considered these standards could be achieved on site for 65 dwellings and would be dealt with at the detailed design stage.

- 8.69 The majority of dwellings along the southern boundary (along Sherwood Road) are bungalows of one and a half storey dwellings. It is considered subject to appropriate distances between the existing and the proposed properties dwellings of two storey scale as identified on the illustrative masterplan would not result in harm to the existing residential properties along Sherwood Road.
- 8.70 Plot 40 identified on the illustrative masterplan, would have some conflict with the 58 Rylands Crescent, due to the positioning of the existing dwelling and habitable windows. This would need to be rectified at the reserved matters stage, however it is not considered that this is a matter which would not be able to be resolved.
- 8.71 Objections have been received in regards to loss of view, this is not a material planning consideration and properties do not have a right to a view.
- 8.72 It is therefore considered that the proposal would not cause harm to either existing or proposed residential amenity, subject to detail design through reserved matters and is therefore in accordance with Policy DM10 of the SAMDP and The Good Design Guide.
- Impact upon highway safety
- 8.73 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.74 Access is a matter for determination and a detailed access plan has been provided. In addition to this, the proposal has been supported by the submission of a Transport Statement and a Travel Plan.
- 8.75 The site would be accessed off Roseway, which is an unclassified road subject to a 30mph speed limit. The proposed access design a continuation of Roseway beyond the existing turning head. The Applicant is proposing a 5.5 metre wide carriageway, as per the existing width of Roseway and 2.0 metre wide footways either side of the carriageway to tie in with the existing footway provision. Given the location of the access, it is not necessary to demonstrate the vehicular visibility splays that are achievable. Leicestershire County Council (Highways) is satisfied a safe and suitable access can be constructed in accordance with the Leicestershire Highway Design Guide.
- 8.76 Personal Injury Collision data, trip data and junction capacity has been reviewed by Leicestershire County Council (Highways) who have raised no objections to the proposal, subject to 2 conditions. The conditions requested are a construction traffic management plan and a condition requiring the access to be implemented in full prior to the occupation of the development. Both conditions are considered reasonable and necessary in this case.
- 8.77 The proposal is outline with access the only matter for consideration, therefore details of parking and the internal road layout of the proposal could be dealt with at the reserved matters stage.

8.78 Subject to the recommended conditions from Leicestershire County Council (Highways) it is considered that the proposal would be acceptable in highway safety and therefore in accordance with Policy DM17 of the SADMP.

#### Flooding and Drainage

8.79 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. A Flood Risk Assessment and Drainage Strategy has been submitted with the application in accordance with paragraph 163 of the NPPF.

8.80 The site is located within Flood Zone 1 and is at low risk of surface water flooding. The surface water proposals seek to discharge to an onsite attenuation basin before being discharged to an existing surface water sewer.

8.81 Objections have been received from the local community and local councillors in regards to the flooding issues the area the surrounding site has experienced. It is important to note that new development cannot be expected to overcome existing flooding issues in the wider area, however it must address the flooding/surface water matters which occur or could occur on site.

8.82 The Lead Local Flood Authority (LLFA) have reviewed the proposals and conclude they are considered to be acceptable to the LLFA and recommend four conditions, relating to surface water drainage, management of surface water during construction, long-term maintenance of surface water drainage and details of infiltration testing to be submitted. These conditions are considered reasonable and necessary to this application.

8.83 HBBC Environmental Health (Drainage) has no objections to the proposal subject to conditions requiring similar details to that requested by the LLFA.

8.84 Severn Trent water have raised no objections to the proposal and do not recommend any conditions.

8.85 Subject to the conditions requested by the LLFA the application is not considered to cause any harm to the flood risk or surface water drainage of the area to be in accordance with Policy 7 of the SADMP.

#### Ecology

8.86 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

8.87 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.

8.88 The application is supported by an Ecological Impact Assessment which records no evidence of protected species on site and the site is of overall low ecological value. It is noted that the site comprises arable land with areas of semi-improved grassland around margins, intact species-rich hedgerow, intact species-poor hedgerow, ornamental hedgerow and scattered trees within hedgerows and around the site's boundaries. The report concludes that the proposals put forward in this report would provide enhancements for biodiversity by including areas of species-rich grassland planting, an attenuation feature and additional tree planting.

8.89 Leicestershire County Council (Ecology) agree with the findings of the ecology survey and conclude that no further survey work is required and no ecology mitigation condition is needed for the site.

8.90 An arboricultural assessment has been submitted with the application which concludes there are no trees of note within the site. It is identified that four individual trees and a group of trees close to the access point may need to be removed to facilitate the access into the development. From viewing the access plan T36 and G4 adjoin the boundary with Roseway and these would be removed to facilitate the development. These trees are considered to be of low quality and their removal would not be significantly detrimental to the amenity of the area. It is considered a tree protection plan should be submitted and approved prior to construction of the development, to ensure the protection of trees to be retained on site.

8.91 The proposal is therefore in accordance with Policy DM6 of the SADMP and paragraph 170 of the NPPF.

#### Pollution

8.92 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.

8.93 Due to the agricultural nature of the site HBBC Environmental Health (Pollution) request that an investigation for any potential land contamination on site has been submitted prior to the commencement of development. It is considered that this conditional is reasonable and necessary to protect the future occupiers of the site. Subject to these conditions the proposal is in accordance with Policy DM7 of the SAMDP.

#### Infrastructure Contributions

8.94 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.

8.95 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (As Amended) (CIL) and paragraph 56 of the Framework. The CIL Regulations and NPPF confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

#### Affordable Housing

8.96 The developer will be obligated to provide 40% affordable housing, with a tenure split of 75% affordable rented and 25% intermediate.

8.97 This obligation is considered necessary as the provision of affordable housing is required for compliance with Policy 15 of the Core Strategy. This policy is consistent with Section 5 of the NPPF which seeks to deliver a sufficient supply of homes, to meet the needs of different groups within the community including those requiring affordable housing. Policy 15 seeks to provide affordable housing as a percentage of dwellings provided on site, therefore the obligation directly relates to the proposed development. The level of affordable housing represents the policy compliant position. The affordable housing will be required to be delivered on a cascade approach with residents with a connection to Stoke Golding having priority. The extent of the affordable housing obligation is directly related in scale and kind to the development as it represents a policy compliant position, expected by all development of this typology. No issues of viability have been raised with this scheme.

## Play and Open Space

- 8.98 Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space, which is provided on site and what would be the requirements off site.

	Policy Requirement per dwelling (sqm) based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 65 dwellings (square metres)	Provided on site	On site maintenance (20 years)	Off site provision	Off site maintenance (10 years)
Equipped Children's Play Space	3.6	234	400	£70,240.00	0	0
Casual/ Informal Play Spaces	16.8	1,092	8,396	£90,676.80	0	0
Outdoor Sports Provision	38.4	2,496	0	0	£22,588.80	£10,732.80
Accessibility Natural Green Space	40	2,600	0	0	0	0

- 8.99 The policy requirement would be for 234sqm of on site equipped play, the indicative layout plan indicates that a LEAP is to be provided is 400sqm. The indicative masterplan identified 0.95ha of POS will be provided, 704m<sup>2</sup> of this is the attenuation basin which is removed from the figures, therefore the proposal would include 8,396sqm of casual/informal play space, which is an over provision of that required by policy. It is clear from the indicative layout that there is no on-site outdoor sports provision or inclusion of accessible natural green space within the development, which would therefore have to be provided and maintained off site.
- 8.100 The nearest off site public open space that contains outdoor sport provision is STG10 – Hall Drive Park, which has a quality score lower than the target of 80%. Therefore, the off site, outdoor sport provision should be directed here. There are no natural or semi-natural open spaces within the prescribed accessibility standards and therefore an off site contribution should not be sought. The Open Space and Recreation Study does not require natural or semi-natural open spaces to be provided on site.
- 8.101 The developer will also be obligated to provide and then transfer the on-site open space area to a management company, or, in the alternative, requesting that either the Borough Council or the Parish Council maintain it. In the latter eventuality, the

open space area would be transferred to the relevant authority together with a maintenance contribution.

- 8.102 The provision of Play and Open Space is required for compliance with Policies 11 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 11 requires development in Stoke Golding to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative only layout of the proposed development suggests the provision of open space around the site to include a LEAP and informal space. Using the adopted Open Space and Recreation Study (2016) the closest public open spaces to the proposed site fall below the quality scores set by the Open Space and Recreation Study and therefore the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

#### Highways

- 8.103 LCC (Highways) request a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel these include; Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass. A request has also been made for Improvements to two nearest bus stops (ID's 2571 & 2566) including new flags, at a cost of £50 per flag.
- 8.104 It is not considered that the Travel Packs are necessary as an obligation. This is because the developer is able to provide the Travel Packs in consultation with LCC about their content. Therefore, this can be achieved by a suitably worded condition. A condition would meet the tests of conditions as set out in the PPG given that the requirement upon the developer to provide the pack is relevant to planning, reasonable, necessary, precise and enforceable. The bus passes are only accessible via LCC and so the obligation to provide these should be in the legal agreement, application forms should be provided in the Travel Packs and the obligated fee payable if these bus passes are taken up. Stoke Golding is a sustainable settlement, with a bus service and services available to residents. However, the bus stop is approx. 770m from the site entrance and whilst this is acceptable, some of the residents will be in excess of 800m, and so the encouragement of sustainable transport modes and the provision of 6 month bus passes is necessary for this site.

- 8.105 The bus passes will be provided to the residents of the development and therefore they directly relate to the mitigating impact of new residents as a result of the development.
- 8.106 The improvements to the two nearest bus stops, with replacements flags is considered necessary, as the bus stops are within walking distance of the site and the future residents of the development would be encouraged to use the bus services.

#### NHS West Leicestershire CCG - Health Care

- 8.107 The West Leicestershire CCG has requested a contribution of £32,910.31 towards addressing the deficiencies in services provided by Castle Mead Medical Practice to Stoke Golding surgery, which is the closest available GP practice to the development. The practices have seen significant growth due to housing development within their practice areas, which is impacting on their capacity and resilience. An increase of 157 patients will significantly impact on patient demand in the area.
- 8.108 The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local identified Surgeries, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.

#### Education

- 8.109 LCC Children and Family Services have requested a contribution towards education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development taking in to account any other committed s.106 contributions from other development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution requested from this development is £262,656.00 to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at St Margaret's Church of England Primary School, Stoke Golding or any other school within the locality of the development.
- 8.110 The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places

generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind and is based on a formula which is widely accepted in local Section 106 agreements.

#### Civic Amenity

- 8.111 LCC Waste Management requested a contribution of £3,219 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate an additional 1.054 tonnes per dwelling per annum of waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.
- 8.112 This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

#### Libraries

- 8.113 LCC Library services have requested a sum of £1,890 towards provision of additional recourses at Hinckley Library, which is the nearest library to the development.
- 8.114 The contribution towards addressing the impact of the development upon library facilities is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area. Hinckley library is within 4.3km of the site, the request states that the proposed development will add 188 to the existing library's catchment population which would have a direct impact upon the local library facilities. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and relates to the number of dwellings proposed, therefore the contribution relates fairly and reasonably in scale and kind.

#### University Hospital Leicester (UHL) and George Eliot Hospital Trust (GEHT)

- 8.115 UHL have requested a contribution to NHS revenue shortfalls for acute and planned treatment. This is by way of a monetary contribution of £17,459.00 towards the 12 month funding gap in respect of A &E and planned care at the University Hospital Leicester. GEHT have requested £96,844.00 for the same funding provisions in Nuneaton.
- 8.116 It is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid S106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by UHL or GEHT to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national



taxation. UHL and GEHT are unable to demonstrate that the burden on services arises directly from the development proposed, as opposed to a failure in the funding mechanisms for care and treatment. The request made is to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. UHL and GEHT have not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Further to this there are issues with the data and methodology used by UHL and the GEHT for example the inflated population projections compared to those used by Leicestershire Authorities when calculating housing need, or the failure to address funding needs from housing projections set out in the Joint Strategic Needs Assessment and Joint Health Wellbeing Strategy referred to in their request, therefore it has not been demonstrated that the request fairly and reasonably relates in scale and kind to the development proposed.

- 8.117 This request is therefore not considered to meet the test of the CIL Regulations.
- 8.118 A similar request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was insufficient evidence from the UHL to warrant or justify the contribution sought against the CIL Regulations.

Other matters

- 8.119 HBBC (Street Scene Services) have requested a condition to detail the waste collection and recycling strategy of the site these details can be dealt with at the reserved matters stage through the appearance and landscaping and therefore a condition to ensure any reserved matters application shall include these details is necessary.
- 8.120 A number of objections have been received in regards to the planning history of the site. The 1975 and 1980 planning decisions on site, whilst a material consideration, were over 30 years ago and the planning policy position both locally and nationally were substantially different. A full assessment of the site against existing policy must be undertaken and may take a different decision to those that were made historically. Objections have also raised a site adjacent to the application site which was refused planning permission for a single dwelling. Each site should be assessed on its own merits, it is noted that whilst the local plan remains the same as that used in the determination of that site, the national planning policy position has altered since that time.

### **Planning Balance**

- 8.121 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.
- 8.122 The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 8.123 Nevertheless, using the Standard Methodology set by MHCLG, as of the 1<sup>st</sup> April 2020 the Council is able to demonstrate 5.15 years of deliverable housing supply. Therefore, this is an up to date position demonstrating that the Council is planning for its most recently calculated housing need.
- 8.124 The proposal would be in conflict with Core Strategy Policy 7 and 11 and Policy DM4 and DM10 of the SADMP. These policies are consistent with the Framework and are afforded significant weight. The proposal, involving development in the countryside, has been found to have some harm to the landscape character of the immediate area and limited to negligible harm to the wider landscape character, due to its setting on the edge of Stoke Golding, with housing to the south east, south and north of the site.
- 8.125 Weighed against this conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 65 houses (including up to 26 affordable homes). These additional houses and affordable houses have significant weight in the planning balance as they would assist in boosting the supply of housing.
- 8.126 The proposal would result in the loss of agricultural land, using mapping available the land is identified as estimated grade 2 Best and Most Versatile Land. Therefore, this does add to the value of the landscape, whilst this would result in the loss of Grade 2 land; it is an estimated grading and is not confirmed.
- 8.127 Stoke Golding is an identified Neighbourhood Plan Area; however, given the early stages that the preparation of the Plan is at, this has very limited weight in the planning balance.
- 8.128 Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 8.129 The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 8.130 As discussed the proposal could deliver up to 65 dwellings, of which 40% would be affordable. This would result in a significant social benefit to the area and also to the borough. Some environmental benefits would be provided such as additional planting through landscaping in the provision of open space. Additionally there would be some benefit for biodiversity associated with the reinforcement of existing and creation of new hedgerow and trees around the site and the provision of SUDS which can be designed to include benefits to biodiversity.
- 8.131 The assessment of the impact upon historic assets finds the proposal is compatible with the significance of the listed building, will preserve the significance of the conservation areas and the Registered Battlefield, subject to a suitable scheme reflecting careful design and layout respecting the historic context surrounding the site.
- 8.132 It has been concluded that there would be minor harm to the character of the area caused by the landscape and visual impact of built development in this location within the countryside and therefore conflicts with Policy DM4 and DM10 of the SADMP DPD.
- 8.133 Whilst there is conflict with the strategic policies of the Development Plan only minor harm has been identified. Additionally the loss of Grade 2 agricultural land

would result in some harm, however this is a small parcel of land and its loss is not considered to be significant harm. It is therefore considered on balance that the harm identified does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

## **9. Equality implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
    - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
    - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
    - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The proposal, subject to conditions, is in accordance with Core Strategy Policies 15, 16 and 19 and Policies DM3, DM6, DM7, DM11, DM12, DM13 and DM17 of the SADMP.
- 10.3. An assessment against the historic assets within the vicinity finds that the proposal, subject to careful design and layout respecting the historic context surrounding the site, is compatible with the significance of the listed building, will preserve the significance of the conservation areas and the Registered Battlefield. Subject to appropriate further archaeological investigations, to be secured by condition the proposal would not detrimentally harm archaeological assets on the site. The proposal is therefore in accordance with DM11, DM12 and DM13 of the SADMP and paragraphs 189 and 190 of the NPPF.
- 10.4. The housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date, however the Council can demonstrate a 5 year housing land supply. The 'tilted' balance in paragraph 11(d) of the Framework still

applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 10.5. The proposal would be in conflict with Policy 7 and 11 of the Core Strategy, DM4 and DM10 of the SADMP. These policies are in accordance with the Framework and have significant weight. The proposal, whilst involving development in the countryside, has been found to have a minor harm to the character of the area and so there is some conflict with Policy DM4 and DM10 of the SADMP.
- 10.6. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 65 houses (including up to 26 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in boosting the supply of housing in the borough.
- 10.7. As such, although there is clear conflict with strategic Policies 7 and 11 of the Core Strategy and DM4 and DM10 of the adopted SADMP, there has only been minor harm found.
- 10.8. On balance it is considered that the harm identified to the character and appearance of the countryside from new residential development would not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan. The application is therefore recommended for approval subject to the conditions and planning obligations listed above.

## **11. Recommendation**

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
    - Provision of 40% affordable housing with a tenure mix of 75% affordable rented and 25% intermediate housing
    - £1,890 towards Hinckley Library
    - £3,219 towards Barwell Household Waste and Recycling Centres
    - £262,656 towards the improvement, remodelling or enhancing existing facilities at St Margaret's Church of England Primary School, Stoke Golding or any other school within the locality of the development.
    - Off site open space provision contribution of £22,588.80 and maintenance contribution of £10,732.80
    - On site open space maintenance contribution £160,916.80
    - Bus Passes at £360 per pass
    - Improvement to local bus stops £100
    - £32,910.31 towards Castle Mead Medical Practice to Stoke Golding Surgery
  - Planning conditions outlined at the end of this report
- 11.1 That the Planning Manager be given powers to determine the final detail of planning conditions.
  - 11.2 That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

### 11.3 Conditions and Reasons

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

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

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
  - a) appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
  - b) landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
  - c) layout of the site including, the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.
  - d) scale of each building proposed in relation to its surroundings have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. With the submission of the first Reserved Matters a scheme which details the proposed market housing mix for the development shall be submitted, this should be in broad accordance with the Council's adopted Development Plan. The development shall then be completed in accordance with the approved details.

**Reason:** To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy 2009.

4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
  - a) Site Location Plan GDA04 Dwg No SK100 Rev A
  - b) Site Access T20548 Dwg No. 001 Rev A

received on the 3 August 2020

**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).

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Hub drawing number T20548.001 rev A 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 (2019).

6. Before any development commences on the site, including site works of any description, a Tree Protection Plan 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 any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

**Reason:** To ensure that the trees on site are to be retained and adequately protected 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 (2019).

7. Prior to commencement of development a Construction Environmental and Traffic Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, 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 ensure that the proposed use does not become a course of annoyance to nearby residents and road users in accordance with Policy DM10 and DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016)

8. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at no time on Sundays and Public Holidays unless otherwise agreed in writing by the Local Planning Authority.

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

9. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and 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).

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

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

11. No development shall commence until drainage details for the disposal of surface water have been submitted in writing to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

**Reason:** To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

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

**Reason:** To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed

development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

14. No development 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 DPD.

15. The first reserved matters application shall include within it a scheme that makes provision for waste and recycling storage and collection across the site. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

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

16. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

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

17. Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:

- Measures to prevent waste generation
- Information on local services in relation to the reuse of domestic items
- Information on home composting, incentivising the use of a compost bin and/or food waste digester
- Household Waste Recycling Centre location, opening hours and facilities available
- Collection days for recycling services
- Information on items that can be recycled

**Reason:** In accordance with the National Planning Policy for Waste (2014).

18. Prior to the occupation of the first dwelling, a Travel Pack informing residents what sustainable travel choices are in the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Packs shall then be supplied to purchasers on the occupation of each dwelling.



**Reason:** To reduce the need to travel by single occupancy vehicle and to promote the use of Sustainable modes of transport in accordance with the National Planning Policy Framework (2019).

19. 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 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 (2019).

20. No development shall take place/commence until a programme of archaeological work, comprising further post-determination trial trenching, specific metal-detecting and as necessary targeted archaeological investigation. The full programme and timetable will be detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site survey, investigation and recording (including assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis, interpretation and presentation of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works, with particular reference to the metal detecting survey, as set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved through condition.

**Reason:** To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

#### 11.4. **Notes to applicant**

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at

2. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
3. Travel Packs can be provided through Leicestershire County Council at a cost of £52.85 per pack.
4. A drainage scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

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.

Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.