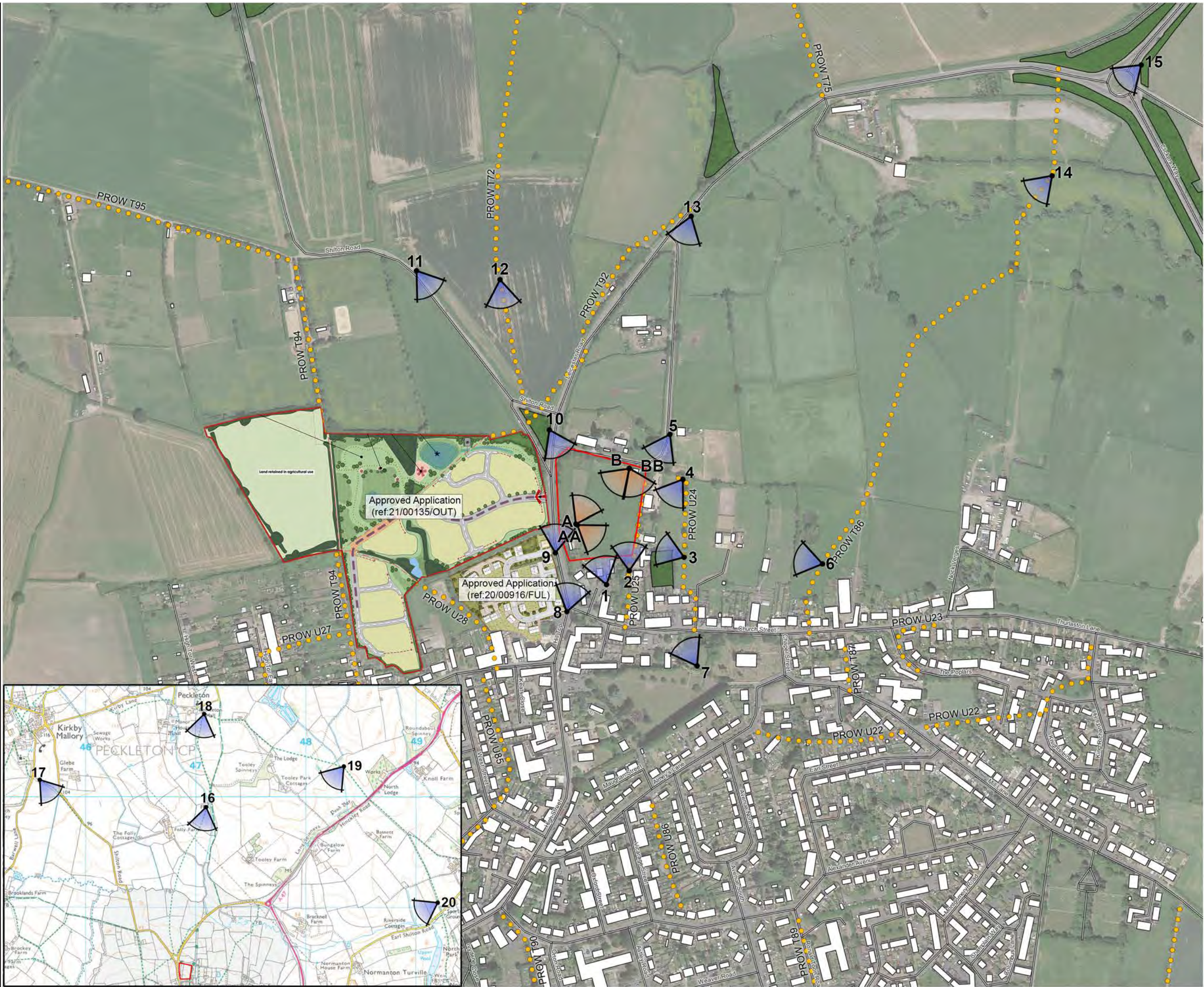


PROPOSED RESIDENTIAL DEVELOPMENT,
LAND EAST OF LEICESTER ROAD,
EARL SHILTON,
LEICESTERSHIRE

Landscape & Visual Impact Assessment

APPENDIX 2

VISUAL ASSESSMENT



NOTES:
Based upon the Ordnance Survey map with permission of The Controller of Her Majesty's Stationery Office. © Crown Copyright.
Aspect Landscape Planning Ltd, West Court, Hardwick Business Park, Nene Way, Banbury OX16 2AF.
Licence 10004345. Aerial map data © 2012 Google.
Copyright reserved

0m 50m 100m 200m

Key:

- Site Boundary
- Public Rights of Way
- Viewpoint Location
- Woodland
- Building
- Road
- Approved Applications to the West of Site

A	05.04.24	Updated viewpoints	EL	BW
REV	DATE	NOTE	EL	BW
1				

REVISIONS

aspect landscape planning

TITLE
Earl Shilton
Viewpoint Location Plan

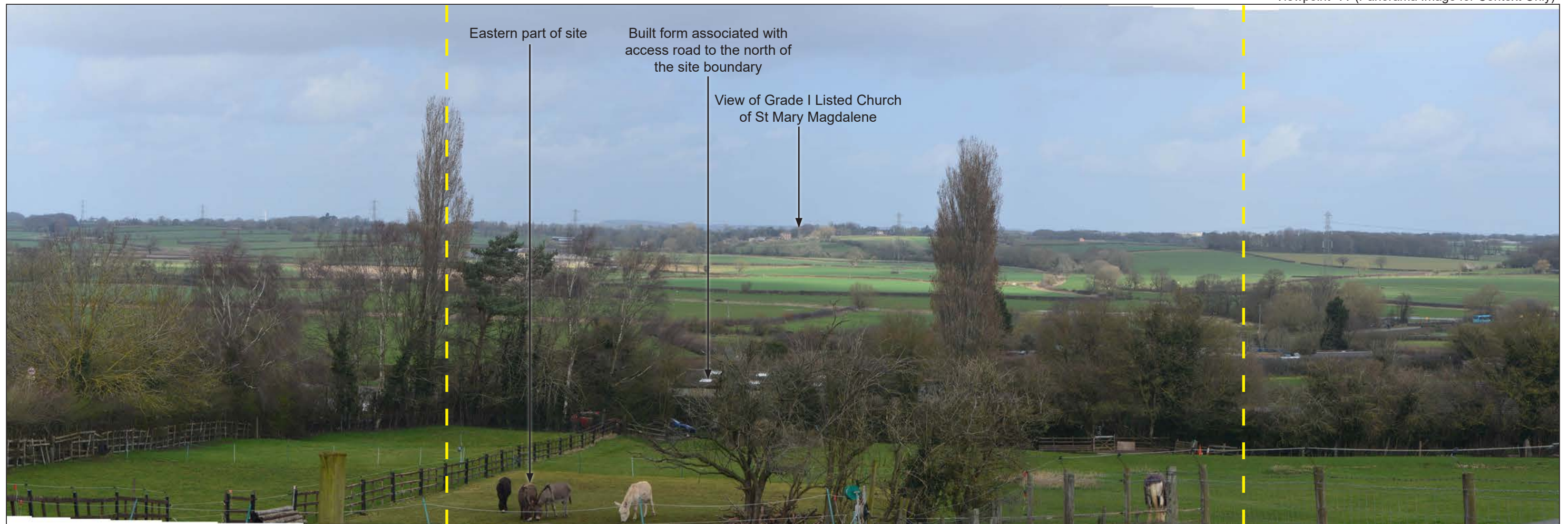
CLIENT
Manor Oak Homes

SCALE	DATE	DRAWN	CHK'D
1:5000 @ A3	APR 2024	EL	BW

DRAWING NUMBER	REVISION
8196 / VLP	A



Viewpoint A (Panorama Image for Context Only)



Viewpoint Coordinates: E 446880, N 298403

Date & time of photograph: 22/03/2023 13:27

AOD & Viewing height: c. 108m AOD 1.6m

Weather conditions: Clear, good visibility.

Viewpoint A (Annotated Panorama Image for Context Only)



Viewpoint A (Single Frame Image)



Viewpoint AA (Panorama Image for Context Only)



Viewpoint Coordinates: E 446880, N 298403 Date & time of photograph: 22/03/2023 13:29 AOD & Viewing height: c. 108m AOD 1.6m Weather conditions: Clear, good visibility. Viewpoint AA (Annotated Panorama Image for Context Only)



Viewpoint AA (Single Frame Image)



Viewpoint B (Panorama Image for Context Only)



Viewpoint Coordinates: E 446952, N 298476 Date & time of photograph: 22/03/2023 13:46 AOD & Viewing height: c. 99m AOD 1.6m Weather conditions: Clear, good visibility. Viewpoint B (Annotated Panorama Image for Context Only)



Viewpoint B (Single Frame Image)



Viewpoint BB (Panorama Image for Context Only)



Viewpoint Coordinates: E 446952, N 298476 Date & time of photograph: 22/03/2023 13:46 AOD & Viewing height: c. 99m AOD 1.6m Weather conditions: Clear, good visibility. Viewpoint BB (Annotated Panorama Image for Context Only)



Viewpoint BB (Single Frame Image)

APPENDIX 3

PRE-APP RESPONSE FROM HBBC

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Please Ask For: Sullivan Archer
Direct Dial/Ext: 01455 255 761
Email: planning@hinckley-bosworth.gov.uk
Your Ref:
Our Ref: 23/10226/PREMAJ
Date: 12 January 2024



**Hinckley & Bosworth
Borough Council**

On Behalf of Manor Oak Homes
Lynsey Rigg
Armstrong Rigg Planning
The Exchange
Colworth Science Park
Sharnbrook
Bedford
MK44 1LQ

Dear Lynsey,

Pre-Application Response

Reference: 23/10226/PREMAJ
Proposal: 35 dwellings, together with associated access, open space, and landscaping
Location: Land East of Leicester Road Earl Shilton Leicestershire
Ward: Earl Shilton

Thank you for your pre-application enquiry that was validated on 24 November 2023. The advice provided is based upon the information submitted with this enquiry and relates to Land east of Leicester Road, Earl Shilton.

Summary

It is considered that the application site has the capacity to accommodate a sensitively designed residential development that is acceptable to the Local Planning Authority, provided that a high-quality, landscape-led approach to the design of the development is adopted that takes account of the setting of the Grade II* Listed Church of St. James and St. Jude. Such a scheme must be designed in accordance with the Building for a Healthy Life Assessment (BfHLA) to ensure good design.

Given the nature and topography of the application site, it is recommended that, should an outline planning application be forthcoming, any submitted outline planning application should seek planning permission for scale alongside the principle of the development to support the justification for the proposal, and to support the assessment of the scheme's impact upon the character of the surrounding area, landscape sensitivity area, and the designated open countryside, and to neighbouring residential amenity. It is also recommended that a Landscape and Visual Impact Assessment (LVIA), a Parameters Plan, a Site Levels Plan, and Site Sections should support any forthcoming planning application.

Care and attention are also required regarding the development's potential impact to views of, and to the setting of, the Grade II* Listed Church of St. James and St. Jude. As a result, a Heritage Statement and Impact Assessment should be provided to support any forthcoming planning application to assess the potential impact of the development on the historic environment.

Description of Proposal

The pre-application enquiry seeks advice on the principle, layout, and scale of a development of up to 35 dwellings together with associated access, open space, and landscaping at land east of Leicester Road, Earl Shilton.

A Concept Masterplan has been submitted that shows an indicative layout to the site, which suggests that an attenuation pond is provided in the north-eastern corner of the site and that an area of public open space area is provided to the south of it. The submitted Constraints and Opportunities Plan also suggests that the built form will not exceed two-storeys in massing and that the proposed properties to the south of the site are likely to be reduced in scale to a single storey massing.

Indicatively, a vehicular access is proposed from the northern boundary of the site onto an unnamed road that leads on to Leicester Road to the west. Three further pedestrian accesses, two on the eastern site boundary and a further on the western site boundary respectively, are indicatively provided into the site. The latter pedestrian access proposes a new uncontrolled crossing point onto the western side of Leicester Road.

Description of the Site

The 1.58ha application site is located outside of, but immediately adjacent to the northern settlement boundary of Earl Shilton. The application site is located within an Impact Risk Zone for a Site of Special Scientific Interest (SSSI) and a Mineral Safeguarding Area (MSA) for sand and gravel.

The Landscape Character Assessment (LCA) identifies that the application site is located within Character Area E (Stoke Golding Rolling Farmland), which consists of undulating arable and pasture farmland with gentle valleys that typically consist of small-to-medium scale rectilinear field patterns, which are divided by low hedgerows and mature hedgerow trees. Uncluttered rural views of church spires are sensitive to change and are valued for the sense of local distinctiveness they provide.

The Landscape Sensitivity Assessment (LSA) also highlights that the application site is within Sensitivity Area 10 (Earl Shilton North and Barwell West). Sensitivity Area 10 has a medium-to-high sensitivity to two-to-three storey residential development, and it identifies that the views to the countryside from the north-eastern edge of Earl Shilton from the area of the Church and the Castle site are an important element of the rural setting. However, the smaller areas to the north of Earl Shilton that are less characteristic of the wider agricultural landscape contribute less to the settlement setting.

The site itself comprises a rectilinear pastoral field, together with a small part of garden associated with No. 3 Clearview Crescent, which slopes down significantly from the south-western corner of the site to north-eastern corner of the site, with an overall land height level difference of approximately 16m. The site is currently an undeveloped field that features a small collection of stabling and redundant store buildings in the southwest and northeast corners of the site respectively.

The site is rural in character and panoramic views of the wider countryside to the north are prominent from within the site. However, the built form of Earl Shilton is also evident from the southern boundary and the spire of the Grade II* Listed Church of St. Simon and St. Jude is currently prominent to the southeast.

The application site is bounded by the unnamed road on its northern boundary, Leicester Road on its western boundary, Public Right of Way (PRoW), Bridleway U25 ("Spring Gardens") to the eastern boundary, and residential properties along Clearview Crescent to the southern boundary.

The unnamed road is an adopted, but unclassified, public highway that is subject to the National Speed Limit. On the other hand, Leicester Road is an adopted and classified 'C' public highway that is subject to a 50mph speed limit. This speed limit reduces to 30mph approximately 170m south of the unnamed road's southernmost junction with Leicester Road.

The application site benefits from two existing gated agricultural accesses on to the unnamed Road, and beyond this highway is an existing residential bungalow and a redundant agricultural

building. Beyond these structures is further open countryside to the north, northeast, and northwest. Public Footpath T92 runs to the northwest of the unnamed road.

31m northwest of the unnamed road is Leicester Road's confluence with Shilton Road. Shilton Road is also an adopted and classified 'C' public highway that is subject to a 50mph speed limit for the last 100m towards Leicester Road, which increases to the National Speed Limit as the highway extends to the northwest. Public Footpaths T92 and T72 run in a northerly direction from this confluence.

Beyond Bridleway U25 is a building and landscaping yard, and several residential properties that run in a linear form parallel to the eastern boundary of the application site. Beyond these structures is also further open countryside. Public Footpath U24 runs to the east of these structures in parallel to Bridleway U25.

The southern boundary of the site is adjacent to the residential built form within the identified boundary of Urban Character Area 10 as classified within the Landscape Character Assessment (LCA) (2017). The principal sensitivity of UCA10 is the views of the surrounding rural landscape to the north and to the south of the settlement that provide a sense of place and support Earl Shilton's suburban character. Furthermore, the Church of St. Simon and St. Jude (Grade II* Listed) is identified as a local landmark with historic and architectural interest that forms a visible skyline feature in views from the surrounding rural area to the north.

Beyond Leicester Road there are open fields, but the fields that border Leicester Road to the west have received planning permission for the provision of 50 residential dwellings at Ashby House, Hill Top Farm, via planning permission 20/00916/FUL, and a further 140 dwellings to the north of this site at land north of Hill Top Farm, via planning permission 21/00135/OUT. Site preparation works are currently taking place within the Ashby House site. Adjacent to this approved development is Public Footpath T93, which runs southwest to northeast towards Shilton Road.

In relation to the historic environment, Top House is a Grade II Listed Building that is approximately 90m southwest of the site. In addition, the Grade II* Listed Church of St. Simon and St. Jude is located approximately 210m to the southeast of the site, which is adjacent to the Earl Shilton Motte and Bailey Castle Scheduled Ancient Monument (SAM). The Earl Shilton Conservation Area is located 1km to the southwest of the application site.

Planning History

There is no relevant planning history for this application site.

Consultation Responses

Affordable Housing

The Council's Affordable Housing Officer confirmed that a development of up to 35 dwellings needs to provide seven dwellings for affordable housing to be compliant with Policy 15 of the adopted Core Strategy. The tenure split of this affordable housing provision should consist of two units for First Homes, two units for shared ownership, and three units for affordable or social rent. This reflects with the latest National Guidance, which supersedes the position of the adopted Core Strategy and complies with the need to provide 25% of the affordable housing as First Homes and 10% of the total number of dwellings as affordable home ownership.

There is a need for affordable housing in the Borough and in Earl Shilton. The evidence for rented accommodation is contained within the Council's Housing Register, which on 12 December 2023 had the following number of live applications for Earl Shilton

- 251 applications for one-bedroom properties.
- 135 applications for two-bedroom properties.
- 54 applications for three-bedroom properties.
- 23 applications for four-or-more properties.

Current market conditions are making it difficult for developers to attract Registered Provider interest for Section 106 properties, particularly where there are low numbers of affordable housing provision, such as this proposal. As there is uncertainty as to how long this situation will last, it may be acceptable in this instance for the Section 106 Agreement to include a cascade mechanism, whereby if it is evidenced that no Registered Provider can be found for the affordable housing, alternative provision could be negotiated either as all affordable home ownership or by way of a commuted sum.

Any Section 106 Agreement should also include a clause regarding any rented properties whereby the allocation would be to people with a connection to the Borough of Hinckley and Bosworth, as defined in the Council's Housing Allocations Policy.

Archaeology

The County Council's Historic and Natural Environment Team have advised that the Applicant should consider consulting with Historic England regarding the potential impact of the development on setting and significance of the scheduled Earl Shilton Motte and Bailey Castle and the Grade II* Listed Church of St. Simon and St. Jude.

The Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies within the medieval and post-medieval historic settlement core of Earl Shilton. Additionally, there are a number of archaeological sites and findspots relating to prehistoric and Roman activity within the wider landscape. The application site is therefore considered to have potential for the presence of below-ground archaeological remains relating to activity ranging from the prehistoric through to the medieval and post-medieval periods. Given the apparent lack of previous ground disturbance within the site, any archaeological remains that are present are likely to be relatively well preserved and close to the ground surface.

The pre-application enquiry proposals include operations that may destroy any buried archaeological remains that are present, but the archaeological implications cannot be adequately assessed on the basis of the currently available information. Since it is possible that archaeological remains may be adversely affected by this proposal, the County Council recommends that the Applicant will need to complete an Archaeological Impact Assessment (AIA) of the proposal, and this will need to accompany any planning application submission.

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

This information should be submitted to the Local Planning Authority before the determination of any submitted planning application so that an informed decision can be made, and the application can be either refused or modified in the light of the results as appropriate. The County Council has referred to the information under Regulation 4 of the Town and Country Planning (Applications) Regulations 1998 and has advised that the application can be refused on the lack of archaeological information to ensure that the archaeological potential of the application is protected and given further consideration.

The Historic and Natural Environment Team (HNET), as advisors to the Local Planning Authority, will provide a formal brief for the work and approve a Specification for the Assessment at the request of the Applicant. This will ensure that the necessary programme of archaeological works is undertaken to the satisfaction of the Local Planning Authority in a cost-effective manner and with minimum disturbance to the archaeological resource. The specification should comply with relevant Chartered Institute for Archaeologists "Standards," and, "Code of Practice," and should include a suitable indication for the arrangements for the implementation of the archaeological work, and the proposed timetable.

Information on suitable archaeological organisations to carry out this work can be obtained from HNET.

Conservation

The Council's Conservation Officer has highlighted that there are designated heritage assets located within a proportionate study area from this application site, including the Grade II Listed Building Top House, Grade II* Listed Church of St. Simon and St. Jude, and the Scheduled Monument Earl Shilton Motte and Bailey Castle. The Church of St. Simon and St. Jude, in particular, is a prominent feature in the landscape due to its ridge top position and it is highly visible from numerous points in the wider landscape to the north of Earl Shilton, including from the Public Right of Way Network and on Leicester Road.

Prior to submitting any planning application, it should be determined by the Applicant as to whether the siting and nature of the development proposal will affect any heritage assets, including their setting, and determine what the impact of the proposal may be on the significance of these heritage assets. This process should be guided by the Historic England Good Practice Advice in Planning Note 2 – Managing Significance in Decision-Taking in the Historic Environment and Note 3 - The Setting of Heritage Assets. If heritage assets will be affected, a Heritage Statement (with Impact Assessment) should be submitted to accompany any planning application to meet the Borough Council's requirements in regard to Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016) and Paragraph 200 of the National Planning Policy Framework (NPPF) (December 2023).

Drainage

The Environment Agency have confirmed that they offer a chargeable discretionary pre-application service, should the Applicant wish for further advice.

Leicestershire County Council as the Lead Local Flood Authority (LLFA) would expect a sequential approach to masterplan development whereby development is located in areas at the lowest risk of flooding.

The Council's Drainage Officer has advised that the application site is located within Flood Zone 1, which is designated as having a low probability of flooding from rivers or the sea, and subsequently the principle of residential development in low flood risk areas such as this is acceptable. However, a Flood Risk Assessment (FRA) will be required as the site exceeds 1ha in size. As a site-specific FRA is required, the associated drainage strategy should also provide outline operation and maintenance details along with an indicative proposal of who will maintain any SUDS features over the lifetime of the development.

The Environment Agency's Surface Water Mapping also indicates that the application site is located in an area at low risk of flooding from surface water.

Any surface water drainage system for the proposed development should incorporate sustainable drainage principles (SuDS) to mitigate the risk of flooding on site and ensure that surface water does not increase flood risk elsewhere. The proposals should also include measures to address issues of water quality in accordance with current SuDS guidance.

Given the undeveloped nature of the site, the LLFA would expect surface water runoff from the site to be suitably managed as per best practise guidance given in the CIRClA C753 The SuDS Manual. The proposed outfall for the discharge of surface water runoff from the development should be in accordance with the hierarchical approach outlined in Building Regulations Part H.

The use of infiltration drainage is preferred, subject to the site being free from a contaminated ground legacy. The suitability of ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced.

If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems. The LLFA would expect runoff from the site to be discharged to the next most appropriate receptor at a rate and volume no greater than the event specified greenfield values.

Over the lifetime of a development, it is possible that the overall impermeable area contributing to surface water runoff within the site could significantly increase (known as 'urban creep'). Sensitivity testing of a 10% increase in impermeable area should therefore be included where appropriate to ensure that surface water drainage designs can cope with future increases in impermeable areas.

The LLFA would expect any future surface water drainage scheme to assess the use of SuDS including, but not limited to, swales, attenuation basins, and permeable paving in line with CIRIA C753 The SuDS Manual. Such above ground SuDS structures would also provide one of the required treatment trains to manage water quality. It should be noted that the LLFA do not consider the use of underground storage tanks or oversized pipes as a suitable treatment train, and, as such, where these are proposed, additional treatment trains should be implemented. Please note that Leicestershire County Council, in their role as LLFA, does not adopt SuDS.

Any surface water drainage features should be located within the areas at lowest risk of flooding to ensure that they remain operation during an extreme event. Any drainage features should also consider how an extreme event may constrain the discharge from any proposed drainage system and ensure the drainage infrastructure an adequately manage surface water runoff regardless (for example, a surcharged outfall).

It is also noted that the adjacent field is classified as an ordinary watercourse. As such, consent may be required from Leicestershire County Council in their role as LLFA, under the Land Drainage Act (1991) for any activities within close proximity of the watercourse. Further information on the types of work/ structures which require consent together with a template application form can be found on LCC's website under the Regulation of Activities on Watercourses Section.

LCC opposes the culverting of watercourses; however, they recognise that there are instances where culverting may be unavoidable. Any application will be required to justify the use of culverts and provide information demonstrating that there will be no detrimental effect on flood risk. Please refer to the County Council's Local Flood Risk Management Strategy, which contains the culverting policy (Appendix 3), which can also be found on their website.

To safeguard access to watercourses or ditches for future maintenance, inspection, and improvement works in the future, clear margins should be provided from the top of banks. A minimum clear margin of 3m should be provided from each top of bank for watercourses less than 2m in width, and a minimum clear margin of 4.5m should be provided for watercourses 2m or greater in width.

Ecology

Leicestershire County Council (LCC)'s Ecology Department advised that a Preliminary Ecological Appraisal (PEA) and a Biodiversity Net-Gain (BNG) Assessment (including a baseline metric) will be required alongside the submission of any planning application. Grassland should only be surveyed for BNG between May and September, and not straight after being cut or grazed.

Healthcare

The NHS have suggested that, based on household averages of 2.42 patients per dwelling, a housing development of 35 properties is likely to result in a minimum population increase of 84.7 patients. As a result, the NHS is requesting a Section 106 healthcare contribution of £27,104.00 to help address/support the needs arising from the increase in population and their use of the local healthcare services.

Highways

A response was not made from the Local Highway Authority (LHA) prior to the issuing of this pre-application enquiry response, but a response will be received and sent to the Applicant in due course.

Leicestershire Police

Leicestershire Police have provided 12 general recommendations for the scheme:

1. Street lighting columns in accordance with BS 5489.
2. Appropriate fencing should be used to enclose the perimeter and is recommended to be 1.8m in height. This can be via planting or manufactured fencing.
3. Key access points leading into the development should be considered for CCTV coverage, supported by lighting to allow identification during day and night. This would allow vehicle and facial recognition in key areas. Appropriate signage should be provided to be compliant with the Data Protection Act.
4. Natural surveillance should be possible via ground level foliage being trimmed to 1m high and trees to have no foliage lower than 2m from the ground to allow a clear field of vision.
5. Vehicular parking is recommended to be in curtilage as part of the dwellings where possible. Communal parking should be supported by natural observation, lighting, and be set in clearly defined areas to deter unauthorised access.
6. Consideration of Secured by Design principles is recommended and information in respect to the different standards is available on request.
7. Opportunities to explore the potential for S106/CIL funding should be undertaken with relevant parties if appropriate and will increase the demand for policing within the area of the development.
8. Dwellings are recommended to have an Alarm System to BS7958 with coverage of garages including where applicable.
9. Commercial sites may benefit from smoke cloaking devices to deter access and reduce potential loss.
10. An electrical spur is recommended under a Section 38 Agreement at each vehicular entry point leading into the development.
11. Consideration of Park Mark accreditation should be considered in the event of appropriate communal parking within the application.
12. Consideration of Safe Routes through open space and walkways should account for the use of women and girls.

Planning Obligations

The County Council has currently requested the following planning obligation contributions, which total £25,113.16:

- Libraries (Earl Shilton Library) (£1,056.92)
- Post-16 Education (The Hinckley School) (£22,322.69)
- Primary Education (St. Simon and St. Jude Church of England Primary School) (£0 - no requirement)
- Secondary Education (11 to 16) (Heath Lane Academy) (£0 - no requirement)
- Waste (Barwell Household Waste and Recycling Centre (HWRC)) (£1,733.55)

Pollution

The Council's Pollution officer stated that any application should consider the noise impact of the adjacent road and any surrounding business uses, and the potential for land contamination to have occurred due to the past use of the site. In light of the above, it is likely that Construction Environment Management Plan will be secured via planning condition for any submitted any planning application.

Public Open Space Contributions

The Council's Compliance and Monitoring Officer confirmed that play and open space Section 106 Contributions are required for developments consisting of 10 dwellings or above.

Given the above, a development for up to 35 dwellings will have to provide the following play and open space contributions on-site:

- 126sqm of Equipped Children's Play Space with a provision contribution of £22,923.18, and a maintenance contribution of £22,125.60.
- 588sqm of Casual/ Informal Play Spaces with a maintenance contribution of £6,350.40.
- 1,344sqm of Outdoor Sports Provision with a provision contribution of £12,163.20, and a maintenance contribution of £11,558.40
- 1,400sqm of Accessibility Natural Green Space with a maintenance contribution of £19,880.00

This results in a total on-site provision contribution of £35,086.38 and a maintenance contribution total of £59,914.40.

Should open space not be sufficiently provided within the site, off-site contributions should be sought, and maintenance of the open space should be secured via the Section 106 Agreement.

Therefore, should no on-site contributions be provided within the development, the Applicant will need to provide the following play and open-space contributions off-site:

- 126sqm of Equipped Children's Play Space with a provision contribution of £22,923.18, and a maintenance contribution of £11,062.80.
- 588sqm of Casual/ Informal Play Spaces with provision contribution of £2,610.72, and a maintenance contribution of £3,175.20.
- 1,344sqm of Outdoor Sports Provision with a provision contribution of £12,163.20, and a maintenance contribution of £5,779.20
- 1,400sqm of Accessibility Natural Green Space with provision contribution of £5,726.00, and a maintenance contribution of £9,940.00.

This results in a total on-site provision contribution of £43,423.10 and a maintenance contribution total of £29,957.20.

Please note, the Council also requires monitoring fees for each planning obligation that is secured within a Section 106 Agreement, which include the following:

- 11 to 50 dwellings or 1,000 to 3,000sqm gross floorspace: (£419 per obligation).
- Site Inspection Fee: (£219 per visit)
- Approval of Details/ Documents: (£327 per document)
- Deed of Variation: (£649 per Section 106 topic)

The Compliance and Monitoring Officer also raised concerns regarding the collection of waste and recycling from within the site. Please refer to the Council's Waste Management Officer's comments for further details.

Trees

The County Council's Tree Officer confirmed that the scheme does not impact any Leicestershire County Council Tree Preservation Orders and therefore they have no comments in support or opposition to the development.

Waste

The Council's Waste Management Officer advised that a scheme is required that makes provision for waste and recycling storage and collection across the site. This scheme should address accessibility to storage facilities and provide adequate collection point space at the adopted highway boundary.

The Waste Management Officer noted that that all the Council's recycling and refuse services take place from the kerbside of the adopted public highway and do not travel along, nor collect from private roads or driveways.

Where new roads are constructed, these roads must be constructed to a suitable standard for HGVs with a gross vehicle weight of 32 tonnes and should provide a sufficient area for such vehicles to turn around.

For shared driveways, it is advisable to include an area near the roadside for the safe placement of the various containers on collection day for up to two bins per property. It will be the responsibility of the occupiers to ensure that all containers and wheeled bins are brought to the collection point. Therefore, please ensure all occupiers are advised of the procedure and the bin collection point, and that the storage area should only be used on collection day.

Policy

The main relevant policies to be for this form of development are as follows:

- National Planning Policies and Guidance:
 1. National Planning Policy Framework (NPPF) (December 2023)
 2. Planning Practice Guidance (PPG)
 3. National Design Guide (2019)
- Core Strategy (2009):
 1. Policy 2: Development in Earl Shilton
 2. Policy 5: Transport Infrastructure in the Sub-Regional Centre
 3. Policy 15: Affordable Housing
 4. Policy 16: Housing Density, Mix, and Design
 5. Policy 19: Green Space and Play Provision
- Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
 1. Policy DM1: Presumption in Favour of Sustainable Development
 2. Policy DM3: Infrastructure and Delivery
 3. Policy DM4: Safeguarding the Countryside and Settlement Separation
 4. Policy DM6: Enhancement of Biodiversity and Geological Interest
 5. Policy DM7: Preventing Pollution and Flooding
 6. Policy DM10: Development and Design
 7. Policy DM11: Protecting and Enhancing the Historic Environment
 8. Policy DM12: Heritage Assets
 9. Policy DM13: Preserving the Borough's Archaeology
 10. Policy DM17: Highways and Transportation
 11. Policy DM18: Vehicle Parking Standards
- Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014)
 1. Policy 21: Infrastructure and Delivery
 2. Policy 22: Development and Design
- Other Relevant Guidance:
 1. Good Design Guide (GDG) (2020)
 2. Leicestershire Highway Design Guide (LHDG) (2022)
 3. Leicestershire Minerals and Waste Local Plan (LMWLP) (2019)
 4. Landscape Character Assessment (LCA) (2017)
 5. Landscape Sensitivity Assessment (LSA) (2017)

All Local Policy documents can be found on the Council's website at: [https://www.hinckley-bosworth.gov.uk/info/1004/planning_policy_and_the_local_plan/101/local_plan_2006 - 2026](https://www.hinckley-bosworth.gov.uk/info/1004/planning_policy_and_the_local_plan/101/local_plan_2006_-_2026)

Development Appraisal

The pre-application enquiry has been submitted with the following documents:

- Access and Drainage Requirements

- Concept Masterplan
- Constraints and Opportunities Plan
- Design and Access Statement
- Landscape & Visual Technical Note
- Photo Record
- Site Location Plan

Any advice given in this response is based on this information.

Principle of Development

Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.

Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.

However, 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.

The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.

Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.

Nevertheless, in accordance with Paragraph 225 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

In accordance with Policy 2 of the adopted Core Strategy, the Council will support development within the identified settlement boundary of Earl Shilton to deliver a minimum of ten new residential dwellings.

However, it is noted that the application is outside of the identified settlement boundary of Earl Shilton in the designated open countryside.

Outside the defined settlement boundaries, the countryside is not normally regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 180(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*

This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential development in the countryside sustainable where:

- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
- (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation”.

In summary, the application site is within the designated open countryside, and it does not relate to, or comply with, any of the criteria above in Policy DM4 of the SADMP. However, this does not mean that the development is not sustainable.

Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.

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

Housing Land Supply

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.

Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.

Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. The latest figures up to 01 April 2023 are currently being worked on and are likely to be available before an application is submitted and/or determined.

Given the above and the change in the housing figures required for the Borough, the ‘tilted’ balance in Paragraph 11(d) of the NPPF is triggered.

Paragraph 11 (d) of the NPPF requires planning permission to be granted unless:

- i. The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government’s objective of significantly boosting the supply of homes without

unnecessary delay. The overall aim is to meet as much of the area's identified housing need as possible with an appropriate mix of housing types for the local community.

Paragraph 70 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area.

Parts of the application site have been identified within the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA) (2020) as LPR137 (Paddocks to the Rear of 3 Clearview Crescent) and AS253 (Land adjacent to Spring Gardens). The SHELAA is an evidence-based document that helps to identify sites and assess their potential and suitability for development.

The first SHELAA site, LPR137, comprises 0.6ha of Grade 3B agricultural land that is located on the west of the application site. The SHELAA considered that 0.39 of this SHELAA site was developable for up to 16 dwellings. Overall, the SHELAA Report states that the application site is suitable, available, achievable, and developable within a five-year timeframe.

On the other hand, the second SHELAA Site, AS253 consists of 0.25ha of Grade 3A agricultural land and is sited along the southern boundary of the application site. Whilst AS253 was considered to be completely developable for up to ten dwellings, the SHELAA Report did not consider the site to be suitable, available, achievable, nor developable. It is noted that this SHELAA site was withdrawn between the 2020 and 2022 SHELAA reports.

In spite of this, the Paragraph 2.3 of the SHELAA Report states that:

"The SHELAA is an evidence base document to inform plan making. It is not a decision-making document, and it does not in itself determine whether or not a site should be granted planning permission or allocated for development."

With this in mind, classification of the site within the SHELAA report is not considered to be a material planning consideration because the report does not assess land that has been formally allocated by the Council for housing.

Notwithstanding the above, as the Council is unable to deliver a five-year supply of land for housing, the provision of up to 35 dwellings within this application site is a benefit to the housing land supply within the Borough. Therefore, it is considered that moderate weight should be given to the provision of the proposed dwellings.

Housing Mix and Supply

Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon Table 3 in the Core Strategy, and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a 'very good' rating against Building for Life, unless unviable. A minimum density of 40 dwellings per hectare is required in sites within and adjoining Hinckley, Burbage, Barwell, and Earl Shilton. In exceptional circumstances, lower densities may be acceptable where individual site-specific circumstances dictate and are justified.

Paragraph 63 of the NPPF states that the size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The above policy allows for the most recent evidence to be taken into account in decisions and thus Policy 16 is considered up to date in this regard.

The Good Design Guide advocates the use of the Building for Life Assessment. It is noted that the Building for a Healthy Life Assessment has since replaced this assessment.

The final number and mix of dwellings within this proposal are unconfirmed, but the current pre-application enquiry scheme is for up to 35 dwellings, which results in a density of 22.2 dwellings

per hectare. This density is almost half the suggested minimum density for a site within and/or adjoining Earl Shilton required within Policy 16 of the Core Strategy. However, it is noted that the development is within a Landscape Sensitivity Area and has clear views towards the listed church spire, and therefore the proposal's impact on the character of the surrounding area is likely to dictate and justify the lower density within the site. This justification should be supported by a Landscape and Visual Impact Assessment (LVIA).

Policy 15 of the Core Strategy sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. The Borough has an unmet affordable housing need, and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.

In accordance with Policy 15 of the Core Strategy, a site with more than 15 dwellings or sites larger than 0.5ha in an urban location (Hinckley, Barwell, Earl Shilton, and Burbage) are required to provide 20% affordable housing. For all sites, the tenure split of affordable housing should be 75% social rented and 25% intermediate housing but the target will be monitored regularly and may be revised to reflect changes in the housing market and local circumstances.

Therefore, a proposal for up to 35 dwellings is required to provide seven properties for affordable housing in accordance with Policy 15 of the Core Strategy. The tenure split required for these properties should be two units for First Homes, two units for shared ownership, and three units for affordable or social rent in accordance with the latest National Guidance. Subject to these requirements being met through completion of a Section 106 legal agreement, this proposal is deemed to be acceptable with respect to housing mix and affordable housing.

Impact upon the Character and Appearance of the Historic Environment

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.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

Therefore, Paragraph 205 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be. Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP.

Nevertheless, Paragraph 212 of the NPPF confirms that 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.

The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.

Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced.

The closest Listed Building is Top House, which is a Grade II Listed Building 90m to the southwest of the site, whereas the Earl Shilton Conservation Area is approximately 1km southwest of the application site. Given this distance and the intervening built form between the site and these heritage assets, it is unlikely that the scheme is likely to result in substantial harm to the character, and thus significance of the Conservation Area or the Listed Building, nor their setting.

Moreover, given the 200m distance between the Scheduled Ancient Monument (SAM), Earl Shilton Motte and Bailey Castle, and the SAM's scale and massing, it is also unlikely that the development will result in any substantial harm to the character, and thus significance, nor its setting. The Grade II* Listed Church of St. Simon and St. Jude is also approximately 210m to the southeast of the site.

Whilst the development is not seen from the Church, nor will it have any physical impact on the protected structure, the spire of the Listed Church is prominent within and around the application site. As identified within the LCA and the LSA, views of the church spire are an important characteristic of the rural setting of Earl Shilton and its local distinctiveness in the surrounding area. Therefore, it is likely that the development results in less than substantial harm to the setting of the heritage asset, and harm to the distinctive local character and rural setting of the LSA, and the wider LCA.

Given the above, a Heritage Statement (with Impact Assessment) should be submitted to accompany any planning application to meet the Borough Council's requirements in regard to the scheme's impact on heritage assets in accordance with Policies DM11 and DM12 of the SADMP and Paragraph 200 of the NPPF.

Ultimately, it is considered that a sensitively designed scheme can be provided such that less than substantial harm is outweighed by the benefits but further detailed assessment of the impact of the development on the setting of the Grade II* Listed Church will be undertaken by the Council's Conservation Officer upon the submission of a planning application, and any potential harm to the historic environment will be weighed against the public benefits of the scheme within the planning balance.

Impact upon the Character and Appearance of the Area and the Open Countryside

Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six National Policy requirements of development to ensure the creation of well-designed and beautiful places.

Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:

- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and

- ii.) It does not undermine the physical and perceived separation and open character between settlements; and
- iii.) It does not create or exacerbate ribbon development.
- iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
- v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.

Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.

Policy 22(b) and (d) of the ESBAAP states the development will be permitted providing that there is no detriment to the character or appearance of the host building or the surrounding area, and that it respects the local distinctiveness of existing buildings and landscape settings respectively.

A residential development within a previously undeveloped site inevitably results in a fundamental change to the character of the application site. Given the nature of the site, and its location within an LSA, this extension of built form into the open countryside is considered to cause significant harm to the character of the site.

Consequently, and as advised within the submitted Landscape & Visual Technical Note, the Applicant should provide a full Landscape and Visual Impact Assessment to support any submitted application. Ultimately, the harm to the open countryside should be assessed against the benefits of the development.

Although the built form of the scheme extends into the open countryside beyond the identified settlement boundary of Earl Shilton, the harm of this intrusion is in the context of the approved 190 residential dwellings on the western side of Leicester Road. It is noted that these western developments protrude to a similar extent as that within this planning proposal. Therefore, the harm of the proposal's extension of Earl Shilton's built form is likely to be reduced.

Moreover, the application site is bordered by residential development on the north, eastern, and southern boundaries of the site, which are all visible from within the application site. This built form in the surrounding area and the unnamed road physically separates the site from the wider LCA. Subsequently, and due to the fact that the development does not protrude any further into the open countryside than these structures, these material considerations are considered to reduce the potential harm of the scheme to the LSA and the LCA.

Due to the existing residential properties to the east, the development is unlikely to significantly, nor adversely, impact views of the site from Footpath U24. Furthermore, given the provision of 190 dwellings on the western side of Leicester Road, the scheme is unlikely to result in a significant and adverse impact on views of the site from Footpaths T93, T94, and U28. The views from the west of the site are reduced by existing vegetation along this boundary of the site.

The eastern boundary of the site benefits from existing evergreen vegetation and therefore the visibility of the site from Spring Gardens and Bridleway U25 is filtered and reduced. Nevertheless, it is considered that the soft landscaping on the eastern and western boundaries of the site should be enhanced to reduce any views into the site in order to reduce the harm to views from the wider area.

Whilst the existing vegetation along the southern boundary isn't as effective as that along the eastern and western boundaries, the views from the unnamed road of the application site are in the context of the developed settlement edge of Earl Shilton. Therefore, the extension of this built form towards the unnamed road is not considered to result in any significant adverse impacts from views immediately to the north of the site along unnamed road.

Due to their distance from the application site, the reduced visibility of the development by the siting of the application site, and the existing vegetation that borders the site, the impact on the

views of the site from Public Footpaths T72, T85, T86, and T92 is not considered to result in significant harm. In addition, the application site is perceived from views from the north in the context of the settlement edge of Earl Shilton. Given the planning permission for further residential development to the western side of Leicester Road, this is not considered to result in significant harm to the views of Earl Shilton.

However, due to the topography of the site, further plans and information regarding grounds levels will be required upon the submission of a planning application to demonstrate that the scheme does not result in any significant adverse harm to the intrinsic value, beauty, open character, and landscape character of the countryside, nor the Landscape Character Area, nor the Landscape Sensitivity Area.

In summary, the development is considered to result in a change of character to the site through the introduction of built form into an area of currently undeveloped agricultural land, and the changing of levels to accommodate the residential properties. As per the submitted Landscape & Visual Technical Note, the Applicant should provide a full Landscape and Visual Impact Assessment to support the development. Given the nature and topography of the application site, it is recommended that, should an outline planning application be forthcoming, any submitted outline planning application should seek planning permission for scale alongside the principle of the development to support the justification for the proposal, and to support the assessment of the scheme's impact upon the character of the surrounding area, landscape sensitivity area, and the designated open countryside. It is also recommended that a Landscape and Visual Impact Assessment (LVIA), a Parameters Plan, a Site Levels Plan, and Site Sections should support any forthcoming planning applications. Ultimately, any harm to the open countryside should be assessed against the benefits of the development.

Design and Layout

Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.

Policy 22(c), (e), (f), (g), (h), and (l) of the ESBAAP states that development will be permitted where:

- The siting and density respect the character and layout of the area.
- The design respects the scale, proportions, and height of the existing building, neighbouring structures, and overall street scene.
- Fenestrations are well proportioned, well balanced within the elevations and sympathetic to adjoining/ neighbouring buildings.
- The use and application of building materials respects the materials of existing, adjoining/ neighbouring buildings and the local area generally.
- It incorporates a high standard of landscaping where this would add to the quality of the design and siting.
- The Applicant has demonstrated consideration to community safety through designing out crime.

The Good Design Guide provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The Good Design Guide also advocates the use of a Building for a Healthy Life Assessment (BfHLA).

The BfHLA consists of 12 considerations that are classified under three categories: integrated neighbourhoods, distinctive places, and streets for all.

The scheme appears to utilise extensive use of private drives and cul-de-sac-based street patterns. However, the BfHLA considers these forms of development and apartment buildings with single or limited points of access to be demonstrative of poor design.

In accordance with the BfHLA, the development should provide continuous streets that are well connected, direct, and provided with public access along the edges of the development. Further 'filtered' permeability into, out of, and within the site is also recommended to ensure short and direct walking and cycling connections that make active travel an easy choice to make. To support this, the development should demonstrate how the street space is fairly shared between pedestrians, cyclists, and motor vehicles. This can be achieved by providing additional information to demonstrate the meaningful variations between street types and how these have been designed to help people find their way around the development.

Although off-street vehicular parking has not been identified within the Concept Masterplan, the scheme should ensure that this provision is supported by appropriate soft landscaping. The Good Design Guide states that garages and car ports should generally be set back from the existing dwelling so as not to dominate the street scene. Where hardstanding is proposed at the front of a property, this should not constitute more than 50% of its total area.

To comply with the BfHLA, homes and streets within the development should be designed where it is difficult to determine the tenure of properties through architectural, landscape, or other differences. In addition, the scheme should draw inspiration from local architecture and the local landscape character area and reflect this character in either a traditional or contemporary style.

The LCA highlights that standard housing types of the 20th and 21st centuries often pay little regard to local distinctiveness and dilute Earl Shilton's character and sense of place.

Therefore, in accordance with the Urban Character Area (UCA), buildings should be primarily up to two storeys in height with subtle variations in building, eave and ridge lines. Streets should generally be wide and provide opportunities for street planting and realm enhancement. Boundary treatment should add ecological value and/or reinforced distinctive local characteristics. It will be important that the submitted scheme is interpreted as being distinctive of Earl Shilton as opposed to being located anywhere.

Whilst public open space is provided, site levels will need to be provided upon the submission of any application to determine its acceptability.

In summary, it is considered that the application site has the capacity to accommodate a sensitively designed residential development that is acceptable to the Local Planning Authority, provided that a high-quality, landscape-led approach to the design of the development is adopted. However, further consideration to the design of the layout and appearance of the scheme should be undertaken to ensure that the development accords with the guidance of the BfHLA. For example, the development should refrain from utilising private drives and cul-de-sac street patterns and the proposal should ensure that its design reflects the character of the surrounding area in a traditional or contemporary style.

Impact upon Neighbouring Residential Amenity

Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.

Paragraph 14.2 of the SADMP states that new development should be located and designed in such a way that the amenity of both existing residents and occupiers are fully considered when assessing planning applications.

Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

Policy 22 of the ESBAAP states that development will be permitted where it does not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration, and visual intrusion. Furthermore, Policy 22(a) of the ESBAAP states that development is permitted where the amenity of occupiers of the proposed development is not adversely affected by activities in the vicinity of the site.

The Good Design Guide outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.

There are no residential properties that border the western side elevation of the site and the permitted future development to the west of the site is beyond Leicester Road. Consequently, it is unlikely that scheme results in any significant adverse impacts to the residential amenity of these new properties.

The Swedish Cottage is located to the north of the site. Given that the property is beyond the unnamed road, it is unlikely that scheme results in significant adverse impacts to the residential amenity of this property.

However, it is noted that there is a significant level difference between 1 Spring Gardens and Farm Cottage, and the application site. Therefore, the Applicant will need to demonstrate that the scheme does not result in any significant adverse impacts to the residential amenity of the occupants of these properties as a result of overbearing or overshadowing impacts, or via loss of privacy and/or loss of light impacts.

Furthermore, the Applicant will need to demonstrate that the scheme does not result in any significant adverse impacts to the residential amenity of the occupants of the residential properties along Clearview Crescent as a result of overbearing or overshadowing impacts, or via loss of privacy and/or loss of light impacts.

The Applicant should provide a Site Level Plan to assist in demonstrating that the scheme does not result in harm to neighbouring or future residential amenity.

To protect the residential amenity of the future occupants of the scheme, the development should have a strong framework of connected and well overlooked streets and spaces. This can be achieved by designing front doors, balconies, terraces, front gardens, and bay windows to face streets and public spaces to promote active frontages and natural surveillance.

Within the current Concept Masterplan, the scheme doesn't appear to provide sufficient natural surveillance or active frontages towards the areas of public open space.

Overall, it is considered that a suitably designed development within this application site is likely to protect the residential amenity of neighbouring residents and the future occupants of the scheme. However, this must be demonstrated within submitted plans with well-connected streets and spaces that promote natural surveillance and active frontages, which are supported by a Proposed Site Level plan.

Highway Safety, Transport Sustainability, and Vehicle Parking Standards

Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in accordance with Paragraph 115 of the NPPF.

Policy 14 of the adopted Core Strategy requires developments to support accessibility within rural areas by:

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

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

Policy 5 of the adopted Core Strategy requires new developments to provide new pedestrian and cycle linkages into Barwell and Earl Shilton.

Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.

Paragraph 3.151 (Quantum) of Part 3 of the LHDG provides details on the required number of off-street parking provision for each dwelling.

To promote healthy streets in accordance with the BfHLA, the development should be designed with low speed 20mph streets that prioritise pedestrians and cyclists. Cycle parking should be provided that is secure, overlooked and as easy to access as the car.

Although off-street vehicular parking has not been identified within the Concept Masterplan, the scheme should ensure that that this provision does not rely on garages for everyday parking.

Whilst there are limited points of access for pedestrians and cyclists, it is acknowledged that residential properties bound the southern border of the site and the open countryside extends to the northern border of the site. Therefore, the primary routes for pedestrians and cyclists are via the Public Footpath to the east and via Leicester Road to the west. Nevertheless, additional pedestrian and cycle access to the Public Footpath should be provided in the south-eastern and south-western corners of the site to promote further active travel. The development should ensure that the pedestrian and cycle routes are well overlooked and lit after dark.

It is not considered that an uncontrolled pedestrian crossing across a classified 'C' road will encourage active travel. As advised within the BfHLA, zebra, parallel or signalised crossings are preferred to encourage active travel.

Whilst a response was not received from the Local Highway Authority (LHA) prior to the issuing of this pre-application enquiry response, a response will be submitted and sent to the Applicant in due course.

Flooding

Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 167 states that

major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate.

Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.

Policy 22(k) of the ESBAAP states that development is only permitted when an appropriate Sustainable Drainage Scheme is submitted to, and approved by, the Local Planning Authority.

The application site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning, which is at low risk of fluvial flooding and predominantly a very low risk of surface water flooding.

However, given that the site is larger than 1ha, a Flood Risk Assessment (FRA) will be required alongside the submission of any planning application.

Developer Contributions

Policy 3 of the SAMDP states that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism.

Policy 21 of the ESBAAP states that where development will create a need to provide additional or improved infrastructure, amenities, or facilities, developers will be expected to make sure such provision directly or indirectly through the appropriate funding mechanism.

Based on the proposal for up to 35 dwellings within this pre-application enquiry, the following developer contributions are likely to include, but are not limited to, the following:

- Healthcare (£27,104.00)
- Libraries (Earl Shilton Library) (£1,056.92)
- Post-16 Education (The Hinckley School) (£22,322.69)
- Primary Education (St. Simon and St. Jude Church of England Primary School) (£0 - no requirement)
- Public Open Space (£95,000.78 via on-site contributions or £73,380.30 via off-site contributions)
- Secondary Education (11 to 16) (Heath Lane Academy) (£0 - no requirement)
- Waste (Barwell Household Waste and Recycling Centre (HWRC)) (£1,733.55)

The proposal will also have to provide seven properties for affordable housing, which shall consist of the following:

- 2 x First Homes
- 2 x Shared Ownership
- 3 x Affordable or Social Rent

There may also be an opportunity to contribute to the provision for affordable housing via discounted market dwellings, but this will be discussed further upon drafting a Section 106 Agreement.

It is likely that these properties should be one-or-two-bedroom properties to meet the need for affordable housing within Earl Shilton and the wider Borough.

The Local Highway Authority are also likely to require financial contributions for the development within their response to the application.

Conclusion

In summary, the proposal is for 35 dwellings to the north of, but outside of the settlement boundary of, Earl Shilton. A proposal for up to 35 dwellings is required to provide seven properties for affordable housing in accordance with Policy 15 of the adopted Core Strategy that comprises two

units for First Homes, two units for shared ownership dwellings, and three units of affordable or social rent housing that consists of one-or-two-bedroom properties. Such a development will require financial planning obligation contributions to healthcare, highway infrastructure, libraries, education, public open space, and waste.

Whilst the application site lies within Flood Zone 1, given that the site is larger than 1ha, a Flood Risk Assessment (FRA) will be required alongside the submission of any planning application. Please refer to the comments and guidance of the Environment Agency, the Local Lead Flood Authority (LLFA), and the Council's Drainage Officer when submitting a formal planning application.

Furthermore, a Preliminary Ecological Appraisal (PEA) and a Biodiversity Net-Gain (BNG) Assessment (including a baseline metric) will be required alongside the submission of any planning application. Grassland should only be surveyed for BNG between May and September, and not straight after being cut or grazed.

Given the archaeological potential with the site, any planning application will need to be submitted with an Archaeological Impact Assessment (AIA) that features an archaeological desk-based assessment and a field evaluation to identify and locate any archaeological remains of significance and propose suitable treatment to avoid or minimise damage by the development.

Ultimately, the application site is within the designated open countryside, and therefore the proposal is not supported in principle, subject to the assessment of all other material considerations.

Importantly, as the Council is unable to deliver a five-year supply of land for housing, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered, whereby planning permission is to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Overall, the development is considered to result in a fundamental change of character to the site through the introduction of built form into an area of currently undeveloped agricultural land, and the changing of levels to accommodate the residential properties, which is considered to cause significant and permanent harm. The identified harm to the open countryside will be assessed against the benefits of the development.

As per the submitted Landscape and Visual Technical Note, the Applicant should provide a full Landscape and Visual Impact Assessment (LVIA) to support and justify the development. Given the nature and topography of the application site, it is recommended that, should an outline planning application be forthcoming, any submitted outline planning application should seek planning permission for scale alongside the principle of the development to support the justification for the proposal, and to support the assessment of the scheme's impact upon the character of the surrounding area, landscape sensitivity area, and the designated open countryside. In addition to the LVIA it is also recommended that a Parameters Plan, a Site Levels Plan, and Site Sections should support any forthcoming planning applications.

Care and attention are also required regarding the development's potential impact to views of, and to the setting of, the Grade II* Listed Church of St. James and St. Jude. As a result, a Heritage Statement and Impact Assessment should be provided to support any forthcoming planning application to assess the potential impact of the development on the historic environment.

In addition, further consideration to the design of the layout and appearance of the scheme should be undertaken to ensure that the development accords with the guidance of the Building for a Healthy Life Assessment (BfHLA). For example, the development should refrain from utilising private drives and cul-de-sac street patterns and the proposal should ensure that its design reflects the character of the surrounding area in a traditional or contemporary style.

Whilst it is considered that a suitably designed development within this application site could protect the residential amenity of neighbouring residents and the future occupants of the scheme,

the Applicant must demonstrate this within submitted plans. Specifically, the Applicant will also need to demonstrate that the scheme does not result in any significant adverse impacts to the residential amenity of the occupants of the residential properties along Clearview Crescent and Spring Gardens as a result of overbearing or overshadowing impacts, or via loss of privacy and/or loss of light impacts. The Applicant should provide a Site Level Plan to assist in demonstrating that the scheme does not result in harm to neighbouring residential amenity.

To protect the residential amenity of the future occupiers of the development, the scheme should feature well-connected streets and spaces that promote natural surveillance and active frontages, particularly around the areas of public open space, which are supported by a Proposed Site Level plan. These streets should be designed in accordance with the BfHLA, to incorporate low speed 20mph speeds that prioritise pedestrians and cyclists.

It is not considered that an uncontrolled pedestrian crossing across a classified 'C' road will encourage active travel. As advised within the BfHLA, zebra, parallel or signalised crossings are preferred to encourage active travel.

Overall, it is considered that the application site has the capacity to accommodate a sensitively designed residential development that is acceptable to the Local Planning Authority, provided that a high-quality, landscape-led approach to the design of the development is adopted.

I trust that this information is of use to you. If you have any queries on the above points, please do not hesitate to contact me.

Yours faithfully



Christopher Brown MRTPI
Head of Planning

The above comments are initial informal officer views only and are made without prejudice to any decision the local planning authority may make in respect of a subsequent application and are given without the opportunity to consider all the relevant issues that may arise from consultation or may be expressed by local residents and other interested parties. This letter does not constitute a decision under the Town and Country Planning Act 1990 (as amended) or other relevant legislation.

Where your proposed work requires additional consent under the Building Regulations, Hinckley and Bosworth Borough Council's Building Control Service are able to provide a quotation and advice. The Building Control Service can be contacted at buildingcontrol@hinckley-bosworth.gov.uk to arrange a quote.

landscape planning • ecology • arboriculture

aspect

Aspect Landscape Planning Ltd
West Court
Hardwick Business Park
Noral Way
Banbury
Oxfordshire OX16 2AF

T: 01295 276066
F: 01295 265072
E: info@aspect-landscape.com
W: www.aspect-landscape.com