

Delegated Report

Planning Ref: 23/00978/OUT

Applicant: MR WILLIAM NAYLOR

Ward: Cadeby, Carlton, Market Bosworth & Shackerstone

Site: Land Off Barton Lane, Congerstone, Leicestershire



Hinckley & Bosworth
Borough Council

Proposal: Outline planning permission for the construction of up to 18 dwellings with associated infrastructure (some matters reserved except for access and layout)

1. Recommendations

- 1.1. Grant outline planning permission subject to:
- S.106 (as per the Heads of Terms set out in this report), and;
 - Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. This application seeks outline planning permission for the erection of up to 18 dwellings with associated infrastructure. The original application sought 20 dwellings but this was revised after discussions with the local planning authority and the local highway authority.
- 2.2. The site area is approximately 1.18 hectares. Both access and layout are detailed matters for consideration as part of this outline application.
- 2.3. Landscaping, scale and appearance details are all reserved matters.
- 2.4. The application identifies that 40% of the housing to be provided would be affordable housing. For 18 dwellings the level of affordable housing provision in this instance would equate to 8 dwellings.
- 2.5. The following reports surveys and documents have been submitted in support of the planning application:
- Access Drawing
 - Transport Statement
 - Design and Access Statement
 - Tree Survey
 - Ecological Appraisal
 - Flood Risk Assessment
 - Proposed Site Layout
 - Site Location Plan
 - BNG Metric
 - Baseline Habitat Plan – existing and proposed
 - Open space details – including calculation spreadsheet
 - Transport Technical Note

3. Description of the site and surrounding area

- 3.1. The site lies outside of the settlement boundary but adjacent to it, and is therefore designated as open countryside. The site is located to the north eastern edge of Congerstone on a relatively flat parcel of land which is identified as Grade 3 agricultural land. Residential development lies to the west and southeast of the site, woodland lies to the northwest and agricultural fields to the north and northeast.

- 3.2. The land has been submitted to the Borough Council through the Strategic Housing and Economic Land Availability Assessment process. The outcome in the most recently published SHELAA in 2020 was that the site was suitable, available and achievable within a 6-10 year timeframe. The site was classified as developable. The site is also allocated within the former Draft Local Plan for residential development.
- 3.3. In terms of constraints, the application site is identified as being part of a Local Wildlife Site. The northern section of the site is within Flood Zones 2 and 3a – high risk of flooding. This area of the application site is not proposed to contain housing.
- 3.4. The site is not located within the Congerstone Conservation Area.

4. Relevant planning history

- 4.1. There is no relevant planning history for this site.

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. 4 letters of objection received have been received from third parties/local residents raising the following concerns:
- This is a Greenfield site.
 - This site does not meet the sustainability criteria - Congerstone does not have any facilities, with the exception of a primary school, which are either within walking distance or accessible via public transport.
 - A further factor making this land unsuitable for building on is that it floods.
 - Access along Barton Road is already difficult due to a significant number of parked cars on the road. For the properties with frontages on to Barton Road it is highly likely residents, and their visitors would park on the road; this would make it extremely difficult for other vehicles using the road and further impede visibility.
 - The majority of the traffic survey was undertaken during the school holidays; thus, not giving an accurate picture of the number of vehicles on the road. The road is also used by large farm vehicles. In addition it does not record the amount of traffic relating to children who live in the village leaving and returning from other schools outside the village. This includes school buses to a number of schools.
 - Access to the site is potentially unsafe as it incorporates a sharp bend leading to a single track bridge.
 - There were two other sites proposed for this development, one off Bosworth Road exiting the village and one at the rear of Fox Covert Farm. The other two sites have safer road access and would have less ecological and social impact.
 - The proposed entrance to the site is on a bend which would mean the removal of existing trees and hedgerow in order to allow for the required splay for a 30 MPH road. This is an important hedgerow that not only provides a biodiverse environment for many animals, insects and birds but also contributes to the

rural character of the village. The whole of the existing hedgerow along Barton Road should be retained to lessen the impact of the development on this area of the village.

- No regard has been made in the document details for the use of the existing bell mouth on Chapel Lane and only focuses on the existing gateway to the field. Why is this? This existing infrastructure would provide many benefits including retaining the current boundary hedge fully, limiting road closure as no new opening would need to be created and a safer ingress and egress to the development avoiding blind corners and bridges.
- Could any decision on the development ensure that each land title for the dwellings has clauses stating that the hedges and Oak trees on the Barton roadside need to be protected.

5.3. No letters of support or neutral comments have been received.

6. Consultation

6.1. No objection, some subject to conditions/contributions has been received from the following consultees:

- Canal and River Trust
- HBBC Environmental Health – subject to conditions relating to contaminated land, construction environmental management plan (CEMP) and construction hours
- HBBC Drainage – subject to drainage/surface water conditions
- NHS – subject to health contribution request
- Environment Agency – subject to flood risk mitigation condition
- LCC Planning Obligations Officer – subject to S106 financial requests towards waste, libraries, primary, secondary and Post 16 education
- LCC Minerals and Waste Team

6.2. Shakerstone Parish Council - The Transport Planning doc. refers to the field as a Brownfield site; we would request that this is checked because in the last thirty plus years it has been used to graze stock. In the Design Access Statement it states: 'Existing trees to be protected' - given that that 2 of the 4 mature Oaks are to be felled that would not appear to be the case and these mature trees should be retained. In the same Access statement it says 'Proposed access is sited to have least impact on trees and hedges!' The Ecology report says 'mature Oaks are of high landscape value and wildlife resource'; it goes on 'Boundary hedge along Barton Lane will need to be retained, this is a significant hedgerow' neither of these statements seem to be reflected in the plan as is. The parish council believe the hedgerow to be Historic and therefore considered for protection and we asked that HBBC look at the 1845 tithe maps which seem to back this up, see attached, and that should protect them. The parish council request that a new traffic survey is carried out at school drop off and collection time when the highest probability of harm/RTA would occur.

No further response from the Parish Council to the second consultation.

6.3. Local Highway Authority – Further information sought. The LHA have concerns regarding the following:

- The narrow nature of Barton Road;
- No swept path analysis for refuse vehicle; and
- No Stage 1 Road safety Audit with accompanying Designers Response

Further response received 28 February 2024 – further information still required. The LHA previously requested an Independent Stage 1 Road Safety Audit (RSA) and accompanying Designer's Response, it does not appear that one has been provided. Given there are engineering works to connect to the site to the public highway this is required. The brief should include all the access drawings including plan 'Vehicle Tracking', drawing number NE/0312/AD/23. The LHA have concerns regarding overrun of the footway at the location of the proposed uncontrolled pedestrian crossing by refuse vehicles exiting the site. The LHA previously noted there is currently a secondary access into the site, via Chapel Lane. Whilst this does not appear to afford access to the dwellings, the LHA requests the Applicant confirms this access is to be used for maintenance of the Biodiversity Space to the west of the site should the LPA grant the proposals permission.

Further response from the Local Highway Authority received 3rd April 2024 - The Local Highway Authority (LHA) has been re-consulted on outline application 23/00978/OUT, for the erection of up to 18 dwellings with associated infrastructure (some matters reserved except for access and layout). The Applicant has now provided a Stage 1 Road Safety Audit (RSA1), no issues were raised. This matter also alleviates LHA concerns relating to overrun of the footway at the location of the proposed uncontrolled pedestrian crossing by refuse vehicles exiting the site. The LHA accept these findings. Within the RSA1 the Auditors raised an issue relating to street furniture. This matter has been sent to the relevant department to action. Whilst the LHA have previously raised issues in relation to the internal layout of the site, the Applicant has now indicated that the internal layout will now remain private and will be maintained by a private company. As such the LHA has no further comments to make on this matter. The Applicant has confirmed the secondary access onto Chapel Lane is intended as a maintenance access to the space to the west of the site. The LHA finds this acceptable. After taking all the above into consideration the LHA would not seek to resist the proposals subject to conditions.

6.4. LLFA – Further drainage/flood risk information sought (received Nov 2023)

Further LLFA response – No objections subject to drainage/flooding conditions (received Feb 2024)

6.5. LCC Ecology – No biodiversity net gain calculations have been submitted with the Ecological Appraisal, which are required prior to determination. Measurable biodiversity net gain will need to be demonstrated, using the DEFRA 4.0 (or later) Metric. The NPPF (section 180. d) states that 'opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate'. DEFRA have released biodiversity net gain calculations (Metric 4.0), further details can be found here <http://publications.naturalengland.org.uk/publication/6049804846366720> which can be used to confirm whether the requirements of the NPPF have been met. Metrics should be submitted (in Excel format) with an accompanying biodiversity enhancement report/plan.

Further response from LCC Ecology received 28 May 2024 - The biodiversity net gain calculations have now been updated which has demonstrated that measurable net gain can be achieved with the layout. I still have some concerns over the proposed habitat outcomes for the public open space to the north west labelled as 'casual/informal play space' as this will be an area of mostly scrub

habitat, but this can be addressed at the Reserved Matters Stage where the landscaping plans are finalised. Subject to conditions this application is acceptable at outline stage.

- 6.6. LCC Tree Officer - As the proposed site is not protected by any LCC Tree Preservation Order I have no comments to make that either support or oppose the plans.
- 6.7. HBBC S106 Monitoring Officer - The development of up to 18 dwellings would trigger s106 contributions towards off site play and open space contributions. As the development is for up to 18 dwellings, a sum per sq metre per dwelling will be required (A maximum sum can be included) most typologies within 400m (Church Field Recreation Ground) and outdoor sports within 1km of the development. The relevant HBBC monitoring fees to be included in S106 legal agreement.

Further response received February 2024 - Following a revised Play & Open Space Areas Plan they are still incorporating the biodiversity area with casual / open space. Biodiversity areas should be filled with wildflower mixes and species of plants and grass to enhance biodiversity are is more likely to come under "Accessible Natural Green Space". A casual open space area is for children to play on so should be amenity grass where they can play without set equipment, pathway, bins and benches.

Further response received February 2024 - Reviewing the details attached the Casual /Informal and Accessible Natural Green Space are being over provided therefore the legal agreement just needs to reflect this.

- 6.8. HBBC Housing Officer - The tenure types required for affordable housing requires 25% of the affordable housing to be provided as First Homes, with the remaining affordable homes to follow the proportion set out in local policy. Therefore on this site, 8 properties should be delivered as affordable housing. The tenure breakdown should be as follows:
2 dwellings for First Homes
4 dwellings for social or affordable rent
2 dwellings for shared ownership.
The evidence of need for affordable accommodation for rent is taken from the Councils Housing Register, which at 2.10.23 shows the following live applications for housing in Congerstone.

Bedroom size	General register applicants	Connection to Congerstone
1 bedroom	134	1
2 bedrooms	60	0
3 bedrooms	41	0
4 or more bedrooms	16	0
Total	251	1

Although the greatest demand for affordable housing for rent is for 1 bedroomed properties, it is difficult to attract a Registered Provider where there are large numbers of 1 bedroomed properties. The preferred property types for affordable or social rent would therefore be for 2 bedroom 4 person houses. The rented properties should include a clause in the section 106 agreement that first preference will be given to households with a local connection to the parish of Shackerstone, which includes Congerstone village, with a second requirement that a borough connection is required if there are no parish connection applicants. For

affordable home ownership, including shared ownership, 2 or 3 bedroomed dwellings would be preferred.

Further response received 29 February 2024 - Information submitted with the planning application indicates that 8 units of affordable housing will be provided consisting of 3 x 1 bedroom bungalows, 4 x 2 bedroomed houses and 1 x 3 bedroomed house. This is an acceptable mix of dwelling types and the location of the affordable housing on the indicative layout is also acceptable. The rented properties should include a clause in the section 106 agreement that first preference will be given to households with a local connection to the parish of Shackerstone, which includes Congerstone village, with a second requirement that a borough connection is required if there are no parish connection applicants. First Homes require a connection to the Borough as set out in the national guidance.

- 6.9. HBBC Waste - If all or part of the new road to the new properties is to be private (unadopted) then consideration will need to be given to adequate and safe collection point space at the adopted highway boundary for the placement of all the containers on collection day (up to 2 bins per property at one time). It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point. A condition is requested in respect of bin storage and collection.

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- 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 DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide
- Affordable Housing SPD (2011)
- Hinckley and Bosworth Borough Landscape Character Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2019)
- Rural Housing Methodology Paper (2022)
- Leicestershire Minerals and Waste Local Plan

8. Appraisal

8.1. Key Issues

- Principle of development
- Housing mix and affordable housing
- Design and impact upon the character of the area
- Heritage
- Impact upon neighbouring residential amenity
- Impact upon highway safety and parking
- Drainage
- Ecology
- Planning Obligations
- Other Matters
- Planning balance

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. 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) (SADMP).
- 8.4. The Emerging Local Plan for 2020-2041 is currently at Regulation 18 stage, with the public consultation running from Wednesday 31 July to Friday 27 September 2024. The latest Local Development Scheme (LDS), was published on 08 February 2024. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including the Regulation 19 Consultation which is not scheduled until January-February 2025. Given the early stage of the Emerging Local Plan and outstanding evidence, the emerging policies are attributed very limited weight.

- 8.5. The Council has published an updated 5yr housing land supply calculation (Monday 29th July 2024). This updates the 5yr housing land supply position from March 2023 to March 2028 and demonstrates a 5.6yr supply of housing, with a surplus supply of 145 dwellings over the five year period.
- 8.7. For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. Despite being able to demonstrate a housing land supply, due to the age of relevant housing policies in the Core Strategy, in accordance with paragraph 11d) of the NPPF, the Council should still grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.6. Under these circumstances, the NPPF sets out, in paragraph 11d) that, for decision makers:
- “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*
- 8.7. Paragraph 60 of the NPPF sets out that “it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”.
- 8.8. Paragraph 79 of the NPPF sets out that “To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority’s housing requirement over the previous three years, the following policy consequences should apply:
- *Where delivery falls below 95% of the requirement over the previous three years the authority should prepare an action plan to assess the causes of under delivery and identify actions to increase delivery in future years*
 - *Where delivery falls below 85% of the requirement over the previous three years the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework in addition to the requirement for an action plan*
 - *Where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies as set out in Footnote 8 of this framework in addition to the requirements for an action plan and 20% buffer.”*
- 8.9. Based on Paragraph 77 of the NPPF, HBBC needs to prepare an action plan but no buffer is required. The last three years Housing Delivery Test results for the Council are as follows:
- 2022 89%

- 2021 86%
- 2020 92%

8.10. As the Council cannot demonstrate a 5 year housing land supply the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

8.11. The application site is located outside of but adjacent to the settlement boundary for Congerstone. Policy DM4 of the SADMP is therefore applicable. This policy states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The proposal for new build residential development is not a form of development supported by Policy DM4 of the SADMP in this location which states that:

"Development in the countryside will be considered sustainable where;

- *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*
- *The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or*
- *It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or*
- *It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or*
- *It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.*

And

- *It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and*
- *It does not undermine the physical and perceived separation and open character between settlements; and*
- *It does not create or exacerbate ribbon development;"*

8.12. Residential development is not one of the listed sustainable uses of the countryside under criteria a-e and therefore there is policy conflict. However, the site does not undermine the physical and perceived separation and open character between settlements (criteria ii) and therefore will not have a negative impact on Congerstone's sense of place or identity. The planning application does not create or exacerbate ribbon development (criteria iii), it is not within the green wedge (criteria iv), or within the National Forest (criteria v) and therefore these criteria do not apply. It is also a site allocated in the former Draft Local Plan and it is highlighted in the Rural Housing Methodology Paper (2022) that Congerstone has some of necessary social infrastructure to meet the needs of the population day to day and the proposal would contribute to the achievement of sustainable development in line with the requirements of the National Planning Policy Framework (NPPF).

Housing Mix and Affordable housing

- 8.13. Policy 16 of the Core Strategy (CS) requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a 'very good' rating against Building for Life, unless unviable. A minimum density of 30 dwellings per hectare is required in rural areas, a lower density may be required where individual site circumstances dictate and are justified.
- 8.14. The Good Design Guide SPD advocates the use of the Building for Life assessment.
- 8.15. 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.
- 8.16. The proposed development is for up to 18 dwellings. 40% of the proposed housing to be provided would be affordable housing. 18 dwellings would result in 12 market dwellings and 8 affordable dwellings on site. This an outline application with scale landscape and appearance as reserved matters but the application details as submitted indicate that the overall housing mix will include:
- 3 and 4 bedroom family homes
 - 2 bedroom 'starter' homes
 - 1 bedroom bungalows
- 8.17. Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%. The Borough has an unmet affordable housing need and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.
- 8.18. The Affordable Housing Officer has made the following comments:

The tenure types required for affordable housing requires 25% of the affordable housing to be provided as First Homes, with the remaining affordable homes to follow the proportion set out in local policy. Therefore on this site, 8 properties should be delivered as affordable housing. The tenure breakdown should be as follows:

*2 dwellings for First Homes
4 dwellings for social or affordable rent
2 dwellings for shared ownership*

The evidence of need for affordable accommodation for rent is taken from the Councils Housing Register, which at 2.10.23 shows the following live applications for housing in Congerstone:

<i>Bedroom size</i>	<i>General register applicants</i>	<i>Connection to Congerstone</i>
<i>1 bedroom</i>	<i>134</i>	<i>1</i>

2 bedrooms	60	0
3 bedrooms	41	0
4 or more bedrooms	16	0
Total	251	1

Although the greatest demand for affordable housing for rent is for 1 bedroomed properties, it is difficult to attract a Registered Provider where there are large numbers of 1 bedroomed properties. The preferred property types for affordable or social rent would therefore be for 2 bedroom 4 person houses. The rented properties should include a clause in the section 106 agreement that first preference will be given to households with a local connection to the parish of Shackerstone, which includes Congerstone village, with a second requirement that a borough connection is required if there are no parish connection applicants. For affordable home ownership, including shared ownership, 2 or 3 bedroomed dwellings would be preferred.

- 8.19. Subject to these affordable housing requirements being met through the completion of a Section 106 legal agreement, this proposal is deemed to be acceptable with respect to housing mix and affordable housing provision and is therefore policy compliant.

Landscape and visual impact

- 8.20. Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of but adjacent to the settlement boundary and is therefore considered against this policy.
- 8.21. Congerstone is located in the north west of the Borough within the Gopsall Parkland Character Area. This area is characterised by its estate landscape with a greater extent of woodland cover compared to surrounding areas. Key characteristics include:
- Flat to undulating farmland/estate land
 - Large blocks and belts of woodland, smaller coverts and mature specimen trees associated with the parkland in addition to mixed hedgerows create a wooded enclosed character
 - A rural, peaceful character with limited development and small historic settlements
 - Historic hamlets with attractive red brick buildings, estate cottages and stone churches
 - Former historic parkland of Gopsall
- 8.22. Congerstone is an estate village and conservation area closely associated with the Gopsall estate. It has an open character which provides a strong relationship with the surrounding countryside.
- 8.23. The Landscape Character Assessment proposes the following strategies for this character area:
- Encourage the use of traditional 'Midlands- style' hedge laying to manage hedgerows, improving their structure and biodiversity value and strengthening landscape character.

- Conserve areas of rural character, tranquillity and dark night skies.
 - Respect and enhance the strong character of the villages, ensuring new development complements existing context with regards to scale, form, materials and boundary features.
 - Maintain and enhance the recreational assets including rights of way network and canal.
 - Maintain positive management of the Ashby Canal and seek opportunities to extend and enhance areas of wetland habitat.
 - Protect and enhance views to key landmarks such as churches and buildings.
 - Opportunity for future restoration and reinforcement of the parkland landscape
 - Promote the cultural associations with Handel and the Gopsall estate for example through promoted walks and in combination with landscape restoration.
 - Retain existing woodland and promote further woodland planting to reinforce the historic pattern.
- 8.24. It is to be noted that the area is not a 'valued landscape' for NPPF purposes. Indeed there are no landscape or environmental designations or sensitivities of note for the site and its immediate surroundings.
- 8.25. The Natural England Agricultural Land Classification Maps show it as Grade 3 which is good to moderate quality.
- 8.26. The scheme is not considered to have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; it will not undermine the physical and perceived separation and open character between settlements; and it will not create or exacerbate ribbon development. The site was also an allocation for housing development within the former Draft Local Plan.

Design

- 8.27. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.28. Policy 16 of the Core Strategy sets out a requirement for the site to achieve a density of 30 dwellings per hectare (dph) for rural areas. The application site measures approximately 1.18 ha and 18 dwellings are proposed. Therefore the proposal seeks to provide 15.2 dwellings per hectare. This is considerably lower than the policy requirement but it is considered that the site is located on the edge of a small village, outside of the settlement boundary, includes some flood risk constraints located to the north of the site and is providing some on site open space provision. As such, this density is considered to be acceptable in this instance taking account of location and constraints.
- 8.29. Most matters relating to design (scale and appearance) are reserved matters and not for consideration at this stage. However, layout is a detailed consideration and the site layout plan provided illustrates that up to 18 dwellings can be provided on the site. Design characteristics within this part of the Borough include:
- Red bricks
 - Clay tiles
 - Slate roofs
 - Brick boundary walls and

- Eyebrow dormer windows

- 8.30. The Good Design Guide states that design objectives for Congerstone include emphasis on retaining mature hedgerows, enhancing stone boundary treatments, and maintaining the integrity of the green as a key open space. New development should respond to the intrinsic vernacular achieved by agricultural buildings and estate cottages. It will important therefore at the reserved matters stage to reflect the design objectives for Congerstone when the appearance of the dwellings are submitted for detailed assessment and consideration.
- 8.31. At this outline stage therefore, it is considered that the layout of the development is acceptable for the reasons set out above. The scheme complements the area in which it is situated (rural, edge of settlement) and in this instance material considerations such as constraints on site and access provision are such that this proposal is considered to be acceptable with respect to density and layout.

Impact upon neighbouring residential amenity

- 8.32. Policy DM10 of the SADMP requires that the amenities of the occupiers of proposed developments would not be adversely affected by activities within the vicinity of the site.
- 8.33. The application site is located on the edge of Congerstone to the north of the village. It is bordered to the south by existing, adjacent residential dwellings on Chapel Lane. Some properties are located on the opposite side of Barton Lane also.
- 8.34. The layout plan shows provision for up to 18 dwellings on this site of various sizes including indicative details of bungalows and two storey properties. Appearance and scale details will be determined at the reserved matters stage – however, the site is considered to be large enough to cater for the number of dwellings proposed and there are no concerns at this outline stage with respect to providing suitable levels of residential amenity for future occupiers and also existing, neighbouring dwellings located to the south of the site with respect to privacy, outlook and access to light.
- 8.35. Given the above it is considered the proposal would not have a significant impact on residential amenity and is therefore in accordance with Policy DM10 of the SADMP and the requirements of the NPPF.

Impact upon highway safety and parking

- 8.36. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.37. The proposed site access is located on the northern extent of Barton Road, approximately 155m to the northeast of the junction of Barton Road/Chapel Lane. Barton Road is an adopted, unclassified road. The proposed access would be located at the point where the speed limit changes from 30mph to the southwest, and 60mph to the northeast.
- 8.38. The site plan illustrates that there is sufficient space to provide for suitable off road parking spaces to serve 18 dwellings. The LHA have confirmed that this can be agreed at the reserved matters stage.
- 8.39. The local highway authority initially responded to the application with concerns regarding and requested the following information:
- Site access and spine road width to accord with LHDG standards;
 - Revised scaled drawing demonstrating visibility splays;

- An Independent Stage 1 Road Safety Audit (RSA) and accompanying Designer's Response;
 - Provide 1m service margin on spine road throughout the site;
 - Clarification re secondary site access into Chapel Lane;
 - Demonstrate 2m footway to front of site;
 - Demonstrate speed control measures throughout the site;
 - Re-assess site layout, plots 1 to 5;
 - Address remote parking issues for plots 16;
 - Swept path analysis for a refuse vehicle; and
 - Visibility issues
- 8.41. The LHA note that Barton Road is narrow in nature with a narrow footway on the eastern side of Barton Road that runs to the pedestrian access of The White House, Barton Road. The LHA have requested a 2m footway to run from the proposed site access to the south west for a minimum distance that allows for an uncontrolled pedestrian crossing where pedestrians can cross to the other side of the carriageway safely, without walking within the carriageway. This would require a Section 278 to be entered into between the two parties.
- 8.42. There have been no Personal Injury Collisions (PIC's) recorded on Barton Road within 500m to the north of the proposed access, or approximately 365m to the south to the junction of Barton Road/Main Street within the last 5 years.
- 8.43. The applicant has submitted further highway information and this has been reviewed and accepted by the local highway authority. Subject to conditions the LHA have no objections to the proposal in access and highway safety terms subject to conditions. The application therefore accords with Development Plan Policy and the National Planning Policy Framework.

Drainage and flood risk

- 8.44. Policy DM7 of the SADMP requires that development does not create or exacerbate flooding and drainage. The northern boundary of the site is defined by a small tributary of the River Sense which functions as a drainage ditch for the farmland. This tributary gives cause for a small element of the site to be categorised as Flood Zone 3 on the Environment Agency Flood map. Dwellings are categorised as 'more vulnerable' development within the food risk vulnerability classification.
- 8.45. According to National Planning Practice Guidance: Flood Zone and Flood Risk, the Sequential Test gives preference for locating new development in low-risk areas from all sources of flooding, However, if there is no allocated land within low-risk areas that meets the policy aims of the published Local Authority Local Plan or Local Development Framework then other sites in higher flood risk categories can be considered for that development. This site is submitted within the SHELAA. The outcome in the most recently published SHELAA in 2020 was that the site was suitable, available and achievable within a 6-10 year timeframe. The site was classified as developable with an estimated number of dwellings of 35 at 30 dph. The SHELAA also identifies that the northern section of the site is in Flood Zones 2 and 3a and states that a Flood Risk Assessment will be required. The site also remained within the SHELAA for 2022.
- 8.46. Although a small section of the development is located within Flood Zones 2 and 3 and at low to high risk of surface water flooding, the majority of the site sits within Flood Zone 1, with a low surface water flood risk. There is a potential medium groundwater susceptibility due to the proximity to the River Sense.

- 8.47. Paragraph 165 of the NPPF states that:

'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk.'

The application as submitted is accompanied by a Flood Risk Assessment and the Environment Agency was consulted on the application. The EA has not objected to the proposed development on flooding grounds subject to a condition in respect of ensuring the development accords with the submitted Flood Risk Assessment and mitigation measures.

- 8.48. The Lead Local Flood Authority (LLFA) has also been consulted on this application and initially requested further information. Further information was subsequently submitted by the applicant. The LLFA notes that the 1.18ha greenfield site is located mostly within Flood Zone 1 being at low risk of fluvial flooding and a low risk of surface water flooding. This is except for a small section of the site to the north which is in Flood Zone 2 and 3 (medium and high risk). There are no planned development works in this area as shown on the site layout plan. The proposals seek to discharge at a 5l/s from a dry detention basin to an on-site watercourse tributary of the River Sense. The LLFA has confirmed that the application now contains updated and comprehensive drainage details. The LLFA also welcomes the proposed inclusion of SuDS features such as permeable paving and would encourage the use of further measures listed within the Flood Risk Assessment.
- 8.49. Subject to the imposition of the specified conditions as requested by the LLFA and the Environment Agency with respect to flooding and drainage, the proposal is considered to be in compliance with Policy DM7 of the SADMP and the requirements of the NPPF.

Ecology

- 8.50. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 8.51. In terms of constraints the site is identified as being part of a Local Wildlife Site.
- 8.52. The application is accompanied by ecological details including Biodiversity Net Gain. Leicestershire County Council's Ecologist has assessed the revised documents and found that the BNG calculations are acceptable. There are some concerns over the proposed habitat outcomes for the public open space to the north west of the site labelled as 'casual/informal play space' as this will be an area of mostly scrub habitat, but this can be addressed at the Reserved Matters Stage where the landscaping plans will be finalised.
- 8.53. Subject to conditions the proposal would have a no significant adverse impact on ecology and would result in biodiversity net gain within the site in compliance with Policy DM6 of the SADMP and requirements of the NPPF.

Other Matters

- 8.54. Policy DM7 of the SADMP states that adverse impacts from pollution will be prevented by ensuring that development proposals demonstrate that appropriate remediation of contaminated land in line with minimum national standards is undertaken. The Environmental Health Team have been consulted on this application. They have no objections subject to the imposition of conditions with respect to contaminated land, a construction and environmental management plan

and construction hours. These conditions are all set out within the Conditions and Reasons section of the report.

- 8.55. Therefore, this application is considered to be acceptable with respect to contamination issues and in compliance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

Planning Obligations

- 8.56. 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. To support the provision of mixed, sustainable communities Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. Indicative locations for the provision of new green spaces and green infrastructure are also set out by the Earl Shilton Sustainable Urban Extension Development Framework.
- 8.57. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations 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.
- 8.58. 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.
- 8.59. Provision of Play and Open Space is therefore required for compliance with Policy 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. 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
- 8.60. For this proposal, some on site open space would be provided as part of the development layout comprising:
- **1725 sq metres of casual/informal open space and**
 - **3453 sq metres of accessibility natural green space**
- (A total on site maintenance contribution of £67,662.60 for the two open space typologies if the Parish Council takes on the open space maintenance).**
- Off site open space contributions would be sought for Church Field for the remaining typologies set out below:
- **Equipped Children's Play Space = £11,789.06 maintenance = £5,689.44**
 - **Outdoor Sports Provision = 6,255.36 maintenance = £2,972.16**
- 8.61. 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.

- 8.62. The LCC Obligations Officer has responded to the application to say that financial contributions are required for primary education, secondary education and Post 16 education, civic amenity sites (waste) and libraries nearest to the development. The following contributions have therefore been sought:

- **Library contribution = £468.06 for Market Bosworth library**
- **Waste contribution = £1,176.84 for Coalville HWRC**
- **Primary Education = £71,588.40 for Congerstone Primary School**
- **Secondary Education = £38,808.80 for The Market Bosworth School**
- **Post 16 Education = £8,291.28 for Bosworth Academy**

- 8.63. Justification and evidence of need has been provided for the contributions set out above by LCC and provided to the applicant.

- 8.64. The NHS (Leicester, Leicestershire and Rutland integrated care board (ICB) requests a health contribution of **£13,939.20** towards expanding the nearest GP healthcare facilities (Market Bosworth and Newbold Verdon Medical Practice) in order to meet the population increase resulting from this development.

- 8.65. The infrastructure contributions identified above are considered 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 and therefore CIL compliant.

Planning balance

- 8.66. 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.

- 8.67. Although the Council can now demonstrate a 5 year housing land supply, the housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focused 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. 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 benefits. The three strands of sustainability the benefits are broken down into are economic, social and environmental contributions.

- 8.68. Economic- The scheme is for 18 dwellings which would provide benefits to the local economy through the creation of jobs and demand for services and materials for the construction of the development itself. Residential development in general can bring economic benefits through increases in the local population which in turn use local services.

- 8.69. Social - The scheme would provide a moderate contribution to the overall housing supply within the Borough through the provision of 18 dwellings. In addition to this, the proposal would bring benefits through the provision of policy compliant affordable housing provision where there is an identified need.
- 8.70. Environmental- The proposal is situated on the edge of Congerstone and will be providing on site open space and also contributions towards off site open space provision in the local area. The scheme also demonstrates a 10% biodiversity net gain from an ecological perspective which is an environmental benefit that weighs in favour of the proposed development.
- 8.71. The proposal would contribute to the achievement of sustainable development in line with the NPPF. It is therefore recommended for approval subject to conditions and a signed Section 106 agreement with the above planning obligation requests.

9. Equality implications

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

10. Conclusion

- 10.1. 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 housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date. 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.
- 10.3. However, it is acknowledged that there is conflict with Policy DM4 of the Site Allocations and Development Management Policies DPD 2016. Residential development is not one of the listed sustainable uses of the countryside under criteria a-e and therefore there is policy conflict. Notwithstanding, the site does not

undermine the physical and perceived separation and open character between settlements (criteria ii) and therefore will not have a negative impact on Congerstone's sense of place or identity. The planning application does not create or exacerbate ribbon development (criteria iii), it is not within the green wedge (criteria iv), or within the National Forest (criteria v) and therefore these criteria do not apply. It is an edge of settlement location and also a site allocated in the former Draft Local Plan. It is also highlighted in the Rural Housing Methodology Paper (2022) that Congerstone has some of necessary social infrastructure to meet the needs of the population day to day and the proposal would contribute to the achievement of sustainable development in line with the requirements of the National Planning Policy Framework (NPPF).

- 10.4. Taking all the above into account, on balance, and, subject to conditions and planning obligations, the application is considered to be a suitable form of development and is therefore recommended for approval.

11. Recommendation

- 11.1 **Approve outline planning permission** subject to a S106 Legal Agreement and Conditions.
- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.
- 11.3 That the Planning Manager be given delegated powers to finalise the terms of the S106 agreement including trigger points and claw-back periods.
- 11.4 Planning Obligations as set out below:
- £1,176.84 for Coalville HWRC (Waste contribution)
 - £71,588.40 for Congerstone Primary School (Primary education)
 - £38,808.80 for The Market Bosworth School (Secondary education)
 - £8,291.28 for Bosworth Academy (Post 16 education)
 - £468.06 for Market Bosworth library (Library contribution)
 - £13,939.20 towards expanding the nearest GP healthcare facilities (Market Bosworth and Newbold Verdon Medical Practice) (Health contribution)
 - 40% Affordable Housing = 8 units of affordable housing to be provided consisting of 3 x 1 bedroom bungalows, 4 x 2 bedroomed houses and 1 x 3 bedroomed house. The rented properties should include a clause in the section 106 agreement that first preference will be given to households with a local connection to the parish of Shackerstone, which includes Congerstone village, with a second requirement that a borough connection is required if there are no parish connection applicants. First Homes require a connection to the Borough as set out in the national guidance.
 - The provision of on site open space comprising:
 - 1725 sq metres of casual/informal open space and
 - 3453 sq metres of accessibility natural green space
 (A total on site maintenance contribution of £67,662.60 for the two open space typologies if the Parish Council takes on the open space maintenance).
 - Off site open space contributions for Church Field:
 - Equipped Children's Play Space = £11,789.06 and maintenance = £5,689.44
 - Outdoor Sports Provision = 6,255.36 and maintenance = £2,972.16

- The Council's Legal and Monitoring fees

Conditions and Reasons

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

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

- 2) No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a. Appearance of the development including 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. Scale of each building proposed in relation to its surroundings

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

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

- 3) The development hereby permitted shall not exceed 18 dwellings in total and shall be in accordance with the following approved details:
 - Proposed Site Layout, Dr No. 22-119-PL02 Rev C received 19 March 2024
 - Play and Open Space Areas Plan - Drg No. 22-119-PL03-A received 14 February 2024
 - Site Location Plan 22-119-PL01 received 3 October 2023

Reason: To ensure the number of units accords with the details/information submitted to inform planning obligations in accordance with Policy DM3 of the Site Allocations and Development Management Policies DPD 2016.

- 4) The development shall be carried out in accordance with the submitted flood risk assessment (FRA, dated September 2023 Ref: 28212-FLD-0101) and the following mitigation measures it details:
 - Development shall be set outside of the flood plain in FZ1, as shown on the flood map for planning - Figures 3.1, 3.2 and Appendix F and as detailed in Sections 4.8 and 5.1.
 - Finished floor levels shall be set no lower than 88.30 metres above Ordnance Datum (AOD) and/or 150mm above external finished ground levels (whichever is the higher) - Sections 4.10 and 5.1

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The

measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To prevent flooding elsewhere by ensuring that compensatory storage of flood water is not required, as development is located in FZ1 and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and Section 14 of the NPPF.

- 5) Notwithstanding the details shown on the drawings hereby approved, no development shall be commenced until a Refuse/Waste Management and Collection Strategy has been submitted to and approved in writing by the Local Planning Authority. The strategy shall provide details of the extent of the road which shall be constructed to adoptable standards, details of waste storage and collection points, how bins will be relocated to and from their collection points and how this will be managed. The approved storage provision shall be implemented and made available for its intended use prior to the occupation of the development and shall be retained thereafter. The development shall operate in accordance with the duly approved Refuse/Waste Management and Collection Strategy.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme and to ensure waste collection vehicles safe access and movement for the ongoing purpose of the collection of household waste and recycling in accordance with Policy DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF.

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

Reason: To prevent flooding and ensure satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management DPP (2016) and the requirements of the NPPF.

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

Reason: To prevent flooding and ensure satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management DPP (2016) and the requirements of the NPPF.

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

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD and the requirements of the NPPF.

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

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

- 10) Development approved by this permission shall not commence 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF.

- 11) 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF.

- 12) Prior to commencement of development a Construction Environmental 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, 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 CEMP shall also include:

- Identification of potentially damaging construction activities
- Identification of biodiversity protection zones
- Practical measures and sensitive working practices to avoid or reduce impacts during construction
- Timing of works to avoid harm to nesting birds
- Responsible persons for overseeing sensitive works
- Use of protective fencing where required

The plan shall also 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.

Site preparation and construction shall be limited to the following hours; Monday - Friday 07:30 - 18:00 Saturday 08:00 - 13:00 No working on Sundays and Bank Holidays.

Reason: To minimise disruption to the neighbouring residents and for ecological protection purposes in accordance with Policies DM6, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF.

- 13) 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) and the requirements of the NPPF.

- 14) As part of a Reserved Matters application a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full details of the location fitting and timetable for installation of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the NPPF.

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

- 16) No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Access Design drawing number NE/0312/AD/23 Rev C 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 accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2026 and the requirements of the NPPF.

- 17) No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 36 metres to the northeast and 2.4 metres by 37 metres to the southwest have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

- 18) The development hereby permitted shall not be occupied until such time as the parking have been implemented in accordance with Proposed Site Layout, drawing number 22-119-PL02-A Rev C. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM18 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

- 19) Before any development commences on site including site works of any description, a Tree and Hedge 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 BS 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 and Hedge Protection Plan.

Reason: To ensure that the trees on site are to be retained and 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 DPD 2016 and the requirements of the NPPF.

- 20) No trees and shrubs shall be removed on site during the bird nesting season (1st March - 31st July inclusive).

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

- 21) No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP shall include the following details:

- Description and evaluation of the features to be created/managed
- Aims and objectives of management
- Appropriate management options for achieving aims and objectives
- Prescriptions for management actions
- Work schedule
- Species/seed mixes to be planted/sown
- Ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

Reason: To help enhance and protect the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD and the requirements of the National Planning Policy Framework (December 2023).

- 22) No development shall take place until details of the bird and bat boxes to be integrated within the new dwellings has been submitted to and approved in writing by the LPA. Details should include type of boxes and box positioning. Any boxes need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

Reason: To help encourage wildlife species and their habitats in accordance with Policy DM6 of the Site Allocation and Development Management Policies DPD 2016 and Section 15 of the National Planning Policy Framework (2023).

Notes to applicant

In dealing with the application, through ongoing negotiation the local planning authority have worked with the applicant in a positive and proactive manner by offering a pre-application advice service and by seeking solutions to problems arising in relation to dealing with the planning application and this has resulted in the approval of the application. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).