



Development of up to 120 dwellings
including affordable housing, enhanced
public right of way, public amenity space
and habitat creation

Land West of Shilton Road, Earl Shilton

Supporting Planning Statement

November 2025

Quality Control

Project No.	25.034			
Client	Giles Stanley Ltd			
Title	Development of up to 120 dwellings including affordable housing, enhanced public right of way, public amenity space and habitat creation			
Location	Land West of Shilton Road, Earl Shilton, Leicestershire.			
File Ref	25.034 SPS 19.11.2025			
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1.0 Introduction

- 1.1 This Supporting Planning Statement ('the Statement') has been prepared by Planning and Design Group (UK) Limited ('P&DG') on behalf of Giles Stanley Limited ('the applicant') in support of an Outline planning application for the development of up to 120 dwellings including affordable housing, enhanced public right of way, public amenity space and habitat creation ('the proposal') on land West of Shilton Road, Earl Shilton, Leicestershire ('the site' and or 'the site address').
- 1.2 This Outline planning application is submitted to Hinckley and Bosworth Borough Council ('the Council').
- 1.3 The application is made in direct response to the Government's drive to significantly boost the supply of new homes and to address the recognised shortfall in housing land supply (including affordable housing needs) in the Borough of Hinckley and Bosworth, as evidenced within this Statement.
- 1.4 The applicant's primary position is that the application secures net gains across each of the three overarching objectives (economic, social and environmental), and therefore, contributes to the achievement of sustainable development, and accords with all policy criteria set out in the National Planning Policy Framework (the 'NPPF') (2024).
- 1.5 This Statement outlines the context within which the application for Outline planning permission is made, describes the proposals and provides a detailed assessment of the main planning considerations, together with a reasoned justification of the merits of the scheme when assessed against relevant national and local planning policy and other material considerations.
- 1.6 The Statement concludes that the proposal represents sustainable development and that taking into account relevant material considerations, the overall planning balance weighs firmly in favour of allowing the development. Consequently, there are no reasons why the proposed development should not be permitted.

2.0 The Site

- 2.1 The site, identified below, is located approx. 300m to the north of the current defined boundaries of Earl Shilton. It consists of two parcels that are used for agriculture (eastern parcel) and for the purposes of keeping horses (western parcel).



Figure 1: Extract of Site Location Plan (P&DG, 2025)

- 2.2 At present the site appears separated from the existing settlement of Earl Shilton. However, as shown in Figure 1, the Council have approved the construction of residential dwellings immediately south of this site address (total of 190 dwellings – see Section 3.0 Planning History). Construction of these developments has commenced and therefore, whilst aerially the site appears separated, it is considered that the site address now adjoins the newly created settlement boundary edge of

Earl Shilton. For the purpose of currently adopted planning policy and extent of currently completed urban development, the site remains as that of 'countryside'. This character, i.e. the current separation from the urban edge, is not realistic in the context of the above-referenced 190 dwellings approved. Therefore, the baseline for consideration of this proposal should be that of the completed construction of planning permissions approved immediately to the south of the site, such that the application site is seen and experienced immediately adjacent to the urban edge, located between that and Shilton Road, and only bordered in part by undeveloped land.

- 2.3 We consider the site to now be adjacent to a highly sustainable location for new residential development. The Council, within its adopted Core Strategy (2009), has identified Earl Shilton as one of four main urban areas (along with Hinckley, Barwell, and Burbage). The Council considers these urban areas to provide local services and facilities to their populations and provide an important critical mass to support Hinckley town centre. As such, they are the focus of most new residential development in the Borough.
- 2.4 Site levels fall in a northeast direction, away from a local high point in the southwestern corner of the site. The two parcels of land are delineated by established field boundaries (hedgerows) with tree planting established within the western parcel along with an area of hardstanding, a single storey stable block and associated manege. The remaining land, within the western parcel, is used for the purposes of keeping horses with the field delineated by temporary fencing.
- 2.5 There are no listed buildings located within the site, with the closest designated heritage asset that of 'Top House' (Grade II Listed – List Entry: 1180239) located approx. 300m south.
- 2.6 The site is located within Flood Zone 1 and is therefore considered to be at low risk of fluvial flooding. The site is also at a very low risk of surface water flooding, as per Environment Agency Flood Risk data.
- 2.7 There are no known Tree Preservation Orders associated with the site.
- 2.8 Along the western edge of the site, orientated in a north south direction, there is Public Footpath T94/3, which leads from the Shilton Road (north) to Keats Lane, Earl Shilton (south). Furthermore, along the southern edge, footpath T93/1 leads from

the junction of Shilton Road with Hinckley Road (A47) to junction of footpath T94 and U28.



Figure 2: Public Rights of Way (Addland, 2025)

- 2.9 The site is located to the south/west of Shilton Road which carries a 7.5 tonne weight restriction. At the Shilton Road Triangle, adjacent to the Leicester Road / Shilton Road junction, a 50mph speed limit is in place. Just north of the triangle on Shilton Road, the 50mph zone becomes the national speed limit. There are currently no footways or street lighting present adjacent to the site. To the north, Shilton Road connects to Kirby Mallory, and to the south / east Leicester Road. The road width fronting the site ranges approximately between 5m and 6m.

3.0 Planning History

- 3.1 There is no relevant residential planning application history relating to the site.
- 3.2 The site has been presented to the Council as part of its most recent 'Call for Sites' consultation. A formal assessment conclusion is yet to be published by the Council.

Initial Pre-Application Advice

- 3.3 No formal pre-application advice has been sought by the applicant.

Adjacent Planning History

- 3.4 As detailed in section 2, the Council has approved residential development immediately south of the site. That development has not yet been completed. Below, we have summarised our understanding of the planning history of the adjacent site:

Land North of Hill Top Farm, Hill Top, Earl Shilton.

- 21/00135/OUT – Approved in July 2022.
[Residential development for up to 140 dwellings, with public open space, landscaping and sustainable drainage system \(SuDS\) \(Outline- access only\).](#)
- 24/00496/REM – Approved in December 2024.
[Approval of reserved matters \(appearance, landscaping, layout, scale\) for 140 dwellings and associated infrastructure pursuant to 21/00135/OUT \(Residential development for up to 140 dwellings, with public open space, landscaping and sustainable drainage system \(SuDS\) \(Outline- access only\)](#)

Ashby House, Hill Top Farm, Hill Top, Earl Shilton

- 20/00916/FUL – Approved in November 2022.
[Demolition of farm buildings and Ashby House and development of 50 dwellings comprising 49 no. affordable houses and 1no. bungalow to replace Ashby House, with access road off Leicester Road, open space, landscaping, drainage basin, and foul pumping station.](#)
- 3.5 In addition to these approved developments immediately south of this site address, we understand that the Council are currently at an advanced stage of determination of two further applications: –

Land to the rear of The Cottage, 34 Keats Lane, Earl Shilton

- 23/00982/OUT – Pending Decision
[Outline Planning permission for residential development of up to 10 dwellings \(some matters reserved except for scale and access\)](#)

3.6 It is noted, whilst still pending a formal decision of the Council, that this application was presented to Planning Committee on 24th September 2024. The Committee resolved that the application be approved subject to the completion of an associated s.106 agreement and planning conditions detailed in the report.

3.7 A review of the associated minutes detail that Councillors moved to grant planning permission subject to the addition of a Note to Applicant in relation to the roads to be built to adoptable standards, street lighting to be installed, and an application submitted to Leicestershire County Council for parking restrictions within 20m of the junction. A vote was undertaken, and the motion was carried granting planning permission subject to the completion of the associated s.106 agreement.

3.8 Land East of Leicester Road, Earl Shilton

- 24/00484/OUT – Pending Decision
[Outline planning application \(some matters reserved except for means of access and scale\) for the erection of up to 33 dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from the Un-named Road.](#)

3.9 It is noted, whilst still pending a formal decision of the Council, this application was presented to Planning Committee on 17th December 2024. The Committee recommended that permission be granted subject to the imposition of planning conditions, completion of an associated s.106 agreement, and the LLFA confirming that they have no objections.

3.10 A review of the associated minutes detail that Councillors moved to grant planning permission subject to the addition of a Note to Applicant in relation to lowering the speed limit and introducing a one-way system on the unnamed road. A vote was undertaken, and the motion was carried granting planning permission.

Conclusion

3.11 After a review of the adjacent planning history, it is considered that a total of 233 dwellings immediately south of the site address have been granted planning

permission. There is no indication that those permissions will not be implemented in the near future. Consequently, it is our position that, for the purposes of the consideration of this application, it should be acknowledged that the site lies immediately adjacent to what will be the edge of Earl Shilton, and that the Council, through its recent decision making, has confirmed that land on the northern edge of the existing urban area is a sustainable location for new residential development.

4.0 Proposed Development

- 4.1 The following section should be read in conjunction with the submitted plans and other supporting technical documents that accompany this application.

Residential Development

- 4.2 This application seeks outline planning permission with all matters reserved except access arrangements (point of access from existing public highway), for development of up to 120 dwellings including affordable housing, enhanced public right of way, public amenity space and habitat creation. It is proposed that up to 24 dwellings will be affordable (20% of the proposed total — compliant with Policy 15 of the Core Strategy (2009) - see later sections for more information regarding this provision).



Figure 3: Illustrative Masterplan (P&DG, 2025)

- 4.3 The total area of the site comprises approx. 5.67 hectares. The total developable area is considered to be approximately 2.99 hectares. Consequently, it is proposed that the residential development will be delivered at a density of approximately 40 dwellings per hectare (compliant with Policy 16 of the Core Strategy (2009)), along with provision of Open Space, Green Infrastructure and PRoW improvements, and Structural Landscaping. (See Figure 3 above).

- 4.4 It is intended that the proposed development will deliver a broad range of housing types to meet the identified local needs of the Borough. The final mix and layout of the proposed development will be subject to agreement through future reserved matters.
- 4.5 It is also intended that the proposed development, in relation to the Affordable Housing provision, will deliver a range of Housing Tenure types to address the identified local needs of the Borough. The final tenure type mix and location of the affordable dwellings will be subject to agreement through future reserved matters.

Access Arrangements and Highway Network Improvements

- 4.6 A new priority access junction is proposed on Shilton Road, located approx. 45m north of the existing change of speed limit gateway (50/60mph). The access is to be formed by a new 6m wide residential access road with 6m radii interfacing with Shilton Road. Shilton Road is to be widened locally around the junction to maintain a minimum 6m carriageway width between and including the junction, then leading south east towards Leicester Road up to where the road carriageway is currently 6m in width.

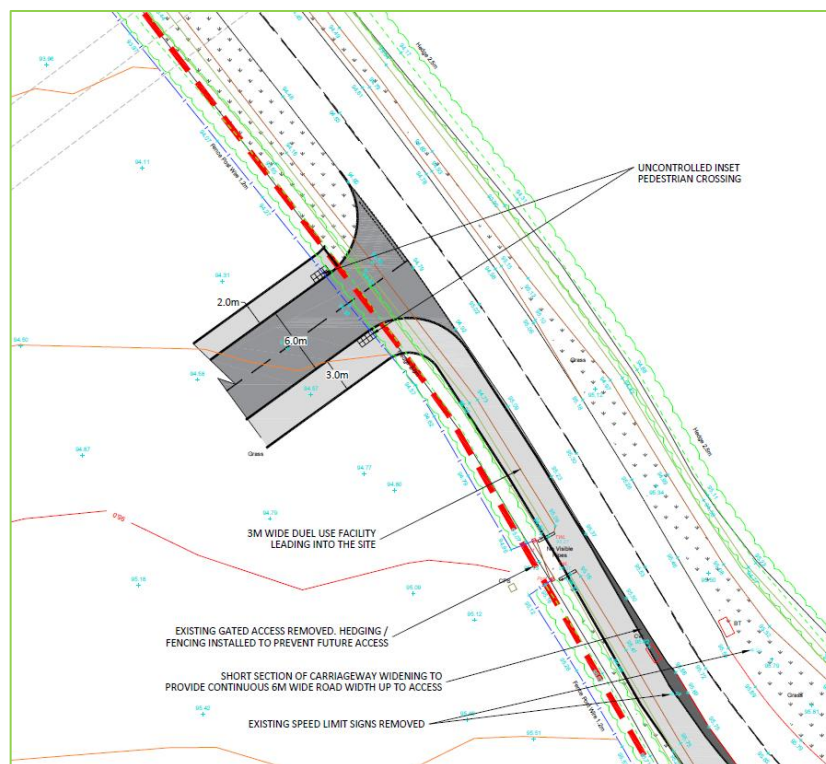


Figure 4: Access Arrangement (Vectio, 2025)

- 4.7 As part of the proposals the change in speed limit gateway (50/60mph) is to be relocated to the north west of the access. The new location of the gateway feature will be enhanced to raise awareness of the change in speed environment including edge of carriageway pavement markings, painted 'dragons teeth' markings, 50mph roundel with coloured surfacing and reflective bollards located in the verge adjacent to the dragons teeth pavement markings.

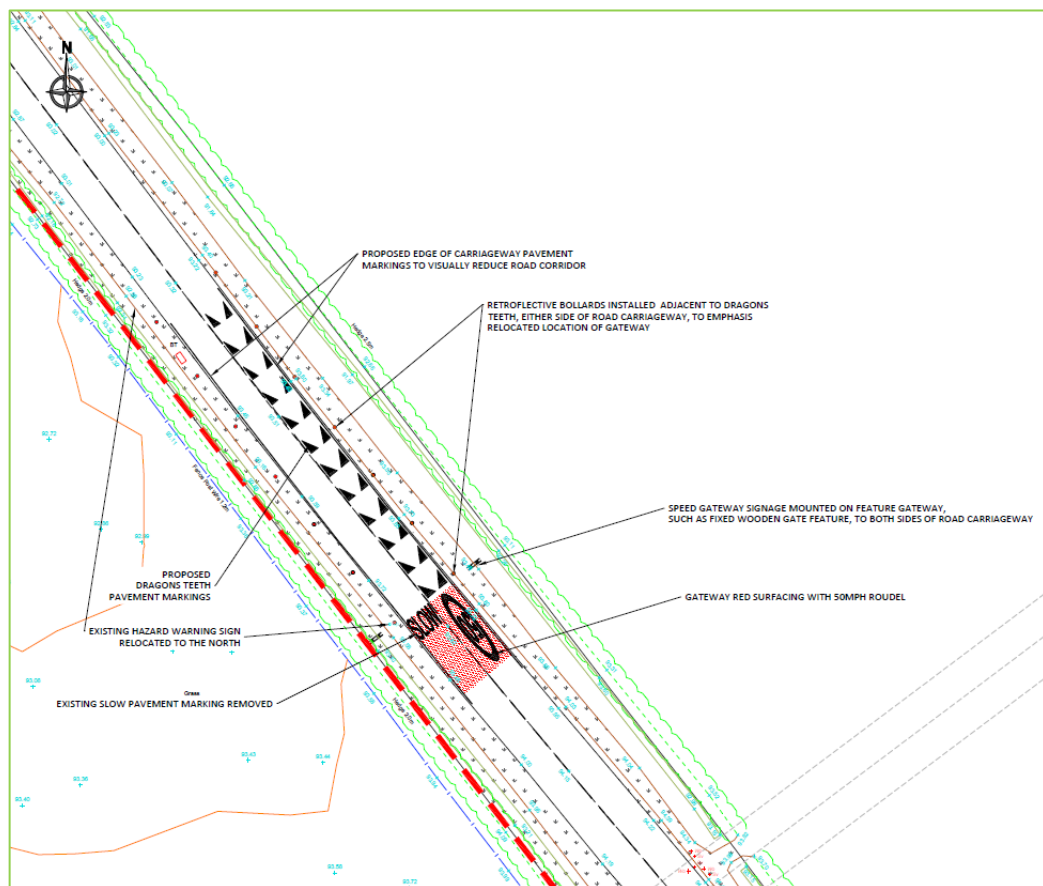


Figure 5: Highway Works (Vectio, 2025)

- 4.8 On the southern side of Shilton Road (development side) a 3m dual use facility is proposed leading towards Leicester Road, interfacing with the infrastructure at the Leicester Road / Shilton Road junction consented as part of the abutting Vistry development site.
- 4.9 The dual use connection along the northern side of the green triangle will also facilitate a paved route for the existing PRoW Footpaths T72 and T92. Minor extinguishments and/or diversions of small sections of the impacted alignment of

existing PRow Footpaths will be required adjacent to the crossings so as not to duplicate highways (minor and all purpose). This will be progressed through the relevant legislative pathway should planning consent be granted.

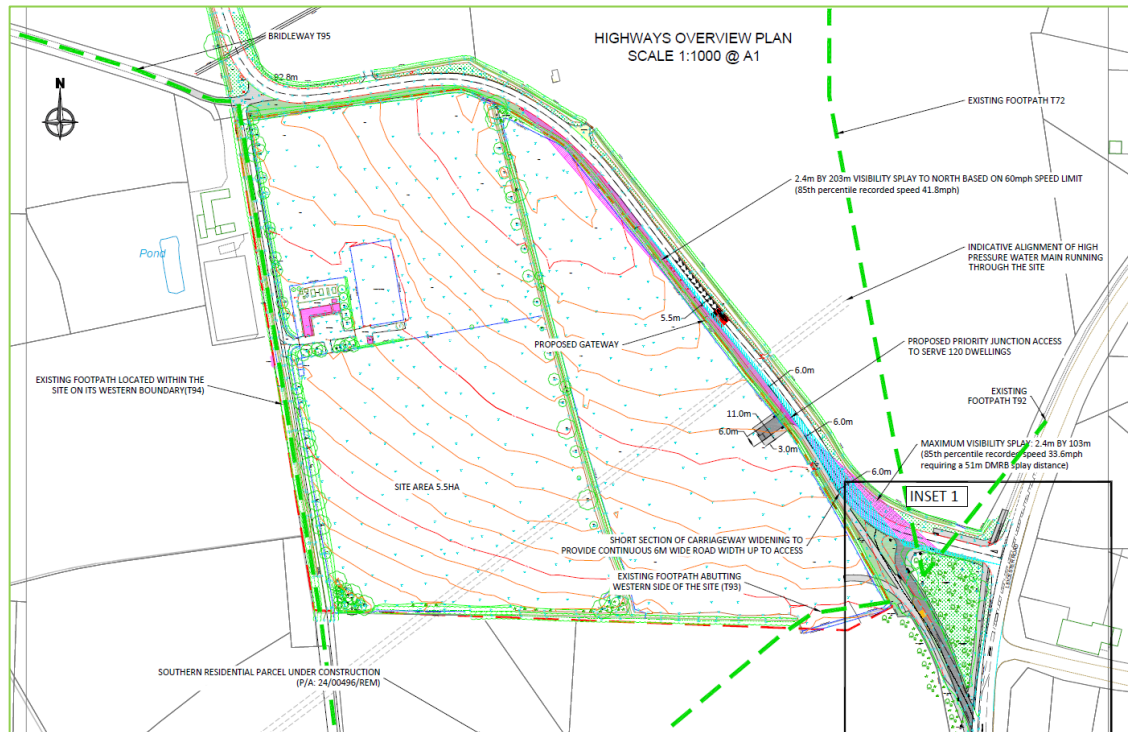
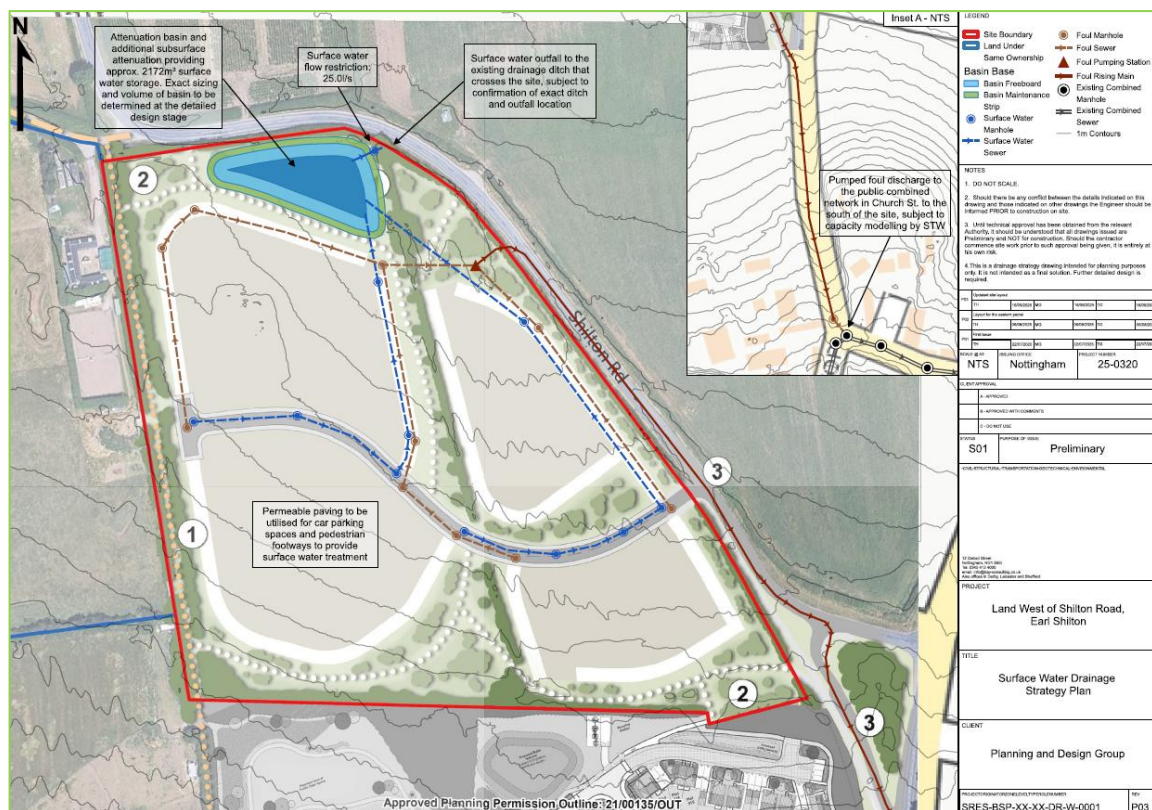


Figure 6: Highway Arrangements (Vectio, 2025)

Drainage

- 4.10 The proposed development will see some localised easing of gradients to facilitate development; however, the drainage strategy recommends that the external ground levels should comprise falls away from the buildings towards drainage features.
- 4.11 Furthermore, BSP, on behalf of Giles Stanley Ltd, have calculated the proposed development will comprise an impermeable footprint of approx. 3.6ha, including an allowance for 10% urban creep. In order to maintain the proposed discharge rates for all storms up to and including the 100-year return period with a 40% allowance for climate change, attenuation is proposed which provides approximately 2,172m³ of surface water storage.

- 4.12 The required surface water attenuation volume is proposed to be provisioned by a surface level detention basin, as well as additional subsurface attenuation, if necessary, before restricted discharge into Drainage Ditch 'A'.
- 4.13 To support the above provision, it is proposed that parking spaces and private pedestrian footways are constructed from permeable paving and bioretention features, such as raingardens, should be proposed as part of a detailed drainage strategy post-decision.



Biodiversity and Landscaping

- 4.14 The proposal is supported by a robust landscape framework, which demonstrates that the proposal can be delivered whilst retaining and managing the existing trees and hedgerows. Furthermore, the landscape strategy proposes to plant additional native trees, hedgerow and scrub to the site's boundaries. Within the site it is also proposed that Meadow Grassland is sowed and a pond created as an integral part of the site's drainage system.

4.15 To demonstrate the applicant's intentions, we have submitted a proposed landscape strategy for the proposal. This robust strategy is shown on drawing 2042-004.



Figure 8: Landscape Scheme (Weddles, 2025)

5.0 Planning Policy Considerations

5.1 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.2 This section identifies national and local policy and guidance relevant to the proposal.

National Planning Policy Framework ('NPPF') (December 2024)

5.3 The NPPF sets out the Government's planning policies for England and how these should be applied. The NPPF must be taken into account in preparing the Development Plan and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.

5.4 The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner.

5.5 Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):

an economic objective – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

a social objective – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and

an environmental objective – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

- 5.6 These objectives should be delivered through the preparation and implementation of plans and the application of the policies in the Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account to reflect the character, needs, and opportunities of each area.
- 5.7 The planning system is underpinned by a presumption in favour of sustainable development, as set out in the National Planning Policy Framework 2024 ('NPPF'). For decision-taking this means:

'Approving development proposals that accord with an up-to-date development plan without delay; or

Where there are no relevant development plan policies, or the policies which are most important for determining the applications are out-of-date, granting planning permission unless:

- i) The applications of the policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposal; or*
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, assessed against the policies of the framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. '*

Hinckley and Bosworth Local Plan 2006 to 2026

- 5.8 The Local Plan 2006 - 2026 comprises a series of documents, with supporting maps where relevant, including the four key development plan documents ('DPDs') –

- Core Strategy DPD (adopted 2009)
- Site Allocations and Development Management Policies DPD (Adopted 2016)
- Hinckley Town Centre Area Action Plan (AAP) DPD (Adopted March 2011)
- Earl Shilton and Barwell Area Action Plan DPD (Adopted 2014)

Core Strategy ('the CS') (2009)

5.9 The CS is recognised by the Council as the key DPD in the Local Plan providing a vision and spatial strategy for the Borough. The policies of relevance to this application are considered to be:

- Policy 2: Development in Earl Shilton
- Policy 5: Transport Infrastructure in the Sub-regional Centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 24: Sustainable Design and Technology

Site Allocations and Development Management Policies DPD ('the SADMP') (2016)

5.10 The SADMP DPD identifies the sites for development that were intended to deliver the aims, vision and objectives of the Core Strategy. The DPD also contains a total of 25 development management policies which are used to assess planning application over the plan period. The policies of relevance to this application are considered to be:

- DM1: Presumption in Favour of Sustainable Development
- DM3: Infrastructure Delivery
- DM4: Safeguarding the Countryside and Settlement Separation
- DM6: Enhancement of Biodiversity and Geological Interest
- DM7: Preventing Pollution and Flooding
- DM9: Safeguarding Natural and Semi-Natural Open Spaces
- DM10: Development and Design
- DM13: Preserving the Borough's Archaeology
- DM17: Highways and Transportation
- DM18: Vehicle Parking Standards

Earl Shilton and Barwell Area Action Plan DPD (2014)

- 5.11 The purpose of the Earl Shilton and Barwell Area Action Plan (AAP) was to set out the strategy for future development across the two settlements. The AAP allocated land for development within two sustainable urban extensions (SUEs), one in Barwell and one in Earl Shilton. Significantly, on review of the AAP the SUEs proposed to the west of Barwell and to the south east of Earl Shilton are yet to experience construction works commencing.

Status of the Local Plan

- 5.12 As the Local Plan documents were adopted in 2009, 2016, and 2014 respectively, the weight to be given to the policies within these documents must be considered in accordance with Paragraph 232 of the NPPF, where it states that 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 them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
- 5.13 In addition, when considering the status of the Local Plan, we understand that the Council is only able to demonstrate 3.89 years of deliverable housing as of July 2025. As such, when all is considered, it is the applicant's position that the Development Plan is out of date for the purposes of policies relevant to the supply of new housing, and the provisions of the NPPF carry significant weight in the determination of this planning application.

Emerging Local Plan

- 5.14 The Council is in the process of preparing a new Local Plan, which sets out the vision and framework of the Borough up to 2045 and will include policies and proposals to address needs and opportunities in relation to housing, the economy, community facilities and infrastructure, and to safeguard the natural environment.
- 5.15 The Emerging Local Plan is intended to cover the period 2024-2045. Consultation on the Regulation 18 Draft Local Plan ran from Wednesday 31st July to Friday 27th September 2024. The latest Local Development Scheme was published on 6th March 2025. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a further Regulation 18 consultation scheduled for September / October 2025 (which has commenced

and expires in November 2025), and the Regulation 19 consultation scheduled for around March / April 2026.

- 5.16 We recognise that the Council may give weight to relevant policies in an emerging local plan according to the stage of the plan's preparation (the more advanced its preparation, the greater the weight that may be given). Given the early stage of the Emerging Local Plan, the significant outstanding evidence still to be collated and assessed, and the lack of scrutiny through a formal Examination process, we consider it should be attributed no weight, and therefore, no emerging policies are considered of relevance to this application.

Neighbourhood Plans

- 5.17 The town of Earl Shilton has not adopted a Neighbourhood Plan. It is considered that the Earl Shilton and Barwell Area Action Plan acts, similarly, to that of a Neighbourhood Plan.

Supplementary Planning Documents ('SPDs')

- 5.18 Alongside the series of documents that constitute the Council's Local Plan there are a series of SPDs that support the Local Plan. Of relevance to this application are:
- Affordable Housing SPD (Adopted 2011)
 - The Good Design Guide SPD (Adopted 2020)
 - Housing Needs Study (November 2024)
 - Strategic Flood Risk Assessment (2025)

6.0 Planning Assessment

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) states that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Whilst the site is not currently allocated for development and lies outside the settlement boundaries of Earl Shilton, this section demonstrates that there are compelling reasons why the Council should grant planning permission for the proposal.
- 6.2 We consider there to be key material considerations relating specifically to this development proposal. Those being:
- Principle of Development
 - Other Material Considerations including -
 - The Council's Housing Land Supply Position
 - Affordable Housing
 - Design and Impact on the Character and Appearance of the Countryside
 - Design and Layout
 - Impact upon Residential Amenity
 - Impact upon Highway Safety and Parking Provision
 - Ecology and Biodiversity
 - Archaeology
 - Flooding / Drainage
 - Infrastructure and Development Contributions
 - Conclusion and Planning Balance.

Principle of Development

- 6.3 Paragraph 2 of the 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.
- 6.4 With regard to the Local Plan and its suite of DPDs, it is acknowledged that this site is located outside the settlement boundaries of Earl Shilton. Therefore, for the purposes of this application, the site is considered to be land in the 'Countryside', albeit that we now consider the site to adjoin the northern boundaries of Earl Shilton.

- 6.5 Policy 2 of the CS sets out that Shilton is identified as one of four settlements that make up the Main Urban Area of the Borough (along with Hinckley, Barwell, and Burbage). The Policy also supports the regeneration of Earl Shilton by allocating land for development of a mixed use Sustainable Urban Extension to the south of Earl Shilton (yet to be delivered) and supports development within the Earl Shilton settlement boundary.
- 6.6 Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty and open character and landscape character of the countryside. The policy details that the Countryside will first and foremost be safeguarded from unsustainable development and lists development exceptions considered to be sustainable.
- 6.7 Given the above, we acknowledge that the proposal gains no direct policy support from Policy 2 of the CS or Policy DM4 of the SADMP and does represent new residential development in the Countryside. As such, the application does not therefore, comply with the policies of the Development Plan. However, the Council must have regard to 'other material considerations' and the NPPF when reaching their decision.
- 6.8 Below we consider the 'Other Material Considerations' referring to the NPPF and the Council's development plan throughout.

Other Material Considerations

Housing Land Supply

- 6.9 Paragraph 61 of the NPPF states that *"to support the Government's objective of significantly boosting the supply of homes, 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"*. Furthermore, at paragraph 78, it requires Local Planning Authorities to *"identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years worth of housing against their housing requirement"*.
- 6.10 It is our understanding, after a review of the Council's most recent Planning Committee Reports and a referenced planning appeal decision (APP/K2420/W/24/3357570 at the Oddfellows Arms, 25 Main Street, Higham on the Hill), that the Council can only demonstrate 3.89 years of deliverable housing supply.

6.11 In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the ‘tilted’ balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.

6.12 Paragraph 11 of the NPPF states that for decision-taking this means:

“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 (7) provides a strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination(9).”*

6.13 In the case of paragraph 11(d)(i), it is noted that footnote 7 of the NPPF advises that designated sites are areas of particular importance. Harm to such assets could therefore provide a strong reason to refuse an application for housing even if a 5-year supply of housing land cannot be demonstrated. However, this is not applicable in this case as the site address is not an area of particular importance as detailed in the NPPF.

6.14 With regard to paragraph 11(d)(ii) it is necessary to weigh the benefits arising from the scheme, such as the delivery of housing, against the adverse impacts of the proposal. These aspects of the proposal are addressed later in this Statement. However, in the case of paragraph 11(d)(ii), it is evident that the adverse impacts would have to significantly and demonstrably outweigh the benefits in order for an application to be refused.

6.15 Footnote 9 of the NPPF confirms that these key policies of the NPPF include: Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficient Supply of Homes); 91 of Chapter 7 (Ensuring the Vitality of Town Centres); 110 and 115 of Chapter 9 (Promoting Sustainable Transport); 129 of Chapter 11 (Making Effective Use of Land); and 135 and 139 of Chapter 12 (Achieving Well-Designed Places). In this

instance, Paragraphs 66, 110, 115, 129, 135 and 139 apply in the determination of this planning application.

- 6.16 The NPPF is clear that the overarching need to deliver sufficient homes, should take precedence when development plan policies are 'out of date'. Therefore, the delivery of housing carries significant weight in the decision-making process. The Council's approach of focussing development within the defined boundaries of the main urban areas and being heavily reliant on the delivery of sustainable urban extensions has, in part, led to the current shortfall of deliverable housing sites over the next 5 years. Further, it is also reasonable to conclude that the Council will face significant difficulties in establishing a sufficient supply of housing through focusing development solely within the defined settlement boundaries of the main urban areas and Key Rural Centres.

- 6.17 In light of this current situation, it is considered necessary to provide additional housing, in the near-term, outside the settlement boundaries where this provision broadly accords with the NPPF and relevant policies in the Plan, so as to allow the Council to meet its obligations under the NPPF and related legislative provisions. It is therefore considered that the weight assigned to Policies 2 of the CS and DM4 of the SADMP, with regard to the distribution of housing development throughout the Borough, should be limited, reflecting the Council's lack of a compliant housing land supply with respect to the 'tilted balance' which attributes significant weight to the delivery of sustainable development.

- 6.18 Within Chapter 9 of the NPPF, paragraph 110 confirms that the planning system should actively manage patterns of growth in support of promoting sustainable transport. Significant development, such as this, should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering genuine choice of transport modes.

- 6.19 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.

- 6.20 Earl Shilton, as one of four settlements making up the Borough's Main Urban Area, is clearly a sustainable location for new residential development. The site's adjacency to the considered northern boundary of the settlement, and its enclosure by Shilton Road also limits Countryside encroachment. Therefore, subject to other

material considerations as to be discussed, the proposal is in a sustainable location and will contribute significantly to the housing shortfall in the Borough.

- 6.21 In light of the above, the 'tilted' balance of Paragraph 11(d) of the NPPF is engaged and the provision of up to 120 dwellings to the Borough's supply of land for housing is considered to attract significant weight within the planning balance.

Affordable Housing

- 6.22 Chapter 5 of the NPPF sets out that "the needs of groups with specific housing requirements" must be addressed. These groups, as set out in paragraph 63, should include but are not limited to, "those who require affordable housing (including social rent); families with children; looked after children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers; people who rent their homes and people wishing to commission or build their own homes".
- 6.23 Paragraph 65 is clear that Affordable Housing should not be sought on proposals for minor development. Paragraph 66 however, details that where major development is proposed, as is the case here, planning decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.
- 6.24 Policy 15 of the CS seeks to ensure that enough housing of the right type and of a high quality design is achieved within the Borough. It details, within the Policy wording, that in Urban Locations, such as Earl Shilton, proposals that provide a total of 15 or more dwellings are required to deliver, as a minimum, 20% of the total units as Affordable Housing.
- 6.25 The applicant is fully committed to delivering a compliant total of affordable housing as part of this development. As such, this proposal sets out that a total of 24 units will meet the definition of Affordable Housing as set out in Annex 2 of the NPPF.
- 6.26 At this time, we are not prescribing the proposed housing mix or tenure split. The applicant is willing to open dialogue with the Council during the determination of this application.
- 6.27 A further commitment from the applicant is that, where possible, all properties to be delivered on this site will meet the Nationally Described Space Standards.

However, the specific type of affordable housing within this provision will be confirmed at the Reserved Matters Stage.

- 6.28 Given the above, we are confident that this proposal can deliver a compliant total of affordable housing in accordance with Policy 15 of the CS and the NPPF. This provision of Affordable Housing, we conclude, should be given significant positive weight in the planning balance.

Design and Impact on the Character and Appearance of the Area

- 6.29 Chapter 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.
- 6.30 Paragraph 135 ensures developments: (a) will function well and add to the overall quality of the area; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history; (d) establish a strong sense of place; (e) optimise the potential of a site to accommodate and sustain an appropriate amount and mix of development; and, (f) create places that are safe, inclusive and accessible and which promote health and well-being.
- 6.31 Paragraph 129 reaffirms that planning decisions should support development that makes efficient use of land, taking into account: (a) the identified need for different types of housing; (b) local market conditions and viability; (c) the availability and capacity of infrastructure and services; (d) the desirability of maintaining an area's prevailing character and setting; and, (e) the importance of securing well-designed, attractive and healthy places.
- 6.32 However, we recognise, at paragraph 139 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 SPDs such as design guides and codes.
- 6.33 Chapter 15 of the NPPF requires planning decisions to contribute and enhance the natural and local environment. Paragraph 187(b) highlights that this should be achieved by, "recognising the intrinsic character and beauty of the Countryside, and the wider benefits of the best and most versatile agricultural land, and of trees and woodland".

- 6.34 Policy DM4 of the SADMP, which is considered to be out of date, states that the Countryside will first and foremost be safeguarded from unsustainable development. Development in the Countryside will be considered sustainable where: it proposes outdoor sport or recreation; proposes the changes of use, re-use or extension of existing buildings; significantly contribute to economic growth, job creation, and / or diversification of rural businesses; proposes standalone renewable energy developments; or proposes accommodation for a rural worker, subject to the proposals meeting five further criteria. Of significance to this proposal are criteria -
- 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 ...
- 6.35 DM10 of the SADMP requires development to enhance the character of the surrounding area, make appropriate use of building materials that respects the materials of existing, adjoining / neighbouring buildings and the local area generally, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the Borough Council's adopted Good Design Guide 2020.
- 6.36 For context, the site is situated within the Leicestershire Vales National Character Area (NCA), the 'Rolling Farmland' Landscape Character Type (LCT) and within the E – Stoke Golding Rolling Farmland Landscape Character Area (LCA).
- 6.37 At a national level, the Leicestershire Vales NCA describes an open landscape of gentle clay ridges and valleys, with an overall visual uniformity to the landscape and settlement pattern. Land use characterised by a mixture of pasture and arable agriculture that has developed on the neutral clay soils. Woodland character is derived largely from spinneys and copses on the ridges and the more undulating land and from waterside and hedgerow trees and hedgerows. Diverse levels of tranquillity associated with contrasts between busy urban areas and some deeply rural parts. Large settlements dominate the open character of the landscape. Leicester, Lutterworth, Hinckley and Market Harborough and related infrastructure, including major roads, are often visually dominant.

- 6.38 At a county level, the site is located within LCT 'Rolling Farmland' and lies within the LCA 'E-Stoke Golding Rolling Farmland' within the Hinckley and Bosworth Borough Landscape Character Assessment. Key characteristics include: undulating arable and pasture farmland with gentle valleys sloping down to the Ashby Canal, Tweed River and associated tributaries; small to medium scale rectilinear field pattern divided by low hedgerows and mature hedgerow trees typical of parliamentary enclosure, with smaller pasture fields around settlements, creating a largely unified field pattern and providing continuity with the agricultural pasture; rural settlement pattern with former agricultural villages typically demonstrating a historic core, modern outskirts and sporadic farmsteads on the outer edges, within a strong rural setting.
- 6.39 The localised landscape is relatively contained, and its character is influenced by the presence of the pasture and horse paddocks defined by hedgerow boundaries.
- 6.40 To support this proposal the applicant commissioned Weddles Landscape Design to undertake a Landscape Visual Appraisal (LVA) to determine the relationship of the site with its surrounds, the visibility of the site within the wider landscape and the suitability of the site for development and the potential effect this would have on the landscape and visual characteristics of the area. To support this appraisal a Zone of Theoretical Visibility (ZTV) was considered to describe the areas from which the proposed development would be visible.
- 6.41 The LVA appraises the site and concludes that as a landscape receptor it is of medium sensitivity.
- 6.42 The Visual Appraisal, including the works of the ZTV, and supporting Site Context Photos (10 positions) conclude that views of the site are curtailed by a mix of the surrounding vegetation and topography with views achievable from the north, west and east.
- 6.43 The LVA acknowledges that regarding landscape features the proposed development would have a long-term moderate and minor beneficial effects on the most sensitive and visually apparent features of trees and hedgerows respectively, along with grassland meadow. There would also be moderate and minor beneficial effects on Field Pattern and native scrub. There would be major adverse effects on Land Use and Buildings, a moderate adverse effect on grassland pasture, a minor adverse effect on PRoW and a neutral effect on topography.

- 6.44 Regarding landscape character, the proposed development would not adversely affect key characteristics of the published National character Area, with a neutral effect in the long-term. At the County Level there would be negligible adverse effects in the long term, as the proposal would retain and enhance the trees / tree belt and hedgerows that are important character features and provides a visual screening between the LCA and the proposals. At the localised landscape and site levels, the proposal would initially have a moderate and major adverse effect due to the removal of pasture and introduction of residential built form. Significantly, these effects would reduce to minor adverse once the landscape framework has established and enhance other local and site characteristics and heavily screen the proposed development.
- 6.45 Regarding the proposals visual effects, due to the retention of the existing site boundary trees, hedgerows and surrounding relatively flat topography, the proposal would only be visible from a small number of nearby sections of footpaths and bridleways. At year 1 there are negligible and minor adverse visual effects to the local PRow for the most part, with only major and moderate adverse effects from two viewpoints. There would be a major adverse effect from a section of footpath that passes through the site, and a moderate adverse effect from a section of footpath that has an open view towards the entire eastern boundary of the proposals. However, in the long-term, when the extensive proposed tree, hedgerow and scrub planting would be established, the effects would in the worst case be minor and moderate adverse from within and in close proximity to the site respectively, and negligible adverse and neutral all other viewpoints.
- 6.46 The LVA concludes that the proposed development is considered to respond positively to landscape related policies at National and Local levels. The proposal would not have a long-term adverse effect on important landscape features, national landscape character, historical features, ecologically designated sites, conservation areas and would therefore be in accordance with both national and local planning policy relating to landscape and visual impacts. Furthermore, the proposed landscape framework would provide landscape and biodiversity enhancements, with a biodiversity net gain in accordance with local and national policy. There would be very limited adverse effect on the county landscape character area.
- 6.47 Consequently, the LVA concludes that the proposed development is sited suitably within the landscape and in the long term would have a limited impact on the character of the surrounding landscape.

- 6.48 We recognise that, on the basis of the current policy status of the site, there is some tension with the adopted Local Plan. Furthermore, as detailed in the LVA, the proposal will create limited harm to the landscape and visual character of the area. As such, it does not fully align with the expectations of Policy DM4 of the SADMP and the 'limited harm' identified should be attributed 'limited' negative weight in the planning balance. However, whilst this proposal is considered to be in conflict with Policy DM4 of the SADMP, the LVA concludes that the proposal will not cause a 'significant adverse effect' (criteria i) of Policy DM4).

Design and Layout

- 6.49 It is recognised that in accordance with Policy 16 of the CS, all developments of 10 or more dwellings are also required to be assessed against the Building for Life design tool. Building for a Healthy Life is the latest iteration of that tool, and the submission of a Building for a Healthy Life Assessment at the Reserved Matters stage can therefore be secured via planning condition.
- 6.50 The Council's 'Good Design Guide' (2020) provides detailed guidance upon how to design an appropriate new residential development. This includes guidance on how to appraise the context, create appropriate urban structures through street blocks, enclosure and Open Space. Furthermore, it provides guidance on landscaping, parking provision, amenity space and design detailing.
- 6.51 Whilst this proposal is in Outline form with all matters reserved except the means of access from the public highway, the illustrative layout and developable areas, including the highway hierarchy, have carefully considered the Council's Good Design Guide. The detailed layout and appearance will be confirmed at the Reserved Matters stage but to indicate the applicant's intentions for this site a detailed Design and Access Statement setting out the principles for development upon the site has been prepared.
- 6.52 As a result of careful consideration that the illustrative masterplan, informed by technical evidence (drainage, highways and landscaping), demonstrates a deliverable development of up to 120 dwellings (of which 24 will be affordable units).
- 6.53 Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum density of 40 dwellings per hectare within and adjoining Earl Shilton. This proposal proposes a developable area of 2.99

hectares for residential dwellings. For 120 dwellings, the developed area will have a net density of 40 dwellings per hectare, which complies with the minimum net density set out in Policy 16 of the CS. Therefore, it is considered that the density is policy compliant (Policy 16 of the CS) and makes efficient use of the land as required by paragraph 129 of the NPPF. As such, this policy compliance should be attributed significant positive weight in the planning balance.

Impact on Residential Amenity

- 6.54 In Chapter 12 of the NPPF, paragraph 135(f) seeks to ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.
- 6.55 Within the supportive text of Policy DM10 of the SADMP it states that new development should be located and design in such a way that the amenity of both existing residents and occupiers are fully considered when assessing planning applications. The amenity of future occupiers of any proposed development is also an important design consideration to avoid any future conflicts over incompatible uses. According to Policy DM10, development will be permitted provided that:
- a) It would not have a significant adverse impact on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality, noise, vibration, and visual intrusion; and,
 - b) The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site.
- 6.56 It is clear that, as demonstrated by the illustrative masterplan submitted in support of this proposal, that a suitable residential layout design can be achieved for up to 120 dwellings at the technical Reserved Matters stage. This deliverable developable area, we conclude, will not cause detrimental adverse impacts to residential amenity to the existing dwellings on neighbouring or future development sites. Therefore, it is considered that the proposal, subject to the technical reserved matters stage, can be designed in such a manner that has suitable relationships with nearby residential units and shall protect the residential amenity of the future occupiers of the site.
- 6.57 Consequently, we consider it necessary to attribute positive weight to the design compliance demonstrated throughout this proposal.

Impact upon Parking Provision and Highway Safety

- 6.58 Chapter 9 of the NPPF promotes sustainable transport and details that transport related matters should be considered at the earliest stages of development proposals, using a vision-led approach to identify transport solutions that deliver well-designed, sustainable and popular places.
- 6.59 Paragraph 110 emphasises that the Planning System should actively manage patterns of growth. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering genuine choice of transport modes. By doing this it helps reduce congestion and emissions and improves air quality and public health.
- 6.60 This Statement has identified that the Council consider Earl Shilton, one of four main urban areas, to be a sustainable location for new development.
- 6.61 When assessing development proposals, paragraph 115 seeks to ensure that: (a) sustainable transport modes are prioritised; (b) safe and suitable access to the site can be achieved for all users; (c) the design of streets and parking areas reflect national guidance; and, (d) any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.
- 6.62 Significantly, paragraph 116, confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 6.63 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, and 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 documents adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)). In addition, Policy DM18 requires developments to demonstrate an adequate level of off-street parking provision.
- 6.64 To support the technical transport considerations, the applicant commissioned Vectio consulting Ltd to undertake extensive transport related works.

- 6.65 It is proposed that a new priority junction be provided from Shilton Road. This access will be a 6m wide residential road with a 6m radii. Shilton Road will be widened locally around the junction to maintain, as a minimum, a 6m wide carriageway. Visibility splays of 2.4 m by 203m (north) and 2.4m by 103m (south) are achievable, surpassing the required splays based on the 85th percentile speed. It is also proposed that a 3m dual-use facility for pedestrians and cyclists be constructed along Shilton Road.
- 6.66 In addition to these works a total of off-site measures are proposed. These include: a change in speed limit gateway; a 3m dual-use facility for pedestrians and cyclists along Shilton Road; the realignment and narrowing of the Shilton Road slip lane; provision of a bus stop cage within the Shilton Road slip lane; betterment to existing PRow including uncontrolled crossing points and connections to the dual-use scheme approved by 21/00135/OUT which will ensure the site is fully connect to an adoptable route into Earl Shilton.
- 6.67 The report also details that the site has *“good access to sustainable modes of travel, including walking, cycling, and public transport”*. It confirms that *“nearly the whole of Earl Shilton is accessible within a 2km walking distance. The nearest bus stop is within 600m although the proposal includes provision for a future stop 65m from the proposed site access”*.
- 6.68 Vectio Consulting Ltd conclude:

“that the proposals accord with the NPPF such that:

Safe and Suitable Access: *The proposed access arrangements, including the new priority access junction on Shilton Road and the modifications to the adjacent road layout, ensure safe and suitable access to the site would be created. This aligns with NPPF paragraph 115, which emphasises the need for safe and suitable access for all users.*

Impact on Highway Network: *The assessment of the impact on the highway network shows that the development will not have a significant adverse impact on the operation of the adjacent junctions. This is in accordance with NPPF paragraph 116, which states that development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.*

***Road Safety:** The Stage 1 Road Safety Audit and subsequent design modifications address potential safety issues, ensuring that the development does not compromise road safety. This is consistent with NPPF paragraph 117, which highlights the importance of creating safe, secure, and accessible Environments”*

- 6.69 Implementation of required highway works can be controlled by way of appropriately worded planning conditions. This will ensure that the proposed: visibility splay provision; access arrangements; speed reduction measures; Travel Plan; treatment of the PRoW; and other technical matters are secured at the technical reserved matters stage. Consequently, subject to the imposition of appropriate conditions, the proposal complies with Policies DM17 and DM18 of the SADMP and the accords satisfactorily with the NPPF.
- 6.70 Therefore, we consider it appropriate for the decision-maker to attribute positive weight to highway and parking related matters when carrying out the necessary planning balance.

Ecology and Biodiversity

- 6.71 Policy DM6 of the SADMP states that major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long term.
- 6.72 To support this proposal, the applicant commissioned Weddles to undertake a Preliminary Ecological Appraisal (PEA) which included a desk study of designated sites and ecological data, and a detailed walkover survey of the site considering habitats and species.
- 6.73 Their conclusions of the PEA identify the site’s potential to have a negative impact on receptors including Foraging and Commuting Bats and Breeding Birds. As such, additional phase 2 species surveys have been recommended, and the result and subsequent mitigation strategies, recommendations or enhancements will be incorporated into an Ecological Impact Assessment (EclA), which will be submitted as part of the Reserved Matters application.

- 6.74 In addition, the site has the potential to hold habitats for other ecological features and therefore, a Construction and Environmental Management Plan (CEMP) has been recommended, along with the preparation and submission of a Landscape and Ecological Management Plan (LEMP), Ecological Management Plan (EEP), all of which can be prepared and agreed at the technical reserved matters stage.
- 6.75 The applicant is accepting of these recommendations and supports the Council's use of imposing an appropriately worded planning condition to ensure the recommended Phase 2 specie surveys are undertaken and reported on as part of the technical Reserved Matters stage.
- 6.76 In addition, Weddles undertook works to understand, calculate and consider the pre and post development biodiversity value of the site. A study of the baseline BNG score was carried out using the statutory DEFRA Biodiversity Metric providing a summary of the onsite habitat types their relevant Distinctiveness, Condition and Strategic Significance.
- 6.77 The site was assessed as having 33.37 Biodiversity Units and 8.51 Hedgerow Units.
- 6.78 The robust landscaping plan to support this development proposal includes: the retention of woodland and individual trees; retention and creation of native hedgerows; small individual tree planting; creation of mixed woodland, mixed scrub and species rich meadow; and creation of SuDS. Based on the Statutory Defra Biodiversity Metric calculations, the proposed development will result in an overall change in Habitat Units to -53.48 % (-17.85 Habitat Units) and a change in Hedgerow units to 19.16% (+10.14 Hedgerow Units).
- 6.79 Consequently, trading rules have been satisfied for onsite Hedgerows. In order to achieve the legislative 10% net gain target required by the Environment Act (2021), 21.19 Habitat Units will need to be provided as off-site compensation. These units will need to be provided post-planning decision by the applicant either:
- On other land within the applicant's ownership (possibly the land outlined in blue);
 - As an agreed financial contribution with the LPA to implement on a scheme elsewhere;
 - Through a Habitat Bank; or
 - As a last resort, through DEFRA's Statutory Biodiversity Credit System.

- 6.80 The applicant is fully committed to delivering the legislative 10% BNG required of new development. Consequently, to ensure compliance the applicants support the Council in their use of an appropriately worded pre-commencement 'Biodiversity Gain Condition'.
- 6.81 Compliance with the Biodiversity Gain Condition, would ensure compliance with the Environment Act (2021) by delivering a minimum 10% BNG and directly, ensures that the proposal accords with Policy DM6 of the SADMP. As such, positive weight can be attributed by the decision-maker to Ecological and Biodiversity considerations.

Trees

- 6.82 Paragraph 136 of the NPPF recognises that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decision should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments, that appropriate measures are in place to secure the long-term maintenance of newly planted trees, and that existing trees are retained where possible.
- 6.83 To support this application, the applicant commissioned Weddles to inspect the trees onsite and prepare an Arboricultural Impact Assessment. Following a site walkover Weddles concluded that individual trees totalled 28 on site, with 14 groups of trees and 12 hedges. All trees and hedges onsite were rated as category 'C' with tree species including Oak, Ash, and Field Maple, and hedgerow species consisting of Hawthorn, Oak, Dogrose, Blackthorn, Holly, and Hazel. The report noted that a line of trees, planted by the current landowners, is located to the west of Hedgerow 4, all of which are similar ages but are of varying condition. Full details are contained within the support Arboricultural Impact Assessment (AIA), Tree Survey, Tree Constraints Plan and Tree Protection Plan submitted as part of this application.
- 6.84 To facilitate this development a total of 2 individual trees would be removed along with 5no. groups of trees. A total of 21 trees are to be removed along with parts of 2 hedges. The removals are required to allow for the construction of residential parcels, the development's spine road and proposed access arrangements. Significantly, all other trees and hedgerows will be retained and actively managed. These retained trees and hedges will be protected by the erection of protective

fencing to surround all trees and hedges, the location of which is detailed on the submitted Tree Protection Plan.

- 6.85 The AIA concludes that with the proposed protective fencing and methods proposed during construction any impacts on retained trees will be satisfactorily mitigated, ensuring long term health of the trees and hedges. Furthermore, and of significance, the removal of the trees and hedgerows will be mitigated through an extensive landscape scheme that will include planting of native tree and hedgerow across the site. Therefore, whilst it is regrettable to lose any trees and hedges, the scheme demonstrates compliance with paragraph 136 of the NPPF and delivers arboricultural betterment upon completion of the proposed landscaping scheme which can be afforded positive weight in the necessary planning balance.

Archaeology

- 6.86 Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest, developers should provide an appropriate desk-based assessment and where applicable a field evaluation. Paragraph 205 of the NPPF also confirms this requirement.
- 6.87 To support this proposal, the applicant commissioned The Environment Partnership ('TEP') to undertake a Historic Environment Desk-Based Assessment supported by a Geophysics Survey. The contents of the Assessment have been presented to the Leicestershire County Council's Archaeologists at key milestones of this proposal's preparation and are submitted in full to support this planning application.
- 6.88 It is assessed that the proposed development will cause no impact on any designated or non-designated heritage assets. However, the report does conclude that the site should be subject to intrusive investigation (trial trenching) to assess the site's archaeological potential and to investigate the significance of any archaeological remains that may be impacted by the proposed development. Paragraph 6.19 of the report details that the aims of this trial trenching works will be to ground-truth the results of the geophysical survey and to confirm the absence or presence of archaeological remains and to investigate the character and significance of any remains. This work, supported by an agreed Written Scheme of Investigation (WSI) can be secured through a suitably worded condition attached to a planning consent.
- 2.1 The applicants are fully committed to understanding the historic environment ahead of construction works commencing on site. To date they have commissioned

a desk-based assessment and undertaken a Geophysics survey, the results of which have enabled a significant understanding of the site's archaeological evidence. The assessment and surveys raise no significant concerns. As such, the applicants are accepting of a suitably worded pre-commencement planning condition that requires a programme of archaeological work, including a post-investigation assessment and analysis.

- 6.89 Given the above, it is clear through a combination of the information submitted to support the application and through the available planning controls, this proposal accords with Policy DM13 of the SADMP and paragraph 205 of the NPPF.

Flooding / Drainage

- 6.90 Policy DM7 of the SADMP outlines that adverse impacts from flooding will be prevented. Developments should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated in line with National Policy. Policy DM10 outlines the requirement for an appropriate Sustainable Drainage Scheme.
- 6.91 Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.
- 6.92 To support this proposal, the applicant has commissioned BSP Consulting to undertake an associated Flood Risk Assessment and create an indicative drainage strategy for the site. They have identified that the site is within Flood Zone 1 (Lowest risk of fluvial flooding) and at a low risk of surface water flooding (see paragraph 3.3.7 of the accompanying BSP Flood Risk Assessment). Given the indicated surface water flood risk, it is expected that any future surface water drainage system for the proposal would capture and sufficiently drain this surface water without issue.

6.93 Their drainage strategy is detailed in paragraphs 4.2.14 – 4.2.18 of the accompanying Flood Risk Assessment. In addition, BSP have visually represented their strategy on their drawing titled “Surface Water Drainage Strategy Plan”.

6.94 In their report, BSP make the following recommendations:

- *External ground levels should comprise falls away from buildings and towards drainage features. The design of surface water drainage features should be such that any surface water flow paths within the site are maintained and/or accommodated while ensuring that buildings remain free from flooding without increasing risk elsewhere.*
- *The proposed surface water drainage system should be designed to accommodate the 1 in 30-year rainfall event without any surface water flooding and should be capable of retaining the 1 in 100- year plus climate change (40%) storm event on site without flooding any buildings.*
- *For the purpose of this report, it has been assumed that soakaways or similar will not be viable.*
- *It is proposed to restrict surface water runoff to 25.0l/s for all storms up to and including the 1 in 100- year (1% AEP) plus 40% climate change return periods. In order to achieve this discharge rate, an attenuation volume in the order of 2172m³ will need to be provided.*
- *It is recommended that an additional survey of Drainage Ditch ‘A’, which crosses the site, is undertaken to confirm the downstream drainage connection.*
- *It is recommended that source control methods should be utilised where possible. These include the use of permeable paving for parking spaces and private pedestrian footways, the use of planted swales in lieu of surface water sewers where appropriate, and the creation of bioretention gardens along the curtilage of the primary access road.*

6.95 Whilst details of drainage design will be subject to agreement with Leicestershire County Council as the Lead Local Flood Authority, it is clear that the proposal can demonstrate compliance with Policy DM7 of the SADMP and the relevant paragraphs of the NPPF.

Infrastructure and Developer Contributions

6.96 Paragraph 35 of the NPPF requires Plans to set out the contributions expected from development. This should include setting levels and types of affordable housing

provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).

- 6.97 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.
- 6.98 It is recognised that a development of this scale will be requested to contribute financial contributions regarding Infrastructure. During a meeting with the Town Council the applicant made a firm commitment that where developer contributions satisfy the three tests set out in paragraph 58 of the NPPF they will be accepted. Therefore, it is our position that the development is considered to comply with Policy DM3 of the SADMP and paragraph 35 of the NPPF.

7.0 Planning Balance and Conclusion

- 7.1 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.
- 7.2 It has been acknowledged that the site, for the purposes of planning policy, is currently identified as being within the 'Countryside'. It is outside the current defined boundaries of Earl Shilton. Consequently, there is some tension between the principle of residential development and adopted planning policy.
- 7.3 It has also been recognised that the scheme does not align in full with Policy DM4 of the SADMP. The long-term (year 15) impact on landscape and visual amenity of the proposed development has, however, been assessed and is considered to be limited. As such, it is considered that limited weight should be attributed to any conflict with DM4.
- 7.4 Central to the consideration of the proposal's compliance with the provisions of the Development Plan, it has been identified that the Council is unable to demonstrate a 5-year housing land supply. Consequently, the housing-related policies in the CS and the adopted SADMP are out-of-date. This includes those policies that otherwise limit or curtail residential development, including those that define settlement boundaries. Therefore, the provisions of paragraph 11(d), the 'tilted balance', are applicable to this proposal. Paragraph 11(d) details that planning permission should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 7.5 Earl Shilton is identified as one of four main urban areas in the Borough. It provides local services and facilities for its population and provides a critical mass that supports Hinckley Town Centre. As such, Earl Shilton is considered to be a highly sustainable location for new development, as affirmed by recent planning approvals for residential development on adjacent land. Consequently, we consider the locality of this proposal should be afforded positive weight. The evidenced harm to the character and appearance of the landscape, which has been identified to be limited in extent and duration, should be given limited weight in the planning balance.

- 7.6 The proposal will deliver up to 120 dwellings (20% of which to be affordable units). In light of the Council's current housing supply, it is considered that the delivery of such totals (both Market and Affordable dwellings) is a significant social benefit and should be attributed significant positive weight in favour of the proposal.
- 7.7 The design and layout of the proposal has been carefully considered, implementing Urban Design best practices and demonstrating compliance with the Council's Development Plan and SPDs. It has been demonstrated that the site can accommodate the proposed total number of dwellings and associated works, making efficient use of the land, and will not cause detriment to existing and future residents. Consequently, design matters can be attributed positive weight in the decision on the application.
- 7.8 It is proposed that a new priority junction be constructed from Shilton Road. This access will be a 6m wide residential road with a 6m radii. Shilton Road will be widened locally around the junction to maintain, as a minimum, a 6m wide carriageway. Visibility splays of 2.4 m by 203m (north) and 2.4m by 103m (south) are achievable, surpassing the required splays based on the 85th percentile speed. It is also proposed that a 3m dual-use facility for pedestrians and cyclists be constructed along Shilton Road. In addition, a total of off-site measures are proposed. These include: a change in speed limit gateway; a 3m dual-use facility for pedestrians and cyclists along Shilton Road; and betterment to existing PRoW enabling existing PRoW Footpaths T72 and T92 to interface with the new facilities in uncontrolled crossing points. The proposed works would be policy and technically compliant, and also offer positive public benefits, improving the accessibility of the immediate area for vehicles, pedestrians and active travel users. Consequently, this betterment should be afforded positive weight in favour of the proposal.
- 7.9 Other benefits include: the compliant delivery of Biodiversity Net Gain; arboricultural betterment: a robust landscaping strategy; a thorough understanding of ecological mitigation and enhancements (informed by a programme of additional surveys); a thorough understanding of the site's historical past (to be informed by further intrusive investigations); and the economic and social benefits through the construction of dwellings, the financial contributions that are to be agreed during this proposal's determination towards funding of essential supporting infrastructure and from subsequent activities of future residents in the local area. All of these benefits, of which many are public benefits, should be given positive weight in favour of this proposal.

- 7.10 As the tilted balance applies, paragraph 11(d) of the NPPF requires that 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. Taking into account the housing land supply position and the need for affordable homes within the Borough, it is considered that the conflicts with policy (notably, residential development on land currently identified as 'Countryside' and limited harm to the character and appearance of the landscape) would not significantly and demonstrably outweigh the benefits (identified above) when assessed against the policies in the NPPF when taken as a whole. The scheme is therefore deemed to be acceptable subject to the imposition of appropriately worded planning conditions and the requirements and financial contributions to be agreed and signed as part of a signed Section 106 Legal Agreement.
- 7.11 In conclusion, on the basis of the above, we respectfully request that the application be approved without delay.

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