

Appeal Decision

Inquiry held on 13-16, 20-21 and 23 April 2021

Site visit made on 22 April 2021

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 21st May 2021

Appeal Ref: APP/K2420/W/20/3262295

Land at Wykin Lane, Stoke Golding, Nuneaton CV13 6JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Davidsons Developments Ltd against the decision of Hinckley & Bosworth Borough Council.
 - The application Ref 19/01324/OUT, dated 15 November 2019, was refused by notice dated 17 June 2020.
 - The development proposed is the construction of up to 55 dwellings, all matters reserved, except for access.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of up to 55 dwellings, all matters reserved, except for access, at land at Wykin Lane, Stoke Golding, Nuneaton CV13 6JG in accordance with the terms of the application, Ref 19/01324/OUT, dated 15 November 2019, subject to the 24 conditions set out in the attached schedule.

Procedural Matters

2. The original application was made in outline with all matters reserved except for access. I have had regard to the illustrative masterplan ref P18-2922_03 Rev C, but consider that all of the details shown are indicative only with the exception of the access point onto Wykin Lane.
3. The submission version of the Stoke Golding Neighbourhood Plan (SGNP) was received by the Council shortly before the inquiry opened. The Rule 6 party Friends of the Community: Stoke Golding ('the Friends') provided the inquiry with a copy of the submission plan. A completed and executed Section 106 agreement (S106) was submitted by the appellant shortly after the close of the inquiry. I have had regard to both documents in my decision along with all other documents submitted to this appeal.

Main Issues

4. The main issues are:
 - i) the effect of the development on traffic movements and highway safety;
 - ii) the effect of the development on character and appearance of the countryside;
 - iii) the effect of the development on local infrastructure provision;

- iv) whether the Council can demonstrate a 5 year supply of deliverable housing sites; and
- v) the overall planning balance having regard to the adopted and emerging development plan (including the Stoke Golding Neighbourhood Plan) and national policy.

Reasons

Traffic movements and highway safety

The existing context

5. The site adjoins Wykin Lane which connects Stoke Golding to the neighbouring village of Wykin, by which point its name changes to Stoke Lane (hereafter referred to as the lane). It is a narrow single track lane from the edge of Stoke Golding southwards with a number of formal and informal passing places such as driveways. In Wykin, the lane ends at a T-junction with Higham Lane / Wykin Road. From there, it is a short journey along Wykin Road to the A47 and the northern edge of Hinckley, including the emerging new housing development at Hinckley West. An alternative route between Stoke Golding and Hinckley is via Stoke Road, a road of a more standard width for two-way traffic.
6. The lane contains sections of relatively straight and flat road, but also has some bends and undulations, with a 90 degree bend on the north side of Wykin. This creates limited forward visibility in a number of places. There is no street lighting outside the built-up areas of the two villages and no pavement south of the new Stoke Golding cemetery. Between the edges of the two villages, the national speed limit applies. In reality, speeds tend to be lower due the nature of the lane. Warning signs at either end of the lane note it is unsuitable for heavy goods vehicles (HGVs) although some HGVs including tractors use the lane to access farms and businesses. A secondary school mini-bus to and from Hinckley also uses the lane.
7. Traffic count data reveals around 6,000 vehicles pass the edge of Stoke Golding in one week, with around 80-85 vehicles recorded in the AM and PM peak hours on average. From my site visit observations across the afternoon and early evening of 22 April 2021, the lane had a regular flow of traffic, albeit with some lengthy gaps between vehicles and it was not as busy as Stoke Road around the end of the school day. It is apparent that satellite navigation systems direct traffic along the lane including delivery vehicles and tourists. The Friends and interested parties refer to an increase in background traffic as a consequence of developments elsewhere, with rat running to avoid busier routes like the A5.
8. The lane is popular with and well-used by non-motorised users including walkers, cyclists and horse riders. It is also used by people in wheelchairs and those with buggies. Survey data and my site visit observations indicate that most walkers use the first stretch of the lane nearest to Stoke Golding before turning onto one of the public footpaths south of the cemetery. Nevertheless, it is possible to walk to the edge of Hinckley and various services and facilities in approximately 20-30 minutes.
9. Cyclists appear to use the full length of the lane for recreation purposes as part of a network of recommended and leisure routes across the borough. Commuting to Hinckley by bike is also possible. The Friends and interested

parties note that the lane is used as part of circular route for horse riders with several stables located nearby. While the Covid-19 pandemic may have increased the number of people using the lane during lockdowns, there is little evidence to support the notion that levels may decline significantly in the future. It is evident that non-motorised users use the tarmac surface of the lane wherever possible. Grass verges and passing places offer some refuge from motor traffic, although verges are generally lacking nearer to Wykin and the lane is less attractive for use in poorer weather conditions.

10. There have been no recorded accidents along the lane. Nevertheless, that does not automatically mean that the lane is safe. Evidence from interested parties suggests a number of minor incidents and near misses including a vehicle ending up in a ditch next to the lane. The lane's narrow width presents risks when motorised traffic meets another road user, particularly on stretches where visibility is poor and passing places and verges are lacking. The width falls below what would be required in terms of design guidance from Leicestershire County Council (LCC) as the local highway authority, although this applies to a new residential access road rather than an existing lane.
11. People park their cars on the lane near the cemetery entrance for funeral services and to visit graves, and also to go on countryside walks, which can result in localised congestion. The lack of street lighting adds to the risks especially when it gets dark earlier in the evening in the autumn/winter, notwithstanding vehicle lights and the ability of non-motorised users to wear high visibility clothing. There is no evidence that the lane is gritted during icy weather and there are various potholes and carriageway/verge damage. The T-junction in Wykin is not wide enough for traffic turning onto the lane if there is a vehicle waiting to exit.
12. The lane evidently has a number of existing safety issues. Whilst these are not of a magnitude that people are avoiding using it altogether, it is clear that there are significant concerns from a large number of interested parties. Experiences and perceptions of risk will vary between individuals. People will choose whether to use the lane by different modes of transport. Stoke Road provides an alternative and wider route of similar distance and duration for motor vehicles between Stoke Golding and Hinckley, although suffers from congestion around the secondary school at the start and end of the school day. It has not been demonstrated that any increase in the use of the lane would be unacceptable, but it is necessary to consider whether the development and the proposed mitigation would have an acceptable effect.

The effect of the proposed development

13. The development would generate 33 trips during either the AM or PM peak hour. The Council and appellant take differing views on whether Census journey to work or traffic count data should be used, but agree that 33 trips would result in 17 to 23 additional vehicles using the lane during these hours. This is a 20-28% increase on existing levels. Figures from the Friends' traffic consultant show a similar increase. Based on trip generation estimates and traffic count data, such percentage increases would be maintained across the day between 7am and 7pm.
14. While the increase in PM peak hour traffic would fall within the existing daily variation, it is not apparent that this would be the case at other times of the day. Thus, there would be a noticeable effect of more traffic on the lane. The

level of increase would present additional risks as there would be more occasions for all users of the lane to encounter motor vehicles. Based on the existing lane context, the potential for conflict and incidents would increase by over a quarter for pedestrians, including during evening hours. The increase in encounters would be lower for cyclists due to their average speed, but there would be limited space for motor vehicles to pass cyclists safely. Horse riders would experience similar levels of additional vehicles as pedestrians with similar difficulties to cyclists in terms of drivers being able to overtake properly. In addition to the safety implications, this could discourage non-motorised use of the lane to the detriment of sustainable travel.

15. The appellant proposes 11 new passing places and 7 improved passing places as mitigation to allow more opportunities for road users to give way to oncoming traffic. Passing places are used in many rural locations and no guidance or research has been presented to demonstrate that they are inappropriate in terms of highway safety. However, the parties dispute their effectiveness in this case. I set out my assessment in the following paragraphs.
16. The visibility between the new and existing passing places would be reasonable in most places taking into account likely speeds and the nature of the existing lane. Proposed signage to denote each location would assist with visibility and would also reduce the risk of vehicles using the passing places for car parking purposes. The visibility would allow vehicles to see and react to oncoming traffic in sufficient time. One exception is between new passing places 3 and 2 heading towards Wykin. However, visibility in the opposite direction is better and there is an informal passing place at a field entrance next to the Ambion Way public footpath. The other exception is between passing places either side of the 90 degree bend. However, traffic speeds approaching such a bend are very reduced while there is scope for southbound traffic to move to the left at the bend to avoid oncoming vehicles.
17. The new passing places would result in localised widening of the lane, but most of the existing width and bends would remain. This would require drivers to travel at an appropriate and safe speed below the national speed limit. While it is possible some drivers might try and race between signposted passing places, it is more plausible that most drivers would behave in a more rational manner, giving way to oncoming traffic where it is safe and reasonable to do so. Thus, the mitigation would not give rise to significant increases in traffic speeds. Moreover, it would not make the journey along the lane much quicker or easier to the extent that it would attract significant additional background traffic.
18. While the new passing places would reduce the extent of grass verges, they would offer non-motorised users some refuge at a level grade with dropped kerbs. Existing verge and road damage would be improved with more passing places reducing the likelihood of vehicles having to come off the tarmac surface. The passing places mitigation has been subject to a Road Safety Audit (RSA) and found to be safe. The brief for the RSA was not explicit in the need to consider non-motorised road users. However, the auditors clarified shortly before the inquiry opened that they did have regard to such users during their assessment in line with national guidance, referring to the lane as a popular and well-used route. Moreover, the RSA process requires further monitoring of the passing places once installed and remedial work could take place. Thus, I am satisfied that while the focus of the passing places is towards motorised

vehicles, they would not be unsafe, they would cater for the needs of non-motorised users, and would be an appropriate form of mitigation.

19. In terms of effects on the T-junction with Higham Lane / Wykin Road, existing survey data by the appellant reveals up to 3 vehicles queuing on the lane during morning peak hours and up to 2 vehicles queueing on Wykin Road in the morning and evening peak hours. Such queues occur in periods of less than 5 minutes indicating that they clear relatively quickly. The increased number of vehicles in the morning and evening peaks is not of a magnitude that would add significantly to queue lengths or delays. The additional traffic is also unlikely to greatly increase the risk to non-motorised users at this junction. Whilst narrow, the visibility along the lane from the T-junction is reasonable, with a passing place just beyond the narrow section. Moreover, there is a public footpath that bypasses the junction altogether for pedestrians walking to and from Hinckley.
20. As for cumulative effects, Hinckley West on the north-west edge of the town will comprise 850 homes when complete. It is a site allocation in the Hinckley and Bosworth Site Allocations and Development Management Policies DPD 2016 (SADMP) which has since gained planning permission. SADMP Policy SA2 required the provision of an appropriate strategy that reduces the impact of traffic from the development on Wykin Lane through Wykin village. The traffic statement for the approved development was based on modelling data specific to the location. It reveals little difference in traffic flows along Wykin Road from the A47 as a result of the development. It follows therefore that there would be little increase in motor vehicles using Wykin Lane to access Stoke Golding. It is possible that new residents would seek to walk or cycle for recreational purposes along the lane. However, the local footpath and cycle network is extensive and it is not certain that a large number of people would chose to use the lane.
21. The recently approved Roseway scheme on the northern side of Stoke Golding could result in some future residents using the lane to reach Hinckley. However, given the location of the Roseway site and the network of village roads, it is likely that a significant number of vehicles would go via Hinckley Road and Stoke Road. Therefore, the proposed development would not have a significant or severe cumulative effect with the approved Hinckley West and/or Roseway schemes.
22. In terms of the site access from the lane, the visibility splays shown on the detailed plan are in accordance with national and LCC guidance and would not result in extensive vegetation loss. The site access would have an impact on car parking for the cemetery, but this is an informal arrangement and funeral services are likely to only be occasional. As a consequence, I am satisfied that safe and suitable access can be provided for the development.
23. I have had regard to comments made by and about LCC as the local highway authority. I have insufficient evidence to substantiate claims that LCC are reluctant to sustain objections to applications on highway safety grounds. It is apparent that a LCC highways officer visited the site and the lane to assess the original application and that further information was sought before no objection was confirmed. This included impacts on non-motorised road users even though detailed data on such users was not available until after the application

was determined. In any case, I have reached my findings on this main issue based on the evidence before me.

24. The development would increase the amount of motor vehicles using the lane with an increased risk of conflict between such vehicles and other road users. However, through the mitigation of additional and improved passing places, negative effects would be reduced and would not be significant. The impact on the T-junction would be acceptable and there would be no significant or severe cumulative effects with the Hinckley West or Roseway schemes. The site access would also be appropriate.
25. In conclusion, the development with the proposed mitigation would have an acceptable effect on traffic movements and highway safety. Therefore, it would not conflict with SADMP Policy DM17 which seeks, amongst other things, to ensure convenient and safe access for walking and cycling to services and facilities and to avoid significant adverse impacts on highway safety. It would also follow the advice in SADMP paragraph 14.68 in terms of safe access to the highway and in ensuring that the local highway network will continue to function effectively. It would not conflict with Policies 7, 11 and 14 of the Hinckley and Bosworth Core Strategy 2009 (CS) insofar as they seek to deliver a walking/cycling route between Stoke Golding and Hinckley.
26. The development would also not conflict with paragraph 109 of the National Planning Policy Framework (NPPF) which aims to only prevent or refuse development on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. It would also not prejudice the aims of NPPF paragraph 104(d) and 110 in terms of encouraging sustainable modes of transport and minimising the scope for conflict between different road users. The development would also maintain existing cycle routes, having regard to Local Transport Note 1/20 on cycle infrastructure design.

Character and appearance

The existing context

27. The site is located just outside the Stoke Golding settlement boundary and is considered to lie within the countryside as set out by SADMP Policy DM4. This policy seeks to protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Development will be considered sustainable where it meets one of 5 exceptions in criteria (a) to (e) and complies with provisions in criteria (i) to (v), including the avoidance of significant adverse effects on the countryside. None of the 5 exceptions are applicable to this development.
28. In the Hinckley and Bosworth Borough Landscape Character Assessment, the site lies within Landscape Character Area E: Stoke Golding Rolling Farmland. This includes the area between the village and the northern edge of Hinckley. Its characteristics include small to medium scale rectilinear field patterns, rural settlements with historic cores, modern outskirts and sporadic farmsteads on the edges within a strong rural setting, and connecting rural lanes with grass verges and well-maintained hedgerows. The site adjoins Urban Character Area 11: Stoke Golding, where reference is made to development on the edge of the village gradually decreasing in density with individual farmsteads creating a

sensitive transition to the countryside. Key sensitivities include the village's rural setting and visual links to the surrounding countryside.

29. The site is an irregular shaped grass field. To the north are existing residential properties on Arnold Road, Stoneley Road and Wykin Lane as well as the village recreation ground. A solar farm is located to the north-east, the new cemetery and amenity space to the west, and the paddock and buildings of Willow Farm to the south. Beyond these features are a network of agricultural fields and public footpaths. There are mature trees and hedgerows along the lane and recreation ground boundaries. The boundaries with the properties to the north and the field to the east are much more open.
30. Along the lane boundary (both from the road and the cemetery entrance) and immediately to the north and south, it is possible to see glimpses of the site through gaps between trees. This is particularly the case during winter months, with the existing properties to the north also visible in the background. The site quickly becomes hidden by vegetation further south on the lane and also from two public footpaths running west from the lane to the south of the cemetery. From public viewpoints further south and east, the site is hard to discern against the existing settlement edge and is often screened by vegetation and the general landform. This includes the view from Compass Field Farm on the lane as identified by SGNP Policy SG10.
31. From the recreation ground, it is possible to see glimpses of the site between gaps in trees, with the roofline of Willow Farm visible even in summer months. From Hinckley Road to the north-east, the site is harder to pick out across an intervening field and the solar farm. From the southern end of Arnold Road, the site appears in a gap between two properties albeit screened by planting. Due to the lack of tall boundary screening, there are clear views across the site from private locations within the ground and first floor rear elevations and rear gardens of up to 15 properties on Arnold Road, Stoneley Road and Wykin Lane.
32. The existing site as a small to medium sized field adjacent to a rural lane forms part of the transition from village to countryside. The proximity and visibility of residential properties to the north exerts an urbanising influence particularly within the site. Conversely, the recreation ground, solar farm and cemetery can only be glimpsed from within the site and so there remains a wider rural setting. Along the lane boundary, the site is experienced against the backdrop of the cemetery and existing housing on the village edge although it clearly marks the start of the countryside. The site is well-contained and screened by boundary planting along the lane and from public footpaths both nearby and further afield, as well as from the recreation ground. There are no public footpaths across the site or any other form of public recreation provision.
33. The site makes a limited contribution in terms of the wider landscape character area due to its size, location and screening. However, in terms of the site itself and its immediate context, the landscape value, susceptibility and sensitivity is of a medium level due to the above considerations. While I concur with the Council and appellant that the site and surrounding area do not comprise a valued landscape for the purposes of NPPF paragraph 170(a), it is evident that they are valued by local residents including as part of recreational routes from the village to the countryside. In visual terms, the site can only be seen in glimpses along or near to the boundary apart from in private viewpoints. Thus,

I consider the existing site makes a moderate positive contribution to the character and appearance of the countryside.

34. The lane beyond the village edge has a rural character and appearance as a tarmac road flanked by grass verges, fields, trees, hedgerows, and occasional properties and farms. Existing passing places comprise tarmac and/or loose gravel but have a low visual impact. Damage to verges and potholes as a result of traffic is unfortunate and in places is somewhat unsightly.

The effect of the proposed development

35. The illustrative masterplan gives an indication of the potential internal layout, routes and landscaping that could be provided with the development at the reserved matters stage. The design and access statement refers to 2 storey properties with focal buildings in key locations. The access point onto the lane is fixed as part of the outline application and would result in around 13-15m of boundary vegetation being removed diagonally opposite the cemetery entrance.
36. Regardless of the details at reserved matters stage, the change from an undeveloped grass field to a residential development of up to 55 homes would represent a fundamental change to the character and appearance of the site itself. The urban edge of Stoke Golding would extend southwards unlike the 1980s cul-de-sacs of Arnold and Stoneley Roads which were built to the east of 1930s housing on Wykin Lane rather than to the south. The housing would be located between the cemetery and the recreation ground. However, it would not coalesce with either of these adjoining land uses due to the extent of vegetation screening. Similarly, the buffer provided by the paddock at Willow Farm would prevent coalescence with the existing farm buildings. Willow Farm would be less isolated but would remain an individual farmstead on the edge of the village.
37. With the exception of the site access, it is intended that the boundary vegetation along the lane would be retained and enhanced. Planting would also be strengthened along other boundaries. No detailed landscape mitigation scheme exists at present due to the outline nature of the proposal. However, I am satisfied that sufficient mitigation could be secured as part of the reserved matters stage. The development would be well-contained and seen against the context of the village settlement edge. While the magnitude of impact at site level would be high due to the change from field to residential, the impact on wider landscape character would be low. Therefore, the significance of landscape effect would be no greater than moderate adverse.
38. In terms of visual effects, it is likely that the tops of properties would be seen in close-up views along the lane boundary including from the village edge, the cemetery entrance, and near to Willow Farm, especially in winter months. There would also be similar views from the start of the footpaths to the south of the cemetery. However, such views would be glimpses based on the retention and enhancement of planting. The site access would be a relatively short section of the boundary and properties could be set back behind landscaping to reduce the negative effect. The visibility of properties from the recreation ground would also be likely to be limited based on boundary planting. From all of these viewpoints by Year 15, I consider the adverse visual impact would be no greater than moderate. From public viewpoints further away to the south and east, including by Compass Field Farm, the development

would be much less visible and so the adverse impacts would be negligible to minor at worst.

39. The development would be highly visible from the rear elevations and gardens of adjoining properties to the north. This would result in major adverse effects in terms of private views. However, the planning system is largely concerned with land use in the public interest rather than the protection of purely private interests such as private views. It is likely that significant negative effects on the living conditions of existing occupiers in terms of matters such as outlook, light and privacy can be avoided through the detailed designs at the reserved matters stage. Therefore, I only give moderate weight to these adverse effects.
40. The introduction of additional and improved passing places along the lane would increase the lane's width at various points, with tarmac and dropped kerb edgings replacing section of loose gravel and grass verges. However, much of the lane would remain single width and the additional tarmac would have a limited visual impact. Passing place signs would be more visible given their intended purpose, but their height, size and number would not be excessive or greatly detract from the lane's rural character. Existing areas of loose gravel and potholes could be removed where they coincide with a passing place. No formal landscape and visual impact assessment has been carried out for the passing places works. Nevertheless, I am satisfied that the works would have no more than a minor negative effect and that the lane would retain a rural character and appearance.
41. In conclusion, the development would have a negative effect on the character and appearance of the countryside and so would conflict with SADMP Policy DM4. However, the negative effect would be no greater than a moderate adverse impact for the reasons set out above. Given that issues relating to the living conditions of nearby residents and the detailed design can be addressed at the reserved matters stage, the development would not conflict with SADMP Policy DM10, criteria (b) and (c) in particular.

Local infrastructure

42. Stoke Golding is designated as a Key Rural Centre in the CS based on the services and facilities set out in CS paragraph 4.31. The post office closed in 2017, but all of the other services and facilities remain. The local shop is a small newsagent/corner shop but it still meets basic day to day retail needs and is open throughout much of the week.
43. The primary school is oversubscribed with more children on the roll (226) than the net capacity (208). Prospective pupils within the catchment area are not guaranteed a place at the school. LCC's Children and Family Services forecast that the development would generate 17 new pupils and an overall deficit of 29 places if also accounting for demographic changes. While the school has limited room to expand outwards without affecting its playing field or playground, LCC has confirmed that there is non-teaching space that could be adapted to provide additional teaching accommodation. The S106 would provide a financial contribution towards the improvement, remodelling or enhancement of facilities at the school or any other school within the locality. It is unfortunate that some children may still need to travel to school outside the village. Nevertheless, I consider the development would have an acceptable effect in terms of primary school provision.

44. The secondary school is a faith school with an admissions policy based largely on religious rather than geographic criteria. As such, fewer children from Stoke Golding attend the school than might be expected. The nearest other secondary schools are in Hinckley where there is an overall surplus of places forecast. A school bus runs from the village to Redmoor Academy with pupils charged £500 per annum for the service. The cost may be prohibitive for some families, but it provides a reasonable alternative to daily car journeys. Thus, the effect of the development on secondary school provision is also acceptable.
45. It is apparent that both of the village schools generate congestion and parking issues at the start and end of the school day. Given that the development would be within walking and cycling distance of both schools, it is unlikely to add significantly to this existing situation.
46. The village surgery is a branch of Hinckley Castle Mead Practice and dispenses medicines to over 1700 patients. There is no full-time resident doctor and a limited number of surgeries per week. Patient numbers have increased significantly in recent years and the ratio of patients to doctor exceeds national/local averages and recommendations. The surgery building is small with very limited scope to expand outwards. However, the West Leicestershire Clinical Commissioning Group (WLCCG) has indicated that the clinical rooms could be refurbished to enable them to become multi-functional treatment rooms. This would allow an increase in the number and type of appointments and services to accommodate the development. The S106 would provide a financial contribution towards the provision and/or improvement of surgery facilities in line with WLCCG's request. Therefore, the development would have an acceptable effect on surgery provision.
47. In terms of community and leisure facilities, the village hall is popular in terms of bookings while the surrounding recreation ground contains children's play equipment and sports pitches. Both require maintenance and improvements with the recreation ground below the quality levels expected by the Council. The development would make a financial contribution via the S106 towards the provision and maintenance of various open space facilities. There is little evidence to show that the development would worsen the provision of community and leisure facilities and so its effect would be acceptable.
48. The bus service between Hinckley and Nuneaton runs approximately once an hour between early morning and early evening Monday to Friday and at a similar frequency mid-morning to early evening on Saturdays. CS paragraph 4.31 does not envisage a greater level of bus service for Key Rural Centres. The service allows people to access shops, employment and educational facilities in the two towns with journey times of around 20-30 minutes. Thus, it would provide future occupants of the development with a realistic alternative to the private car and help reduce traffic and congestion on local roads.
49. Employment opportunities within Stoke Golding are restricted and there are no leases currently available at the industrial estate. The village ranks towards the bottom of Leicestershire settlements in terms of its economic profile. However, this is in comparison to larger villages and towns across the county and the village's profile is not dissimilar to some of the other Key Rural Centres within the borough. While the lack of local employment would result in occupants of the development needing to travel beyond the village for work, Hinckley is a short journey away and there is the option to travel by non-car modes. Thus,

the development would have an acceptable effect having regard to employment provision.

50. Wykin Lane can be described as a recreational resource in its own right, given its popularity with cyclists, walkers and horse riders. For the reasons set out above under the first main issue, the development would not have an unacceptable impact on this resource. The tranquil qualities of the cemetery would be affected during the construction phase, but the hours and nature of works can be controlled by conditions. This phase would also be time-limited.
51. Concluding on this main issue, the development would have an acceptable effect on local infrastructure provision having regard to the level of existing services and facilities and the contributions set out in the S106.

Housing land supply

Overview and approach

52. The Council's position on whether it can demonstrate a 5 year supply of deliverable housing sites has fluctuated throughout the course of this appeal. Towards the end of the inquiry, the Council conceded that, for the purposes of this appeal, it could not demonstrate a 5 year supply. However, the appellant and Council continue to disagree on the extent of the shortfall in terms of the deliverability of 5 specific sites. With the annual housing requirement rounded up to 473 dwellings per annum (dpa), the shortfall would be 467 dwellings based on the appellant's position or 85 dwellings based on the Council's position. This equates to around 4.01 or 4.82 years' worth of supply respectively with a base date of 1 April 2020.
53. There were two other sites discussed at the inquiry where the Council has revised the 5 year delivery rate. For Westfield Farm on Keats Lane, the Council has reduced the delivery of housing to from 60dpa to 40dpa based on evidence from the developer. This results in 122 fewer dwellings. For Springfield Riding School on Groby Road, the Council now considers an additional 27 dwellings will be delivered in the 5 year period based on an updated trajectory from the developer. The appellant did not dispute either site and I have no reason to disagree with the revised figures. These revisions have been factored in the parties' respective positions on the shortfall outlined above.

Disputed sites

54. *Land north of Triumph Motorcycles (Hinckley West)*. Phase 1 of this large site has detailed planning permission for 260 homes. The Council's build-out rate of 60dpa is based on evidence from the developer. The site is under construction, key parts of the road infrastructure are largely in place, and the first completions are expected in July 2021. While the Council normally applies a build-out rate of 47dpa for sites over 100 dwellings, this is an estimate for the purposes of assessing potential available housing sites. More specific detailed information can be utilised instead where available. There is no clear evidence that 60dpa would not be achieved between 2021/22 and 2024/25 and so I agree with the Council that 240 homes can be included in the 5 year supply.
55. *Sedgemere, Station Road, Market Bosworth*. This site has an extant full planning permission for 57 dwellings and site works have commenced. An application for 73 dwellings is currently being considered by the Council with a decision expected in June 2021. Pre-application discussions have sought to

resolve 6 reasons for refusal relating to a previous application in 2020. While there is some uncertainty as to whether the current application will be approved, the site continues to benefit from detailed planning permission and the developer is looking to start building homes as soon as possible. Therefore, there is a realistic prospect and clear evidence that at least 57 dwellings would be delivered within the 5 year period.

56. *Trinity Marina, Coventry Road*. This site benefits from outline planning permission that includes up to 74 dwellings. A letter from the developer indicates a reserved matters application and approval in summer/autumn 2021 with construction starting in 2022 and completion in 2024. The only reserved matter left relates to appearance with little indication that approval would not be forthcoming. The sale of the site is required before matters can progress and this has been hampered by the pandemic. This has led to the Council pushing the delivery of housing back to 2023/24 and 2024/2025. However, a firm offer has been received and negotiations continue with little evidence that a sale would not be agreed this year. Therefore, there is a realistic prospect and clear evidence that 74 dwellings would be delivered within the 5 year period.
57. *Land south of Station Road and Heath Road, Market Bosworth*. This site is allocated in both the SADMP and the Market Bosworth Neighbourhood Plan. A masterplan is due to be adopted in June 2021 and the Council contends that access issues are capable of being resolved. However, I have little information on progress towards the submission of a planning application. While this is partly due to commercial sensitivities, this does not justify the lack of clear evidence regarding the deliverability of 100 dwellings within the 5 year period. Therefore, this figure and the site as a whole should be deleted from the Council's 5 year housing supply.
58. *Garden Farm, Bagworth Road, Barlestone*. This site is allocated in the SADMP and previously had outline planning permission for 64 dwellings. The Council now considers that 99 dwellings can be delivered based on a new planning application due to be determined shortly. There is some uncertainty as to whether the application will be approved, but the previous permission and existing allocation indicates a realistic prospect of deliverability. Moreover, as a 100% affordable housing scheme with grant funding, there are set contractual timescales to be met. Therefore, clear evidence exists for the delivery of 99 dwellings within the 5 year period.

Conclusion on housing land supply

59. It is already accepted that the Council cannot demonstrate a 5 year supply of deliverable housing sites. Removing 100 dwellings from the Council's 5 year housing supply would result in a shortfall of 185 dwellings and a 5 year supply figure of around 4.6 years. The implications of the shortfall will be considered as part of the planning balance below.

Other matters

60. Various potential housing sites around Stoke Golding have come forward in recent years as part of the Council's Strategic Housing and Employment Land Availability Assessment (SHELAA). However, this document forms part of the evidence base for the emerging new Local Plan and does not mean that each site would or should be developed. Further assessment of the planning merits

of each site would need to take place before any could be allocated or developed. I am aware that a planning application for 70 homes on a site south of Hinckley Road has recently been submitted to the Council. However, this application has yet to be determined and so does not affect my overall decision.

61. In the SHELAA, the appeal site forms part of a wider site that extends further south along Wykin Lane. The Friends and interested parties refer to the possibility of the number of houses doubling or trebling across a greater area, pointing to the illustrative masterplan where the primary street ends at the boundary with the next field. While there has been initial assessment work and inquiries relating to a larger development, I can only deal with the proposal and evidence before me. Any alternative scheme would require a separate planning application that would need to properly address a wide range of issues. Therefore, granting planning permission for this appeal would not set a precedent for further development on a wider Wykin Lane site or any other site around the village.
62. Stoke Golding has a number of heritage assets including listed buildings, two conservation areas, a scheduled monument, and part of the registered battlefield associated with the Battle of Bosworth, all of which attract visitors to the area. However, the site is sufficiently distant from these heritage assets and so the development would not have an adverse effect on their setting or significance. Wykin Lane appears to be a historic drovers' route dating back several centuries. However, it is already used by motor vehicles while the extent of proposed mitigation works to the lane are limited. Thus, the development is unlikely to negatively affect any features of archaeological or historic interest.
63. The existing site contains habitat features that can support protected species such as great crested newts (GCN), bats, birds and badgers. Survey work indicates the presence of GCN in the surrounding area. The proposed mitigation seeks 4.5m uncut buffers to hedgerows to allow connectivity for GCN around the site. This can be secured via condition, along with updated badger and GCN surveys and an overall biodiversity management plan to address all relevant protected species. As a consequence, the development should avoid negative effects on biodiversity matters.
64. There is an area of low surface water flood risk towards the north-east corner of the site. The reduction in permeable surfaces as a result of the development could increase the risk of such flooding within the site and surrounding area. Interested parties refer to flooding incidents such as in front of the cemetery. The proposed surface water drainage would include an attenuation pond that discharges to the adjacent watercourse. There are capacity issues with the foul sewer network and so an on-site pumping station would be necessary along with modelling work to be agreed with Severn Trent. On this basis, the development would have an acceptable effect on flooding and drainage.
65. Concerns relating to construction effects, including noise and dust pollution and the routing of traffic, can be controlled via condition. While it would appear that there has been an increase in crime across the village in recent years, there is insufficient evidence to link this to additional new housing. There would be a loss of agricultural land, but the site is not of a particularly high grade and much agricultural land around Stoke Golding would remain. Thus, it would only

represent a minor negative effect. The site is within a few kilometres of Stoke Golding Airfield but I have no evidence that shows the development would affect its operation. I am satisfied that the development would not compromise the use of the adjoining recreation ground given the vegetation buffer. The effect on property values is not a planning matter.

Planning obligations

66. The S106 agreement covers a number of planning obligations that are required by development plan policies including SADMP Policy DM3 which seeks the provision and delivery of infrastructure. The S106 would secure 40% affordable housing provision and a tenure split in accordance with CS Policy 15. It would ensure Travel Packs and bus passes are made available to the first occupants of each new dwelling to encourage sustainable modes of transport. It would provide a financial contribution towards maintaining household waste management facilities and capacity. It would also provide a financial contribution towards library facilities in Hinckley to address the increase in the catchment population.
67. As noted above, the S106 would make a financial contribution towards off-site open space with the focus on providing and maintaining specific facilities at the adjoining recreation ground. It would also ensure the provision and maintenance of open space within the development. Both elements would be in accordance with CS Policies 11 and 19 which seek open space improvements in Stoke Golding and across the borough.
68. The S106 would make financial contributions towards education and health facilities as discussed above. The figures are based on calculations set out by LCC and WLCCG informed by the likely number of people generated by the development. The health facilities contribution would be made prior to the commencement of development while the education contribution would be staggered but nevertheless paid in full before 40% of the dwellings are first occupied. Similar to some of the other contributions, they would need to be spent within 5 years of them being received by the relevant authority.
69. Given the policy requirements and the infrastructure needs arising from the development, I am satisfied that all of the above obligations are necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind to the development. They would accord with Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended). Therefore, I can take all of the S106 obligations into account as part of my decision.

The planning balance

Emerging development plan

70. Preparation of the Stoke Golding Neighbourhood Plan (SGNP) commenced in 2015 and has been subject to various stages of public consultation. The SGNP submission version has been sent to the Council for legal checks prior to further public consultation. An examination and referendum would follow the consultation before the SGNP could be formally made.
71. The SGNP submission version has been amended following the Council's decision to approve 65 dwellings on land east of Roseway. A reserve site for around 25 dwellings on land at Stokesfield Farm has been removed while the

only housing allocation at Mulberry Farm is now a reserve site for around 25 dwellings. The latter site is a brownfield site within the village conservation area containing derelict farm buildings. It is identified as an improvement area in the conservation area appraisal and its redevelopment is generally supported locally over the use of greenfield sites. The Roseway and Mulberry Farm sites would provide 30 years of housing supply for Stoke Golding based on the rate set out for the village in the CS.

72. Concerns have been expressed that allowing this appeal would undermine the SGNP by overproviding housing on greenfield sites and would result in the removal of the Mulberry Farm site. However, the housing requirement figure in the SGNP is expressed as a minimum of 57 dwellings. It is based on minimum numbers derived from the CS which are dated and under review as part of the emerging new Local Plan. Therefore, there is no reason in principle why the Mulberry Farm site could not remain in the SGNP and come forward as a housing scheme. The SGNP makes allowance for windfall housing proposals and contains a range of policies to guide various types of development.
73. The SGNP still has some way to go in terms of its preparation and there are unresolved objections to the plan. Therefore, I concur with the parties that limited weight can be afforded to the SGNP and any conflict with it. Nevertheless, and having had regard to NPPF paragraphs 48-50, I am content that allowing this appeal would not undermine the SGNP to the extent that it could not progress to become an important part of the development plan for Stoke Golding.
74. The emerging new Local Plan was subject to a public consultation in early 2019 on directions for growth. This focused on potential revisions to the spatial strategy set out in the CS including to the north-west of Hinckley. However, the next public consultation is not expected before summer 2021 and the examination and adoption of the plan is not likely for some time yet. Therefore, the plan can only be attributed very limited weight at this stage.

The application of NPPF paragraph 11(d)

75. The NPPF sets out a presumption in favour of sustainable development. Paragraph 11(d) states that where there are no relevant policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless one of two exceptions apply. The first is not applicable to this appeal as there are no areas or assets of particular importance affected (such as designated heritage assets). The second exception states that any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole (also known as the tilted balance).
76. The lack of a 5 year supply of deliverable housing sites alone triggers the tilted balance in paragraph 11(d). The Council and appellant accept that the balance is also triggered due to most important policies being out of date. However, the parties differ in terms of which policies qualify as most important, the reasons for some of these policies being out of date, and the weight to be given to the policies and any conflict with them.
77. The parties agree that CS Policies 7 and 11 and SADMP Policies DM4 and DM17 are most important policies for the purposes of this appeal. CS Policy 15 deals with affordable housing provision and SADMP Policy DM1 reflects the

presumption in favour of sustainable development in the 2012 version of the NPPF. Both are very relevant to this appeal and so I concur with the Council that they can be regarded as most important policies too. CS Policy 17 relates to small scale developments only and so is not applicable to this appeal.

78. CS Policies 7 and 11 set out the spatial strategy and policies for Key Rural Centres. Amongst other things, CS Policy 7 supports housing development within settlement boundaries. CS Policy 11 sets a housing requirement of a minimum of 60 new homes for Stoke Golding, with developers required to show that the number, type and mix of housing proposed meets the needs of Stoke Golding taking into account the latest evidence.
79. The CS housing requirement figures are derived from the now revoked East Midlands Regional Spatial Strategy which set a target of 450dpa. The Council accepts that the two policies are out of date due to more up to date assessment of housing requirement via the government's Standard Methodology (SM). While the latest SM data reveals a local housing need of 450dpa, the Council acknowledges that this figure is a starting point for assessing the housing requirement rather than the end point as exists in the CS. Thus, it is recognised that CS Policies 7 and 11 are out of date. However, the appellant and Council disagree that the policies are also out of date due to the application of the CS spatial strategy and settlement boundaries.
80. The CS requires just over 5,000 new dwellings to be delivered between 2009 and 2026. The spatial strategy focuses on two sustainable urban extensions (SUE) of 2,000 dwellings at Earl Shilton and 2,500 dwellings at Barwell with 4,120 to be built by 2026. To date, no dwelling has been delivered in either location with none forecast to be delivered before 2026.
81. Despite the lack of progress with the SUEs, it is evident that the Council has continued to deliver new housing within settlement boundaries and on site allocations. There has been no significant under-delivery of housing in terms of the housing delivery test. However, it is also apparent that planning permission has been granted for sites outside of settlement boundaries even where minimum CS housing figures for settlements have been exceeded. This includes the Roseway site in Stoke Golding and two sites in Desford. The reasons for these permissions vary but has included situations where the tilted balance applied such as at Roseway.
82. There remains a need for development to be sustainable, while settlement boundaries continue to be an important tool to guide development even if they are somewhat dated or under review. Nevertheless, these permissions are an indication that the spatial strategy and settlement boundaries in the borough have been applied in a flexible rather than a rigid way due to specific circumstances. Therefore, this provides an additional reason to state that CS Policies 7 and 11 are out of date. As such, I consider only moderate weight can be afforded to CS Policies 7 and 11 and any conflict with them insofar as they seek housing development within settlement boundaries and set housing targets for Stoke Golding.
83. Affordable housing targets in CS Policy CS15 are based on figures that have since been updated. Thus, it can be regarded as out of date in a similar way to CS Policies 7 and 11. However, as it seeks to secure the provision of affordable housing it can still be afforded significant weight. SADMP Policies DM1 and DM17 are broadly consistent with the NPPF on their respective topics. There

are no other reasons to indicate they are out of date or that they carry reduced weight.

84. To the extent that SADMP Policy DM4 seeks to implement the CS through its approach to the countryside and settlement boundaries, it is also out of date. In terms of weight, the emphasis of the policy is to promote sustainable development in the countryside and protect it from unsustainable proposals. In that regard, there is broad compliance with the NPPF including paragraph 170(b) and so the policy can be afforded significant weight. Market housing schemes such as this appeal are automatically in conflict with the policy as they do not fall within the exceptions in (a) to (e). Nevertheless, it is for the decision maker to consider how much weight to give to the conflict based on the effect of the development on the countryside. In this instance, I have found that the negative effects would be no greater than moderate. Therefore, I attribute no more than moderate weight to the conflict with Policy DM4.
85. Taken as a whole, the policies most important for this decision can be regarded as being out of date for a number of reasons. This finding, along with my assessment of the weight to be attributed to each policy and any conflict with it, can be taken forward into the application of the tilted balance.
86. The parties agree that the economic benefits arising from the construction of the development and subsequent investment in the local economy carry moderate weight in favour of the scheme even if they are generic benefits. Environmental benefits comprise additional planting and biodiversity improvements within the site including enhancements to GCN habitats. These benefits carry moderate weight.
87. Social benefits comprise the provision of market and affordable housing. In terms of the former, there is no 5 year housing land supply and I have found the deficit is more than marginal at over 180 homes. While there has been no significant under-delivery of housing, the most recent housing delivery test measurement of 92% requires the Council to produce an action plan to increase delivery. The fact that the annual housing requirement figure in the latest SM data matches the CS does not temper the weight given to market housing, particularly when the SM figure is a starting point and the CS figure an out of date end point.
88. Stoke Golding has exceeded the minimum housing requirement by more than 3 times the amount set out in CS Policy 11 while the Roseway development alone would exceed the minimum figure set out in the submission SGNP. However, these figures are minimums and are based on CS figures which are acknowledged to be out of date. Taking the above into account, I consider significant weight can be afforded to the provision of market housing to address the shortfall.
89. As for affordable housing, CS Policy 15 requires 2,090 homes to be delivered over the 20 year plan period. While annualised targets are not used by the CS, this averages out at around 105 per year. So far, an average of 92 affordable homes per year have been delivered although the Council provides evidence not challenged by the appellant that it is on course to exceed the CS target by over 50 homes by 2026. Nevertheless, recent research carried out to inform the emerging Local Plan reveals a need of 271 homes per year while there are a significant number of people on the Council's housing register. The need is greater in urban locations like Hinckley, but it can be met in any part of the

borough. The development would deliver 40% affordable housing in accordance with CS Policy 15. This would equate to 22 homes if 55 are built in total. In light of the above, this represents a significant benefit.

90. The provision of additional passing places is primarily aimed at mitigating the effects of the development even though they will be of some assistance to existing users of the lane. Thus, I attribute very little weight to them as a benefit of the development.
91. In terms of adverse impacts, the development would have a negative effect on the character and appearance of the countryside and so would conflict with SADMP Policy DM4. However, for the reasons expressed above, I afford only moderate weight to the negative effects and the policy conflict. The development would be located beyond the settlement boundary and would be contrary to CS Policies 7 and 11 but I only give moderate weight to that conflict. It would not accord with the submission SGNP but neither would it undermine it and so this conflict carries limited weight. There would be no conflict with the emerging Local Plan. There would be a minor negative effect in terms of the loss of agricultural land. The development would have an acceptable effect on traffic movements and highway safety in line with SADMP Policy DM17 and an acceptable effect on local infrastructure provision.
92. The adverse impacts of the development carry no more than moderate weight and so would not significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole. As such, the presumption in favour of sustainable development would apply in line with NPPF paragraph 11 and SADMP Policy DM1.
93. There has been significant public interest in this appeal and many opponents of the development. The Friends and interested parties have eloquently set out their concerns and evidence, providing invaluable local insight. However, I have carefully considered the planning evidence and arguments for and against the development. On this occasion, they weigh in favour of granting planning permission.
94. Concluding on the planning balance, while the development would conflict with CS Policies 7 and 11 and SADMP Policy DM4, there are sufficient material considerations to indicate that permission should be granted.

Conditions

95. Condition 1 applies shorter timescales for the submission of reserved matters applications and the commencement of development as part of the Council's action plan to speed up the delivery of housing in light of the current supply position. Condition 2 sets out the details of what is required to be submitted at the reserved matters stage, all of which is necessary including information on the housing mix. Condition 3 is necessary to ensure that details of internal access and circulation routes are provided, as the approved plans only relate to the access point onto Wykin Lane and the masterplan is only illustrative. Conditions 2 and 3 are pre-commencement as it is important to approve all of these details as part of the overall scheme. Conditions 4 and 5 are necessary to clarify the approved plans and ensure the provision of the access point.
96. Conditions 6 and 7 are necessary to ensure that the construction phase has an acceptable effect on local residents. Condition 6 is pre-commencement to

ensure the details are agreed before works begin on site. Conditions 8 and 9 are necessary to ensure that any land contamination matters are properly addressed. Condition 8 is pre-commencement as it is necessary to understand contamination risks at an early stage.

97. Conditions 10, 11 and 12 are necessary to address matters relating to flood risk and drainage at construction and occupation stages. Conditions 10 and 11 are pre-commencement as drainage details need to be established early on. Condition 13 is necessary to ensure that the development has a satisfactory appearance and is pre-commencement to ensure existing ground levels are confirmed before groundworks begin.
98. Conditions 14 to 18 are necessary in the interests of biodiversity and landscape character. Condition 14 is pre-commencement to ensure that the protection and enhancement of species and habitats is factored into the development from the outset. An updated badger survey in Condition 15 is necessary to ensure that no new setts have been established since the original survey work.
99. Conditions 19 and 20 are necessary to make the development acceptable in terms of traffic movements and highway safety along Wykin/Stoke Lane. Condition 19 requires further details on improvements to existing passing places while Condition 20 requires the implementation of the new passing places that will be subject to a separate Section 278 process with LCC. I am satisfied that both conditions would secure the necessary work and the work would be completed within an appropriate timeframe.
100. Condition 21 is needed to ensure the adequate provision of bin storage while Condition 22 is necessary to ensure occupants are informed about sustainable waste management. Condition 23 is required to ensure that external lighting is appropriate to the local area while Condition 24 is necessary to ensure the provision of communications infrastructure.

Conclusion

101. For the above reasons, and having had regard to all other matters raised, the appeal is allowed.

Tom Gilbert-Wooldridge

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Thea Osmund-Smith of Counsel, instructed by Christopher May of Pegasus Group

She called:

David Cummins BEng (Hons) MSc CEng MCIHT MCILT
Director, ADC Infrastructure

Katie Machin BSc PG Dip LA CMLI
Associate Landscape Architect, Pegasus Group

Christopher May BA (Hons) MRTPI
Director, Pegasus Group

Ben Cook
Principal Planner, Pegasus Group

FOR THE COUNCIL

Leanne Buckley-Thomson of Council, instructed by Mr Rice of Hinckley and Bosworth Borough Council (HBBC)

She called:

Atholl Noon MRPTI MCILT
Director, Markides Associates Ltd

Ian Spindler BA (Hons) PG Dip LA CMLI
Principal Landscape Architect, Crestwood Environmental Ltd

Andrew Gray MSc TP MSc UP&R MRTPI MIED
Associate Planning Director, Aitchison Raffety

Helen Nightingale MRTPI
Principal Planning Officer, HBBC

Jenny Brader MSc
Senior Planning Officer, HBBC

FOR THE FRIENDS OF THE COMMUNITY: STOKE GOLDING (the Friends)

Steve Martin of the Friends

He called:

Ross Lockett
Local resident and member of the Friends

Diane Sinclair
Local resident and member of the Friends

Mervyn Ward
Chairman of Stoke Golding's Neighbourhood Plan Advisory Committee

INTERESTED PERSONS WHO SPOKE AT THE INQUIRY

Cllr Jonathan Collett	Borough Councillor
Cllr David Cope	Borough Councillor
Cllr Andy Furlong FRCS MCIPR	Borough Councillor
Cllr David Bill MBE	County and Borough Councillor
Cllr Ivan Ould OBE	County Councillor
Cllr Linda Mayne	Parish Councillor
Cllr Rachel Terheege	Parish Councillor
Katie Elliott	Local resident
Tracey Chadwick	Local resident
William Sinclair	Local resident
Karen Jones	Local resident
Jacquelyn Jones	Local resident
Robert Crowfoot	Local resident
Andrew Parton	Local resident
Alan White	Local resident
Andrew Clover	Local resident
Nick Robinson	Local resident
Anne Wigley	Local resident
Annabel Del Gesso	Local resident
Julie Butterworth	Local resident
Karen Hardy	Local resident

INQUIRY DOCUMENTS

- ID1 Appellant's opening statement
- ID2 Council's opening statement
- ID3 The Friends' opening statement
- ID4 Written representation by Jamie McQuade (local resident)
- ID5 Appellant's response to the brief for the passing places road safety audit
- ID6 GG119 Road Safety Audit guidance
- ID7 Stoke Golding Neighbourhood Plan Submission version
- ID8 Amendment to the Friends' Statement of Case as a result of ID7
- ID9 (a) Leicestershire Rural Evidence Base 2018; (b) Leicestershire Rural Economy Evidence Base 2014
- ID10 Facebook posts on the Stoke Golding Community Page (1 and 2 April 2021)
- ID11 Written representation by Sheepy Parish Council

- ID12 Email confirmation of the Local Highway Authority's site visit
- ID13 Statement of Mervyn Ward
- ID14 CD109 Highway Link Design guidance
- ID15 Statements of interested parties¹ (a) Alan White (b) Tracey Chadwick (c) Andrew Clover (d) Cllr Bill (e) Malcolm Lockett (f) Robert Crowfoot (g) Cllr Furlong (h) Annabel Del Gesso (i) Jacquelyn Jones (k) William Sinclair (l) Cllr Terheege (m) Nick Robinson (n) Katie Elliott (o) Karen Hardy (p) Julie Butterworth (q) Anne Wigley (r) Andrew Parton (s) local resident
- ID16 Consultations responses to original application (December 2019) from West Leicestershire Clinical Commissioning Group and Leicestershire County Council's Children and Family Services
- ID17 Updated responses from Ms Sinclair to questions from the Inspector
- ID18 Supplementary note on five-year housing land supply from the appellant and the Council
- ID19 Revised large housing sites spreadsheet
- ID20 Revised small housing sites spreadsheet
- ID21 Scott schedule from appellant and the Council regarding housing land supply
- ID22 Emails between the Council and Bloor Homes regarding Hinckley West
- ID23 Heritage Addendum note from appellant in response to ID15(e)
- ID24 Response from the appellant and the Council to the Inspector's questions on draft planning conditions and obligations
- ID25 Amended Community Infrastructure Levy Compliance Statement
- ID26 Signed and undated Section 106 agreement
- ID27 The Friends' closing submissions
- ID28 Council's closing submissions
- ID29 Appellant's closing submissions
- ID30 Appellant's reply to the closing submissions of the Friends and the Council

DOCUMENT RECEIVED AFTER INQUIRY CLOSED

1. Completed and executed Section 106 agreement

¹ No ID15(j) exists as this was missed off in the numbering

SCHEDULE OF CONDITIONS (24)

- 1) Application for approval of the reserved matters shall be made to the local planning authority not later than 18 months from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.
- 2) No development shall commence until plans and particulars of the reserved matters relating to:
 - (a) the appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes; and
 - (b) the 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; and
 - (c) the layout of the site including, the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided, the housing mix, and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes; and
 - (d) the scale of each building proposed in relation to its surroundings have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 3) No development shall commence until plans and particulars of the accessibility within the site, circulation routes, and how these fit into the surrounding access network have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: P18_2922-001-1 Rev B and ADC2042-DR-002 Rev P4.
- 5) No part of the development hereby permitted shall be occupied until the access arrangements shown on plan ADC2042-DR-002 Rev P4 have been implemented in full.
- 6) No development shall commence until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored and how construction traffic will be routed. The plan will provide a procedure for the investigation of complaints. The approved details shall be implemented throughout the course of the development.

- 7) Construction work on the development hereby permitted shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on Mondays to Fridays and 08:00 hrs and 13:00 hrs on Saturdays and at no time on Sundays and Public Holidays.
- 8) No development shall commence until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the development first being occupied.
- 9) 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 has been submitted to and approved in writing by the local planning authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.
- 10) No development shall commence until drainage details for the disposal of surface water have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full before the development is first occupied.
- 11) No development shall commence until details in relation to the management of surface water on site during construction of the development have been submitted to and approved in writing by the local planning authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided. Once approved, the construction of the development shall then be undertaken in accordance with these details.
- 12) No development shall commence until details in relation to the long-term maintenance of the sustainable surface water drainage system on the development have been submitted to and approved in writing by the local planning authority. The system will be implemented in accordance with the approved details and maintained in perpetuity. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.
- 13) No development shall commence until 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.
- 14) No development shall commence until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the

development is completed, has been submitted to and approved in writing by the local planning authority. The submitted plan shall include a Great Crested Newt Corridor, areas of open space and created habitats including SUDs. All landscaping to informal play space and natural open space should comprise native species wildflower grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

- 15) Any reserved matters application shall be accompanied by an updated Badger Survey. The findings of the survey including a method statement for the clearance of the site, shall be submitted to and approved in writing by the local planning authority. The site clearance shall be carried out in accordance with the approved details.
- 16) The layout submitted at reserved matters shall provide a natural vegetation buffer zone of at least 5 metres alongside all retained hedgerow which do not relate to plot boundaries and a 4.5 metre uncut buffer provided as referenced in Section 3.1.2 of the Great Crested Newt Mitigation Strategy dated February 2020.
- 17) During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the local planning authority. If any of the trees or hedges to be retained are removed, uprooted, destroyed or dies during the construction period, a replacement shall be planted at the same place during the first planting season following the completion of the development. The size and species of the tree or hedge shall be agreed in writing by the local planning authority prior to its planting.
- 18) All landscape planting used within the informal/semi-natural open space and adjacent to the boundaries of the site shall be native species only, unless otherwise agreed in writing by the local planning authority.
- 19) No part of the development shall be occupied until a scheme detailing improvements to the existing passing bays shown indicatively on drawing ADC2042-DR-005 Rev P2 has been submitted to and agreed in writing by the local planning authority. Thereafter, the approved scheme shall be completed prior to first occupation of any dwelling.
- 20) No part of the development shall be occupied until the offsite works (new passing bays) shown indicatively on drawing ADC2042-DR-005 Rev P2 and in detail on drawings ADC2042-DR-051 Rev P1, ADC2042-DR-052 Rev P1, ADC2042-DR-053 Rev P1, ADC2042-DR-054 Rev P1, ADC2042-DR-055 Rev P1, ADC2042-DR-056 Rev P1, ADC2042-DR-057 Rev P1, ADC2042-DR-058 Rev P1, ADC2042-DR-059 Rev P1, ADC2042-DR-060 Rev P1, ADC2042-DR-061 Rev P1 and ADC2042-DR-062 Rev P1 have been completed, subject to Section 278 approval.
- 21) No development beyond damp proof course level shall commence until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted to and approved in writing by the local planning authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

- 22) Upon first occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:
- Measures to prevent waste generation;
 - Information on local services in relation to the reuse of domestic items;
 - Information on home composting, incentivising the use of a compost bin and/or food waste digester;
 - Household Waste Recycling Centre location, opening hours and facilities available;
 - Collection days for recycling services; and
 - Information on items that can be recycled.
- 23) Prior to the first occupation of the development, details of any external lighting not within a residential curtilage shall be submitted to and approved in writing by the local planning authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). Light spill onto retained hedgerows and the brook corridor shall be minimised to a value of 1lux or lower at the edge of habitats. The lighting shall be installed, maintained and operated in accordance with the approved details.
- 24) No development beyond damp proof course level shall commence until full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the first occupation of each dwelling on the site.