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Meeting	PLANNING COMMITTEE
Time/Day/Date	6.00 pm on Tuesday, 1 October 2024
Location	Forest Room, Stenson House, London Road, Coalville, LE67 3FN
Officer to contact	Democratic Services (01530 454512)

	AGENDA	
Item		Pages
1.	APOLOGIES FOR ABSENCE	
2.	DECLARATION OF INTERESTS	
	Under the Code of Conduct members are reminded that in declaring interests you should make clear the nature of that interest and whether it is a disclosable pecuniary interest, registerable interest or other interest.	
3.	MINUTES	
	To confirm and sign the minutes of the meeting held on 3 September 2024.	3 - 6
4.	PLANNING APPLICATIONS AND OTHER MATTERS	
	Report of the Head of Planning and Infrastructure.	7 - 10

Index of Applications to be Considered

Item	Application Number and Details	Recommendation	Page
A1	24/00007/FULM: The erection of 18 dwellings (100% affordable housing), access, landscaping and associated works Land to the north of Southworth Road, Breedon On The Hill, Leicestershire, DE73 8LU	Permit subject to S106 Agreement	11 - 72
A2	23/01494/FUL: Erection of 9 single storey dwellings including associated access and parking arrangements 115 Station Road, Hugglescote, Coalville, LE67 2GB	Permit subject to conditions and S106 Agreement	73 - 100

MINUTES of a meeting of the PLANNING Committee held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 3 September 2024

Present: Councillor R Boam (Chair)

Councillors R L Morris, C Beck (Substitute for Councillor D Bigby), R Canny, D Everitt, J Legrys, P Moulton, C A Sewell, J G Simmons, N Smith and M B Wyatt (Substitute for Councillor M Burke)

In Attendance: Councillor D Bigby

Officers: Mr C Elston, Mr D Jones, Mr S James, Mr A Mellor and Mrs R Wallace

17. APOLOGIES FOR ABSENCE

Apologies were received from Councillor D Bigby who was attending to speak as Ward Member, and Councillor M Burke.

18. DECLARATION OF INTERESTS

Members declared that they had been lobbied without influence in respect of the following applications but had come to the meeting with an open mind.

Item A1 – application number 24/00240/FULM: Councillors C Beck, R Boam, R Canny, D Everitt, J Legrys, R Morris, P Moulton, C Sewell, J Simmons and N Smith.

19. MINUTES

Consideration was given to the minutes of the meeting held on 6 August 2024.

It was moved by Councillor J Legrys, seconded by Councillor J Simmons and

RESOLVED THAT:

The minutes of the meeting held on 6 August 2024 be approved and signed by the Chairman as a correct record.

20. PLANNING APPLICATIONS AND OTHER MATTERS

Consideration was given to the report of the Head of Planning and Infrastructure, as amended by the update sheet circulated at the meeting.

21. A1 24/00240/FULM PARTIAL CONVERSION OF PART OF AGRICULTURAL BUILDING TO A MIXED USE FOR THE PURPOSE OF A WEDDING VENUE AND OTHER FUNCTIONS AND THE ERECTION OF 10 HOLIDAY UNITS

Hill Farm, Willesley Wood Side, Ashby De La Zouch

Officer's Recommendation: Approval subject to the completion of a S106 agreement and conditions

The Principal Planning Officer presented the report to Members.

Parish Councillor M Blair-Park, representing Ashby Town Council, addressed the Committee. He stated that the Town Council's main objections were highway safety due to the already very busy road that had lots of on street parking from Hicks Lodge visitors, and the noise pollution the proposed venue would generate. Members were asked that should they permit the application conditions be added to ensure music only be played

within the building, windows and doors be kept closed while music was playing, the building be constructed to minimise noise, and the number and timings of the events be restricted.

Mr F Bedford, objector, addressed the Committee. He reminded Members that the site was in the heart of the National Forest and was enjoyed by walkers and cyclists. His objections were based on the impact the development would have on the nature, wildlife and tranquillity of the area. He believed that the proposed conditions did not address the issues as there was no safe route for walkers and cyclists, there would still be a noise impact, and the parking provision was unrealistic which would result in on street parking.

Mr J Henderson, agent, addressed the Committee. Members were reminded that there were no objections from the Highway Authority or Environmental Health, and the noise impact had been incorporated into the building design. It was noted that there had been no objections from the two nearest neighbours. Members were urged to permit the application.

Councillor D Bigby, Ward Member, addressed the Committee. His main concern was the damage to local amenities in relation to noise disturbance, the impact on walkers and cyclists who regularly use the site and highway safety. He stated that Willesley Wood Side was a dangerous straight road with vehicles regularly travelling above the speed limit, and reported a recent accident at approximately the time people would be leaving the site in the evening should the application be permitted. He reminded Members that an application refused by the committee on highway safety grounds previously was upheld at appeal. Should Members be mindful to permit the application, he urged the tightening of conditions.

The Planning and Development Team Manager addressed the matters raised by the speakers.

In determining the application some concerns were raised in relation to highway safety, in that there were no pedestrian facilities to walk safely down the narrow and dangerous road the site is accessed from. Some Members were unhappy with how the Highway Authority had dealt with the application. There was also a concern about the removal of an oak tree and the impact the sewerage treatment proposals would have on the River Mease SAC in terms of pollution. However, it was acknowledged that this type of development was a benefit to the economy and that by permitting the application, conditions could be added to restrict the operation of the venue.

The officer's recommendation to permit the application was moved by Councillor R Morris and seconded by Councillor R Canny.

The Chair put the motion to the vote. A recorded vote being required, the voting was as detailed below.

RESOLVED THAT:

The application be permitted in accordance with the officer's recommendations with conditions as amended in the update sheet.

Motion to permit in accordance with the officer's recommendations (Motion)	
Councillor Russell Boam	For
Councillor Ray Morris	For
Councillor Catherine Beck	Against
Councillor Rachel Canny	For
Councillor David Everitt	Against
Councillor John Legrys	Against
Councillor Peter Moulton	Against
Councillor Carol Sewell	Against
Councillor Jenny Simmons	For
Councillor Nigel Smith	For
Councillor Michael Wyatt	For
Carried	

The meeting commenced at 6.00 pm

The Chairman closed the meeting at 6.43 pm

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APPENDIX B

**Report of the Head of Planning and Infrastructure
to Planning Committee**

1 October 2024

PLANNING & DEVELOPMENT REPORT



PLANNING COMMITTEE FRONT SHEET

1. Background Papers

For the purposes of Section 100(d) of the Local Government (Access to information Act) 1985 all consultation replies listed in this report along with the application documents and any accompanying letters or reports submitted by the applicant, constitute Background Papers which are available for inspection, unless such documents contain Exempt Information as defined in the act.

2. Late Information: Updates

Any information relevant to the determination of any application presented for determination in this Report, which is not available at the time of printing, will be reported in summarised form on the 'UPDATE SHEET' which will be distributed at the meeting. Any documents distributed at the meeting will be made available for inspection. Where there are any changes to draft conditions or a s106 TCPA 1990 obligation proposed in the update sheet these will be deemed to be incorporated in the proposed recommendation.

3. Expiry of Representation Periods

In cases where recommendations are headed "Subject to no contrary representations being received by [date]" decision notices will not be issued where representations are received within the specified time period which, in the opinion of the Head of Planning and Infrastructure are material planning considerations and relate to matters not previously raised.

4. Reasons for Grant

Where the Head of Planning and Infrastructure report recommends a grant of planning permission and a resolution to grant permission is made, the summary grounds for approval and summary of policies and proposals in the development plan are approved as set out in the report. Where the Planning Committee are of a different view they may resolve to add or amend the reasons or substitute their own reasons. If such a resolution is made the Chair of the Planning Committee will invite the planning officer and legal advisor to advise on the amended proposals before a resolution is finalised and voted on. The reasons shall be minuted, and the wording of the reasons, any relevant summary policies and proposals, any amended or additional conditions and/or the wording of such conditions, and the decision notice, is delegated to the Head of Planning and Infrastructure.

5. Granting permission contrary to Officer Recommendation

Where the Head of Planning and Infrastructure report recommends refusal, and the Planning Committee are considering granting planning permission, the summary reasons for granting planning permission, a summary of the relevant policies and proposals, and whether the permission should be subject to conditions and/or an obligation under S106 of the TCPA 1990 must also be determined; Members will consider the recommended reasons for refusal, and then the summary reasons for granting the permission. The Chair will invite a Planning Officer to advise on the reasons and the other matters. An adjournment of the meeting may be necessary for the Planning Officer and legal Advisor to consider the advice required

If The Planning Officer is unable to advise at Members at that meeting, he may recommend the item is deferred until further information or advice is available. This is likely if there are technical objections, e.g. from the Highways Authority, Severn Trent, the Environment Agency, or other Statutory consultees.

If the summary grounds for approval and the relevant policies and proposals are approved by resolution of Planning Committee, the wording of the decision notice, and conditions and the Heads of Terms of any S106 obligation, is delegated to the Head of Planning and Infrastructure.

6 Refusal contrary to officer recommendation

Where members are minded to decide to refuse an application contrary to the recommendation printed in the report, or to include additional reasons for refusal where the recommendation is to refuse, the Chair will invite the Planning Officer to advise on the proposed reasons and the prospects of successfully defending the decision on Appeal, including the possibility of an award of costs. This is in accordance with the Local Planning Code of Conduct. The wording of the reasons or additional reasons for refusal, and the decision notice as the case is delegated to the Head of Planning and Infrastructure.

7 Amendments to Motion

An amendment must be relevant to the motion and may:

1. Leave out words
2. Leave out words and insert or add others
3. Insert or add words as long as the effect is not to negate the motion

If the amendment/s makes the planning permission incapable of implementation, then the effect is to negate the motion.

If the effect of any amendment is not immediately apparent the Chairman will take advice from the Legal Advisor and Head of Planning and Infrastructure/Planning and Development Team Manager present at the meeting. That advice may be sought during the meeting or where the Officers require time to consult, the Chairman may adjourn the meeting for a short period.

Only one amendment may be moved and discussed at any one time. No further amendment may be moved until the amendment under discussion has been disposed of. The amendment must be put to the vote.

If an amendment is not carried, other amendments to the original motion may be moved.

If an amendment is carried, the motion as amended takes the place of the original motion. This becomes the substantive motion to which any further amendments are moved.

After an amendment has been carried, the Chairman will read out the amended motion before accepting any further amendment, or if there are none, put it to the vote.

8 Delegation of wording of Conditions

A list of the proposed planning conditions is included in the report. The final wording of the conditions, or any new or amended conditions, is delegated to the Head of Planning and Infrastructure.

9. Decisions on Items of the Head of Planning and Infrastructure

The Chairman will call each item in the report. No vote will be taken at that stage unless a proposition is put to alter or amend the printed recommendation. Where a proposition is put, and a vote taken the item will be decided in accordance with that vote. In the case of a tie where no casting vote is exercised the item will be regarded as undetermined.

**The erection of 18 dwellings (100% affordable housing),
access, landscaping and associated works**

**Report Item No
A1**

**Land to the north of Southworth Road, Breedon On The Hill,
Leicestershire DE73 8LU**

**Application Reference
24/00007/FULM**

**Grid Reference (E) 440260
Grid Reference (N) 322682**

**Date Registered:
3 January 2024**

**Applicant:
Bowsall Developments Ltd and EMH Group**

**Consultation Expiry:
11 September 2024**

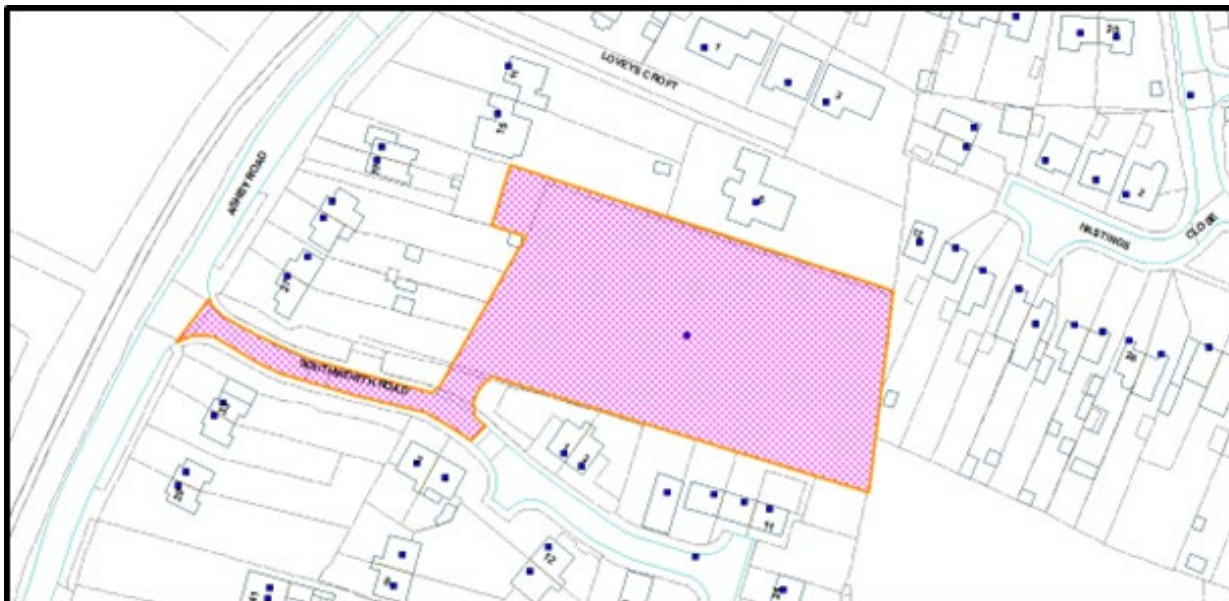
**Case Officer:
Adam Mellor**

**13 Week Date:
3 April 2024**

**Recommendation:
PERMIT SUBJECT TO SECTION 106**

**Extension of Time:
2 October 2024**

Site Location - Plan for indicative purposes only



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Reasons the case is called to the Planning Committee

This application is brought to the Planning Committee at the request of Councillor Morris as in his opinion the proposal would be an overdevelopment of the site; there would be a loss of neighbour amenity and overshadowing of adjacent properties; there would be highway safety issues due to inadequate access; the layout is poor and not in accordance with the Council's adopted Good Design SPD; the policies of the submission Breedon on the Hill Neighbourhood Plan have been disregarded; and that 100% social housing on a single site is unacceptable.

RECOMMENDATION – PERMIT, subject to the following conditions and the securing of a Section 106 agreement to deliver the following;

- (a) Affordable Housing – all dwellings on site.
- (b) Education - £53,735.26.
- (c) Libraries - £543.56.
- (d) Highways – £19,671.30 (as well as a construction traffic routing agreement).
- (e) Health - £13,939.20.

Total Financial Contribution - £87,889.32.

1. Standard time limit (3 years).
2. Approved plans.
3. Construction hours.
4. Biodiversity Offsetting Management Plan (BOMP) prior to the development commencing (including any ground works or vegetation clearance) to be submitted, approved and implemented.
5. Finished ground and floor levels delivered in accordance with submitted details.
6. Scheme of external materials prior to dwellings being built above damp proof course level to be submitted, approved and implemented.
7. Design detailing of dwellings (including precise details of protruding windows frames to be installed and precise design detail to the verges) prior to dwellings being built above damp proof course level to be submitted, approved and implemented.
8. External meter boxes and rainwater goods to be finished black.
9. First floor bathroom, water closet and landing windows in side elevations to be obscure glazed with an opening at a height of no less than 1.7 metres above the internal floor level.
10. No foul pumping station or substation to be constructed unless precise details of any pumping station and/or substation (if required) are submitted and approved.
11. Development to be undertaken in accordance with scheme of tree and hedge protection measures and method statement detailed within the submitted Arboricultural Impact Assessment (AIA) and Method Statement (MS).
12. Arboricultural Method Statement (AMS) outlining precise works to retained trees and hedges prior to the development commencing to be submitted, approved and implemented.
13. No construction work to be undertaken within the root protection areas (RPAs) of retained trees and hedges unless a Construction Method Statement (CMS) for any development within the RPAs of retained trees and hedges is first submitted and approved.
14. Soft landscaping scheme (including details of tree pits for trees within hard surfacing, means of protecting soft landscaping located between off-street parking spaces and timetable for implementation) prior to dwellings being built above damp proof course level to be submitted, approved and implemented and requirement for replacement of failed soft landscaping.
15. Landscape, Ecological, and Biodiversity Management Plan (LEBMP) prior to the dwellings being built above damp proof course level to be submitted, approved and implemented.

16. Retained hedgerows to northern and eastern site boundaries to be maintained at a height of 2 metres.
17. Hard landscaping scheme (including timetable for implementation) prior to hard landscaping being installed to be submitted, approved and implemented.
18. Boundary treatment scheme (including elevational details and timetable for implementation) prior to boundary treatments being installed to be submitted, approved and implemented and removal of permitted development rights for alternative boundary treatments.
19. No retaining walls to be constructed above 0.2 metres in height unless details (including elevation detail) are first submitted and approved.
20. Delivery of access arrangements (including visibility splays) in accordance with submitted plans.
21. Delivery of off-street parking and turning arrangements in accordance with submitted plans.
22. Surface water drainage scheme during the construction phase prior to commencement to be submitted, approved and implemented.
23. Surface water drainage scheme prior to commencement to be submitted, approved and implemented.
24. Surface water drainage maintenance scheme prior to any dwelling being occupied to be submitted, approved and implemented.
25. Scheme of water butts to each dwelling prior to dwellings being built above damp proof course level to be submitted, approved and implemented.
26. External lighting scheme (including a lighting strategy for bats and nocturnal wildlife and timetable for implementation) prior to occupation to be submitted, approved and implemented.
27. Bin storage points to be provided in accordance with the submitted plans prior to the first occupation of the relevant plot to be occupied.
28. No bin storage point(s) to be provided to the frontage of any dwelling unless precise details of an enclosed bin storage point(s) (if required) are submitted and approved.
29. Programme of archaeological work prior to commencement to be submitted, approved and implemented.

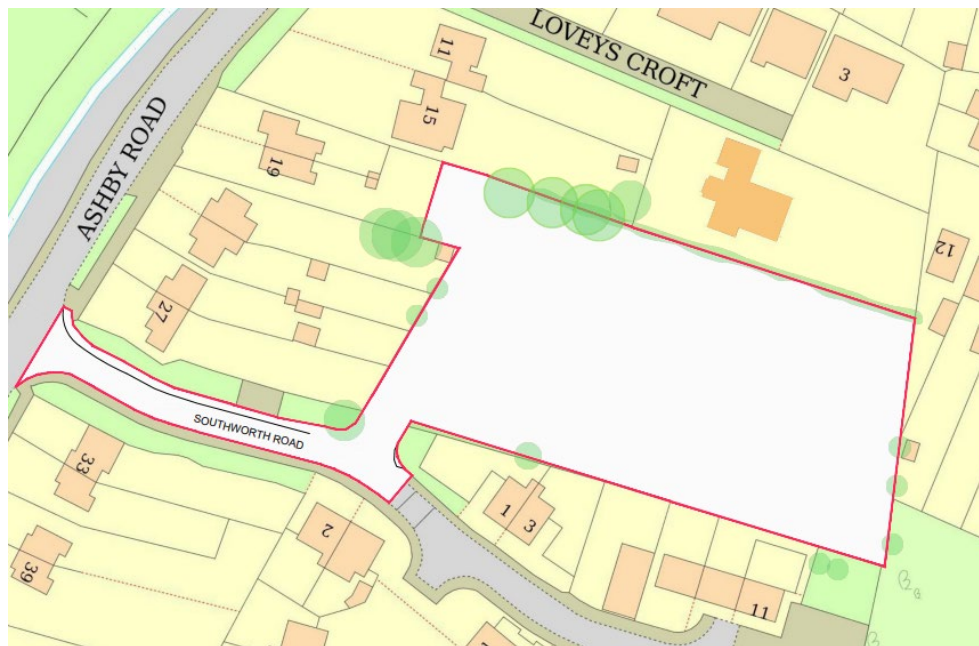
MAIN REPORT

1. Proposals and Background

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for major development as required by the Environment Act came into force on the 12th of February 2024. However, this requirement would only be applicable to those applications received on or after the 12th of February 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. On this basis the proposed development would not be required to demonstrate a 10% BNG.

Planning permission is sought for the erection of 18 dwellings (100% affordable housing), access, landscaping and associated works at land north of Southworth Road, Breedon on the Hill. The 0.53 hectare site (as identified below) is situated on the northern side of Southworth Road and is within the defined Limits to Development based on both the adopted Local Plan and the submission Breedon on the Hill Neighbourhood Plan (BotHNP). The surrounding area comprises residential properties of varying types and designs.

Site Location Plan



All the dwellings to be created are proposed to be Social Rented affordable dwellings consisting of 12 two-storey semi-detached properties and six two-storey terraced properties.

In terms of vehicular access, a simple priority-controlled junction onto Southworth Road would be formed.

The plans and all other documentation associated with the application are available to view on the District Council's website.

Relevant Planning History

- 9601032/PC – Erection of two dwellings and six single storey dwellings – Approved 3rd February 1998 (*this planning application only relates to the part of the application site (outlined in red in the image above) from the junction of Ashby Road to the proposed access into the site*).

2. Publicity

23 neighbours initially notified on the 15th of January 2024, with 30 neighbours notified on the 2nd of August 2024 following the receipt of amended plans.

A site notice was displayed on the 19th of January 2024.

A press notice was published in the Derby Evening Telegraph on the 24th of January 2024.

3. Summary of Consultations and Representations Received

The following summary of representations is provided. All responses from statutory consultees and third parties are available to view in full on the Council's website.

Objections from:

Breedon on the Hill Parish Council who object to the application on the following grounds:

Flooding

The report submitted does not deal with fluvial run-off from the site with the area of the site being some 70% hard paved in one form or another. Stormwater run-off cannot be accommodated in the stream running through the village which has been illustrated by the culvert under the village green flooding as it was unable to cope with the water flow emerging down Ashby Road. Such water flow resulted in the culvert being overran and flooding occurred in four properties on Main Street. This reason alone should be enough to stop development of this site as it severely affects downstream residents.

Overdevelopment of the Site

There is significant overdevelopment in this area to the detriment of neighbouring properties resulting in loss of neighbour amenity and overshadowing of adjacent properties.

Highway Safety

The proposed access arrangements are unsuitable and inadequate for the number of houses proposed.

Site Layout

Poor layout not in accordance with the Council's adopted Good Design SPD.

Emerging Neighbourhood Plan

The application takes no account of the policies in the emerging neighbourhood plan.

Social Housing

100% social housing on a single site is unacceptable and against policy and there is no evidence of local demand on this scale.

Following the receipt of amended plans, Breedon on the Hill Parish Council reiterated that their original comments still stood but have provided further comments against the following:

Flood Risk

The earlier comments of Breedon on the Hill Parish Council are borne out by the Lead Local Flood Authority (LLFA) report outlining the importance of not allowing discharge of rainwater to the village watercourse and this remains paramount.

Site Layout

The previous comments of Breedon on the Hill Parish Council refer to the loss of amenity by way of overlooking neighbouring properties and that the minor changes to the layout have not changed their view with the neighbouring properties being significantly affected.

No Objections from:

NWLDC – Conservation Officer.

No Objections, subject to conditions and/or informatives, from:

East Midlands Airport Safeguarding.
Leicestershire County Council – Archaeology.
Leicestershire County Council – Developer Contributions.
Leicestershire County Council – Ecology.
Leicestershire County Council – Lead Local Flood Authority.
Leicestershire County Council – Highways Authority.
NHS Leicester, Leicestershire and Rutland.
NWLDC – Affordable Housing Enabler.
NWLDC – Environmental Protection.
NWLDC - Tree Officer.
NWLDC – Urban Designer.
NWLDC – Waste Services.
Police Architectural Liaison Officer.

Third Party Representations

12 letters of representation have been received objecting to the application with the comments raised summarised as follows:

Grounds of Objections	Description of Impact
Principle of Development	There are insufficient services within the settlement to support further development.
	There is no requirement for further housing to be constructed given the amount already consented in the immediate area.
Design	The provision of 18 dwellings would be an overdevelopment of the site and would exceed the 11 suggested by the Breedon on the Hill Neighbourhood Plan.
Residential Amenity	The proximity of the dwellings to residential receptors will result in adverse overbearing, overshadowing and overlooking impacts. There would also be noise disturbance from the use of garden spaces.
	An increase in vehicular movements and the placement of parking will result in noise detriment to residential receptors along with issues from car headlights and fumes.
	The lack of boundary treatments to the site boundaries with existing residential receptors will result in adverse overlooking impacts arising.
Highway Impacts	There will be an increase in vehicular movements on Main Street including on the speed control measures which create a noise nuisance.
	There will be an increase in traffic associated with the proposed development when combined with that of the development undertaken at the former Breedon Priory Nurseries.
Ecology	The proposal would impact adversely on the natural

	<p>environment with such impacts not being mitigated by the limited tree planting.</p>
	<p>The proposal will impact on native hedgerows which should not be removed to facilitate the development given their benefits to wildlife.</p>
<p>Landscaping</p>	<p>The plans indicate the removal of trees and parts of hedgerows which are not within the ownership of the applicant and have been subject to maintenance by existing neighbours.</p>
<p>Flood Risk and Drainage</p>	<p>The existing surface water drainage infrastructure is insufficient, and flooding incidents have occurred along Main Street (including in January 2024). Proposed development should be obligated to significantly improve and design out this issue.</p>
	<p>How is it ensured that developers comply with their requirements in relation to surface water drainage management and maintenance?</p>
	<p>The submitted drainage documentation does not account for climate change and the increased regularity of rainfall.</p>
	<p>The application site already contributes to surface water flooding in the settlement with surface water from the site draining to Ashby Road and subsequently flooding Main Street.</p>
	<p>New build developments in the settlement have contributed to issues with surface water flooding given the lack of mitigation provided.</p>
<p>Other Matters</p>	<p>The position of the site boundary does not reflect that agreed with both the previous and current landowner which is as denoted by a post and wire fence.</p>

One representation has been received neither objecting to nor supporting the proposed development with the comments raised being as follows:

“Yet another housing development initiative with no corresponding or supporting upgrades to local infrastructure such as flooding, shops and schools. In general I support the need for more housing BUT we need these upgrades too.”

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2023)

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraph 34 (Development contributions);
Paragraphs 38, 39, 40, 41, 42, 44 and 47 (Decision-making);
Paragraphs 54, 55, 56 and 57 (Planning conditions and obligations);
Paragraphs 60, 61, 63, 64, 66, 70, 75, 79 and 81 (Delivering a sufficient supply of homes);
Paragraph 96 (Promoting healthy and safe communities);
Paragraphs 108, 111, 112, 114, 115 and 116 (Promoting sustainable transport);
Paragraphs 123, 124, 128, 129 and 130 (Making effective use of land);
Paragraphs 131, 133, 135, 136 and 139 (Achieving well-designed places);
Paragraphs 157, 158, 159, 165, 173 and 175 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 180, 186, 187, 188, 189, 190, 191 and 194 (Conserving and enhancing the natural environment);
Paragraphs 195, 200, 203, 205 and 211 (Conserving and enhancing the historic environment);
and
Paragraphs 218 and 223 (Facilitating the sustainable use of minerals).

Local Policies

Adopted North West Leicestershire Local Plan (2021)

The following policies of the adopted local plan are consistent with the policies of the NPPF and should be afforded full weight in the determination of this application:

Policy S1 – Future Housing and Economic Development Needs;
Policy S2 – Settlement Hierarchy;
Policy D1 – Design of New Development;
Policy D2 – Amenity;
Policy H4 – Affordable Housing;
Policy H6 – House Types and Mix;
Policy Ec5 – East Midlands Airport
Policy IF1 – Development and Infrastructure;
Policy IF3 – Open Space, Sports and Recreation Facilities;
Policy IF4 – Transport Infrastructure and New Development;
Policy IF7 – Parking Provision and New Development;
Policy En1 – Nature Conservation;
Policy En6 – Land and Air Quality;

Policy He1 – Conservation and Enhancement of North West Leicestershire’s Historic Environment;
 Policy Cc2 – Water – Flood Risk; and
 Policy Cc3 – Water – Sustainable Drainage Systems.

Submission Breedon on the Hill Neighbourhood Plan (2024)

On the 16th of July 2024, public consultation commenced on the Breedon on the Hill Neighbourhood Plan. Consultation was for a period of six weeks and closed on the 27th of August 2024.

The following draft Neighbourhood Plan policies are considered relevant to this application, however, in view of the early stage to which the Neighbourhood Plan has progressed, only very limited weight can be attributed to its policies at this stage in line with the requirements of Paragraph 48 of the NPPF (as explained below under the section titled ‘*Weight to be Afforded to the Policies of the Submission BotHNP*’):

Policy BotH5 – Ecology and Biodiversity;
 Policy BotH6 – Trees and Hedgerows;
 Policy BotH7 – Water Management;
 Policy BotH9 – Ultrafast Connectivity;
 Policy BotH10 – Infrastructure;
 Policy BotH12 – Design;
 Policy BotH14 – Housing Requirement;
 Policy BotH15 – Breedon on the Hill – Windfall Housing Development;
 Policy BotH16 – Land North of Southworth Road, Breedon on the Hill;
 Policy BotH19 – Housing Mix; and
 Policy BotH20 – Affordable Housing.

Other Policies

National Planning Practice Guidance.
 Good Design for North West Leicestershire Supplementary Planning Document – April 2017.
 Leicestershire Highways Design Guide (Leicestershire County Council).
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within the Planning System).

5. Assessment

Weight to be Afforded to the Policies of the submission BotHNP

Paragraph 48 of the NPPF (2023) outlines that Local Planning Authorities may give weight to relevant policies in emerging plans according to:

- a) *The stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*
- b) *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- c) *The degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Public consultation on the submission Breedon on the Hill Neighbourhood Plan (BotHNP) commenced on the 16th of July 2024 with the six week period concluding on the 27th of August 2024.

It is the view of officers that at this stage *limited weight* can be given to the policies of the submission BotHNP given that the extent of unresolved objections is currently unknown. Relevant to this application, the Council has maintained an objection to Policy BotH20 and this is an objection which would not be resolved until the submission BotHNP has been examined by an independent examiner.

Principle of Development and Sustainability

Insofar as the principle of development is concerned, and in accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance comprises the adopted North West Leicestershire Local Plan (2021) and submission Breedon on the Hill Neighbourhood Plan (BotHNP) (2024).

The site is located within the defined Limits to Development where the principle of residential development is acceptable subject to compliance with relevant policies of the adopted Local Plan and other material considerations. Within the NPPF there is a presumption in favour of sustainable development and proposals which accord with the development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies as a whole or if specific policies in the NPPF indicate development should be restricted.

For the purposes of the submission BotHNP the application site would be within the defined Limits to Development, with Policy BotH15 supporting residential development within such Limits. The application site is also allocated for residential development under Policy BotH16 of the submission BotHNP.

In respect of social sustainability, it is noted that the third party representations received have commented that the settlement of Breedon on the Hill is not socially sustainable. Although third parties are of this view, Policy S2 of the adopted Local Plan outlines that Breedon on the Hill is a Sustainable Village which is defined as a settlement which has a limited range of services and facilities. It is also the case that the Planning Inspector in an appeal decision, dated 14th of July 2017, associated with a scheme of 27 dwellings on Worthington Lane, Breedon on the Hill (ref: 16/00360/OUTM appeal ref: APP/G2435/W/17/3167167) did not consider the settlement to be socially unsustainable.

Services which are available include a shop (incorporating a post office), primary school, public houses, church and a recreation ground, with the development approved under application reference 18/02198/FULM providing a village hall. An infrequent bus service operating between Castle Donington to Leicester (Via Coalville and Bradgate Park) (Diamond Bus Service 125 – Monday to Saturday) is also available. Given the location of the application site such services would be accessible via foot on raised footways and consequently future occupants of the properties would not necessarily be dependent on the private car to access the most basic of services. The dwellings would also assist in sustaining these services which is a key intention of Paragraphs 82 and 83 of the NPPF.

Also from a social perspective, the provision of 18 affordable dwellings with a mix of 2 and 3 bedroomed properties would support and contribute to the housing needs of different groups in the community.

It is also the case, in accordance with Policy IF1 of the adopted Local Plan, that the level of proposed development (i.e. a major application) is required to mitigate its impact to infrastructure (such as schools and doctors' surgeries) by the provision of relevant developer contributions. The 'Developer Contributions and Infrastructure' section of this report below outlines in more detail the contributions which would be secured, but in brief these would include monetary contributions towards education, libraries, doctors' surgeries, travel packs and bus passes. The scheme also comprises 100% affordable housing. Overall, the securing of such contributions within a Section 106 agreement would further ensure that the development is socially sustainable.

The provision of the housing would result in development on a greenfield site which is not allocated in the adopted Local Plan for such a form of development. As is outlined above, however, the site is allocated under Policy BotH16 of the submission BotHNP. On this basis a presumption has been made, should the submission BotHNP be made, that the greenfield site would be lost to facilitate development of the nature proposed (i.e. residential) and as such there would not be significant conflict with the environmental objective enshrined within the NPPF.

To conclude, there would be no substantial harm to the built and natural environment, with any harm being outweighed by the economic benefits associated with the construction of the dwellings and the positive social sustainability aspects of the scheme. As a result the proposal is considered sustainable in accordance with Policy S2 of the adopted Local Plan and Policy BotH15 of the submission BotHNP, as well as the core objectives of the NPPF.

The principle of the development is therefore considered to be acceptable, subject to all other material planning matters being addressed.

Assessment of objections in relation to the principle of the development

Objection	Officer Response
<p>There are insufficient services within the settlement to support further development.</p>	<p>Policy S2 of the adopted Local Plan outlines that Breedon on the Hill is a 'Sustainable Village' with the services available including a shop (incorporating a post office), primary school, public houses, church and recreation ground. An infrequent bus service operating between Castle Donington and Leicester also exists. The development permitted under application reference 18/02198/FULM (at the former Breedon Priory Nurseries) also delivered a village hall.</p> <p>When accounting for such service provision and the status of the settlement under Policy S2 of the adopted Local Plan, it is considered that there would be no justification to refuse the application on sustainability grounds.</p>

<p>There is no requirement for further housing to be constructed given the amount already consented in the immediate area.</p>	<p>The housing figures required for the District in the Local Plan are only minimum figures, not maximum figures, and consequently the provision of housing in appropriate locations (i.e. within the Limits to Development and within appropriate settlements as outlined in Policy S2 of the adopted Local Plan) will remain acceptable in principle.</p>
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Five Year Housing Land Supply

The applicant has referred to the implications for the Council’s Housing Land Supply because of the proposed reforms to the NPPF and other changes to the planning system. As a live consultation document, the applicant is correct in stating that it can only be afforded limited weight in the determination of planning applications at this time.

It remains the position of the Council that a supply of housing in excess of five years can be demonstrated (the minimum supply being 6.4 years).

Building the Homes we Need (Written Ministerial Statement, 30th July 2024)

The applicant has also referred to the above document, with Paragraph 6 of the NPPF stating that Written Ministerial Statements (WMS) may be material when deciding planning applications.

In the view of officers the section of the above statement on delivering more affordable homes would be a material consideration which weighs in favour of the application, but this would not outweigh any major conflict with the development plan on the matters of design, access, amenity and flooding (*should such conflicts arise*).

Assessment Against Policy BotH16 of the submission BotHNP

Policy BotH16 of the submission Breedon on the Hill Neighbourhood Plan (BotHNP) states that land north of Southworth Road (being the application site) will be allocated for residential development. Such residential development will be supported subject to compliance with criteria (a) to (d).

The assessment against this criterion would be as follows:

- (a) *The development shall provide approximately 13 dwellings.*

It is proposed that 18 dwellings would be provided on the site which would be 5 more than the ‘approximate’ number stipulated by criterion (a). Given the ‘limited weight’ to be afforded to the policies of the submission BotHNP, it is considered that a reason to refuse the application based on the proposed number of dwellings being greater than that stipulated by criterion (a) could not be justified.

Also Paragraph 49 of the NPPF outlines that “*arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:*

- a) *The development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) *The emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”*

Paragraph 50 states that “*refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination, or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.*”

When accounting for the terms of Paragraphs 49 and 50 of the NPPF, it is also considered that a reason to refuse the application based on the development being ‘premature’ in relation to the terms of Policy BotH16 of the submission BotHNP could not be justified.

(b) Access should be off Southworth Road.

As assessed in the ‘*Highway Impacts*’ section of this report below, the proposed vehicular access to serve the residential development would be off Southworth Road and there are no objections from the County Highways Authority (CHA) to the access arrangements.

On this basis the proposed development would be compliant with criterion (b).

(c) The residential amenities of neighbouring properties shall be protected.

For the reasons as assessed in the ‘*Residential Amenities*’ section of this report below, it is considered that the proposed development would be compliant with criterion (c).

(d) A sustainable drainage strategy for the site in accordance with Policy BotH7 to include an improvement in run-off water rates overall.

As assessed in the ‘*Flood Risk and Drainage*’ section of this report below, the Lead Local Flood Authority (LLFA) is satisfied with the principles of the proposed surface water drainage strategy to be implemented on the site which is in line with the terms of Policy BotH7 of the submission BotHNP. Subject to the imposition of a condition on any permission granted to secure the precise surface water drainage strategy, the proposed development would be compliant with criterion (d).

In line with best practice any surface water drainage scheme to be approved by the LLFA would be required to demonstrate an improvement to the surface water run-off rate from the site, as well as accounting for climate change.

Overall the development would be considered compliant with criteria (b), (c), and (d) of Policy BotH16 of the submission BotHNP with the only conflict being with criterion (a) due to the proposed number of dwellings being 5 higher than that stipulated by criterion (a). As is outlined above only ‘limited weight’ can be afforded to the policies of the submission BotHNP and consequently there would be no justification to refuse the application based on the conflict with criterion (a) of Policy BotH16.

A refusal of the application against Paragraphs 49 and 50 of the NPPF, on the basis the development is premature in relation to Policy BotH16 of the submission BotHNP, could also not be substantiated for the reasons outlined above.

Assessment of objections in relation to the assessment against Policy BotH16 of the submission BotHNP

Objection	Officer Response
<p>The provision of 18 dwellings would be an overdevelopment of the site and would exceed the 11 suggested by the Breedon on the Hill Neighbourhood Plan (BotHNP).</p>	<p>Notwithstanding that criterion (a) of Policy BotH16 would allow the creation of 13 dwellings (and not 11), it is outlined above that only limited weight could be afforded to the policies of the submission BotHNP and consequently it is considered that to refuse the application based on 5 additional dwellings being proposed to that recommended by Policy BotH16 could not be justified.</p> <p>It is also concluded in the <i>‘Design, Housing Mix and Impact on the Character and Appearance of the Streetscape’</i> section of this report below that the proposal would not be an ‘overdevelopment’ of the site.</p>

Design, Housing Mix and Impact on the Character and Appearance of the Streetscape

Policy D1 of the adopted Local Plan (2021) requires that all developments be based upon a robust opportunities and constraints assessment and be informed by a comprehensive site and contextual appraisal. It also requires that new residential developments must positively perform against Building for a Healthy Life (BfHL) (formerly Building for Life 12 (BfL12)) and that developments will be assessed against the Council's adopted Good Design SPD.

Policy BotH12 of the submission BotHNP outlines that to *“support the creation of high quality, beautiful and sustainable buildings and places, development should reflect the Breedon on the Hill Design Code (Appendix 2). Development that is not well designed will not be supported, especially where it fails to reflect the Breedon on the Hill Design Code and government and local guidance on design.”*

As part of the consideration of the application the Council’s Urban Designer has been consulted.

Density

The proposed development would provide for a net density of approximately 34 dwellings per hectare. Paragraph 128 of the NPPF requires development to make efficient use of land and it is considered that this density would, when having regard to the location of the development and the implications of meeting relevant design policies, be considered reasonable in this location.

Such a density of development would also not be significantly higher than the density of development consented under application reference 12/01030/FULM (Erection of 10 new dwellings (affordable housing units)) on land adjacent to 12 Southworth Road of 28.4 dwellings per hectare.

Site Layout

The proposed development would be undertaken on land which is bordered by residential properties, and their associated curtilages, to all sides and when accounting for such a location it is considered that the development would not impact adversely on the visual amenities of the Southworth Road streetscape or the wider area.

Proposed Site Layout

The proposed site layout of the residential development (for 18 dwellings) is as outlined in the image below.

Proposed Site Layout



Section information has also been provided to show how the dwellings would appear within the internal streetscape, and this is demonstrated in the below images.

Section 1

Section 1 shows the northern view of the streetscape running west to east.



Section 2

Section 2 shows the southern view of the streetscape running east to west.



The amended site layout resulted in a reorganisation of the plots to the northern side of the internal highway which enabled plots 1 and 2 to offer surveillance at the entrance into the site off Southworth Road. The continuous alignment of plots along the northern side of the internal highway also offered a greater sense of enclosure to the street whilst enabling the introduction of trees which is positive and in line with the requirements of Paragraph 136 of the NPPF. Details of how the trees would be planted (including tree pit specification), the type of trees planted, and the future management and maintenance of such trees would be subject to condition on any permission granted.

Landscaped strips have also been introduced between the off-street parking spaces associated with plots 11 to 15 to ensure compliance with the Council's adopted Good Design SPD with the applicant outlining that kerb edging would be used as a vertical marker to avoid damage to the proposed landscaping infrastructure. Again a condition imposed on any permission granted could secure the kerb edging detail.

Management of the grassland amenity areas would be via a contractor appointed by the applicant and the plans have been amended to provide boundary treatments adjacent to the off-street parking associated with plots 10 and 16 to 18 to ensure that private vehicles do not encroach into these areas.

Whilst the Council's Urban Designer requested the relocation of what the plans identified as public open space (POS) to the east of plot 10 the applicant has advised that this would not be possible when accounting for the technical requirements associated with the layout (including distances between buildings, length of gardens, highways infrastructure, off-street car parking and drainage infrastructure). It is also outlined by the applicant that the amenity grassland areas contribute towards the applicant's biodiversity net gain (BNG) delivery on site (which is discussed in more detail in the 'Ecology' section of this report below) and was not necessarily

proposed as POS. The applicant also indicated that a loss of units, to accommodate POS, would impact on the delivery of the scheme which would make a significant contribution to the Council's delivery of affordable homes (this being as discussed in the '*Housing Mix*' sub-section below).

Policy IF3 of the adopted Local Plan outlines that POS, be it on-site or off-site, is only applicable to schemes of 50 dwellings or more and consequently it is not mandatory for a scheme of 18 dwellings to deliver POS. If it is the case that the area to the east of plot 10 is utilised for POS, with such an area being subject to active surveillance following the amendment to the design of the house type to plot 10, then this would be seen as benefit given that it is not a requirement of policy. Even if the area was not used as POS a reason to refuse the application could not be substantiated for the above reason.

Overall the Council's Urban Designer is generally supportive of the proposed layout of the development.

Garden Sizes

Paragraph 11.31 of the Council's adopted Good Design SPD states that "*rear private garden spaces must be at least equal to the footprint of the property. This is a minimum required standard.*"

Based on the site layout, as depicted in the image above, the dwellings to be created would have rear garden sizes which would be at least equal to the footprint of the properties and therefore would be compliant with the terms of the Council's adopted Good Design SPD.

House Types

In commenting on the house types previously proposed the Council's Urban Designer made specific comments in relation to the following:

House Types Layout

The Council's Urban Designer commented whether grouping the doors together would allow better active windows to the side, as whilst this may result in a 'loss' of natural light to the stairs, the benefit would be a side kitchen window and bathroom that did not rely solely on mechanical ventilation. It was, however, accepted that this may be dictated by the levels on the site.

Plots 11 to 13

The Council's Urban Designer outlined that the roof form felt 'awkward' due to the step between the roof heights of these plots seeming marginal but being exacerbated by the hipped roof at either end and therefore it was not possible to gauge what may be visible where the 'hip' met the central portion of the roof.

The Council's Urban Designer also indicated that the front elevation run of these plots was important and that as designed the left hand corner, being the most important part of the elevation, was devoid of any visual interest.

Window Cladding

The Council’s Urban Designer outlined that for plots 10 to 13 and 14 to 16 further details of the projecting cladding would be required to understand how the window would sit within such cladding, how the edges are treated and what occurred on the roof of the cladding.

Plots 17 and 18

It was indicated by the Council’s Urban Designer that the arrangement of the two roof forms against each other was ‘awkward’ and was exacerbated by the fact that plots 17 and 18 were semi-detached and therefore the join and contrast between them was magnified (when compared with the terraced plots). It was therefore requested that the hipped roof be removed.

A selection of the amended proposed house types to be used within the development are as shown in the following images.

House Type A – Plots 3, 4, 5, 6, 7 and 8



House Type A – Plots 11, 12 and 13



House Type B – Plots 9, 10, 17 and 18



It is considered that the approach to the design of the house types follows a traditional form, in terms of the use of a rectangular block and pitched tiled roof, but with contemporary styled openings and use of projecting boxed cladding to provide interest. The Council's Urban Designer is supportive of the approach to the house types but has outlined that the success of the contemporary styled openings would be entirely dependent on how such openings are detailed and this would be secured by condition on any permission granted.

Amendments made to the drawings have also addressed the comments of the Council's Urban Designer in relation to the design approach and roof forms of plots 11 to 13 and 17 and 18, with the applicant advising that details of the proposed window cladding could be secured by condition on any permission granted.

In terms of the grouping of doors, the applicant has outlined that the front doors are located so that future occupants can take access from the car parking levels and allows the plots to be stepped up the slope at the party wall position. If the doors were subsequently grouped together the plots could not be stepped and the car parking gradients would become too steep, consequently there would be a need for retaining walls to the front between the entrances which the applicant has sought to avoid. Following further consideration of this matter, the Council's Urban Designer has accepted the applicant's position.

Amendments have also been made to ensure that where off-street parking is located to the side of a dwelling at least one of the plots has a surveillance window within a habitable room or hallway to provide overlooking of such parking, this being in line with Paragraph 11.12 of the Council's adopted Good Design SPD. Plots 10, 11, 16, and 27 also have elevations which are designed to appropriately address the streetscape given that such plots are 'dual fronted' (this being in line with Paragraph 11.29 of the Council's adopted Good Design SPD).

To ensure that the design quality anticipated by the elevational information of the dwellings is achieved conditions would be imposed on any permission granted which would require the following:

- (a) Precise details of the protruding window frames to be installed;
- (b) Precise colour finish and construction material of the front entrance doors;
- (c) Precise details of the finish to the verges;
- (d) Delivery of grey (RAL 7016) windows and other external doors;
- (e) Delivery of cantilevered timber canopies finished in grey (RAL 7016);
- (f) Delivery of the reveal depths and window cill arrangements;
- (g) Delivery of the corbelled eaves detail;
- (h) Delivery of grey uPVC soffits and fascias to the eaves;
- (i) Delivery of black uPVC guttering and downpipes; and
- (j) Delivery of external meter boxes in the positions shown with such meter boxes being painted black.

At this time the precise external materials to be utilised have not been specified but the submitted details suggest the use of concrete interlocking grey roof tiles and smooth red bricks. It is considered that whilst such materials would be consistent with those used in the area a condition would be imposed on any permission granted to secure precise details.

Overall the proposed house types are supported by the Council's Urban Designer and have been positively designed in line with the requirements of the Council's adopted policies and Good Design SPD.

Boundary Treatments

The plans submitted in support of the application outline that the boundary treatments to be utilised would include the following:

- (a) 1.8 metre high brick walls to those boundaries with visibility within the streetscape;
- (b) 1.8 metre close boarded fencing to define boundaries between gardens as well as to define the site boundary with nos. 1 to 11 Southworth Road (odd numbers inclusive);
- (c) 0.9 metre high railings to the frontage of plots 1 to 10, as well as to prevent encroachment onto the amenity grassland area around plots 10 and 14 to 18;
- (d) 0.9 metre high post and rail fencing (with wire infill) around plot 1 as well as to the rear of plots 2 to 10; and
- (e) Hedgerow planting to demarcate between the public and private domain around plots 17 and 18, as well as plots 1 to 10.

Whilst such information has been provided the plans do not clarify the boundary treatment to the rear of plots 11 to 13, i.e. whether a boundary treatment would co-exist with the retained hedgerow, with it also not being clear whether the proposed close boarded fencing to the site boundary with nos. 1 to 11 Southworth Road (odd numbers inclusive) would be in addition to any existing boundary treatments to nos. 1 to 11. This would be notwithstanding the fact that such fencing, in certain locations, would have visibility within the public domain which should be avoided. The proposed railings to plot 10 would also prevent maintenance access to the amenity grassland area to the east of plot 10.

Given such issues, a condition would be imposed on any permission granted which would require the submission of an alternative and precise boundary treatment scheme.

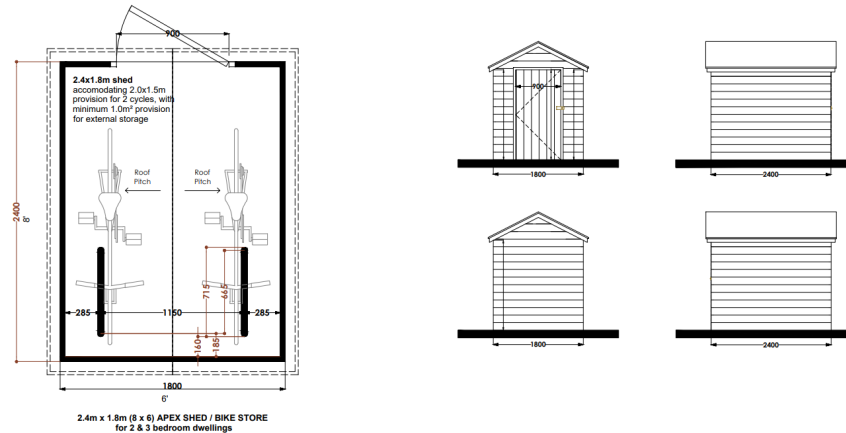
Whilst the plans indicate the need for retaining walls it is unclear what the overall height of such retaining walls would be, as well as their overall appearance. On this basis a condition would also be imposed which would require the submission of precise details associated with the retaining walls.

Other Infrastructure

The submitted plans do not suggest the need for a foul drainage pumping station or substation to be provided. Notwithstanding this, a condition would be imposed on any permission granted which would require precise details to be submitted should there be a requirement for such infrastructure in the future.

A shed would be provided within each garden with the design of such a shed, which is considered acceptable, being as shown in the image below.

Proposed Shed Design



Policy BotH12 of the submission BotHNP

In terms of Policy BotH12 of the submission BotHNP, appendix 2 to the submission BotHNP provides the Breedon on the Hill Design Code.

As proposed the development would lie within the ‘Breedon on the Hill – Development Beyond Conservation Area’ focus area and the below table highlights what would be expected in terms of design, layout and materials for a development in this particular focus area.

Focus Area	Building Blocks and Building Line			Building Heights and Skyline		Materials	Density and Housing Layout
	Informal	Formal	Linked	Uniform	Varied		
Breedon on the Hill – Development Beyond Conservation Area	✓	✓	✓	✓	✓	✓	✓

In terms of ‘Building Blocks and Building Line’ the proposed layout of the development would create a uniform building line which would be consistent with the approach to that established elsewhere on Southworth Road and is deemed acceptable in the focus area.

With regards to ‘Building Heights and Skyline’ there would be variance to the roof line because of the site’s topography but again this approach would be acceptable in the focus area of the development.

In terms of ‘Materials’, the design code outlines that red brick is suitable for elevations and that roofing materials should comprise either plain clay tiles, pantiles or slate. In terms of boundary treatments these could comprise red brick, hedging or stone. The only conflict arising in relation

to this element of the design code would be the use of interlocking concrete roof tiles.

With regards to ‘*Density and Housing Layout*’ it is assessed in the relevant sub-sections above (‘*Density*’ and ‘*Site Layout*’) that the approach proposed would be acceptable.

When accounting for the above it is considered that the proposed development would be largely compatible with the Breedon on the Hill Design Code, and consequently Policy BotH12 of the submission BotHNP, with the only exception being the use of concrete interlocking roof tiles.

A condition is to be imposed on any permission granted to secure precise details of the roofing materials and therefore consideration could be given to the use of an alternative roofing material with pantiles being used to other existing dwellings on Southworth Road (such a roofing material being acceptable under the Breedon on the Hill Design Code). Notwithstanding this, there would be no justification to refuse the application based on any conflict with Policy BotH12 given the limited weight to be afforded to this policy.

Design and Impact on the Character and Appearance of the Streetscape Conclusion

Overall, the Council’s Urban Designer is supportive of the proposals and subject to the imposition of conditions, it is considered that the density, design, appearance and scale of the development would be acceptable and enable it to successfully integrate into the environment in which it is set. On this basis the proposal would be compliant with Policy D1 of the adopted Local Plan, the Council’s adopted Good Design SPD, Policy BotH12 of the submission BotHNP, and Paragraphs 131, 135 and 136 of the NPPF.

Housing Mix

With regards to housing mix, Policy H6 of the adopted Local Plan outlines that a mix of housing types, sizes and tenures is expected on residential developments proposing 10 dwellings. When determining an appropriate housing mix the information contained within the Housing and Economic Development Needs Assessment (HEDNA) is one of the factors to take into account alongside other criteria as outlined in Part (2) of Policy H6. The range of dwelling sizes (in terms of number of bedrooms) identified as appropriate in the HEDNA for affordable housing are as follows:

- 1 bed – 30-35%;
- 2 bed – 35-40%;
- 3 bed – 25-30%; and
- 4 bed – 5-10%.

Policy BotH19 of the submission BotHNP outlines that on development of five or more dwellings, no more than 16% of market housing should be of four or more bedrooms, unless informed by more up to date evidence of housing need. Within such a housing mix, provision should be made for bungalows and other provision designed to meet the housing needs of older households.

The submitted scheme proposes the following (%):

- 1 bed – 0%;
- 2 bed – 66.7%;
- 3 bed – 33.3%; and
- 4 bed+ - 0%.

Given that the proposed scheme is a ‘wholly’ affordable scheme, the Council’s Affordable Housing Enabler (AHE) has been consulted and they have stated that the applicant has indicated that the tenure mix will provide 100% Social Rented properties.

Such a tenure mix is supported by the Council’s AHE given the current identified affordable housing need and the historic over provision of affordable home ownership (AHO) products.

It is outlined by the Council’s AHE that the adopted Local Plan was underpinned by a viability assessment which tested the viability, in part, on the following affordable housing mix:

- 81% Social/Affordable Rent (split evenly); and
- 19% Shared Ownership.

The expectation from the viability assessment was that 40.5% of the affordable housing delivered in the district would be provided as Social Rented. Since the Local Plan was originally adopted in 2017, the following tenures have been provided as part of the affordable homes’ requirement.

- Social Rented – 13 units (1.4%);
- Affordable Rented – 652 units (72.7%); and
- AHO – 232 units (25.9%).

AHO includes Shared Ownership, Discounted Open Market, First Homes etc.

Overall, affordable housing delivery from those schemes receiving full or reserved matters approval since adoption shows delivery of AHO at an even higher level (1.9% Social Rent; 69.4% Affordable Rent; and 28.9% AHO).

The delivery of AHO properties is higher than the 19% assumed in the viability assessment. This has ultimately reduced the provision of all rented affordable tenures needed to meet the demands from the housing register. Furthermore, changes to the NPPF will see the overall proportion of rented units fall further as the following are applied:

- 1) The NPPF expects that at least 10% of the total number of dwellings on a site should be for AHO (provided the site is large enough to trigger an affordable housing requirement). This requirement is applied to application proposals prior to the consideration of the local affordable threshold.
- 2) The Written Ministerial Statement (WMS) (24th May 2021) specified that at least 25% of the affordable housing requirement on a site should be First Homes. The NPPG states that *“once a minimum of 25% of First Homes has been accounted for, social rent should be delivered in the same percentage as set out in the Local Plan. The remainder of the affordable housing tenures should be delivered in line with the proportions set out in the adopted Local Plan policy.”*

The provision of both 10% AHO at the outset, coupled with 25% of the affordable housing requirement, will increase the level of AHO beyond that required by the adopted Local Plan. Wholly affordable sites, and specifically wholly rented affordable sites, which are NPPF and WMS exempt, become even more important in assisting the Council to meet the needs of the housing register.

Social Rented is the cheapest rented tenure and therefore the most affordable with the national rent formula being based on the following factors: 30% of the rent is based on relative property values; 70% of the rent is based on relative local earnings and the number of bedrooms in the property. Property rent levels are capped at 80% of Private Rented Sector rents and as such, will increase when rents in the Private Rented Sector increase. In areas with expensive and rising private rents, they are less affordable. Given that Breedon is a high cost rented area, the provision of Social Rented properties to aid affordability is welcomed by the Council's AHE.

The draft NPPF (2024) published for consultation also highlights the intention of the new Government to prioritise the delivery of Social Rented housing by stating:

“While we want to promote a mix of tenures on developments, we also acknowledge that there will be circumstances where developments that are predominantly (or exclusively) single tenure will be appropriate and should be supported. In particular, we want to make clear that development that delivers a high percentage of Social Rent (or other affordable housing tenures) should be supported.”

HEDNA mix is one of several factors to have regard to when assessing a housing development of 10 or more dwellings with regard also being given to the *“mix of house types and sizes already built and/or approved when compared to the available evidence”* (criterion (b) of Part (2) of Policy H6) as well as the *“nature of the local housing sub-market”* (criterion (d)) and the *“needs and demands of all sectors of the community”* (criterion (e)). Furthermore the supporting text to Policy H6 outlines at paragraph 7.48 that *“1 bed properties are generally not regarded as providing sufficient flexibility for changing household composition and are therefore not considered sustainable in the long term”* with paragraph 7.49 indicating that there needs to be a focus on *“delivering 2 and 3 bedroom properties in order to provide a better balance in the housing market.”*

In respect of the property mix the Council's AHE has outlined that the proposal to provide a wholly Social Rented scheme will outweigh, in part, the consistent over provision of AHO and Affordable Rented units in the district over the last decade. This will assist the Council in meeting the needs of the housing register and the discharge of its statutory duties in relation to affordable housing.

On the basis that the Council's AHE is supportive of the tenure and property mix, and considering the guidance within Policy H6, the housing mix proposed would be acceptable and compliant with the aims of criterion (3) of Policy H4 and Part (2) of Policy H6 of the adopted Local Plan.

Part (3) of Policy H6 of the adopted Local Plan indicates that schemes of 50 dwellings or more should provide a proportion of dwellings suitable for occupation by the elderly (criterion (a)) as well as dwellings which are suitable for occupation, or easily adaptable, for people with disabilities (criterion (b)).

Given the proposed level of development, being 18 dwellings, there would be no requirement to meet the terms of Part (3) of Policy H6. Notwithstanding this, the Council's AHE has outlined that four of the properties would be designed to the higher standards of optional requirement M4(2) (accessible and adaptable) dwellings of the Building Regulations and therefore would exceed the requirements of Part (3) of Policy H6.

In terms of Policy BotH19 of the submission BotHNP, the proposed development would not deliver market dwellings nor would the number of bedrooms in an individual dwelling exceed 3.

On this basis the first part of Policy BotH19 would not be applicable. Whilst no bungalows are proposed, four of the dwellings would be designed to be accessible and adaptable to meet the housing needs of older households and consequently the development is broadly compatible with the terms of Policy BotH19 of the submission BotHNP. In any event only limited weight could be afforded to policies of the submission BotHNP in the overall assessment of the application.

Overall, the proposal would be considered compliant with Policy H6 of the adopted Local Plan, Policy BotH19 of the submission BotHNP, and Building for a Healthy Life (BfHL) criteria relating to 'Homes for Everyone'.

Assessment of objections in relation to design, housing mix and the impact on the character and appearance of the streetscape

Objection	Officer Response
<p>100% social housing on a single site is unacceptable and against policy and there is no evidence of local demand on this scale.</p>	<p>When accounting for the advice from the Council's Affordable Housing Enabler (AHE) it is considered that there is evidence available which supports the demand for the proposed development with it not being a requirement of policy that such demand should be at the 'local' level.</p> <p>Criterion (b) of Paragraph 64 of the NPPF outlines that where a need for affordable housing is identified this would be expected to be met on site provided the agreed approach contributes to the objective of creating mixed and balanced communities.</p> <p>Whilst a wholly affordable scheme, which would integrate with other wholly affordable developments off Southworth Road, it is considered that when considered with other developments permitted within Breedon on the Hill (including those at the former Breedon Priory Nurseries site, Pear Tree Mews and Church View Lane) a mixed and balanced community would still be established with affordable housing not being the dominant house type in the settlement.</p> <p>The draft NPPF also acknowledges that there are circumstances where a development of a single tenure will be appropriate and supported, and that schemes delivering Social Rented properties should be supported.</p> <p>It is also the case that it was resolved by the Planning Committee at its meeting on the 4th of June 2024 that planning permission be granted for a wholly affordable development at land off Standard Hill, Coalville and where no concerns were raised in this respect.</p>

<p>Poor layout not in accordance with the Council’s adopted Good Design SPD.</p>	<p>When accounting for the above assessment there is no objections to the application from the Council’s Urban Designer who is supportive of the layout of the development as well as the simplistic approach to the design of the dwellings (which are enhanced by specific design detailing that is to be secured via conditions).</p> <p>Despite not being required by policies of the adopted Local Plan, given the overall number of dwellings proposed, green space would also be incorporated into the layout (albeit not in a location which is favoured by the Council’s Urban Designer).</p> <p>Overall, the design of the scheme is compliant with the Council’s adopted Good Design SPD as well as relevant planning policy.</p>
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Residential Amenity

Policy D2 of the adopted Local Plan (2021) outlines that development proposals will be supported where they do not have a significant adverse effect on the living conditions of existing and new residents through loss of privacy, excessive overshadowing, and overbearing impacts, which is supported by the Council’s Good Design SPD. Paragraph 191 of the NPPF states that planning policies and decisions should also ensure that new development is appropriate for its location considering the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.

The properties most immediately impacted by the proposed development would be nos. 15 to 27 (odd numbers inclusive) Ashby Road, situated to the north-west, The Orchard (no. 4) Loveys Croft, situated to the north/north-east, nos. 12 and 14 Hastings Close, situated to the east, nos. 1 to 9 (odd numbers inclusive) Southworth Road, situated to the south, and nos. 2 and 4 Southworth Road, situated to the south-west.

Impact to Existing Residential Amenities

Land levels on the site rise by around 3 metres from west to east and around 2.5 metres from north to south, section details have been provided in support of the application which are shown in the following images.

Section 1

Section 1 shows the northern view of the streetscape running west to east.



Section 2

Section 2 shows the southern view of the streetscape running east to west.



Based on the proposed layout the separation distances between elevations and relevant garden boundaries would be as shown in the image below.

Separation distances between the proposed dwellings and relevant residential receptors on Ashby Road, Southworth Road, Loveys Croft, and Hastings Close



The Council's adopted Good Design SPD specifies that where the principal elevation of a proposed dwelling faces the side elevation of a neighbouring dwelling ('front to side' relationship) the separation distance is required to be 12 metres with 'back to back' separation distances of 20 metres being deemed acceptable. There is no specified distance for a 'side to side' relationship, albeit the '45 degree rule' is generally utilised to ensure such a relationship is appropriate, nor is there a specified distance where the principal elevation of a proposed dwelling faces the rear elevation of an existing dwelling.

In terms of the 'back to back' separation distance, it would generally be considered that the separation distance to a shared boundary would be 10 metres (being the mid-point between 20 metres).

Relationship between plots 1, 17, and 18 and nos. 15 to 27 Ashby Road (odd numbers inclusive)

The minimum separation distance between the elevations of plots 1, 17, and 18 and nos. 21 to 27 Ashby Road would be more than 42 metres (being the side elevation of plot 1 with no. 21 Ashby Road) with plots 17 and 18 being more than 10 metres from the rear boundaries of nos. 25 and 27.

Whilst plot 1 would only be around 3.9 metres from the rear boundary of no. 21 Ashby Road the rear garden associated with no. 21 is significant in length (being more than 40 metres).

The garden associated with plot 1 would lie adjacent to the rear boundaries of nos. 17 and 19 Ashby Road with the rear elevation of plot 1 being set more than 11.5 metres from the boundary with no. 15 Ashby Road.

When accounting for such separation distances, and that at first floor level only a first floor bathroom window would be provided in the side elevation of plot 1, it is considered that no adverse overbearing, overshadowing or overlooking impacts would arise to the amenities of nos. 15 to 27 Ashby Road (odd numbers inclusive).

Relationship between plots 2 to 4 and no. 15 Ashby Road

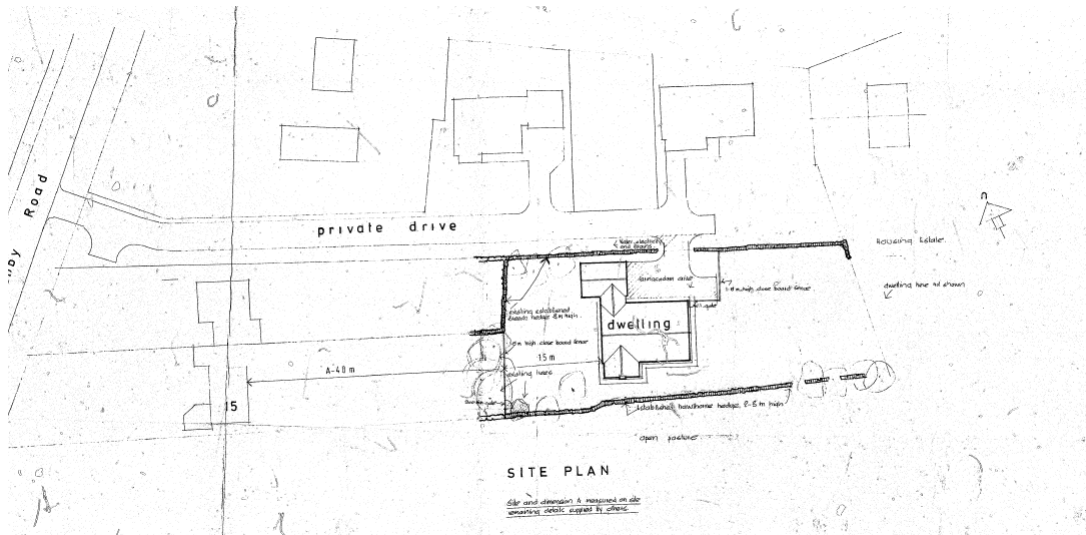
The rear elevations of plots 2 to 4 would be set a minimum of 11.5 metres from the boundary with no. 15 Ashby Road and such a separation distance would ensure that no adverse overbearing or overshadowing impacts would arise within the amenity area associated with no. 15.

It is also considered that such a separation distance would ensure that no adverse overlooking impacts would arise to the amenity area associated with no. 15, particularly when accounting for retained trees within the garden of no. 15 (being a Norway Maple of 13 metres in height, and two Wild Cherries of 9 and 14 metres in height) restricting and filtering any views.

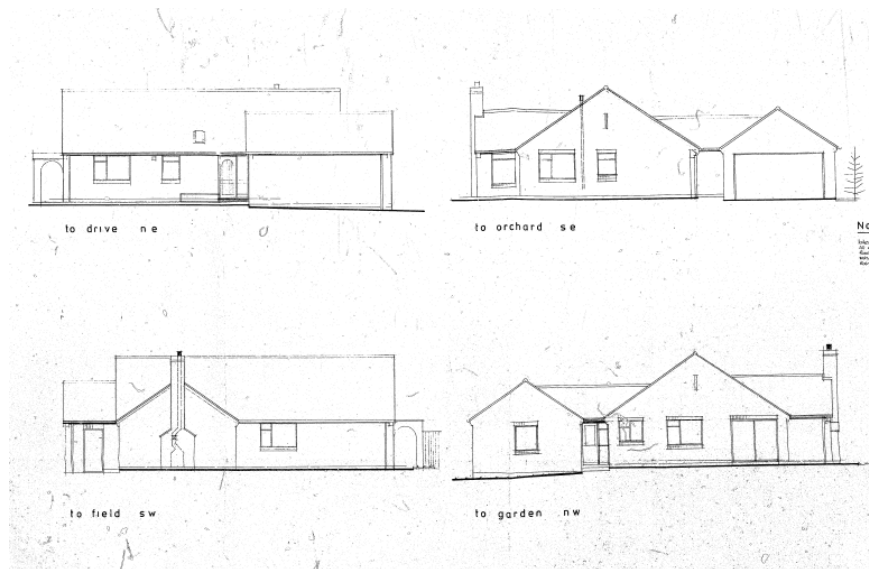
Relationship between plots 5 to 10 and The Orchard (no. 4) Loveys Croft

Planning permission was granted, on the 3rd of September 1992, for the erection of a single storey dwelling under application reference 92/0620. This dwelling is now known as The Orchard (no. 4) Loveys Croft and plans associated with the permission granted are shown in the images below.

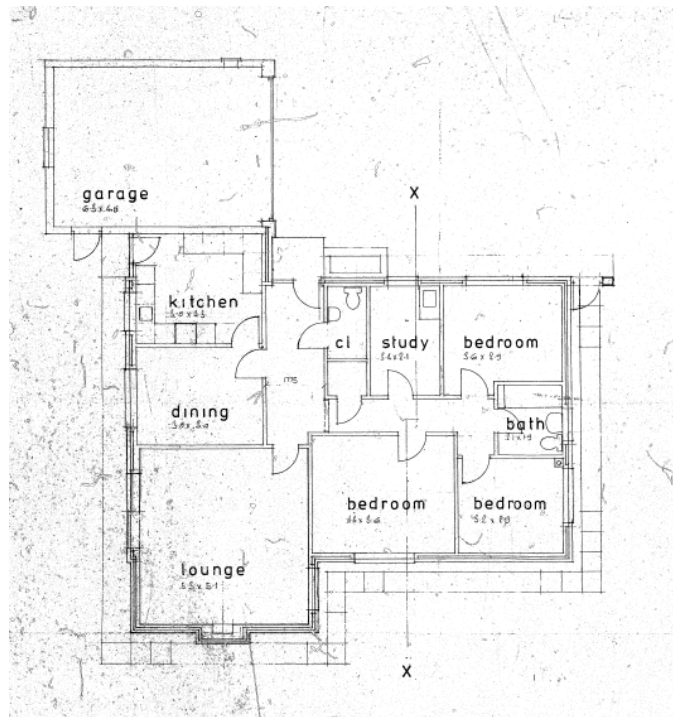
Approved Site Plan of The Orchard (no. 4) Loveys Croft



Approved Elevations of The Orchard (no. 4) Loveys Croft



Approved Floor Plans of The Orchard (no. 4) Loveys Croft

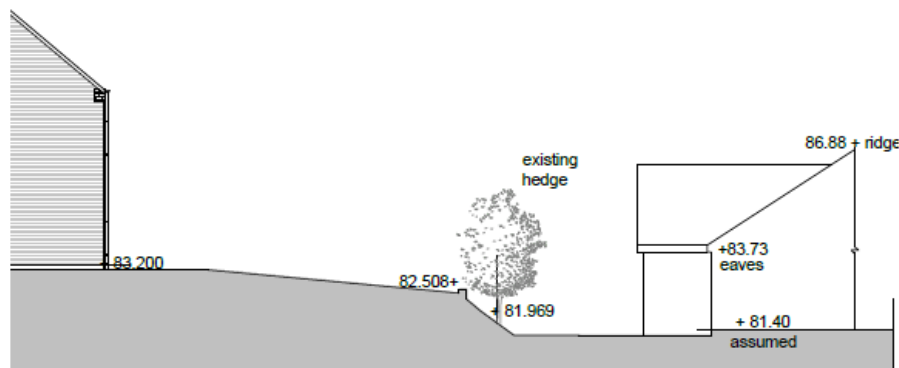


The elevation referenced 'to field s.w' is that which is presented to the application site and based on the approved floor plan one window exists in this elevation which serves a bedroom. When accounting for the information on the approved elevations and floor plans it is considered that such an elevation would be categorised as a side elevation.

As proposed the rear elevation of plot 6 would be around 15.9 metres from this side elevation, with plot 7 set around 17.4 metres from the same elevation. Such elevations of plots 5 to 10 would also be more than 10 metres from the boundary with The Orchard (no. 4).

The section showing the relationship between plot 6 and The Orchard (no. 4) Loveys Croft is as represented in the image below.

Section showing the relationship between plot 6 and The Orchard (no. 4) Loveys Croft



Whilst plots 5 to 10 are located to the south-west of The Orchard (no. 4), and would have finished floor levels greater than the land levels associated with this property, it is considered that the separation distances to be established would be sufficient in ensuring that any overbearing or overshadowing impacts arising, either within the property itself or the associated amenity area, would not be so adverse that a reason to refuse the application could be justified. This is considered to be the case given that principally the windows serving habitable rooms are located in the north-western and south-eastern elevations of The Orchard (no. 4) as well as the property benefitting from substantial sized amenity areas to its north-west and south-east.

In terms of overlooking impacts it is considered that there would be no direct overlooking into The Orchard (no. 4) itself given that this property is single storey in height and is set at a lower land level. Whilst it is accepted that plots 5 to 10 would have first floor windows serving one bedroom (in the case of plots 5 to 9 – being two windows serving the same bedroom) and two bedrooms (in the case of plot 10), the separation distance to be established accords with the Council's adopted Good Design SPD and consequently the extent of overlooking to the amenity areas associated with The Orchard (no. 4) would not be so adverse that a reason to refuse the application would be warranted.

Relationship between plots 10 and 11 and nos. 12 and 14 Hastings Close

The separation distance between the rear elevation of plot 10 and that of no. 12 Hastings Close would be more than 20 metres with the separation distance between the side elevation of plot 10 and the rear elevation of no. 14 Hastings Close being more than 28 metres. The separation distances from plot 11 to the rear elevations of nos. 12 and 14 would be significantly greater than those of plot 10.

A separation distance of more than 10 metres would be established between the side elevation of plot 10 and the boundary with no. 12, with a separation distance of more than 11 metres between the same elevation and the boundary with no. 14. The rear elevation of plot 11 would be more than 9 metres from the boundary with no. 14.

It is considered that the separation distances between elevations, as well as those between elevations and boundaries, would be acceptable in ensuring that no adverse overbearing or overshadowing impacts.

In terms of overlooking impacts it is noted that the 'side' elevation of plot 10 acts as the 'principal' elevation to the dwelling given that it contains the front entrance door. As proposed first floor windows serving two bedrooms and a bathroom would be provided in the side elevation of plot 10. Whilst this is the case the 'views' from such windows would be predominantly onto the amenity grass area proposed to the east of plot 10 before then being onto the latter part of the residential gardens associated with nos. 12 and 14. When accounting for the minimum separation distance to the boundary being in excess of 10 metres, and the above assessment, it is considered that no adverse overlooking impacts would arise to the amenities of nos. 12 and 14 within their rear amenity areas.

Whilst the rear elevation of plot 11 would be less than 10 metres from the boundary with no. 14, any direct views would be to the latter extent of the rear amenity area associated with no. 14 and would be partially obscured by a retained tree (being a Silver Birch of 7 metres in height). Views from first floor windows in the side elevation of plot 11 (which acts as the 'principal' elevation) would be at an oblique angle towards the latter parts of the rear amenity areas associated with nos. 12 and 14. When accounting for the above, it is again considered that no adverse overlooking impacts would arise to the amenities of nos. 12 and 14 within their rear

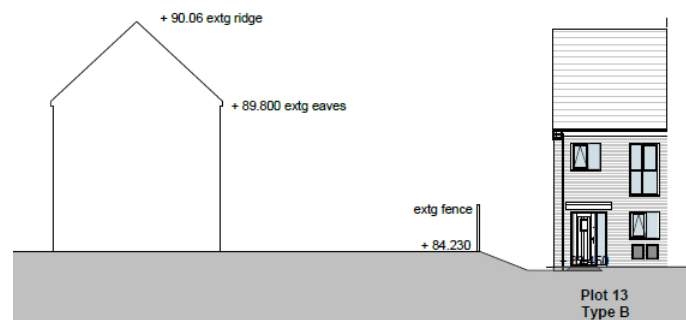
amenity areas.

Relationship between plot 13 and no. 11 Southworth Road

The side elevation of plot 13 would more than 12.7 metres from the rear elevation of no. 11 Southworth Road and around 1.9 metres from its boundary.

When accounting for the guidance within the Council’s adopted Good Design SPD the separation distance between the side elevation of plot 13 and the rear elevation of no. 11 would be compliant, with the submitted section information (as shown in the image below) demonstrating that the finished floor level of plot 13 would be lower than the garden level associated with no. 11. When accounting for plot 13 being set to the north-east of no. 11, and that plot 13 would not cover the entire extent of the rear elevation of no. 11 or its associated rear amenity area, it is considered that any overbearing or overshadowing impacts would not be so adverse that a reason to refuse the application could be justified.

Section showing the relationship between plot 13 and no. 11 Southworth Road



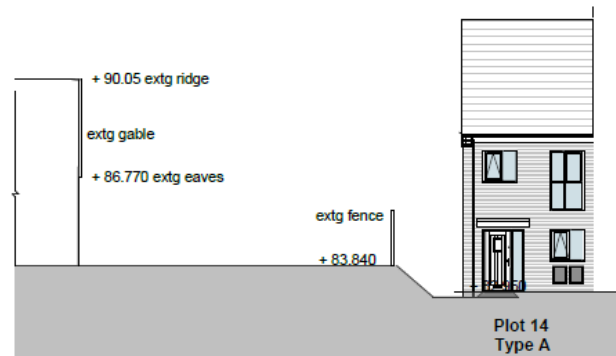
In terms of overlooking impacts a first floor window serving a landing would be provided in the side elevation of plot 13 but subject to such a window being obscure glazed with a restricted opening it is considered that no adverse overlooking impacts would arise to the amenities of no. 11, either within the property itself or its associated rear amenity area.

Relationship between plot 14 and nos. 3 and 5 Southworth Road

The side elevation of plot 14 would be more than 12.7 metres from the rear elevation of no. 5 Southworth Road and around 1.5 metres from its boundary.

Based on the Council’s adopted Good Design SPD the separation distance between the side elevation of plot 14 and the rear elevation of no. 5 would be compliant, with the submitted section information (as shown in the image below) demonstrating that the finished floor level of plot 14 would be lower than the garden level associated with no. 5. Whilst the overall eaves and ridge height of plot 14 would be greater than those associated with no. 5 (which would be expected as no. 5 is a single storey dwelling), it is considered that as plot 14 would be set to the north-east any overbearing or overshadowing impacts would not be so adverse that a reason to refuse the application could be substantiated.

Section showing the relationship between plot 14 and no. 5 Southworth Road



In terms of overlooking impacts a first floor window serving a landing would be provided in the side elevation of plot 14 but subject to such a window being obscure glazed with a restricted opening it is considered that no adverse overlooking impacts would arise to the amenities of no. 5, either within the property itself or its associated rear amenity area.

With regards to no. 3 Southworth Road it is proposed that no part of plot 14 would be positioned behind no. 3 or its associated amenity area, and on this basis no adverse overbearing or overshadowing impacts would arise. It is also considered that no adverse overlooking impacts would arise given that only an oblique angle of view would be established from windows at first floor level in the rear elevation of plot 14 towards the rear elevation and amenity area of no. 3.

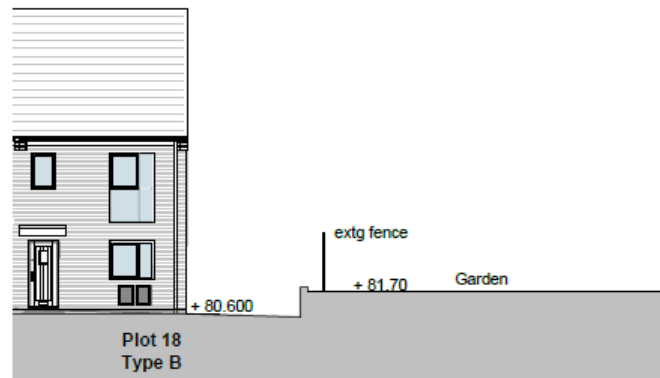
Relationship between plot 18 and no. 1 Southworth Road

The side elevation of plot 18 would be set more than 10.7 metres from the side elevation of no. 1 Southworth Road and in excess of 3 metres from the boundary.

Plot 18 would not be positioned directly behind no. 1, with this property being angled so that the rear elevation faces in a north-eastern direction whereas plot 18 would be to the north-west. When accounting for this it is considered that no adverse overbearing or overshadowing impacts would be experienced within no. 1.

In terms of the amenity area associated with no. 1 it is proposed that the finished floor level of plot 18 would be lower than the land associated with no. 1, as is demonstrated on the section image below. When accounting for the positioning of plot 18 to the north-east, as well as the overall size of the amenity area associated with no. 1, it is considered that no adverse overbearing and overshadowing impacts would arise.

Section showing the relationship between plot 18 and the garden of no. 1 Southworth Road



In terms of overlooking impacts only an oblique angle of view would be established from windows at first floor level in the rear elevation of plot 18 towards the rear elevation and amenity area of no. 1, with the first floor window in the side elevation of plot 18 serving a bathroom. On this basis it is considered that no adverse overlooking impacts would arise to the amenities of no. 1.

Proposed Sheds

The proposed sheds (serving each dwelling) would be minor in scale, covering a ground area of 4.32 square metres and having an overall height of around 2 metres, and would be positioned away from the boundaries with existing residential receptors. On this basis such sheds would not result in detriment to the amenities of existing residential properties.

Residential Amenities of Future Occupants of the Proposed Development

Based on the above assessments it is considered that the proposed dwellings would have acceptable relationships with existing residential dwellings, with the most sensitive relationship being between plot 14 and no. 3 Southworth Road albeit the separation distance would ensure that no adverse overlooking impacts would arise within the amenity area associated with plot 14.

It is also considered that the relationship between the plots themselves would be acceptable with suitable 'back to back' distances being established between plots 17 and 18 with plots 14 to 16, and plots 3, 4 and 5 having acceptable distances to the boundaries of plots 16 and 17 (and their associated amenity areas). In any event any future occupants of plots 14 to 18 would be aware of the relationships with other plots prior to their occupation.

Trees of a mature stature would be retained near to plots 1 to 4 but given that such trees are to the north-east and lie within the amenity area associated with no. 15 Ashby Road, it is considered that no adverse shadowing impacts would arise with there being no objections from the Council's Tree Officer to the proposed layout in this respect. As is the case above, future occupants of these plots would be aware of the relationship with the trees prior to their occupation.

Other Residential Amenities Impacts

The other aspect to consider in respect of residential amenity is any potential impacts arising from noise, dust and fumes with Part 2 of Policy D2 of the adopted Local Plan outlining that development proposals will only be supported where *“they do not generate a level of activity, noise, vibration, pollution or unpleasant odour emissions, which cannot be mitigated to an appropriate standard and so, would have an adverse impact on amenity and living conditions.”* This is compliant with the terms of Paragraph 191 of the NPPF as outlined above.

Paragraph 194 of the NPPF outlines that the focus of planning decisions *“should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively.”*

As part of the consideration of the application the Council's Environmental Protection Team has been consulted and they have raised no objections to the application subject to the imposition of a condition on any permission granted which would require the submission of a Construction Environmental Management Plan (CEMP). Whilst noting this request, the Department for Levelling Up, Housing and Communities (DLUHC) and Planning Aid's *'Material Planning Considerations'* checklist, as referenced on the District Council's website, stipulates that *“problems arising from the construction period of any works, e.g. noise, dust, construction vehicles”* constitutes a non-material planning consideration. This is because separate legislation (such as the Control of Pollution Act 1974 (as amended)) can control issues arising from construction activity.

On this basis it is considered unreasonable to impose a condition requiring the submission of a Construction Environmental Management Plan (CEMP) given that it would not be necessary to make the development acceptable in planning terms.

Notwithstanding the above, a condition limiting the construction hours of the site is proposed to help protect the living conditions of the nearest occupiers as this type of condition is considered to meet the tests for conditions as outlined at Paragraph 56 of the NPPF.

It is also the case that if any statutory nuisance issues were to arise as a result of the development, then the Council's Environmental Protection Team would be able to investigate such issues and take appropriate action, where required, under separate Environmental Protection Legislation.

The Council's Environmental Protection Team has also requested the imposition of a condition which would require the provision of an appropriate external lighting scheme which should be designed to prevent adverse impacts to existing and future residential amenities arising. Such a condition would be imposed on any permission granted.

No representation has been received from the Council's Air Quality Officer raising concerns or objections in relation to the impacts of the development to air quality and any associated impacts to residential amenities.

Residential Amenities Conclusion

Based on the above assessment it is considered that no adverse impacts to existing and future residential amenities would arise because of the development, subject to the imposition of

relevant conditions, and as such the proposal would be considered compliant with Policy D2 of the adopted Local Plan as well as Paragraphs 191 and 194 of the NPPF.

Assessment of objections in relation to residential amenities

Objection	Officer Response
<p>The proximity of the dwellings to residential receptors will result in adverse overbearing, overshadowing and overlooking impacts. There would also be noise disturbance from the use of garden spaces.</p> <p>There is significant overdevelopment in this area to the detriment of neighbouring properties resulting in loss of neighbour amenity and overshadowing of adjacent properties.</p> <p>The previous comments of Breedon on the Hill Parish Council refer to the loss of amenity by way of overlooking neighbouring properties and the minor changes to the layout have not altered this view with the neighbouring properties being significantly affected.</p>	<p>Based on the above assessment it is considered that the separation distances to be established to existing residential properties would be compliant with the Council's adopted Good Design SPD and consequently would not result in any significantly adverse overbearing, overshadowing or overlooking impacts to existing residential amenities which would warrant a refusal of the application.</p> <p>A residential use is also not considered to be a noisy use and any noise/disturbance arising from the use of a residential garden would not be at a level where the impact would be of such significance that detriment to residential amenity would arise.</p>
<p>An increase in vehicular movements and the placement of parking will result in noise detriment to residential receptors along with issues from car headlights and fumes.</p>	<p>There are no objections to the proposed development from the Council's Environmental Protection Team or Council's Air Quality Officer and thereby any impacts in this respect are not considered to be at a level where significant harm would arise.</p> <p>Amendments to the layout have also removed off-street parking away from the boundaries with most of the existing residential receptors.</p>
<p>The lack of boundary treatments to the boundaries with existing residential receptors will result in adverse</p>	<p>A scheme of boundary treatments would be conditioned on any permission granted and it is considered that suitable treatments could be provided which would ensure that detriment to existing residential receptors would not arise.</p>

<p>overlooking impacts.</p>	<p>The retention of the existing hedgerow to the northern and eastern site boundaries would also act as a suitable screen in filtering and restricting views from the use of the rear amenity areas associated with the proposed dwellings.</p> <p>In the above respect the part of the hedgerow to the northern boundary with The Orchard (no. 4) Loveys Croft is required to be maintained at a height of 2 metres in line with the requirements of condition 6 of the planning permission granted under application reference 92/0620. A similar condition could be imposed on any permission granted which would be extended to cover the entirety of the hedge to the northern boundary, as well as the hedge to the eastern boundary.</p>
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Highway Impacts

Policy IF4 of the adopted Local Plan requires that development takes account of the impact upon the highway network and the environment, including climate change, and incorporates safe and accessible connections to the transport network to enable travel choice, including by non-car modes, for residents, businesses, and employees. Policy IF7 of the adopted Local Plan requires that development incorporate adequate parking provision for vehicles and cycles to avoid highway safety problems and to minimise the impact upon the local environment.

As part of the consideration of the application the County Highways Authority (CHA) has been consulted and their consultation response considers the requirements of the Leicestershire Highways Design Guide (LHDG).

A Transport Assessment (TA) was originally submitted in support of the application with a Transport Technical Note (TTN) subsequently being provided following the consultation response from the CHA.

Access

The CHA has outlined that access to the site would be proposed from Southworth Road which is an unadopted private road.

In their original consultation response, the CHA outlined that the applicant was required to confirm whether the site was to be put forward for adoption given that if the site was to be adopted then it would also be necessary for the existing private road to be adopted. The applicant has subsequently confirmed in the TTN that the site would not be put forward for adoption.

When accounting for this the focus of the CHA has been in relation to the junction of Southworth Road where it meets the adopted highway of Ashby Road. Given that the development would result in the intensification of the use of this junction a speed survey was required to determine the length of the visibility splays required.

It is outlined in the TTN that a seven day speed survey was undertaken in the vicinity of the existing junction, along with a further speed survey on Southworth Road. Based on the speed

survey results, visibility splays of 2.4 metres x 65 metres would be required at the junction of Southworth Road with Ashby Road in accordance with the LHDG.

The submitted drawings specify that visibility splays of 2.4 metres by 73 metres would be provided at this junction which is acceptable to the CHA.

Whilst swept path analysis of the movements of the Council's waste vehicle at the junction of Southworth Road with Ashby Road have not been submitted, it is noted that the consultation response from the Council's Waste Services Development Officer (WSDO) indicates that the Council's waste vehicles already access Southworth Road. As such movements are existing, the CHA is satisfied that no swept path analysis is required.

In terms of the access into the site off Southworth Road this would be 5 metres in width, with 6 metre junction radii, and would be provided with visibility splays of 2.4 metres by 25 metres. A footway would be delivered on one side of the internal highway. Such access dimensions and visibility splays would be in accordance with the LHDG.

Swept path analysis of a fire tender vehicle at both the site access, and the junction of Southworth Road with Ashby Road, has also been provided with the details being acceptable to the CHA.

Overall the CHA has no objections to the site access subject to the imposition of conditions to secure the access and vehicular and pedestrian visibility splays.

Highway Safety

It is outlined by the CHA that there has been one Personal Injury Collision (PIC) recorded to have taken place within 500 metres proximity of the site upon the public highway in the most recent five-year period. This incident occurred on Ashby Road and unfortunately resulted in a fatality.

Whilst the PIC is noted the CHA is satisfied that a safe and suitable site access has been suitably demonstrated and there is no evidence to suggest that the proposed development would result in a detrimental impact to highway safety.

Highway Network

The CHA has outlined that the submitted TA has used the Trip Rate Information Computer System (TRICS) database to show the trip rates and proposed trip generation for the development during the AM and PM peak periods.

Such trip generation is identified to be 12 two-way trips in the AM peak (08:00 to 09:00) and 10 two-way trips in the PM peak (17:00 to 18:00). Given that the proposed level of development is significantly below that which would require any assessment of trip generation, the CHA is satisfied that there would be no material impact on the highway network because of the development.

Internal Layout and Off-Street Parking

The layout of the development has been amended from that originally submitted and although the layout would not be adopted the CHA has specified that it would accord with the LHDG and therefore would be acceptable.

It is also outlined by the CHA that the quantum of off-street parking would be in accordance with the LHDG, as well as the Council's adopted Good Design SPD, given that a minimum of two off-street parking spaces would be delivered for each dwelling. The CHA did, however, specify that the dimensions of the parking spaces should be 5.5 metres in length by 2.4 metres in width with additional width added should the parking space be bound by a vertical obstruction to either, or both, of its sides. The plans have subsequently been amended to accommodate this request of the CHA.

The submitted plans also identify that electric vehicle (EV) charging points would be provided to each dwelling and this would encourage the use of electric vehicles. This is notwithstanding that Requirement S1 of Approved Document S (Infrastructure for the Charging of Electric Vehicles) of the Building Regulations would also require EV charging points to be provided for new dwellings.

A Stage 1 Road Safety Audit (RSA), and associated Designers Response (DR), was included in the TTN which identified on problem which related to the wheels of the Council's waste vehicle slightly protruding over the end of the turning head whilst manoeuvring. Whilst this problem was not accepted within the DR, the CHA recommended that any overhang should be limited to the body of the Council's waste vehicle.

Whilst acknowledging this issue, the frequency of such a movement by the Council's waste vehicle would be limited and consequently would not be considered to have a profound impact on pedestrian safety within the internal layout. The Council's WSDO also has no objections to the application (as discussed in the '*Waste Collection*' section of this report below) with an indemnity agreement being entered into by the applicant to ensure that the Council is not liable should any damage occur to the internal highway because of the movement of the Council's waste collection vehicle.

Notwithstanding the above, it has been demonstrated that both the Council's waste vehicle and a fire tender vehicle can manoeuvre within the site and exit in a forward direction which is acceptable to the CHA.

Overall the CHA is satisfied that the internal layout is acceptable subject to the imposition of conditions to secure the off-street parking provision and turning facilities.

Transport Sustainability

The CHA has outlined that the site is located at the southern edge of the village of Breedon on the Hill and that within 1000 metres walking distance of the proposed site access there is a selection of limited local amenities and services including a primary school, and a convenience store. The nearest bus stops would be approximately 350 metres north from the site at The Green for buses travelling northbound towards Castle Donington. For buses travelling southbound towards Leicester, the nearest stop is 550 metres north-east of the site on Main Street. Such bus stops would be served by the number 125 Diamond Bus East Midlands service which operates four buses a day in either direction between Castle Donington and Leicester.

As is concluded in the '*Principle of Development and Sustainability*' section of this report above, the application site is considered to be in a sustainable location.

Contributions would also be sought by the CHA towards sustainable travel including travel packs and six month bus passes. These are as discussed in the '*Developer Contributions and*

Infrastructure’ section of this report below.

Highway Impacts Conclusion

Paragraph 115 of the NPPF outlines that development should only be refused on highway grounds where “*there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*”

In the circumstances that there are no objections to the application from the CHA, subject to the imposition of conditions and securing of relevant contributions, it is considered that the proposed development would be compliant with Policies IF4 and IF7 of the adopted Local Plan as well as Paragraphs 111, 114, 115 and 116 of the NPPF.

Assessment of objections received in relation to the highway impacts.

Objection	Officer Response
<p>There will be an increase in vehicular movements on Main Street including on the speed control measures which create a noise nuisance.</p>	<p>Given the overall scale of the development the amount of associated vehicular movements would not be significant and would not create a material impact in respect of this issue. This is particularly pertinent when the number of vehicular movements which can be undertaken on Main Street is not limited, as well as the fact that Main Street is a principal route through the settlement of Breedon on the Hill.</p> <p>There are also no objections from the Council’s Environmental Protection Team to the application in this respect.</p>
<p>There will be an increase in traffic associated with the proposed development when combined with that of the development undertaken at the former Breedon Priory Nurseries.</p>	<p>On the basis that the development at Breedon Priory Nurseries is a ‘committed’ development (i.e. the planning permission has been implemented) the vehicular movements connected with this development have been accounted for when assessing the highway impacts of the proposed development.</p> <p>Given the conclusion reached in the ‘<i>Highway Network</i>’ sub-section above, the CHA does not consider that there would be a material impact on the highway network given the limited scale of the development proposed.</p>
<p>The proposed access arrangements are unsuitable and inadequate for the number of houses proposed.</p>	<p>When accounting for the conclusion reached in the ‘<i>Site Access</i>’ sub-section above, the CHA has no objections to the access arrangements which are compliant with the LHDG.</p>

Ecology

Vegetation, in the form of trees and other shrubs, are present on the site. Such features could be used by European Protected Species (EPS) or national protected species. As EPS may be affected by a planning application, the Local Planning Authority has a duty under regulation 9(5) of the Habitats Regulations 2010 to have regard to the requirements of the Habitats Directive in the exercise of its functions.

Part (1) of Policy En1 of the adopted Local Plan states that proposals for new development will be supported which conserve, restore or enhance the biodiversity in the district.

Policy BotH5 of the submission BotHNP states that development should conserve, restore and enhance the network of local ecological features and habitats, including Local Wildlife Sites, Geology Sites and Wildlife Corridors. New development is also expected to secure measurable net gains for biodiversity.

The County Council Ecologist has reviewed the submitted Preliminary Ecological Appraisal (PEA) and whilst they have indicated that some nicer plant species are present, these are generally isolated in extent and their loss to facilitate the proposed development would be acceptable. On this basis there are no objections from the County Council Ecology subject to the imposition of a condition on any permission granted which would secure a Landscape, Ecological, and Biodiversity Management Plan (LEBMP).

In line with Policy BotH5 of the submission BotHNP, it is considered that the LEBMP could secure the integration of features such as bat boxes, bird boxes and hedgehog highways, along with hedgerow and tree planting and creation of meadow and grassland habitats.

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for major development as required by the Environment Act came into force on the 12th of February 2024. However, this requirement would only be applicable to those applications received on or after the 12th of February 2024 and is not to be applied retrospectively to those applications already under consideration before this date and subsequently determined after this date. On this basis the proposed development would not be required to demonstrate a 10% BNG. Notwithstanding this, Paragraphs 180(d) and 186(d) of the NPPF set out a requirement for developments to minimise their impacts on and provide net gains for biodiversity. In this case it is noted that the development would be undertaken on a greenfield site.

In commenting on the Biodiversity Net Gain Assessment (BNGA) and Biodiversity Net Gain Metric Calculations (BNGMC) originally submitted (based on the original site layout which has since been amended), the County Council Ecologist outlined that created hedgerows located within private residential gardens, as well as retained hedgerows located within residential gardens, should be omitted from the calculations given that there would be no guarantee that such hedgerows would be managed by residents or that they would be retained. Notwithstanding this, the County Council Ecologist was satisfied that given the hedgerow creation in public open space a net gain in hedgerow units could be achieved on site.

Following amendments to the layout, an amended BNGA and amended BNGMC have been submitted and re-consultation undertaken with the County Council Ecologist.

It is concluded by the amended BNGA that the baseline value of the site has been calculated as 3.10 habitat units and 0.51 hedgerow units. As a result of the development the habitat units

onsite would decrease by 1.66 units and hedgerow units will increase by 0.37 units. To achieve a net gain there would be a requirement of a minimum of 1.86 units of medium distinctiveness grassland, and 0.25 habitat units of medium distinctiveness heathland and shrub, to be created. This would be predominantly off-site.

Whilst noting the loss, the County Council Ecologist has raised no objections subject to the imposition of a condition requiring the provision of a Biodiversity Offsetting Management Plan (BOMP) prior to the development commencing (including any ground works or vegetation clearance) which would include the following details:

- (a) Description and location plan of the area to be used for off-setting;
- (b) Description and evaluation of the features to be managed/created;
- (c) Aims and objectives of management;
- (d) Appropriate management options for achieving aims and objectives;
- (e) Prescriptions for management actions;
- (f) Work schedule;
- (g) Seed mixes/species to be sown/planted;
- (h) Ongoing monitoring and remedial measures; and
- (i) Details on the mechanism by which the BOMP would be legally secured for an appropriate period.

The proposed BOMP would need to be based on the amended BNGA, and include associated BNGMCs, with it being ensured that the BOMP achieves a 'net gain'.

In conclusion, the County Council Ecologist has no objections to the application subject to the imposition of conditions to secure a LEBMP and BOMP, as well as an informative recommending that the applicant be aware of the legislation around nesting birds.

Overall, and subject to the imposition of the relevant conditions and informative, the proposed development would not result in conflict with Policy En1 of the adopted Local Plan, Policy Both5 of the submission BothNP, Paragraphs 180 and 186 of the NPPF and Circular 06/05.

Assessment of objections in relation to ecology

Objection	Officer Response
<p>The proposal would impact adversely on the natural environment with such impacts not being mitigated by the limited tree planting.</p>	<p>For the reasons as outlined above the County Council Ecologist has no objections to the application with the securing of a Landscape, Ecological and Biodiversity Management Plan (LEBMP) and Biodiversity Offsetting Management Plan (BOMP) enabling ecological enhancements to be delivered as part of the development.</p> <p>Any impacts in this respect would also be outweighed by the positive economic and social benefits of the proposed development.</p>
<p>The proposal will impact on native hedgerows which should not be removed to</p>	<p>The plans as submitted do not propose the removal of the hedgerows to the northern and eastern site boundaries which are to be retained, subject to some management</p>

<p>facilitate the development given their benefits to wildlife.</p>	<p>(trimming back works) being undertaken to the hedgerows to the northern and eastern site boundaries.</p> <p>A condition could be imposed on any permission granted requiring the submission of an Arboricultural Method Statement (AMS) which would outline the precise works to the retained hedgerows and trees.</p>
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Landscaping

Part (1) of Policy En1 of the adopted Local Plan outlines that proposals for development will be supported which conserve, restore or enhance the biodiversity of the district.

Policy Both6 of the submission BothNP outlines that existing trees and hedgerows should be retained where possible and integrated into new developments. Development which results in damage to, or the loss, or deterioration of ancient trees, hedgerows or trees of good arboricultural and amenity value will not be supported. The policy also outlines that applications should be accompanied by a tree survey (TS) which establishes the health and longevity of any affected trees and hedgerows, indicating replanting where appropriate.

Impact to Existing Trees and Hedgerows

An Arboricultural Impact Assessment (AIA) and Method Statement (MS) were originally submitted in support of the application with an amended AIA and MS subsequently being submitted following the amendment to the layout of the development. The AIA and MS are compliant with BS 5837:2012 *'Trees in Relation to Design, Demolition and Construction – Recommendations'*.

It is outlined within the amended AIA and MS that there are 19 individual trees (12 of which are rated Category B (*'Trees of Moderate Quality'*), two group of trees (both rated Category C (*'Trees of Low Quality'*) and hedgerows to the northern and eastern boundaries (rated Category C). Such trees and hedges are either on the site, to the boundaries of the site, or on land outside the site but close to the site boundaries.

In order to accommodate the development, the AIA and MS outlines that two individual trees (an Ash tree rated Category U (*'unsuitable for retention irrespective of development'*) and Silver Birch rated Category B) as well as one group of trees (English Oak (rated Category C)) would be removed.

As part of the consideration of the application the Council's Tree Officer has been consulted and following a review of the submitted information, they consider that the proposed tree removals would not have a significant impact on the local tree cover and therefore have no arboricultural objections to the application. The Council's Tree Officer also considers that the existing trees to be retained have been given appropriate space within the proposed layout to ensure they would not be subjected to undue pressures for removal. It is recommended by the Council's Tree Officer that any permission granted is subject to a condition which requires a scheme of tree/hedge protection measures to be provided before the development commences to ensure retained trees, as well as the hedgerows, are appropriately protected during the construction works.

Soft Landscaping

The proposed soft landscaping scheme is as shown in the image below.

Proposed Soft Landscaping Scheme



Notwithstanding that the proposed soft landscaping scheme would retain most of the existing soft landscaping infrastructure, including the hedgerows, it would also include for the planting of 31 new trees, 246 metres of new hedgerow planting (which includes 163 metres of mixed native hedgerow), along with shrub planting and species rich grassland.

Whilst such a soft landscaping scheme is broadly acceptable there is a need for further details to be provided around how trees would be planted within areas of hard surfacing (including tree pit details) and how soft landscaping would be protected where located between parking spaces. On this basis a soft landscaping scheme would be subject to condition on any permission granted. A Landscape, Ecological and Biodiversity Management Plan (LEBMP) would also be conditioned on any permission granted to secure the ongoing future maintenance and management of the soft landscaping infrastructure to be delivered.

Street Trees

Paragraph 136 of the NPPF outlines that planning decisions should ensure that streets are tree lined, although footnote 63 associated with Paragraph 136 states *“Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.”*

Following amendments to the layout of the development a tree lined street would now be created which is supported by the Council’s Urban Designer and is considered to ensure compliance with Paragraph 136 of the NPPF.

Hard Landscaping

The submitted external works plan indicates the predominant use of tarmac to the internal access road, as well to the off-street parking areas, with Brindle block paving being utilised to the turning head within the vicinity of plots 7 to 11 and plot 16 and grey paving slabs to the pathways around the plots.

It is considered that improvements could be made to the hard landscaping scheme to ‘soften’ the surfaces proposed, albeit the internal highway would need to be constructed to an ‘adoptable’ standard to enable the District Council’s waste vehicle to access the site for waste collection purposes (this being discussed further in the ‘Waste Collection’ section of this report below).

To address the above, a condition would be imposed on any permission granted to secure an appropriate hard landscaping scheme.

Landscaping Conclusion

Overall, and subject to conditions, it is considered that the proposed development would be compliant with Policies D1 and En1 of the adopted Local Plan, Policy BotH6 of the submission BotHNP and Paragraph 136 of the NPPF.

Assessment of objections in relation to landscaping

Objection	Officer Response
<p>The plans indicate the removal of trees and parts of hedgerows which are not within the ownership of the applicant and have been subject to maintenance by existing neighbours.</p>	<p>As submitted the plans indicate the removal of a group of trees (identified as G2 – English Oak) which are situated to the boundary with The Orchard (no. 4) Loveys Croft.</p> <p>Whilst the representations received from the occupants of The Orchard (no. 4) Loveys Croft identify that G2 is within their ownership this has not be substantiated by any evidence (except for photos showing the positioning of G2).</p> <p>Notwithstanding this, land ownership records are held by Land Registry with land ownership not being a material planning consideration. If there is a dispute over land ownership, and where trees are located, then this would be a civil matter between the affected parties.</p> <p>If it is subsequently established that G2 is within the ownership of the occupants of The Orchard (no. 4) Loveys Croft, then permission would be required before G2 could be removed. The potential retention of G2 would not have any implications to the proposed development given that it</p>

	<p>lies within what would be the amenity areas associated with plots 7 and 8.</p> <p>A condition would be imposed on any permission granted to secure a landscape, ecological and biodiversity management plan (LEBMP), this would enable suitable future maintenance and management of the soft landscaping infrastructure to be undertaken.</p>
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Drainage and Flood Risk

Policy Cc2 of the adopted Local Plan outlines that the risk and impact of flooding will be minimised through directing new development to areas with the lowest probability of flooding; ensuring that new development addresses the effective management of all sources of flood risk; ensuring that development does not increase the risk of flooding elsewhere and ensuring wider environmental benefits of development in relation to flood risk. It also identifies the circumstances where development will be supported.

Policy Cc3 of the adopted Local Plan outlines that where it is necessary to manage surface water drainage than Sustainable Urban Drainage Systems (SuDS) should be incorporated into developments unless it is clearly demonstrated that SuDS are not technically, operationally, or financially viable and that surface water drainage issues from the development can be alternatively mitigated; or that the SuDS scheme itself will adversely affect the environment or safety.

Policy Both7 of the submission BothNP outlines that development sites should be designed to manage surface water, and utilise resources, sustainably during use. It also indicates that major development in Breedon on the Hill, comprising residential development, should accord with criterion A to D.

The application site comprises land which is within Flood Zone 1 (low risk of fluvial flooding) and is at a very low risk of surface water flooding (pluvial flooding), as defined by the Environment Agency’s (EA’s) Surface Water Flood Maps.

A Flood Risk Assessment (FRA) and Drainage Strategy (DS) have been submitted in support of the application, and notwithstanding the fluvial and pluvial flood risk to the site, the FRA also concludes that the site is not at risk of flooding from the sea (tidal flooding), canals, or reservoirs and waterbodies, whilst being at very low risk of flooding from sewers and a low risk of flooding from groundwater.

Given that the application site is predominately at a very low risk of flooding from any source, the terms of Paragraph 168 of the NPPF would not be applicable as sequentially an alternative site only has to be found if the risk of flooding to the site from any source is medium to high.

With regards to the proposed surface water drainage strategy, the submitted DS outlines that under the Sustainable Urban Drainage Systems (SuDS) hierarchy the first point of discharge should be via infiltration, however following percolation tests infiltration would not be viable given the ground conditions. The second point of discharge would be to a watercourse, and whilst a watercourse is present to the west of the site a connection would not be possible without crossing over third party land. Consequently, surface water discharge from the site would be directed to Severn Trent Water’s (STW) surface water sewer in Southworth Road

which connects to the watercourse to the west of the site. STW has agreed in principle that a connection can be made to their surface water sewer.

Criterion B of Policy BotH7 of the submission BotHNP outlines that surface water discharges should be carried out in accordance with the drainage hierarchy, “*such that discharge to the public sewerage systems is avoided, **where possible***” (*my emphasis*). It is concluded above that the SuDS hierarchy has been followed and in this instance a connection to the surface water sewer is the only viable option, albeit such a surface water sewer does subsequently discharge to the watercourse. Compliance with criterion B of Policy BotH7 is therefore demonstrated.

As proposed surface water discharge would match that of the current greenfield run-off rate, of 2.5 litres per second (l/s), with this being achieved using oversized pipes and the use of a Hydrobrake to restrict flows. In addition, each dwelling would be provided with a water butt to allow for rainwater harvesting and permeable paving would be utilised to the private drives associated with the dwellings.

The LLFA has acknowledged that the use of water butts can provide significant benefits in terms of additional storage and mitigation of flood risk and that permeable paving provides benefits in terms of water quality treatment and providing additional storage to reduce the strain on downstream drainage systems. They did, however, outline that as some SuDS features would be incorporated into individual plots there would be a requirement for them to be excluded from the attenuation calculations given that they may not be maintained by the individual occupant(s).

It has subsequently been outlined by the applicant that the calculations used to support the drainage strategy do not account for any SuDS features within the individual plots which means that the drainage strategy is not reliant on them. The applicant has also stated that whilst some SuDS features would be within individual plots given that the scheme is 100% affordable housing the long-term maintenance and management of the SuDS features (including those within individual plots) would be the responsibility of the Registered Provider (RP). On this basis the prospect of such SuDS features being replaced or altered is significantly reduced, with the exclusion of such features from the drainage calculations resulting in them providing further benefits.

Following consideration of this additional information, the LLFA has outlined that they have no objections to the application subject to the imposition of conditions on any permission granted to secure details of the precise surface water drainage scheme which would be implemented, along with a surface water drainage scheme for the construction phase of the development. Whilst not requested by the LLFA a management and maintenance schedule for the implemented surface water drainage scheme would also be conditioned in line with the requirements of criterion A of Policy BotH7 of the BotHNP.

In terms of the other criteria of Policy BotH7, criterion C requires surface water drainage proposals to incorporate water efficient designs and technology. When accounting for the advice of the LLFA it is considered that Criterion C of Policy BotH7 would be complied with.

Criterion D states that existing drainage systems should be protected, with proposed development not preventing the continuation of existing natural or manmade drainage features. Criterion D also stipulates that where watercourses or dry ditches are present within a site then such features should be retained and, where possible, enhanced. A dry ditch runs alongside the northern site boundary, and this would not be impacted by the proposed development nor would any existing drainage systems. Compliance with criterion D of Policy BotH7 is therefore

demonstrated.

Notwithstanding the assessment undertaken against Policy BotH7 of the submission BotHNP, it is acknowledged that only limited weight would be afforded to the policies of the submission BotHNP and therefore any deemed conflict would not warrant a refusal of the application.

Overall, and subject to the imposition of conditions, the proposed development would accord with Policies Cc2 and Cc3 of the adopted Local Plan, Policy BotH7 of the submission BotHNP, and Paragraphs 173 and 175 of the NPPF.

Foul drainage would be discharged via a proposed connection to the STW foul drainage network with such a connection being agreed with STW under separate legislation outside of the planning process. In agreeing a connection STW would have an opportunity to determine whether capacity exists in the foul drainage network to accommodate the development before enabling the connection with it being noted that no representation has been received from STW objecting to the application. On this basis there would not be an increased risk of pollution discharge from the foul drainage network and the proposal would be compliant with Paragraph 191 of the NPPF.

Assessment of objections in relation to flood risk and drainage

Objection	Officer Response
<p>The existing surface water drainage infrastructure is insufficient, and flooding incidents have occurred along Main Street (including in January 2024). Proposed development should be obligated to significantly improve and design out this issue.</p> <p>The earlier comments of Breedon on the Hill Parish Council are borne out by the Lead Local Flood Authority (LLFA) report outlining the importance of not allowing discharge of rainwater to the village watercourse and this remains paramount.</p>	<p>It is not for the development to address deficiencies in the existing surface water drainage infrastructure which is either subject to management by Seven Trent Water (STW) (should surface water be discharged via the sewer), the Lead Local Flood Authority (should surface water be discharged via a watercourse) or individual landowners.</p> <p>A development is required to mitigate its own impacts and thereby ensure that the risk of surface water flooding (or any other source of flooding) is not increased. As proposed surface water run-off from the site would not exceed that of its current greenfield run-off rate with the infrastructure delivered as part of the surface water proposals (being oversized pipes) accommodating the need to take account of climate change. Betterment is also provided to the surface water run-off by the provision of water butts and permeable paving which will attenuate the surface water flows.</p> <p>On this basis, and subject to the imposition of conditions on any permission granted to secure the surface water drainage infrastructure and its subsequent maintenance, the proposed surface water drainage proposals would not create or exacerbate any localised surface water flooding impact.</p> <p>It is also considered that surface water flows to the watercourses could not be prevented given that existing</p>

	<p>flows to such watercourses are not subject to any restrictions from other existing land uses (with the potential exception of those discharged by STW's surface water sewer). On the basis that the surface water flows from the development site would be no greater than those which already exist, and in many respects would be reduced by virtue of the additional attenuation features, there would be no justification to restrict surface water flows being discharged to the watercourse via the STW surface water sewer.</p>
<p>How is it ensured that developers comply with their requirements in relation to surface water drainage management and maintenance?</p>	<p>A condition would be imposed on any permission granted which required the surface water drainage infrastructure to be subject to management and maintenance by the applicant (or a management company on their behalf) for the lifetime of the development. If the terms of this condition were breached, then the Local Planning Authority (LPA) would have the ability to take enforcement action.</p>
<p>The submitted drainage documentation does not account for climate change and the increased regularity of rainfall.</p> <p>The report submitted does not deal with fluvial run-off from the site with the area of the site being some 70% hard paved in one form or another. Stormwater run-off cannot be accommodated in the stream running through the village which has been illustrated by the culvert under the village green flooding as it was unable to cope with the water flow emerging down Ashby Road. Such water flow resulted in the culvert being overran and flooding occurred in four properties on Main Street. This reason alone should be enough to stop development of this site as it severely affects downstream residents.</p>	<p>The submitted documentation has been subject to review by the Lead Local Flood Authority (LLFA) who has no objections to the application subject to the imposition of conditions on any permission granted.</p> <p>It is also the case that the submitted documentation has accounted for climate change, as well as pluvial run-off. Fluvial run-off would not occur as fluvial flooding is associated with rivers and seas and is therefore not applicable.</p>
<p>The application site already contributes to surface water</p>	<p>Any surface water run-off from the undeveloped site would be restricted to its current greenfield run-off rate but there is</p>

<p>flooding in the settlement with surface water draining to Ashby Road and subsequently flooding Main Street.</p>	<p>no attenuation in place should the ground become saturated. Also, no evidence has been provided to demonstrate that the application site has contributed to the surface water flooding to Ashby Road and Main Street.</p> <p>Notwithstanding this, whilst the proposed development would be undertaken on a greenfield site it is intended that the proposed surface water drainage infrastructure would ensure that the run-off rate does not exceed that of the current greenfield run-off rate with betterment being provided in the form of water butts and permeable paving to better attenuate surface water run-off. Consequently, the overall discharge rate of surface water run-off would be reduced, thereby not increasing the risk of such surface water flooding incidents occurring.</p>
<p>New build development in the settlement has contributed to issues with surface water flooding given the lack of mitigation provided.</p>	<p>It is for the development to mitigate its own risk in relation to the potential to increase the risk of surface water flooding and therefore the new build development undertaken in the settlement would have been required to address their impacts to surface water flooding as part of the determination of any planning application.</p> <p>It is noted that significant surface water drainage attenuation proposals were provided in connection with the development permitted at the former Breedon Priory Nurseries site off Ashby Road to mitigate their impact.</p>

Developer Contributions and Infrastructure

A request has been made for Section 106 contributions towards affordable housing, education, libraries, highways, and health services. These requests have been assessed against the equivalent legislative tests contained within the Community Infrastructure Levy (CIL) Regulations (CIL Regulations) as well as Policy IF1 of the adopted Local Plan and Paragraphs 34, 55 and 57 of the NPPF.

Affordable Housing

Policy H4 of the adopted Local Plan supports the provision of mixed, sustainable communities and that the Council will seek the provision of affordable housing on new developments when thresholds are met.

Policy BotH20 of the submission Breedon on the Hill Neighbourhood Plan (BotHNP) outlines that on a greenfield site, developments of 10 or more homes, or where the site has an area of 0.5 hectares or more, at least 30% of the total number of homes should be available as affordable homes. Unless informed by more up to date evidence of local affordable housing need, 25% of this affordable housing shall be rented, with the remainder providing affordable home ownership (which shall include at least 25% First Homes). It also states that affordable housing will be subject to conditions, or a planning obligation will be sought, to ensure that when homes are allocated, priority is given to people with a local connection to the BotHNP area (i.e.

including living, working or with close family ties in the Area).

As part of the consideration of the application the Council's Affordable Housing Enabler (AHE) has been consulted and they have outlined that a wholly affordable housing scheme would be delivered which is more than the minimum 30% required under Part (1) of Policy H4 of the adopted Local Plan.

Given that the scheme is wholly affordable the NPPF requirement for 10% of the homes to be provided as Affordable Home Ownership (AHO) is not applicable.

As of the 9th of August 2024, the housing register need for those who require rented accommodation, and who have indicated a preference for Breedon on the Hill and surrounding villages as well as Castle Donington, would be as follows:

Beds	Level Access	General	Wheelchair	Total
1	21	70	0	91
2	10	47	1	58
3	1	19	0	20
4	0	4	0	4
Total	32	140	1	173

It is considered that this information demonstrates a demand for rented accommodation in the area and therefore the proposal to provide 18 Social Rented properties would clearly reflect the level of housing need and would assist the Council in meeting such needs. On this basis the Council's AHE is supportive of the proposed property and tenure mix. This is discussed in more detail in the 'Housing Mix' sub-section of the 'Design, Housing Mix and Impact on the Character and Appearance of the Streetscape' section of this report above.

On the basis that the site is within the defined Limits to Development the Council's AHE has outlined that it would be expected that the Social Rented homes would meet the wider District needs and not be restricted to those with a local connection. This is due to the Council's adopted Allocation Policy not containing a general Local Lettings Policy, as such the Council do not operate local lettings and would only seek to restrict allocations to those with a local connection on Rural Exception Sites in line with Policy H5 of the adopted Local Plan. The Council's AHE will therefore ensure, via a Section 106 agreement, that the affordable properties are allocated through the Council's housing register.

In terms of Policy BotH20 of the submission BotHNP the proposed level of affordable housing would exceed that required by this policy (being 30% of the total number of dwellings). However, it is stated within Policy BotH20 that such affordable housing, when allocated, should be prioritised to those people with a local connection to the BotHNP area (i.e. including living, working or with close family ties in the Area).

Whilst there is conflict with the approach of Policy BotH20 to that of the Council's AHE, it is outlined within this report that only limited weight can be given to the policies of the submission BotHNP with even less weight attributed to Policy BotH20 given that the Council has an unresolved objection to the terms of this policy. On this basis there would be no justification to refuse the application based on the proposed affordable dwellings being allocated to those individuals on the Council's housing register.

The Council's AHE has also outlined that four of the proposed dwellings would be designed to the higher standards of optional requirement M4(2) (accessible and adaptable) dwellings of the Building Regulations and therefore would exceed the requirements of Part (3) of Policy H6 which only applies to schemes of 50 or more dwellings. This approach is also supported by the Council's AHE.

As discussed in the '*Design, Housing Mix and Impact on the Character and Appearance of the Streetscape*' and '*Highway Impacts*' sections of this report above, the proposed garden sizes of the dwellings would meet the requirements of the Council's adopted Good Design SPD with sufficient levels of off-street parking also being provided.

Overall, the proposal would be compliant with Policy H4 of the adopted Local Plan and Paragraphs 64 and 66 of the NPPF.

Education

Leicestershire County Council (Education) has requested a secondary education (11 – 16) sector contribution of £53,735.26 for Castle Donington College, Mount Pleasant, Castle Donington. No requests have been made for the primary, post-16, or Special Education and Disabilities (SEND) school sectors.

The applicant has confirmed their acceptance to the payment of the education contribution.

Libraries

Leicestershire County Council (Library Services) has requested a contribution of £543.56 for improved stock provision (i.e. books, audio books, newspapers, periodicals for loan and reference use) at Castle Donington Library, 101 Bondgate, Castle Donington, or to enable the reconfiguration of the internal space within the library to enable additional uses of the building (i.e. resident meetings including book readings and activities).

The applicant has confirmed their acceptance to the payment of the library contribution.

Highways Contributions

Leicestershire County Council Highways Authority has indicated that the following developer contributions would be requested which are required in the interests of encouraging sustainable travel to and from the site, reducing private car use and mitigating a severe impact upon the highway network.

- (i) A construction traffic routing agreement;
- (ii) Travel packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be supplied by Leicestershire County Council (LCC) at a cost of £52.85 per pack or whereby an administration charge of £500.00 is payable for LCC to review any sample travel pack to be supplied by the applicant; and
- (iii) Two six month bus passes per dwelling (2 application forms to be included in the Travel Pack and funded by the developer) to encourage new residents to use bus services, establish changes in travel behaviour from first occupation and promote the usage of sustainable travel modes other than the car (can be supplied through LCC at a cost of £520.00 per pass).

The applicant has confirmed their acceptance to the payment of the highways contributions as well as the construction traffic routing agreement.

Health Services

The Leicester, Leicestershire and Rutland Integrated Care Board (ICB) has requested a contribution of £13,929.20 which would be utilised to increase and improve primary care services at Manor House Surgery on Long Lane, Belton.

The applicant has confirmed their acceptance to the payment of the health services contribution.

Other Contributions

Leicestershire County Council has outlined that no contributions will be required to mitigate the impacts of the development to civic amenities.

Open Space, Sport and Recreation Facilities

Policy IF3 of the adopted Local Plan outlines that open space, sport and recreation facilities should be sought on development proposals of 50 dwellings or more.

On the basis that the proposal only relates to the construction of 18 dwellings there would be no requirement for the development to provide any on-site open space, sport and recreational facilities nor would any off-site contributions be required. As such there is no conflict with Policy IF3 of the adopted Local Plan.

Policy BotH10 of the submission BotHNP

Policy BotH10 of the submission BotHNP outlines that new development will be supported by the provision of new or improved infrastructure, together with financial contributions for the following off-site infrastructure requirements where appropriate:

- A. *The improvement, remodelling or enhancement of St Hardulph's Church of England Primary School;*
- B. *Countryside access improvements in accordance with Policy BotH4; and*
- C. *Community infrastructure improvements including the provision of parish notice boards, seats, children's play equipment, bus shelters, litter bins.*

It also outlines that to ensure the viability of housing development, the costs of the Plan's requirements may be applied flexibly where it is demonstrated that they are likely to make the development undeliverable.

As part of their consultation response Breedon on the Hill Parish Council has not requested any contributions in line with the terms of Policy BotH10, albeit contributions in relation to A would be dictated by the requirements of Leicestershire County Council (LCC) as the education authority and who have not requested a financial contribution towards St Hardulph's Church of England Primary School. In terms of C, improvements to bus shelters would be informed by LCC as the highways authority with Policy IF3 of the adopted Local Plan only requiring children's play equipment to be delivered on schemes of 50 dwellings or more.

Policy BotH4 of the submission BotHNP indicates that development should protect Rights of Way and wherever possible create new links to the network including footpaths and cycleways, and that an improved footpath/cycle link between Breedon on the Hill and National Cycle Route 6 via Doctor's Lane/Public Footpath M16 is encouraged.

The proposed development would not impact on any Rights of Way with the application site being bound on all sides by existing residential development, consequently the terms of Policy BotH4, as well as criterion B of Policy BotH10 would not be directly applicable.

Notwithstanding the above, only limited weight could be attributed to the terms of Policy BotH10 of the submission BotHNP and consequently any deemed conflict would not warrant a refusal of the planning application.

Section 106 Total Contributions:

Based on the above the following contributions would be secured within a Section 106 agreement:

- (a) Affordable Housing – All dwellings on site.
- (b) Education - £53,735.26.
- (c) Libraries - £543.56.
- (d) Highways - £19,671.30.
- (e) Health - £13,939.20.

Total Financial Contribution - £87,889.32

Overall, and insofar as the developer contributions are concerned, the view is taken that the proposed contributions would accord with the principles of relevant policy and legislative tests outlined in Policies IF1 and IF3 of the adopted Local Plan, Circular 05/95, the CIL Regulations and the NPPF.

Impact on the Historic Environment

Policy He1 of the adopted Local Plan and the advice in the NPPF requires heritage assets to be preserved and enhanced. Where development results in harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposed development must also be considered against Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which states that special regard shall be had to the desirability of preserving the setting of a listed building and the character and appearance of the conservation area.

In terms of heritage assets the application sites lies to the south of the Breedon on the Hill Conservation Area, whilst also being to the south of The Bulwarks (Ancient Monument), Church of St Mary and St Hardulph (Grade I listed), headstone to Francis Doleman, at Church of St Mary and St Hardulph (Grade II listed), Tomb chest to Dawson Family at Church of St Mary and St Hardulph (Grade II listed), and a Milepost on Ashby Road (Grade II listed). Therefore, the impact of the development on the fabric and setting of these heritage assets should be given special regard by the 1990 Act.

As part of the consideration of the application the Council's Conservation Officer has been consulted and they have no objections and agree with the conclusions reached in the submitted Heritage Statement (HS) which state that no harm to the significance of the setting of any heritage assets would arise.

In the circumstances that *no harm* arises to the significance of the setting of the identified heritage assets an assessment in the context of Paragraph 208 of the NPPF is not required.

The lack of harm would also ensure that the setting of the identified heritage assets would be preserved.

On this basis the proposal would be compliant with Policy He1 of the adopted Local Plan, Paragraphs 203 and 205 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Archaeology

The Leicestershire and Rutland Historic Environment Record (HER) indicates that the application site lies within an area of archaeological interest. As part of the consideration of the application the County Council Archaeologist outlined that whilst the submitted Desk-Based Assessment (DBA) showed that the site had historically been used for agriculture, there was potential for iron age and/or Anglo-Saxon remains to be located beneath the ridge and furrow earthworks which could be impacted by the proposed development. On this basis, the County Council Archaeologist advised that an Archaeological Impact Assessment (ARIA) prior to determination would need to be submitted comprising a Geophysical Survey Report (GSR) and a field evaluation by appropriate techniques. The undertaking of such assessments would enable any archaeological remains of significance to be identified and located, and consequently suitable treatments to avoid or minimise damage by the development could be secured if necessary.

A Written Scheme of Investigation (WSI) and GSR were subsequently submitted by the applicant. Following consideration of these reports the County Council Archaeologist has concluded that although the reports provide sufficient archaeological details to enable the application to be determined, there is a potential that ridge and furrow remains, or debris are obscuring earlier remains. On this basis the results of the GSR would need to be confirmed by trial trenching as well as an earthwork survey to mitigate against the loss of the ridge and furrow earthworks.

Overall, there are no objections to the application from the County Council Archaeologist subject to the imposition of conditions on any permission granted to secure the further archaeology investigations and relevant mitigation measures. On the basis such conditions are imposed, the proposed development would be compliant with Policy He1 of the adopted Local Plan, insofar as it relates to archaeology, and Paragraph 211 of the NPPF.

Aviation Safety

Part (1) of Policy Ec5 of the adopted Local Plan outlines that development which would adversely affect the operation, safety or planned growth of East Midlands Airport will not be permitted.

As part of the consideration of the application East Midlands Airport Safeguarding (EMAS) has been consulted and they have raised no objections to the application subject to the imposition of a condition on any permission granted to secure an external lighting scheme, as well as an informative to make the applicant aware of their crane and tall equipment notification procedure.

On this basis, and subject to the imposition of the condition and informative, there would be no conflict with Policy Ec5 of the adopted Local Plan.

Waste Collection

The applicant has outlined that whilst the internal highway serving the proposed development would not be formally adopted by Leicestershire County Council (LCC), as the highway authority, it would be built to an adoptable standard. Southworth Road itself is also not an adopted highway.

The Council's Waste Services Development Officer (WSDO) required confirmation from the applicant that the internal highway would be constructed to an adoptable standard to ensure that the applicant could enter into an indemnity agreement with the Council's Waste Services Team. Such an agreement would ensure that the Council's Waste Services Team would be indemnified against any damage which may be caused to the unadopted internal highway because of the movement of waste collection vehicles.

In the circumstances that the indemnity agreement is entered into, future occupants of the plots would be able to present their waste receptacles by the kerbside for collection and there would be no requirement for a bin collection point (BCP). It is advised by the Council's WSDO that the requirement to present waste receptacles adjacent to the kerbside should be written in the plot deeds and an informative on any permission granted could advise the applicant of this requirement.

The Council's WSDO is also satisfied that the swept path analysis of the Council's waste services vehicle demonstrates that suitable movements could be undertaken within the site to ensure that the vehicle exits in a forward direction. The County Highways Authority (CHA) are also satisfied with the swept path analysis and sufficient levels of off-street parking would be provided (this is as outlined in the '*Highway Impacts*' section of this report above).

As submitted the plans also indicate that the waste receptacles would be stored at the rear of the plots, thereby not having visibility from the public domain or within the site itself. Notwithstanding this a condition would be imposed on any permission granted which would require the provision of an enclosed waste receptacle storage solution should waste receptacles subsequently be stored on the frontage of any of the plots. This would ensure that the storage of the waste receptacles would not result in visual detriment to the streetscape.

Other Matters

Policy BotH9 of the submission Breedon on the Hill Neighbourhood Plan (BotHNP) outlines that new development should incorporate open access ducting to industry standards, to enable all new premises and homes to be directly served by fibre optic broadband technology. Exceptions would only be considered where it is demonstrated that making such provision would render the development unviable.

It is considered that the responsibility of ensuring that fibre optic broadband technology is delivered to the proposed dwellings would be a matter to be addressed by the relevant service provider outside of the planning process. Notwithstanding this, and in line with Policy BotH9, an informative would be imposed on any permission granted to make the applicant aware of the need to engage with relevant service providers to ensure that fibre optic broadband can be delivered to the application site.

Assessment of objections in relation to other matters

Objection	Officer Response
<p>The position of the site boundary does not reflect that agreed with both the previous and current landowner which as denoted by a post and wire fence.</p>	<p>Land ownership records are held by Land Registry with land ownership not being a material planning consideration. If there is a dispute over land ownership, or where the boundary lies, then this would be a civil matter between the affected parties.</p>
<p>The application takes no account of the policies in the emerging neighbourhood plan.</p>	<p>The applicant has provided an assessment of the application against the policies of the submission Breedon on the Hill Neighbourhood Plan (BotHNP), and particularly Policy BotH16.</p> <p>It is also the case that this report has considered such policies, albeit only limited weight would be afforded to them in the decision making process due to the status of the submission BotHNP.</p>

Conclusion and Contribution to Sustainable Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021) and the submission Breedon on the Hill Neighbourhood Plan (BotHNP) (2024). The application site lies within the defined Limits to Development and comprises a greenfield site within Breedon on the Hill which is defined as a ‘Sustainable Village’. On this basis the principle of the development would be considered acceptable.

In addition to the need to determine the application in accordance with the development plan, regard also needs to be had to other material considerations (and which would include the requirements of other policies, such as those set out within the National Planning Policy Framework (NPPF) (2023)). The NPPF contains a presumption in favour of sustainable development and when having regard to the three objectives of sustainable development, it is concluded as follows:

Economic Objective:

This objective seeks to ensure 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 that the provision of infrastructure is identified and coordinated. It is accepted that, as per most forms of development, the scheme would have some economic benefits including those to the local economic during the construction stage. The applicant has also confirmed that the contributions as set out in the ‘Developer Contributions and Infrastructure’ section of this report above would be made and these would be secured in connection with the scheme.

Social Objective:

The economic benefits associated with the proposed development would, by virtue of the social effects of the jobs created on those employed in association with the construction of the development, also be expected to provide some social benefits. The NPPF identifies, in respect of the social objective, the need to ensure that a sufficient number and range of homes can be provided to meet the needs of present and future generations, and by the fostering of a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being.

Subject to the extent of the contribution being secured in a Section 106 obligation, the scheme would deliver a level of affordable housing greater than that required by Policy H4 of the adopted Local Plan with the range and types of houses meeting an identified need.

In terms of the social objective's stated aim of fostering a well-designed and safe environment, it is considered that, subject to the imposition of conditions to secure suitable design detailing and landscaping, that the scheme would be of an appropriate design which would successfully integrate into, and enhance, the environment in which it is set.

As per the economic objective above, the scheme would provide for the necessary infrastructure to support the development and perform well in terms of the need to provide accessible services.

Environmental Objective:

The scheme would also, it is considered, perform relatively well in terms of several aspects of the environmental objective, and including in respect of the impacts on the built and historic environment, making an effective use of land, and mitigating and adapting to climate change. Given the location of the development in Breedon on the Hill, the ability to access services would be achievable via means other than the private car which would enable the development to contribute positively towards the movement to a low carbon economy.

In terms of issues relating to protecting and enhancing the natural environment, and as set out in the report above, the development would be undertaken on a greenfield site. Such development on a greenfield site result in a net gain in biodiversity not being delivered on the application site. However, it would be possible to deliver a biodiversity net gain (BNG) by the purchase of statutory credits or at an off-site habitat bank and conditions on any permission granted could secure this (including the Biodiversity Offsetting Management Plan (BOMP) requested by the County Council Ecologist who has no objections to the application – as discussed in the 'Ecology' section of this report above). This approach would ensure that a 'net gain' would be delivered in line with Paragraphs 180 and 186 of the NPPF, with the report acknowledging that the mandatory 10% BNG would not be applicable to the proposal given the timing of its submission.

It also must be accepted that from an environmental perspective the submission Breedon on the Hill Neighbourhood Plan (BotHNP) seeks to allocate the site for residential development (Policy BotH16) which provides an acceptance that the site would be built upon in the future.

Having regard to the three objectives of sustainable development, therefore, and having regard to the conclusions in respect of various technical issues as outlined above, it is considered that

subject to the imposition of conditions and the securing of a Section 106 agreement the overall scheme would represent sustainable development and approval is recommended.

Erection of 9 single storey dwellings including associated access and parking arrangements

Report Item No
A2

115 Station Road, Hugglescote, Coalville, Leicestershire LE67
2GB

Application Reference
23/01494/FUL

Grid Reference (E) 442515
Grid Reference (N) 312632

Date Registered:
09 November 2023

Applicant:
Hardingstone Property LLP

Consultation Expiry:
20 December 2023

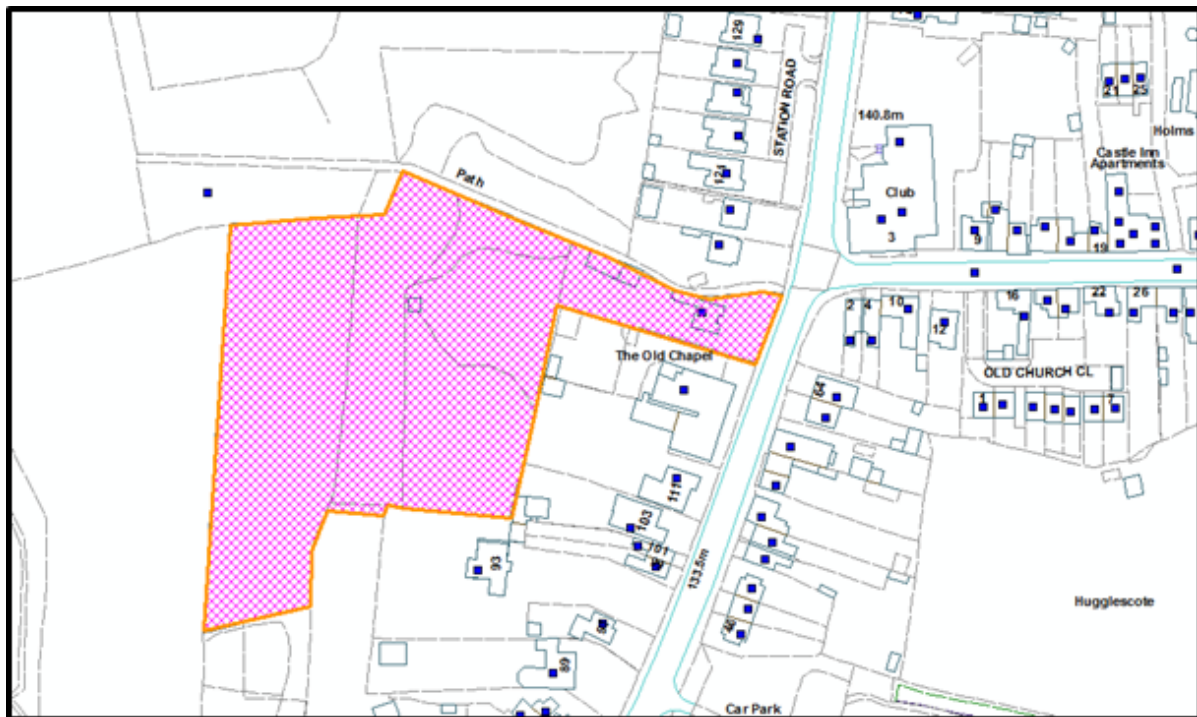
Case Officer:
James Banks

8 Week Date:
16 January 2024

Recommendation:
Permit, subject to conditions and S106 agreement

Extension of Time:
6 September 2024

Site Location - Plan for indicative purposes only



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Reason the case is called to the Planning Committee:

This application is brought to Planning Committee at the request of Councillor Russell Johnson on the grounds that the proposal is contrary to the Hugglescote Neighbourhood Plan Policy ENV 2 and Policy ENV 6 and encroachment into the conservation area.

RECOMMENDATION - PERMIT, subject to the following condition(s):

1. **Time limit for implementation**
2. **Approved plans**
The development must be carried out strictly in accordance with the approved plans, ensuring that it is constructed as proposed and assessed during the planning process.
3. **Implementation of access (Highways)**
This condition requires the construction of the site access in accordance with approved plans to ensure safe access for vehicles entering and exiting the development.
4. **Implementation of vehicular visibility (Highways)**
This ensures that appropriate visibility splays for vehicles are provided and maintained at the access point to guarantee safe and unobstructed sightlines for drivers.
5. **Implementation of pedestrian visibility splays (Highways)**
Pedestrian visibility splays must be provided and maintained at the access points, ensuring clear sightlines for both pedestrians and drivers, enhancing safety.
6. **Implementation of access surfacing (Highways)**
This condition requires that the access road is surfaced with suitable materials to ensure durability and proper drainage.
7. **Implementation of parking provision (Highways)**
Parking spaces must be constructed and made available for use in accordance with approved plans before the dwellings are occupied, ensuring sufficient off-street parking for residents.
8. **Removal of householder permitted development rights (Design)**
Permitted development rights for certain extensions and alterations will be removed to ensure future changes do not negatively affect the design, scale, or character of the development.
9. **Boundary treatment details (Design)**
This condition requires details of fences, walls, and other boundary treatments to be submitted and approved, ensuring they are in keeping with the character of the development.
10. **Soft landscaping details (Design)**
Detailed plans for planting trees, hedges, and other vegetation must be submitted and approved, ensuring the development is softened by appropriate landscaping.
11. **Hard landscaping details (Design)**
This condition requires details of hard surfacing materials, such as patios, pathways, and driveways, to ensure they complement the design of the development.
12. **Written scheme of investigation (Archaeology)**
A scheme must be submitted detailing the archaeological investigation required to record and protect any potential archaeological remains on-site.
13. **Refuse storage details (Waste)**
Details of bin storage locations and facilities must be submitted and approved to ensure that waste collection can occur efficiently without obstructing the site or access.
14. **Implementation of badger mitigation strategy (Ecology)**
The badger mitigation strategy, including the use of an artificial badger sett, must be fully implemented to protect and support local wildlife during and after development.
15. **External lighting details (Ecology)**

Details of external lighting must be submitted and approved to ensure that lighting does not disturb wildlife, particularly bats, and is sensitive to the surrounding environment.

16. Biodiversity net gain (Ecology)

A strategy must be implemented to achieve a 1% biodiversity net gain, including measures such as planting native species and creating habitats for local wildlife.

17. Implementation of tree mitigation (Ecology)

Trees must be protected during construction, and replacement trees must be planted as part of the tree mitigation strategy to compensate for any lost trees.

18. Landscaping & Ecological Management Plan (Ecology)

A plan must be submitted and approved to manage the long-term care of the landscaping and ecological features, ensuring the site remains ecologically rich and well-maintained.

19. Sustainable urban drainage strategy (Drainage)

The submitted drainage strategy must be implemented to manage surface water runoff sustainably, preventing any increase in flood risk on or off the site.

MAIN REPORT

1. Proposals and Background

The mandatory requirement for 10% Biodiversity Net Gain (BNG) for small sites as required by the Environment Act came into force on 2 April 2024. This application was submitted prior to this date and thus the delivery of the 10% is not mandatory for this application. However, the application will still need to demonstrate that a net gain of an agreed amount can be achieved against the requirement of paragraphs 185 and 186 of the NPPF.

Approval is sought for the construction of 9 dwellings including associated access and parking arrangements at 115 Station Road Hugglescote Coalville. The proposed development site includes 115 Station Road as the main access point and is further comprised of two parcels of undeveloped land which is to the west and adjacent to this property.

This land is situated within the settlement boundary of Hugglescote and there is a public rights of way running along the northern boundary of the application site. There is an existing underground public sewer pipe which runs east-west through the access of the site and is protected by an easement.

The site is partially within the Hugglescote Conservation Area which was designated in October 2017 and there are ancient ponds within the site.

Regarding ecological features, the application site has an existing artificial badger sett to the northwest where ecologists have identified a section of grassland habitat. There are numerous trees and hedgerows on the boundary and within the centre of land.

The site is situated within Flood zone 1 as identified through Environment Agency Maps and the land is at low risk of surface water flooding.



The general location has a semi-rural vernacular between the line of urban development situated along Station Road to the east within the Conservation Area of Hugglescote and the undeveloped land to the west which could be broadly divided into three main uses. Playing fields to the north are associated with Hugglescote Community Primary School and a field designated as public open space with a play park. Donington Le Heath Country Park is west of the site which allows pedestrian cross access between Station Road, Ashburton Road and Manor Road. There is an agricultural field of approximately 2.2ha to the northwest adjacent to the open green space.

The proposed scheme consists of the construction of 9 new dwellings and associated parking and access.

The curtilage of No. 115 Station Road would be subdivided to facilitate plot 1 together with a 3.5 metre wide access and a smaller residential garden and parking for three vehicles at the front of 115 Station Road.

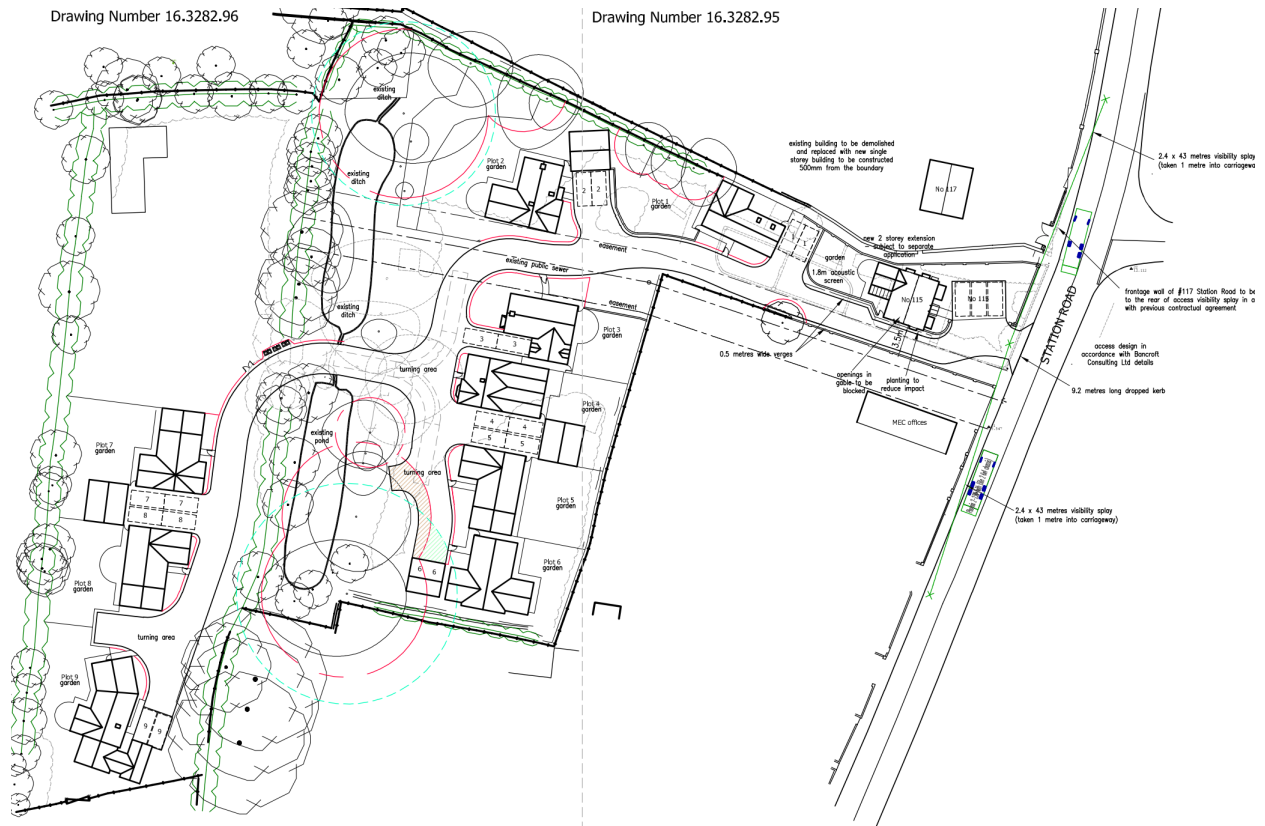
Plot 1 is situated behind No.115 Station Road and would be located within the Conservation Area. The property has two bedrooms and would be single storey in scale with a simple south facing dual pitch gable roof and rearward intersecting gable to the north elevation. Two parking spaces are allocated to the east whilst the private garden is to the west.

Plot 2 is comprised of a two-storey four-bedroom dwelling with symmetrical features and gable roof designs together with a standalone double garage.

Plots 3, 4, 5 and 6 run north-south behind existing development along Station Road. These properties, whilst varying slightly in design, are single storey in scale with integrated or standalone garaging and two parking spaces each. Every dwelling also benefits from a rear garden.

Plots 7, 8 and 9 are located within the west adjacent parcel of land which would require the removal of several trees in the centre of the site and a small access over existing ditches running north-south through the site. These three dwellings would be single storey with integrated and detached garages and two parking spaces each. Each property would also have its own amenity space. North of these properties is the grassland habitat and existing artificial badger set to the northwest corner of the land.

Proposed Site Plan



The application submission was accompanied by a design, access, heritage and planning statement, botanical survey, arboricultural method statement, bat survey and a badger mitigation strategy. Precise details and measurements of the proposals are available to view on the submitted plans on the Council’s website.

Relevant Planning History:

14/00968/OUT - Demolition of existing dwelling to allow for residential development of up to 8 dwellings (Outline - details of part access included) - (Application Permitted).

18/00369/OUT - Demolition of existing dwelling to allow for residential development (outline - details of part access included) - (Application Withdrawn).

18/01095/REM - Erection of dwellings to plots 7 and 8 (reserved matters to outline planning permission 14/00968/OUT) - (Application Withdrawn).

18/01599/OUTM - Erection of 9 dwellings including associated access and parking arrangements (Outline - means of access and layout for approval) - (Application Permitted).

19/01980/OUT - Erection of 4 dwellings including associated access and parking arrangements (outline - means of access and layout for approval) - (Application Withdrawn).

22/00274/FUL - Demolition and relocation of existing boundary wall to No 115 and 117 Station Road, Hugglescote (as per planning approval 18/01599/OUTM) to create visibility splays - (Application Withdrawn).

22/00594/VCU - Variation of conditions 5, 9, 11-14, 16, 18, 21 and 22 of planning permission 18/01599/OUTM to allow for the demolition of existing frontage wall to No.115 and 117 and erection of new wall to not trigger pre-commencement conditions, along with the submission of details required by condition 20 (details of new wall to No.117) - (Application Permitted).

22/00595/FUL - Demolition of existing single storey rear projection and side porch and erection of two-storey rear extension including revised access arrangements, parking and landscaping and demolition and rebuilding of front boundary wall - (Application Permitted).

22/00596/REM - Erection of 9 dwellings including associated access and parking arrangements (Reserved matters to outline planning permission 22/00594/VCU) - (Application Permitted).

22/01092/FUL - Erection of 8 dwellings including access and landscaping along with alteration and extension to no. 115 Station Road, demolition and repositioning of boundary wall to no. 115 Station Road and realignment of the frontage boundary wall to no. 117 Station Road - (Application Withdrawn).

22/01192/FUL - Demolition of existing single storey rear projection and side porch and erection of two-storey rear extension and detached single garage including revised access and parking arrangements - (Application Withdrawn).

2. Publicity

42 Neighbours have been notified.
Site Notice displayed 23/11/2023.
Press Notice published Leicester Mercury

3. Summary of Consultations and Representations Received

Donington Le Heath Parish Council: Objection on the following grounds:

*“Neighbourhood Plan -Policy ENV 2 Protection of Sites of Environmental Significance
This site is identified as being of local significance for their environmental features
(natural and/or historical).*

Ancient fishpond earth works are within the boundary of this development. They are ecologically important in their own right with their historical features still visible. The environmental value of this site should remain and not lost through development.

There are recorded many incidents of flooding at the bottom of Station Road and the Public Rights of Way. It is proposed that the watercourse is to be filled in, what effect will this have on the water table and future flooding? And the proposals to mitigate this? The existing sewerage system cannot cope with the level of discharge from Grange Road developments and this only adds to the problem.

No trees (no12) should be removed to accommodate this development and Plans

redesigned. To replace mature trees and hedgerows with saplings is not acceptable. It will take many years for local habitats to recover. District Council Members have commented that mistakes were made when approving Reserved Matters for Grange Road developments, and this should not be repeated."

NWLDC Conservation Officer: No objections following design negotiations.

NWLDC Environmental Protection: No objections.

NWLDC Tree Officer: No objections subject to conditions.

Requested conditions:

- Implementation of the ground protection measures recommended within the submitted Arboricultural Method Statement.

Leicestershire County Council (Highways): No objections subject to conditions

Requested conditions:

- implementation of access prior to occupation.
- implementation of pedestrian and vehicular visibility splays prior to occupation.
- implementation of access and turning areas prior to occupation.
- implementation of parking facilities prior to occupation.

Leicestershire County Council (Ecology): No objections subject to conditions.

Requested conditions:

- Submission of an environmental management plan for the construction phase of the development for badger mitigation.
- Submission and approval of a landscape environmental management plan to secure long term grassland habitat.
- Biodiversity net gain of 1%.

Leicestershire County Council (Archaeology): No objection subject to conditions.

Requested conditions:

- Submission and approval of a Written Scheme of Investigation (WSI).

Leicestershire County Council (Lead Local Flood Authority): No comments.

LLFA Standing Advice

Third Party Representations

18 letters of representation have been received from surrounding neighbouring properties. All 18 letters object to the development and make the following points: -

- Loss and disturbance to habitat and trees.
- Reduction in public open space.
- Highway safety concerns due to waste collection and trip generation.

- Increased pressure on public services.
- Adverse impact on Conservation Area.
- Increased pressure on local drainage and sewer network.
- Disruption during development.

All responses from statutory consultees and third parties are available to view in full on the Council's website.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework

The following sections of the NPPF are considered relevant to the determination of this application:

- Chapter 2. Achieving sustainable development
- Chapter 4. Decision-making
- Chapter 5. Delivering a sufficient supply of homes
- Chapter 8. Promoting healthy and safe communities
- Chapter 9. Promoting sustainable transport
- Chapter 11. Making effective use of land
- Chapter 12. Achieving well-designed places
- Chapter 14. Meeting the challenge of climate change, flooding and coastal change
- Chapter 15. Conserving and enhancing the natural environment
- Chapter 16. Conserving and enhancing the historic environment

Adopted North West Leicestershire Local Plan (2021)

The following policies of the adopted Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

- Policy S1 Future Housing and Economic Development Needs
- Policy S2 Settlement Hierarchy
- Policy D1 Design of New Development
- Policy D2 Amenity
- Policy H4 Affordable Housing
- Policy H6 House Types and Mix
- Policy IF4 Transport Infrastructure and New Development
- Policy IF7 Parking Provision and New Development
- Policy En1 Nature Conservation
- Policy En3 The National Forest
- Policy En6 Land and Air Quality
- Policy He1 Conservation and Enhancement of North West Leicestershire Historic Environment
- Policy Cc2 Water - Flood Risk
- Policy Cc3 Water - Sustainable Drainage Systems.

Adopted Hugglescote and Donington Le Heath Neighbourhood Plan (2021)

The Hugglescote and Donington le Heath Neighbourhood Plan forms part of the development plan and the following policies of the Neighbourhood Plan are relevant to the determination of the application:

Policy G1 Limits to Development
 Policy G3 Design
 Policy H1 Housing Mix
 Policy ENV2 Protection of Sites of Environmental Significance
 Policy ENV6 Biodiversity and Habitat Connectivity
 Policy T1 Transport Assessment for New Housing Development
 Policy T2 Residential and Public Car Parking

Other Policies/Guidance

National Planning Practice Guidance
 Leicestershire Highway Design Guide (LHDG)
 Sections 16, 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990
 Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System)
 Donington le Heath Conservation Area Character Appraisal and Management Plan
 North West Leicestershire Good Design SPD

5. Assessment

Principle of Development

The starting point for the determination of this application is Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that decisions are made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises the adopted North West Leicestershire Local Plan (2021) and the Hugglescote and Donington le Heath Neighbourhood Plan (2021).

The site is located within the Limits to Development as defined in the Local Plan, where the principle of residential development is considered acceptable, subject to compliance with relevant policies. Policy S2 of the North West Leicestershire Local Plan supports sustainable development within these defined limits, promoting residential development in suitable locations that contribute to the area's housing supply and align with the district's spatial strategy.

The Hugglescote and Donington le Heath Neighbourhood Plan, adopted in November 2021, also forms part of the statutory development plan. This plan outlines the community's vision and objectives for guiding development in a sustainable manner. Policy H1 of the Neighbourhood Plan supports new housing development that helps meet local needs, particularly where it aligns with the defined Limits to Development and the overall character of the area. Furthermore, Policy G1 sets out that development proposals within the Limits to Development will be supported, provided they comply with other relevant policies and deliver high-quality design that respects the local context. As this site is located within the Limits to Development, the proposal aligns with these key policies, reinforcing the principle of the proposed development.

In addition, the National Planning Policy Framework (NPPF, 2023) promotes a presumption in favour of sustainable development. Paragraph 11 of the NPPF states that development proposals that accord with an up-to-date development plan should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole or where specific policies indicate development should be restricted.

In this case, the site is well-related to the existing settlement and is in a sustainable location, with access to local services and infrastructure. Therefore, the principle of residential development is considered acceptable, subject to compliance with all other relevant policies in the Local Plan, the Hugglescote and Donington le Heath Neighbourhood Plan, and the NPPF.

Design and Impact upon Character

Policy D1 of the North West Leicestershire Local Plan (2021) requires that all developments are based on a thorough opportunities and constraints assessment and informed by a comprehensive site and contextual appraisal. Policy G1 of the Hugglescote and Donington le Heath Neighbourhood Plan (2021) emphasizes that development proposals within the Limits to Development must respect the character and appearance of the area, with design that contributes positively to the local distinctiveness and enhances the visual amenity. Policy G3 of the Neighbourhood Plan reinforces this by requiring that all new development reflects the character and context of the surrounding built environment, encourages innovative design, and maintains a high standard of architectural quality. The proposal, therefore, must be assessed against these key design policies to ensure it integrates appropriately with the existing character of Hugglescote and Donington le Heath. In addition, new residential developments must also perform positively against the Council's adopted Good Design Supplementary Planning Document (SPD).

The site is located on the semi-rural edge of Hugglescote and has a distinct frontage onto Station Road, contributing to the green space that connects the surrounding Country Park, playing fields, and agricultural fields. The site's character is influenced by adjacent buildings to the east and surrounding vegetation, such as trees and hedgerows to the north, south, and west. The site's western boundary adjoins the Hugglescote Conservation Area, whose character analysis provides the following relevant points:

- “Buildings are generally two storeys tall with simple massing, with a few exceptions.”
- “Red brick is the characteristic facing material, though some buildings are rendered.”
- “Plain tile and natural slate are typical roofing materials, with some exceptions of concrete tiles.”

The proposed development can be visually segmented into three key areas:

1. **Plots 1 and 2 and No. 115 Station Road:** This forms the gateway into the site, with No. 115 and Plot 1 lying within the Conservation Area. Following consultation with the Council's conservation officer, design changes were implemented. Plot 1 remains a single-storey bungalow with a dual gable roof that complements the adjacent single-storey outbuilding at No. 115. Plot 2 has been revised from a single-storey to a two-storey dwelling at the conservation officer's request. While Plot 2 lies outside the Conservation Area, its two-storey design reflects the predominant building height in the area and forms an appropriate visual termination when viewed from the Conservation Area. The combination of materials, including half render and brick, with plain roof tiles, respects the character of both No. 115 and the Conservation Area.

2. **Plots 3, 4, 5, and 6:** This section forms a frontage backing onto existing properties on Station Road. Plot 3's principal elevation faces the access road, creating a gateway effect with Plot 2. The plot's visual impact from Station Road is limited due to its setback and partial screening by trees. Considerable attention was given to Plots 4, 5, and 6, as their close spacing created a terracing effect. To mitigate this, chimney stacks have been introduced to visually break up the mass, and a minor dip in Plot 5's roofline further disrupts the terracing effect. The varied roof design, narrower frontages, and stepped massing allow these plots to integrate harmoniously within the street scene.

3. **Plots 7, 8, and 9:** These properties are located across the ancient ponds and form the transition between the urban and rural vernacular. The northern section of the site will remain as non-residential open space, contributing to the site's ecological value and supporting the badger mitigation strategy. Plots 7, 8, and 9 are designed as single-storey bungalows, with a reduction in ridge height to reflect the sloping topography of the site. Chimneys have been added to enhance the roof design, breaking up the perceived mass while maintaining floor space. Plot 9, positioned at the southern boundary, features a projecting extension to improve its visual relationship with the street scene while maintaining the overall frontage.

Each plot has been carefully designed regarding its visual impact on the surrounding area, its relationship with neighbouring dwellings, and its individual merits. The scale, form, and materials of the proposed dwellings, including red brick, render, plain tiles, and uPVC fenestration, are considered appropriate for the development and consistent with the Council's Good Design SPD. The plot sizes and private amenity spaces are also in line with the SPD requirements, providing suitable outdoor spaces for future residents.

The Council's urban design specialist was consulted and provided guidance on key issues such as natural surveillance. Amendments were made to the floorplans to address concerns about ground-floor bedrooms facing the street, which could reduce natural surveillance. While some plots retain forward-facing bedrooms, the revised plans introduce more lived spaces, such as living and dining rooms, overlooking the street, improving the active frontage in line with the Good Design SPD.

Boundary treatments will be secured by condition to ensure appropriate design, particularly for boundaries that are publicly visible.

In conclusion, the appearance, scale, and layout of the proposed dwellings are considered acceptable and would integrate successfully into the surrounding environment. The development complies with Policy D1 of the North West Leicestershire Local Plan, the Good Design SPD, Policies G1 and G3 of the Hugglescote and Donington le Heath Neighbourhood Plan, and the National Planning Policy Framework (NPPF).

Impact on the Historic Environment

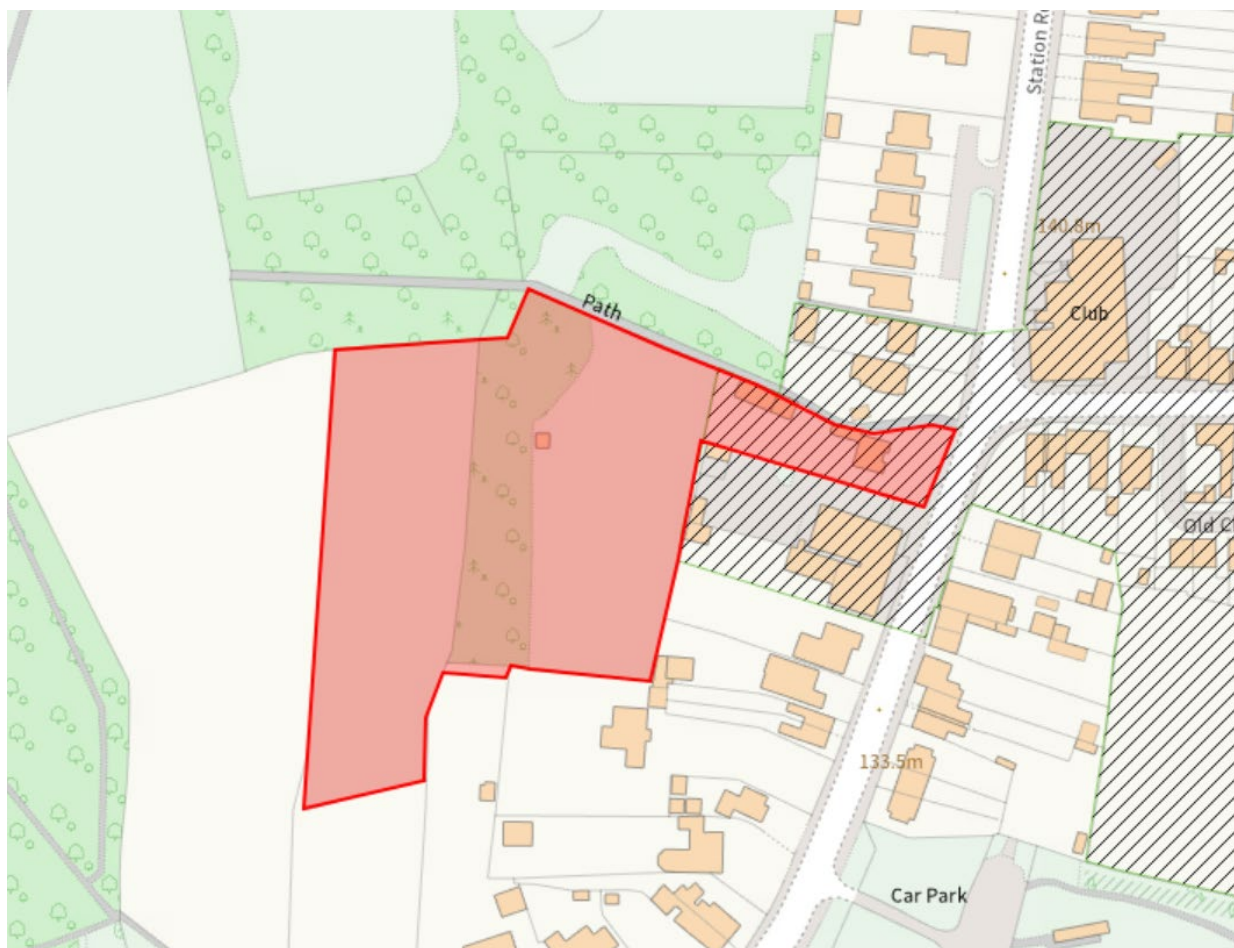
Policy He1 of the North West Leicestershire Local Plan (2021) and guidance in the National Planning Policy Framework (NPPF) require that heritage assets are preserved and enhanced. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be), as outlined in Paragraph 205 of the NPPF. Additionally, the development must be considered in line with Sections 16 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. These sections emphasize the

importance of preserving the setting of listed buildings and the character and appearance of conservation areas.

Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 specifically requires the local planning authority, when determining an application affecting a conservation area or its setting, to give special attention to preserving or enhancing the area's character, appearance, or features of special architectural or historic interest. This statutory requirement is further supported by Chapter 16 of the NPPF, which deals with conserving and enhancing the historic environment.

The Hugglescote and Donington le Heath Neighbourhood Plan (2021) adds local guidance in protecting heritage assets, particularly through Policy ENV2: Protection of Sites of Environmental Significance, which highlights the importance of protecting areas of historical value, such as the Hugglescote Conservation Area. Additionally, Policy G3: Design requires that new development reflects and respects the historical and architectural context of the area, ensuring that local heritage is preserved while encouraging sensitive, high-quality design.

In this case, the application site lies partially within the Hugglescote Conservation Area, and its impact on this designated heritage asset requires careful consideration. The map below shows the site boundary outlined in red, and the Conservation Area represented by stripes.



As part of the application, the Council's Conservation Officer has focused on Plots 1 and 2, which either fall within or border the Hugglescote Conservation Area. For Plot 1, there is no objection to the scale, massing, and materials used, but concerns were raised about the provision of estate railings as a frontage boundary treatment, which would not reflect the local character. The Conservation Officer also sought clarification on whether the rear elevation of Plot 1 would form the boundary with public footpath N74 or whether a boundary treatment would be required.

Regarding Plot 2, it was noted that the 'half rendered' elevation treatment reflects the character of No. 119 Station Road. However, the shallow projecting wing on the south-eastern (front) elevation was considered inconsistent with the local character and was advised to be omitted. The Conservation Officer indicated that the harm caused by these elements would fall into the lower end of the "less than substantial" category with respect to the significance of the Hugglescote Conservation Area.

To address these issues, a condition requiring a revised scheme for boundary treatments will ensure that the estate railing is replaced with a more appropriate alternative. It has also been clarified that the north-eastern (rear) elevation of Plot 1 will form the boundary with public footpath N74, removing the need for additional boundary treatment.

In response to the Conservation Officer's concerns, the plans for Plot 2 have been amended. The 'half rendered' elevation treatment now spans the entire first floor of the south-eastern elevation to align with the character of No. 119 Station Road. Additionally, the scale of Plot 2 has been maintained as two storeys, consistent with the building heights within the Conservation Area. While the projecting wing remains, the Conservation Officer acknowledged that its impact would cause less than substantial harm.

While the projecting wing does cause limited harm to the Conservation Area, it is considered insufficient to refuse the application on heritage grounds. The wing primarily affects the setting of the Conservation Area, as Plot 2 lies just outside its boundary. Additionally, similar gable projections can be found within 100m of the site, at houses 121–129 Station Road, which, while not within the Conservation Area, contribute to the character of the area's setting.

Overall, and taking all factors into account, it is concluded that any harm to the significance of the Hugglescote Conservation Area would be minimal and falls within the "less than substantial" category. Therefore, a detailed assessment under Paragraph 207 of the NPPF is not required, and the significance of the Conservation Area will be preserved.

The Parish Council and third-party representations have raised concerns that the development may impact the Hugglescote Manor Ponds, which are listed in the Leicestershire and Rutland Historic Environment Record (HER) as MLE4574. These concerns reference Policy ENV2 of the Hugglescote and Donington le Heath Neighbourhood Plan (HDLHNP), which is particularly relevant to this matter. Policy ENV2 outlines the importance of protecting sites of local historical and environmental significance, stating:

"The sites listed and mapped (Figures 5.1 and 5.2) have been identified as being of local significance for their environmental features (natural and/or historical). They are ecologically important in their own right, their historical features are extant and have visible expression, or there is proven buried archaeology on the site, and they are locally valued. The environmental values of these sites will be balanced against the benefits of any proposed development affecting them."

The Hugglescote Manor Ponds and associated earthworks are identified as an area of historic interest under this policy. As part of the application process, the County Council Archaeologist was consulted and made the following observations:

“The Leicestershire and Rutland Historic Environment Record (HER) notes that the application lies adjacent to historic fishponds behind Hugglescote Manor house and within the historic settlement core of Hugglescote. While the fishponds and associated earthworks are to remain in situ, we recommend they are fenced off to prevent damage during construction, ensuring no destruction or impacts on the earthworks.

In accordance with the National Planning Policy Framework (NPPF), Section 16, paragraph 194, the development area is of archaeological interest and may contain further unidentified archaeological deposits. Based on available information, these remains are significant and warrant further archaeological mitigation prior to development. However, they are not of such importance that they represent an obstacle to the determination of the application (NPPF paragraph 195).

Further post-determination trial trenching will be required to define the full extent and character of the necessary archaeological mitigation programme.”

Additionally, the Council's Conservation Officer recommended that permitted development rights be removed for outbuildings and boundary treatments to protect the historic significance of the earthworks associated with the ponds.

Given the advice from the County Council Archaeologist, it is considered that the proposed development is acceptable, subject to a condition requiring a Written Scheme of Investigation (WSI). This WSI must be prepared by an organisation acceptable to the planning authority and must be approved by the planning authority and Historic and Natural Environment Team (HNET) before the start of development. The WSI should comply with the relevant standards from the Chartered Institute for Archaeologists and include arrangements for the archaeological work's implementation and a proposed timetable for the development.

To safeguard any important archaeological remains, the recommendation is that planning permission should include conditions informed by Paragraph 37 of Historic England's "Managing Significance in Decision-Taking in the Historic Environment" (GPA 2). This will ensure that any significant archaeological remains are identified, recorded, and appropriately mitigated during the development process.

In consideration of the above, the proposed development would have an acceptable impact on heritage assets and would accord with Policy He1 of the adopted North West Leicestershire Local Plan, Policies ENV2 and G3 of the Hugglescote and Donington le Heath Neighbourhood Plan, the relevant paragraphs of the NPPF, and Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon residential amenity

Policy D2 of the North West Leicestershire Local Plan (2021) requires that development proposals be designed to minimise their impact on the amenity and quiet enjoyment of both existing and future residents. This is in line with ensuring that development does not result in adverse impacts such as overlooking, overshadowing, overbearing effects, or a lack of sufficient private amenity space.

The Hugglescote and Donington le Heath Neighbourhood Plan (2021) also supports the safeguarding of residential amenity through Policy G3: Design, which requires new developments to respect the privacy, outlook, and general living conditions of existing and future occupants. This includes ensuring that new housing integrates well within the existing built environment without compromising the quality of life for nearby residents. The key residential amenity issues in this scheme relate to the potential for overbearing impacts, overlooking, overshadowing, and ensuring sufficient private amenity space and outlook.

Due to the topography of the site, where the northern area sits higher than the southern part and given that most of the development consists of single-storey dwellings, the potential for overshadowing is considered negligible. The primary disparity in scale arises between Plot 3, which is two storeys, and Plot 4, which is single storey. However, as Plot 3 is located to the north of Plot 4, no overshadowing is expected, given the typical trajectory of sunlight throughout the day.

Regarding overbearing impacts, concerns were raised about the difference in height between Plots 3 and 4. However, there is a one-metre separation between the two-storey element of Plot 3 and the boundary wall, with Plot 3 projecting approximately two metres from the rear elevation of Plot 4. This difference is not considered substantial enough to result in a significant overbearing effect that would warrant refusal of the application on amenity grounds.

Two potential overlooking issues were identified during the assessment. The first concerns the first-floor windows of Plot 2 overlooking the garden of Plot 1. However, the distance of 10–12 metres between these windows and the garden wall of Plot 1, and a further 20 metres from the west rear elevation of Plot 1, mitigates this concern. The second issue relates to the first-floor dormer window on the rear (east) elevation of Plot 3, which could potentially overlook the private garden of Plot 4. However, the angle of view is limited, and at a 45-degree angle from this window, private areas of the garden of Plot 4 remain largely unaffected. As such, the level of overlooking is considered acceptable and typical in modern residential developments.

The NWLDC Design SPG stipulates that "the rear private garden spaces must be at least equal to the footprint of the property," excluding areas used for bin storage. The proposed site plan provides clear details regarding the footprint and garden size for each plot, with the smallest ratio being Plot 6 (119m² footprint and 123m² garden) and the largest ratio being Plot 2 (100m² footprint and 312m² garden). All plots exceed the minimum standard for private garden space, thereby complying with the SPG and providing sufficient amenity space for future residents.

In terms of outlook, it is essential that habitable rooms, including bedrooms, kitchens, and living rooms, have access to sufficient outlook to ensure a high-quality living environment. After reviewing the proposed floor plans, it is confirmed that each habitable room will benefit from an appropriate level of outlook. This aligns with Policy G3 of the Hugglescote and Donington le Heath Neighbourhood Plan, which encourages designs that enhance the quality of life for residents.

The proposed development has been carefully designed to ensure that it does not result in any unacceptable impacts on residential amenity. Issues related to overbearing, overlooking, and overshadowing have been sufficiently mitigated through the layout and scale of the dwellings. The scheme provides adequate private amenity space and outlook for all proposed plots.

On this basis, the proposed development complies with Policy D2 of the North West Leicestershire Local Plan, the NWLDC Design SPG, and Policy G3 of the Hugglescote and Donington le Heath Neighbourhood Plan.

Highway Considerations

Policy IF4 of the North West Leicestershire Local Plan (2021) requires that development proposals consider the impact on the highway network and environment, including climate change. It also requires the incorporation of safe and accessible connections to the transport network, enabling travel choices for residents, businesses, and employees, particularly by non-car modes. Policy IF7 stipulates that development must provide adequate parking for vehicles and cycles to avoid highway safety issues and to minimise the impact on the local environment.

The Hugglescote and Donington le Heath Neighbourhood Plan also contains relevant policies, particularly Policy T2, which supports sustainable travel and encourages the provision of sufficient parking, safe walking routes, and access to public transport. This policy aligns with the Local Plan's emphasis on promoting sustainable transport solutions and reducing reliance on private vehicles.

The County Council Highway Authority has been consulted on this application and has raised no objections, subject to conditions.

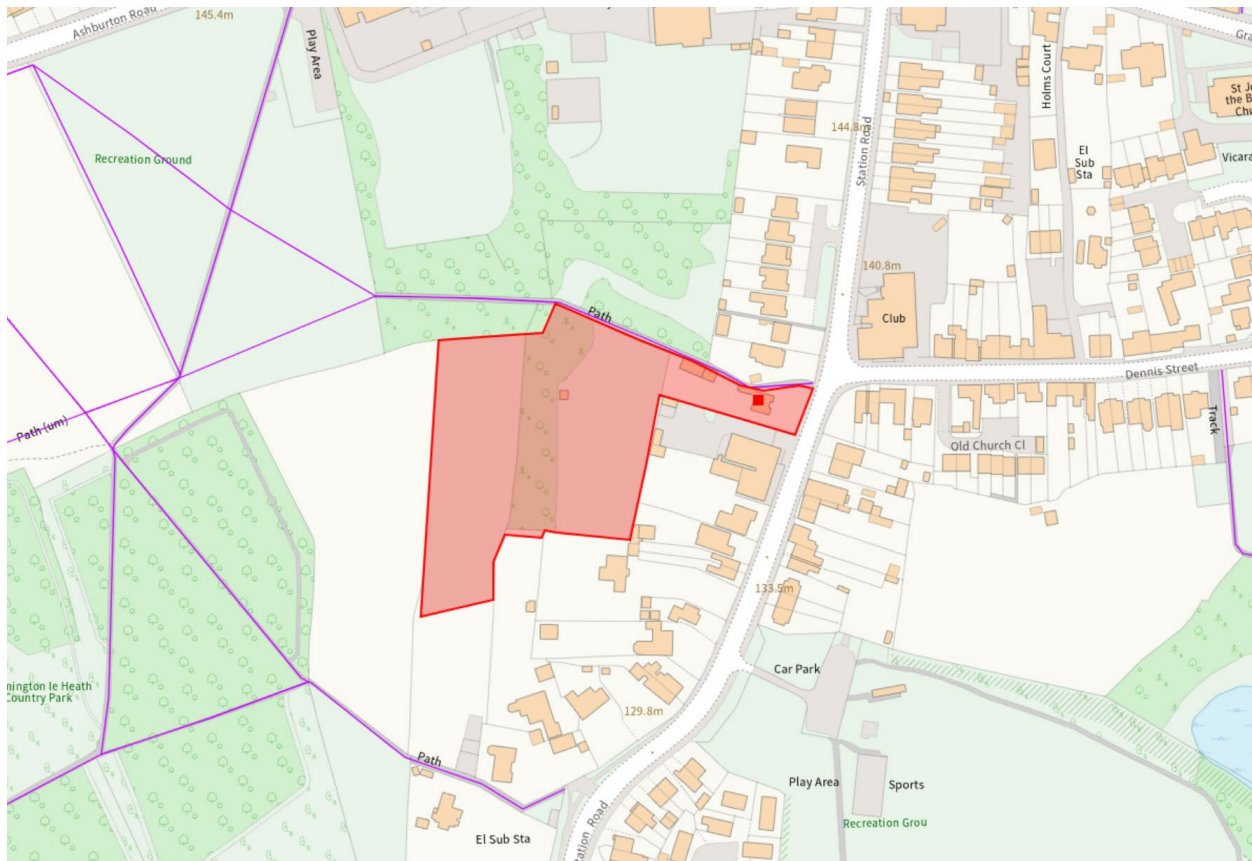
The proposed site access remains unchanged from previous approvals for residential development of a similar nature and scale. The submitted plans demonstrate that visibility splays of 2.4m x 43m can be achieved, with no obstructions from the forward boundary walls of Nos. 115 and 117 Station Road, ensuring safe access onto the highway.

According to Paragraph 3.151 of Part 3 of the Leicestershire Highway Design Guide (LHDG), two parking spaces should be provided for three-bedroom dwellings, and three spaces for four-bedroom dwellings. A review of the site plan confirms that the required level of parking is met through a combination of off-street parking on private driveways, garages, and carports. These meet the design standards set by Leicestershire County Council, with the parking spaces measuring at least 5m in length and 2.4m in width.

The NPPF encourages a shift away from private vehicle use towards more sustainable transport options. In this case, the development site is approximately 150m from bus stops offering frequent services to Coalville and Ibstock, and hourly services to Ravenstone and Leicester. The site is also within 400m of local amenities, such as a primary school, church, and community centre, all of which are accessible via existing footways. Given that walking distances up to 800m are generally considered acceptable for daily trips, the proposed development provides sufficient access to services and public transport, thus supporting a modal shift away from reliance on private vehicles.

Public Footpath N74 runs adjacent to the proposed development, as illustrated on the site map below. The applicant has confirmed that there are no plans to alter or encroach on this existing public right of way (PROW). Maintaining the integrity of the PROW aligns with Policy T2 of the Neighbourhood Plan, which emphasizes protecting and enhancing public footpaths and ensuring pedestrian safety and accessibility.

A map showing the existing PROW, marked with purple lines, indicates the footpath running along the northern boundary of the site.



The entrance to the PROW can be seen adjacent to No. 115 Station Road in the photograph provided.



The proposed development will be served by NWLDC Waste Services, with the County Council Highway Authority confirming that the District Council's refuse vehicles can be accommodated within the internal layout of the site. A dedicated bin collection area is already planned for Plots 7, 8, and 9. To ensure that other plots are similarly provided for, a condition requiring a scheme for bin storage and a designated bin collection point for the remaining dwellings is recommended.

Subject to the recommended conditions, the scheme is considered to have an acceptable impact on the highway network, providing safe and convenient access and parking in compliance with Policy IF7 of the North West Leicestershire Local Plan, Policy T2 of the Hugglescote and Donington le Heath Neighbourhood Plan, and the relevant paragraphs of the NPPF. The development is well-connected to public transport and local amenities, supporting the sustainability objectives of both local and national policy frameworks.

Ecology

Policy En1 of the North West Leicestershire Local Plan (2021) supports proposals that conserve, restore, or enhance biodiversity within the district. Similarly, Policy ENV2 of the Hugglescote and Donington le Heath Neighbourhood Plan (HDLHNP) emphasizes the need to protect sites of environmental and ecological significance, ensuring that their biodiversity value is carefully balanced against the benefits of development. This policy is particularly relevant in this case, given the presence of badger setts and other ecological considerations on the site.

The application is supported by an updated badger mitigation strategy, botanical survey, and bat survey. The badger mitigation strategy, prepared by Wildlife and Ecology Services, provides a detailed assessment of the existing badger setts on site:

- A main badger sett (S1) was recorded on-site during a survey in June 2022, with evidence of active badger use, including fresh digging, bedding trails, hairs, footprints, and latrines.
- A subsequent site visit in March 2023 identified three additional outlier setts (S2, S3, and S4) within the site boundary.
- S2 was monitored using infrared cameras in August 2023 and was found to be disused. This sett was soft-blocked in September 2023 and has been continually monitored.

During an updated site walkover in September 2023, the following findings were reported:

- S1 (main sett) remains active, consistent with previous surveys.
- S2 remains inactive.
- S3 shows signs of partial activity, indicating sporadic use throughout the year.
- S4 is considered inactive, with leaf litter and cobwebbing at the entrance.

The development will necessitate the closure of the main sett (S1), as well as S2 and S3 (both outlier setts). As per Natural England standing advice, when a main sett is closed, an artificial sett must be constructed to mitigate the impact. In this case, a suitable location for the artificial sett has been identified in the north-west corner of the site, above Plots 7, 8, and 9. This location ensures continued connectivity to off-site habitats to the north and west, allowing the badger clan to access foraging areas. The scheme also proposes planting native scrub species and fruit-bearing trees to enhance the food sources available to the badgers. A continuous habitat corridor will run along the western side of the site, linking to the retained ditch and pond near S4.

The proposed mitigation strategy includes:

- Closure of S1 and the outlier setts S2-S4 in accordance with a Natural England license.
- An artificial badger sett constructed in the north-west corner of the site, with closure of S1 occurring only after occupation of the artificial sett is confirmed.
- Exclusion of badgers from the area within 30m of the setts between July and November, as required by Natural England's license.
- Protective construction measures, including Heras fencing 30m from the artificial sett and ensuring that pipework with a diameter greater than 150mm is capped to prevent badgers from entering.

Leicestershire County Council (LCC) Ecologists have reviewed the badger mitigation strategy and are satisfied with its provisions. A condition requiring the full implementation of this strategy will be attached to any planning approval to ensure compliance with Policy En1 of the Local Plan, Policy ENV2 of the HDLHNP, and the relevant paragraphs of the NPPF.

An updated bat survey, prepared by BJ Collins, was submitted with the application. The survey, completed in August 2023, focuses on potential bat activity at 115 Station Road and associated outbuildings, which could be impacted by the development. The findings indicate that neither the dwelling nor the outbuildings currently support roosting bats, and bat activity in the area is minimal. Previous surveys, dating from 2018 to 2023, have consistently shown no evidence of roosting bats. However, to minimize the potential impact of artificial lighting on bat activity within the area, a condition controlling the development of external lighting will be recommended as part of the planning permission.

Climbing plants on the existing buildings at 115 Station Road were identified as potential nesting sites for birds. As such, the removal of vegetation should be conducted outside of the breeding season, which runs from March to the end of September. If this timing cannot be achieved, a condition will be recommended to require an ecologist to inspect the site before any works commence, ensuring that breeding birds are not disturbed.

The proposed development, along with the mitigation measures outlined in the badger and bat surveys, is considered acceptable from an ecological standpoint. The conditions set out within the badger mitigation strategy, the bat survey, and protections for breeding birds will ensure that the development complies with Policy En1 of the North West Leicestershire Local Plan, Policy ENV2 of the Hugglescote and Donington le Heath Neighbourhood Plan, and the relevant provisions of the NPPF.

Biodiversity Net Gain (BNG)

The National Planning Policy Framework (NPPF) places a strong emphasis on achieving biodiversity net gain in development proposals. Policy En1 of the North West Leicestershire Local Plan (2021) and Policy ENV2 of the Hugglescote and Donington le Heath Neighbourhood Plan (HDLHNP) reinforce the need to protect and enhance local biodiversity. Policy ENV2 specifically highlights that developments should balance the environmental value of local sites against the benefits of any proposed development, ensuring any loss is appropriately mitigated or compensated.

The applicant has provided further information regarding the BNG for the proposed development at 115 Station Road, Hugglescote. The assessment was prepared by B J Collins – Protected Species Surveyors Ltd. and covers the western portion of the development site. A key feature of the report is that the site originally had a negative BNG rating, with a biodiversity loss of 14.59% on habitat units.

The site has a baseline biodiversity value of 3.84 habitat units and 1.28 hedgerow units. The proposed development will result in the loss of 1.18 habitat units and no loss of hedgerow units. Despite the losses, the development seeks to achieve a modest biodiversity net gain of 1%, following consultation with the local planning authority (LPA).

The report outlines on-site, and off-site compensation measures aimed at improving the biodiversity value of the area. The key measures include:

- The planting of 38 urban trees scattered throughout the site but outside residential garden areas.
- An area adjacent to the site set aside for mixed scrub planting, which will enhance the biodiversity by providing habitat for small mammals, nesting birds, and pollinators.

The Biodiversity Metric results indicate an overall habitat unit loss of 0.58, equating to a 14.12% loss. There is no hedgerow biodiversity loss on-site, but to meet the 1% BNG target, there is a requirement for an additional 0.01 habitat units of hedgerow.

The compensation measures result in a partial offset of these losses:

- 0.52 habitat units are gained on-site through the planting of urban trees.
- An additional 0.22 habitat units are gained off-site through the planting of species-rich scrub.
- A further 0.12 habitat units are contributed from residential garden areas.

Despite these gains, the on-site measures are insufficient to fully compensate for the overall loss. Therefore, the applicant proposes to secure 0.58 habitat units of moderate condition

neutral grassland and 0.01 habitat units of hedgerow with trees from an external source, such as an environment bank or other providers, to meet the 1% BNG target.

The proposed development includes a detailed strategy for achieving biodiversity net gain, albeit at a target of 1%. The on-site and off-site compensation measures, combined with external habitat units, ensure that the development is in compliance with Policy En1 of the North West Leicestershire Local Plan, Policy ENV2 of the Hugglescote and Donington le Heath Neighbourhood Plan, and the relevant provisions of the NPPF. The management of the public open spaces, trees, and habitats will contribute positively to the overall environmental quality of the area.

Arboricultural Impact

An Arboricultural Method Statement (220328 22017 AMS V2b) was submitted with this planning application. The report identifies that five individual trees and part of two tree groups will need to be removed to implement the proposed site layout. This represents a reduction in the number of trees to be removed compared to the previous approval under planning permission 22/00596/REM.

The Council's Tree Preservation Order (TPO) and Conservation Area inventory, dated 28th March 2022, confirm that there are no trees at the site protected by a TPO. However, the eastern portion of the site is located within the Hugglescote Conservation Area, and the impact of the development on trees in this area requires careful consideration.

The Arboricultural Method Statement provides a detailed survey of the trees on-site, as follows:

- A total of 46 individual trees, 8 groups of trees, and 2 hedgerows were surveyed.
- Of these, 16 trees were classified as Category B (moderate quality), 35 as Category C (low quality), and 5 as Category U (unsuitable for retention). No trees were classified as Category A (high quality).
- The majority of trees are located along the north-south axis, forming a linear group through the centre of the site, with additional trees along the western and northern boundaries.
- The surveyed trees are semi-mature to mature, predominantly common ash and silver birch, with an understory of common hawthorn and common holly. Due to the dominance of ash, much of the tree population is considered to have short-term retention value due to the prevalence of Ash Dieback (*Hymenoscyphus fraxineus*) and Shaggy Bracket (*Inonotus hispidus*).

The Council's Tree Officer was consulted and confirmed that, in view of the quality of the trees to be removed, the arboricultural impacts from this application would be similar to those associated with the approved layout under planning permission 22/00596/REM. Given the relatively low overall quality of the trees to be removed, the Tree Officer raised no objections.

The Arboricultural Method Statement recommends temporary tree and ground protection measures during construction, as detailed in the included Tree Protection Plan (220325 22017 TPP V2b). These measures have been reviewed and are considered acceptable. If consent is granted, these protection measures will be conditioned as part of the approved plans and documents to ensure proper tree protection during the development process.

The map provided with the Arboricultural Method Statement highlights the trees to be retained (in green) and the trees to be removed (in red).



The table is an extract from the submitted arboriculture report which categories the quality of trees

Category and Definition	Criteria (including subcategories where appropriate)			ID Colour on Plan
Trees to be considered for retention (see note)				
	1 - Mainly arboricultural qualities	2 - Mainly landscape qualities	3 - Mainly cultural values, including conservation	
Category A Trees of high quality with an estimated remaining life expectancy of at least 40 years.	Trees that are particularly good examples of their species, especially if rare or unusual; or those that are essential components of groups or formal or semi-formal arboricultural features (e.g. the	Trees, groups or woodlands of particular visual importance as arboricultural and/or landscape features.	Trees, groups or woodlands of significant conservation, historical, commemorative or other value (e.g. veteran trees or wood-pasture).	Light Green (000-255-000)
Category B Trees of moderate quality with an estimated remaining life expectancy of at least 20 years.	Trees that might be included in category A, but are downgraded because of impaired condition (e.g. presence of significant though remediable defects, including unsympathetic past management and	Trees present in numbers, usually growing as groups or woodlands, such that they attract a higher collective rating than they might as individuals; or trees occurring as	Trees with material conservation or other cultural value.	Mid Blue (000-000-255)
Category C Trees of low quality currently in adequate condition with at least 10 years life expectancy, or young trees with a stem diameter below 150mm.	Unremarkable trees of very limited merit or such impaired condition that they do not qualify in higher categories.	Trees present in groups or woodlands, but without this conferring on them significantly greater collective landscape value; and/or trees offering low or only temporary/ transient landscape benefits.	Trees with no material conservation or other cultural value.	Grey (091-091-091)
Trees unsuitable for retention (see note)				
Category U Those in such a condition that they cannot realistically be retained as living trees in the context of the current land use for longer than 10 years.	<ul style="list-style-type: none"> Trees that have a serious, irremediable, structural defect, such that their early loss is expected due to collapse, including those that will become unviable after removal of other category U trees (e.g. where, for whatever reason, the loss of companion shelter cannot be mitigated by pruning); Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline; and/or Trees infected with pathogens of significance to the health and/or safety of other trees nearby; or very low-quality trees suppressing adjacent trees of better quality. NOTE: Category U trees can have existing or potential conservation value which it might be desirable to preserve; see 4.5.7.			Dark Red (127-000-000)

The proposed development has been assessed against Policy EN1 of the North West Leicestershire Local Plan, which supports the conservation and enhancement of biodiversity,

including tree retention where possible. The development also aligns with Policy ENV2 of the Hugglescote and Donington le Heath Neighbourhood Plan, which emphasises the protection of trees and hedgerows as part of the area's environmental and historical significance.

In this case, the removal of several trees is considered acceptable due to the overall low quality of the trees and the presence of tree diseases such as Ash dieback. The proposed tree protection measures will ensure that retained trees are adequately safeguarded during the development.

It is considered that the proposed development would have an acceptable impact on trees within the site and includes suitable mitigation measures for the protection of retained trees. Subject to conditions requiring the implementation of the recommended tree protection measures, the scheme complies with Policy EN1 of the North West Leicestershire Local Plan, Policy ENV2 of the Hugglescote and Donington le Heath Neighbourhood Plan, and the relevant paragraphs of the NPPF.

Landscaping

The proposed development will result in the removal of up to 12 trees across the site. However, the application includes a comprehensive landscaping strategy to mitigate this loss through additional tree and hedge planting. This will be implemented in key locations, such as along the central area of the site, where the ancient ponds are situated, within the sewer easement adjacent to Plot 3, and to the north and south of Plots 7, 8, and 9. These measures are designed to help retain the semi-rural character of the site by softening the impact of the new development and blending it with the existing landscape.

Concerns have been raised by residents regarding the replacement of existing mature trees with smaller trees, such as whips. To address these concerns, a condition will be imposed on any permission granted, specifying the size of the replacement trees. This will ensure that the new trees are of a more substantial size at the time of planting, rather than being small saplings or whips. A minimum size specification, such as standard or semi-mature trees, will be required to ensure that the new planting contributes meaningfully to the site's visual and ecological quality from the outset, addressing local concerns about the adequacy of the proposed tree replacements.

A more detailed soft landscaping scheme, consisting of native species and precise planting locations, will be conditioned as part of the development. This scheme will include a requirement for implementation during the first planting season following the commencement of development, as well as a condition for the replanting of any specimens that fail within a specified period (typically five years). The proposed species mix will emphasize the use of native trees and hedgerows, which will enhance the biodiversity of the site and contribute to maintaining its character.

In terms of hard landscaping, the submitted plans provide general details of the proposed surfacing materials for communal areas. However, the specific material and colour finishes for domestic hard standings, such as patios and driveways, have not yet been provided. A condition will be imposed requiring the submission of precise details of the hard landscaping materials for approval by the local planning authority, ensuring that these finishes are in keeping with the overall design of the development.

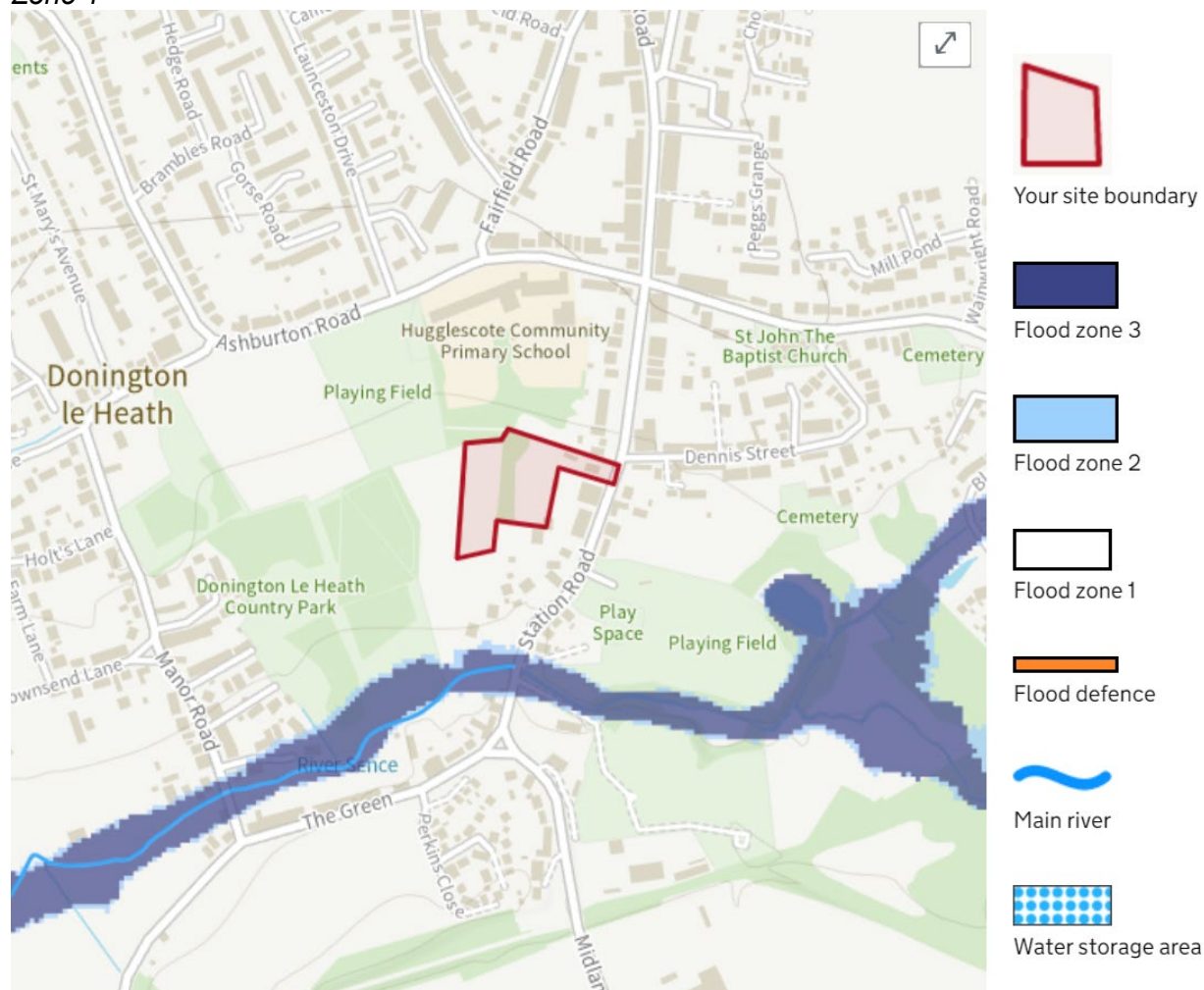
Subject to the imposition of conditions requiring a detailed soft landscaping scheme, the replanting of any failed specimens, and the approval of hard landscaping materials, the proposed landscaping scheme is in compliance with Policies D1 and EN1 of the North West

Leicestershire Local Plan. The conditions will ensure that the tree planting strategy addresses local concerns by specifying larger replacement trees, thereby contributing to the visual quality and environmental value of the site.

Flood Risk and Surface Water Drainage

The site lies within Flood Zone 1, which has the lowest risk of fluvial flooding. According to the Environment Agency's Surface Water Flood Maps, the site is not impacted by surface water flooding in its central and eastern portions, but a small section of the site's western edge is identified as being at medium to high risk due to the presence of an ordinary watercourse.

The map from the Environment Agency confirms that the site is wholly situated within Flood Zone 1



The submitted *Surface and Foul Water Drainage Strategy* (prepared by Michael Evans & Associates Ltd, dated September 2024) outlines a comprehensive approach to managing surface water runoff. The strategy proposes to discharge surface water from the site into an existing watercourse that traverses the site. Due to the site's topography and largely impermeable soil conditions, infiltration techniques such as soakaways are not deemed viable. Instead, surface water will be attenuated on-site to the greenfield runoff rate of 5 l/s as recommended by the Lead Local Flood Authority (LLFA). This attenuation will be achieved using geocellular storage systems placed under the access roads.

The development will incorporate additional sustainable drainage systems (SuDS) where possible, such as permeable paving for driveways and parking areas. Water reuse through rainwater harvesting is also proposed, which will help minimize surface water runoff and provide irrigation opportunities for residents.

The drainage strategy accounts for a 100-year storm event, with an additional 40% capacity for climate change, ensuring that the system can manage future rainfall extremes. Exceedance flows would be directed toward the site's existing watercourse or, in a worst-case scenario, to adjacent undeveloped land, maintaining natural drainage patterns.

Foul water will be discharged to the existing 375mm public foul sewer that crosses the site. The estimated foul flow of 0.414 l/s from the nine proposed dwellings is not anticipated to place undue pressure on the local sewer network.

The submitted drainage scheme provides a comprehensive strategy for managing both surface and foul water drainage, ensuring that the development will not exacerbate any localised flooding issues. Given the detailed approach to surface water attenuation and foul water disposal, it is considered that the proposal complies with Policies CC2 and CC3 of the adopted Local Plan and the relevant paragraphs of the NPPF.

To ensure the drainage scheme is fully implemented as proposed, a compliance condition can be attached to any permission granted. This condition will require that the approved drainage strategy is implemented in full prior to the occupation of any dwellings, ensuring the long-term management of surface water and foul drainage on the site.

Other Matters

It is acknowledged that there were 18 public objections to the proposed development. The following key issues raised by objectors have been addressed in the body of this report:

- Loss and disturbance to habitat and trees.
- Highway safety concerns, including waste collection and traffic generation.
- Adverse impact on the Hugglescote Conservation Area.
- Increased pressure on local drainage and sewer networks.

Other objections were raised regarding the reduction in public open space due to the development. However, it should be noted that the community has access to several public open spaces near the site. These include Millfield Recreation Ground to the southeast, Donington Le Heath Country Park to the southwest, and Ashburton Road Recreation Ground to the north. All three public spaces are located within 250m of the site and will remain unaffected by the proposed development. As such, the claim that the development reduces public open space is not considered a reasonable ground for refusal.

Concerns were also raised regarding the potential disruption caused by construction activities. While some level of disruption is inevitable during development, such impacts are typically short-term and temporary. Issues related to dust, mud on the highway, and construction vehicle parking are controlled by other regulatory authorities such as Highways, the Police, and Environmental Protection. These matters fall under their respective enforcement legislation and are not within the remit of the planning system to regulate. The local planning authority does not impose Construction Environmental Management Plan (CEMP) conditions, as these issues are enforced by the relevant agencies.

Third-party comments also raised concerns about increased pressure on public services, particularly GP and dental services, as well as school placements. However, this development is not classified as a major application. As such, it is not expected that the developer will be required to make financial contributions toward public services, as the scale of the development does not meet the threshold for such obligations.

Conclusion

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of this application is the development plan, which in this instance includes the adopted North West Leicestershire Local Plan (2021) and the Hugglescote and Donington le Heath Neighbourhood Plan (2021).

The application site is situated within the defined Limits to Development, where the principle of residential development is supported, if it complies with relevant policies of the Local Plan. Policy S2 of the Local Plan and Policy G1 of the Neighbourhood Plan supports sustainable development within Limits to Development, and the proposed development, comprising nine dwellings, is considered to align with the overall spatial strategy for the district, subject to compliance with other policies.

In addition to determining the application in accordance with the development plan, regard must also be had to other material considerations, including the requirements of the NPPF (2023). The NPPF places emphasis on sustainable development, and the three overarching objectives of sustainable development have been considered as follows:

Economic Objective:

This objective seeks to ensure that sufficient land of the right type is available in the right places to support growth, innovation, and improved productivity. The proposed development will generate economic benefits during both the construction and operational phases, contributing to the local economy by creating jobs in construction and supplying housing that meets local demand. Additionally, the development will contribute to economic activity by providing housing that will likely support local services and businesses in Hugglescote and Coalville. As such, the proposal is considered to make a positive contribution to the economic objective of sustainable development.

Social Objective:

The social objective of the NPPF emphasizes the creation of well-designed and safe places, with accessible services that reflect current and future needs while supporting communities' health, social, and cultural well-being. The proposed scheme includes a variety of dwelling types, all of which will provide sufficient residential amenity, including appropriate outdoor space, in accordance with Policy D2 of the Local Plan.

The proposal is well connected to local amenities and public transport, fostering sustainable modes of travel, and the landscaping scheme will contribute positively to the community's well-being by maintaining the semi-rural character of the site. Subject to conditions controlling design details, landscaping, and tree protection, the scheme is considered to align with the social objective of sustainable development.

Environmental Objective:

The environmental objective of the NPPF seeks to protect and enhance the natural, built, and historic environments. The application site is located partially within the Hugglescote Conservation Area, and the design of the scheme has been carefully considered to ensure it

respects the character of this heritage asset, in accordance with Policy He1 from the Local Plan and Policy G3 of the Neighbourhood Plan.

The submitted Biodiversity Net Gain (BNG) assessment, which shows a 1% gain, is modest but acceptable given the scale of the development and meets the NPPF requirements. The proposal also includes planting of native species and mitigation measures, such as an artificial badger sett, to protect local wildlife in accordance with Policy EN1 from the Local Plan and Policy ENV2 of the Neighbourhood Plan.

The submitted Surface and Foul Water Drainage Strategy demonstrates that the site can be adequately drained without exacerbating flood risk, and the implementation of the strategy will be secured through conditions, ensuring compliance with Policies CC2 and CC3 of the Local Plan and G3 of the Neighbourhood Plan.

Overall, the environmental impacts of the development have been carefully mitigated through design and landscaping, and the proposal is considered to make a positive contribution to the environmental objective.

Having regard to the three overarching objectives of sustainable development, and the detailed considerations outlined above, it is considered that the proposed development complies with the relevant policies of the North West Leicestershire Local Plan, the Hugglescote and Donington le Heath Neighbourhood Plan, and the NPPF (2023).

Subject to the imposition of conditions relating to design, landscaping, biodiversity, drainage, and other technical matters, the proposed development represents sustainable development, and approval is recommended.