

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

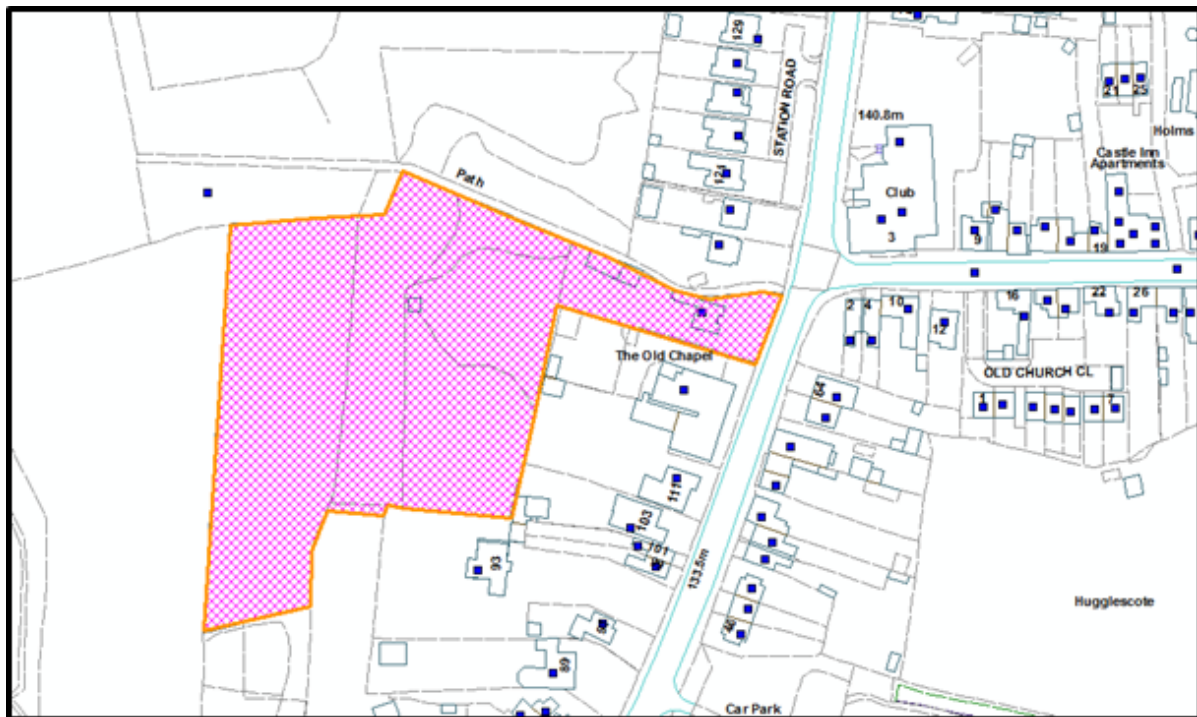
Case Officer:  
James Banks

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.

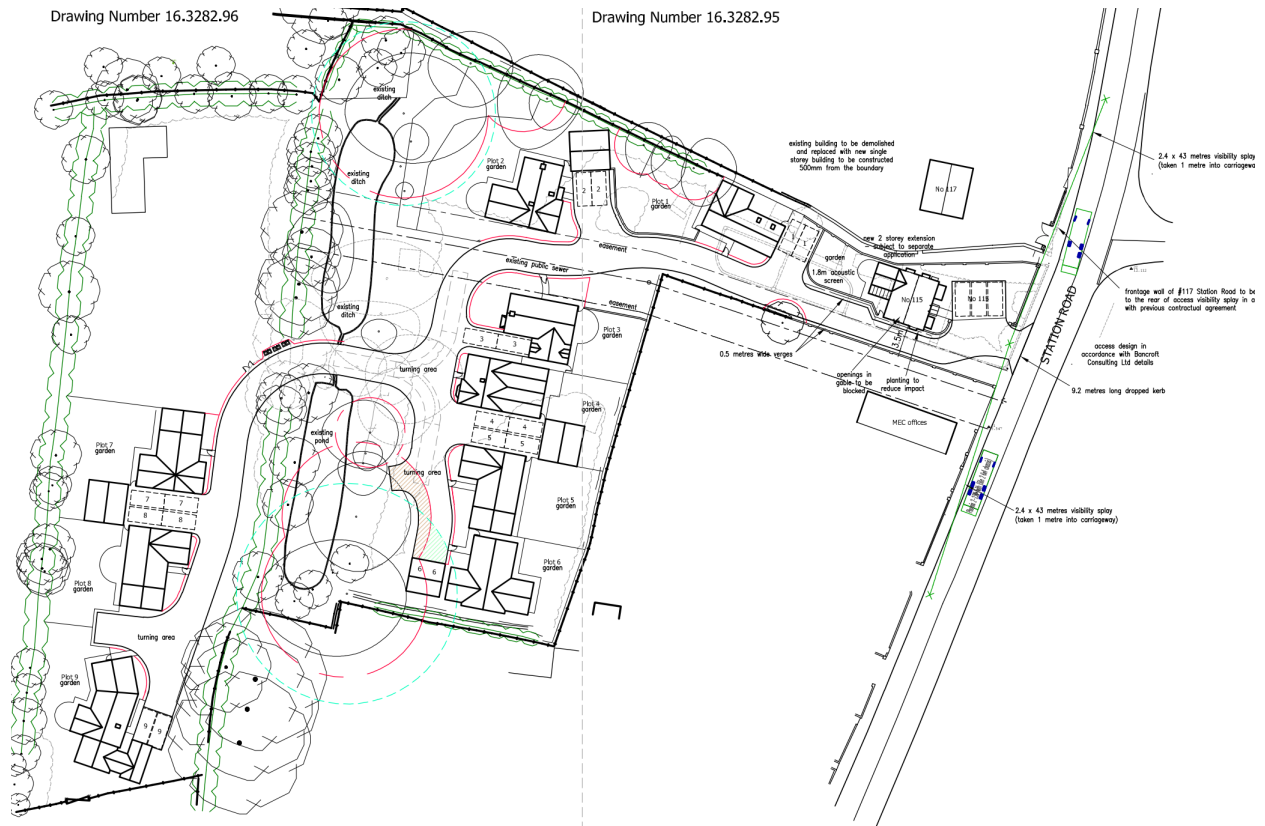
Plot 1 is situated behind No.115 Station Road and would be located within the Conservation Area. The property has two bedrooms and would be single storey in scale with a simple south facing dual pitch gable roof and rearward intersecting gable to the north elevation. Two parking spaces are allocated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

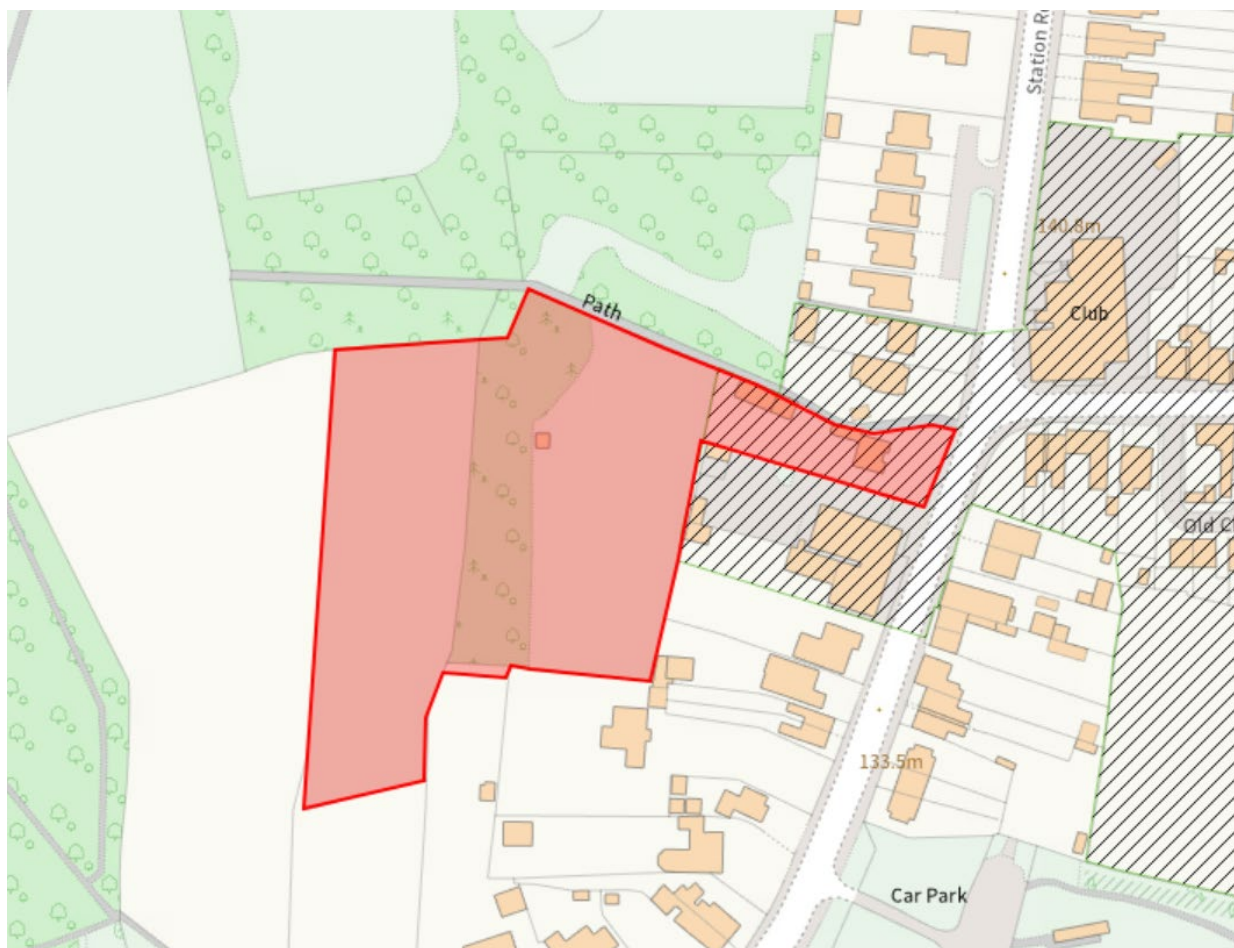
Policy He1 of the North West Leicestershire Local Plan (2021) and guidance in the National Planning Policy Framework (NPPF) require that heritage assets are preserved and enhanced. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should 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 (119m<sup>2</sup> footprint and 123m<sup>2</sup> garden) and the largest ratio being Plot 2 (100m<sup>2</sup> footprint and 312m<sup>2</sup> 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.

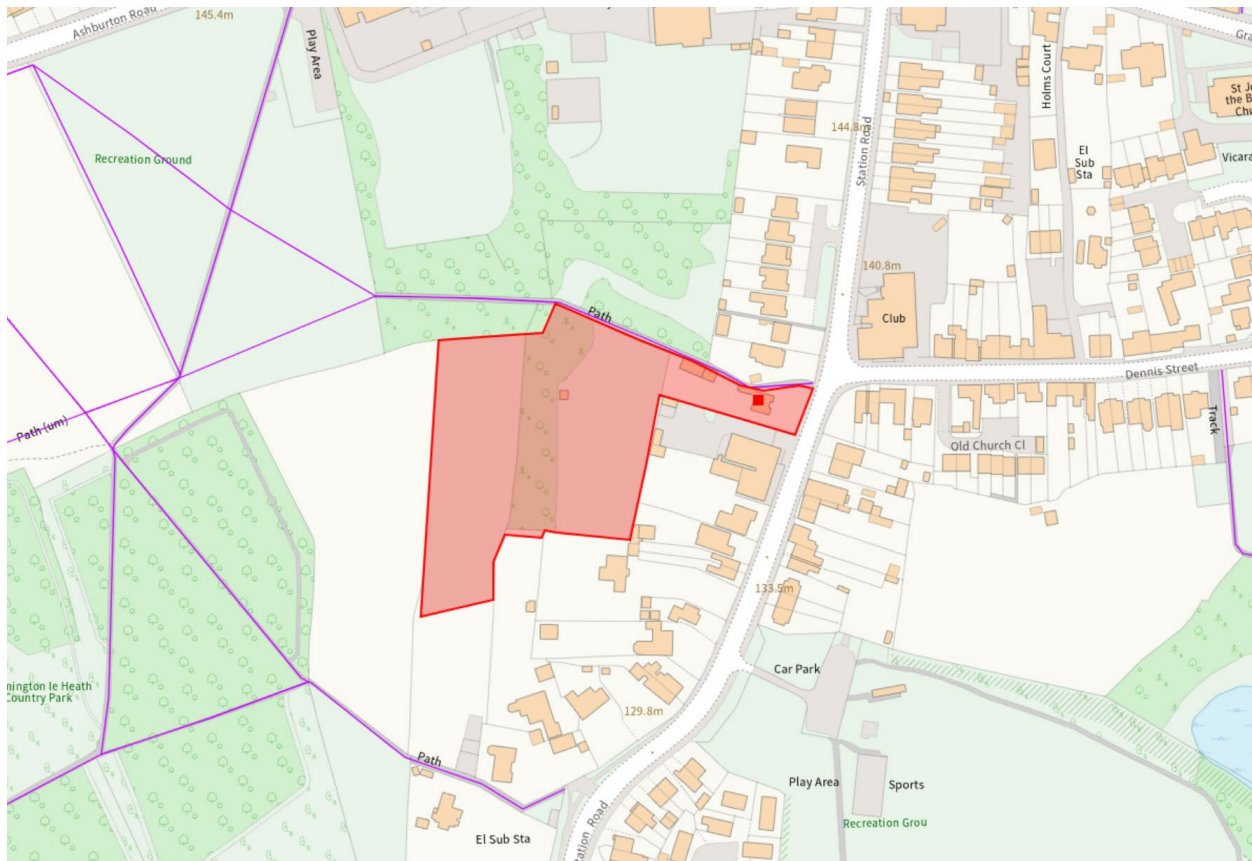
The proposed site access remains unchanged from previous approvals for residential development of a similar nature and scale. The submitted plans demonstrate that visibility splays of 2.4m x 43m can be achieved, with no obstructions from the forward boundary walls of Nos. 115 and 117 Station Road, ensuring 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	
<b>Category A</b> 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)
<b>Category B</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)
<b>Category C</b> 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)				
<b>Category U</b> 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"> <li>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);</li> <li>Trees that are dead or are showing signs of significant, immediate, and irreversible overall decline; and/or</li> <li>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.</li> </ul> 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

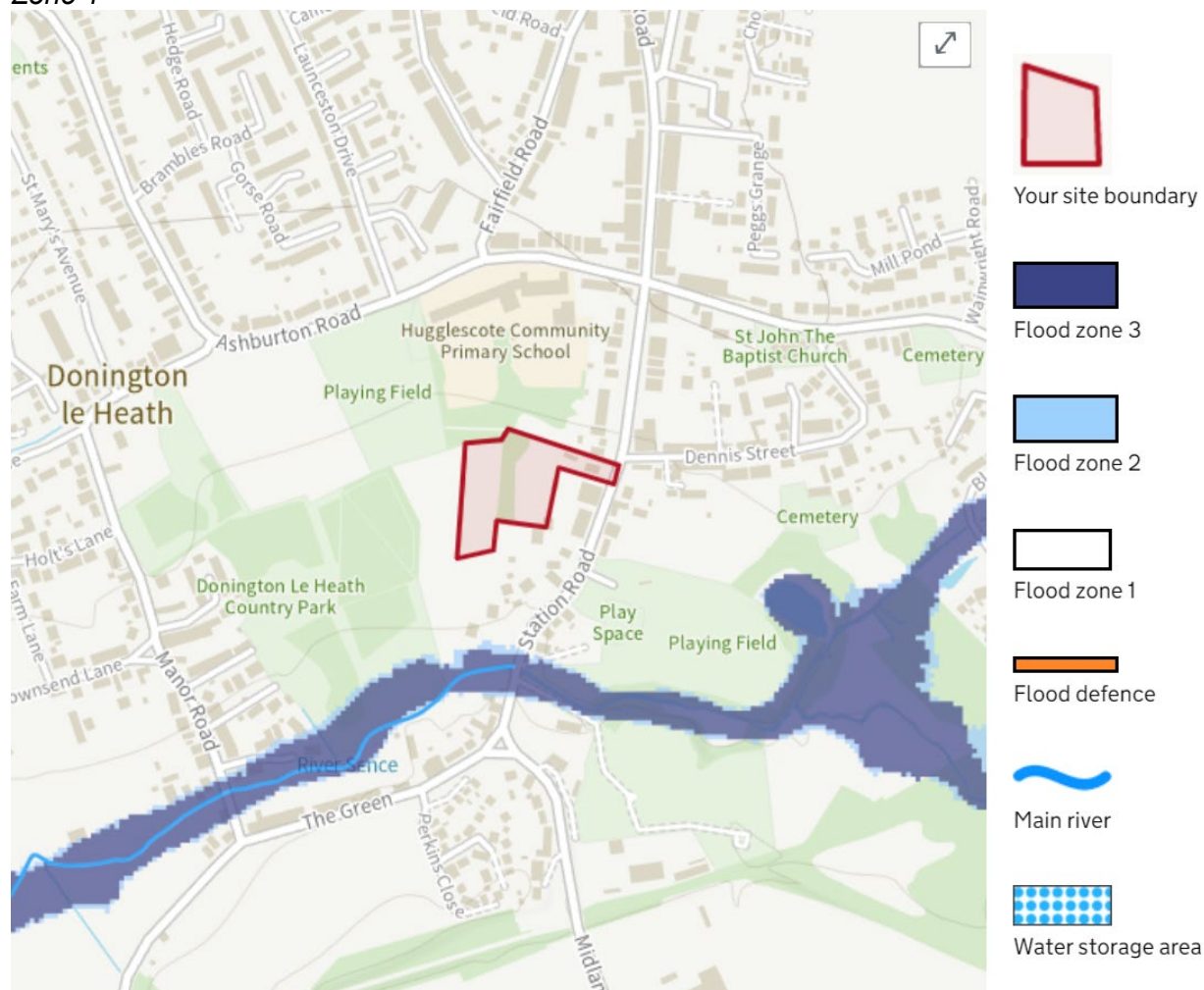


Leicestershire Local Plan. The conditions will ensure that the tree planting strategy addresses local concerns by specifying larger replacement trees, thereby contributing to the visual quality and environmental value of the site.

### 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.