

**Erection of a detached bungalow.**

**Report Item No  
A2**

**Land at Former Breedon Priory Nursery Garden Centre,  
Ashby Road, Breedon on the Hill, Derbyshire, DE73 8AZ**

**Application Reference:  
25/01465/FUL**

**Grid Reference (E) 440194  
Grid Reference (N) 322965**

**Date Registered:  
27 October 2025  
Consultation Expiry:  
24 November 2025  
8 Week Date:  
22 December 2025  
Extension of Time:  
16 February 2026**

**Applicant:  
Cameron Homes Ltd**

**Case Officer:  
Adam Mellor**

**Recommendation:  
PERMIT, subject to conditions**

**Site Location - Plan for indicative purposes only**



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## **Reasons the case is referred to the Planning Committee**

This application is referred to the Planning Committee for determination under the requirements of the Council's Constitution as the agent for the application is related to an employee of the Council and objections have been received in relation to the application.

## **RECOMMENDATION – PERMIT, subject to the following conditions:**

1. Standard time limit.
2. Approved plans.
3. Biodiversity gain plan.
4. Habitat management and monitoring plan prior to occupation to be submitted, approved and implemented.
5. Habitat management and monitoring plan implementation notification.
6. Removal of permitted development rights for development under Part 1 (Classes A, AA, B and C) of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
7. Bathroom and en-suite windows in the north-eastern elevation to be glazed with obscure glass and with a restricted opening.
8. Finished floor and ground levels prior to the commencement to be submitted, approved and implemented.
9. External materials and design finishes to be in accordance with submitted details.
10. Details demonstrating that windows and doors would be set in reveal prior to the bungalow being built above damp proof course level to be submitted, approved and implemented.
11. All rainwater goods and utility boxes to be finished in black.
12. Tree and hedge protection scheme and arboricultural method statement prior to commencement to be submitted, approved and implemented.
13. Soft landscaping scheme prior to the bungalow being built above damp proof course level to be submitted, approved and implemented.
14. Hard landscaping scheme prior to occupation to be submitted, approved and implemented.
15. Boundary treatment scheme prior to the bungalow being built above damp proof course level to be submitted, approved and implemented.
16. No retaining walls constructed above a height of 0.5 metres unless details of retaining walls first submitted and approved.
17. Construction surface water management scheme prior to commencement to be submitted, approved and implemented.
18. Surface water drainage scheme in accordance with submitted details.
19. Management of approved surface water drainage scheme in accordance with submitted details.
20. Risk based land contamination assessment prior to commencement to be submitted, approved and implemented.
21. Verification investigation (if remediation required) prior to occupation to be submitted, approved and implemented.
22. Provision of pedestrian visibility splays.
23. Provision of off-street parking in accordance with submitted details.
24. External lighting scheme prior to occupation to be submitted, approved and implemented.
25. Development to be undertaken in accordance with submitted preliminary ecological appraisal report.
26. Scheme of integrated bird box and bat box prior to the bungalow being built above damp proof course level to be submitted, approved and implemented.

## MAIN REPORT

### 1. Proposals and Background

Planning permission is sought for the erection of a detached bungalow at the former Breedon Priory Nursery Garden Centre (BPNGC), Ashby Road, Breedon on the Hill. The 0.05 hectare site (as identified in the image below) is situated on the north-western side of Ashby Road and is outside the defined Limits to Development on the basis of the Policies Map to the adopted Local Plan, but within the defined Limits to Development on the basis of the Policies Map associated with the Breedon on the Hill Neighbourhood Plan. The application site is also within close proximity to the boundary of the Breedon on the Hill Conservation Area.

#### ***Site Location Plan***



An aerial photograph of the application site is shown on the next page.

### ***Aerial Photograph of Site Location***



It is intended that the proposed bungalow would comprise a 3 bed detached property served by two off-street parking spaces with the proposed layout being as shown in the below image.

### ***Proposed Layout***



Details of the appearance and scale of the dwelling, along with the supporting documentation, are available to view on the Council's website.

The application site is immediately adjacent to the north-western boundary of part of the former BPNGC which has been redeveloped for 43 dwellings, a new village hall, formation of vehicular and

pedestrian access points and associated infrastructure as approved on the 17<sup>th</sup> December 2019 under application reference 18/02198/FULM. It also lies to the immediate north-east of another part of the former BPNGC which has been redeveloped for 9 dwellings, with associated works, as approved on the 23<sup>rd</sup> December 2021 under application reference 20/01920/FUL. Additionally, the application site is also to the immediate south-west of another part of the former BPNGC which is in the process of being redeveloped for 6 dwellings, with associated works, as approved on the 29<sup>th</sup> August 2024 under application reference 24/00197/FUL.

In terms of vehicular access, the proposed bungalow would be served via the same vehicular access permitted under application reference 18/02198/FULM which resulted in the former 'entrance' to the BPNGC off Ashby Road being upgraded to allow two-way vehicle flows. The internal access road to serve the bungalow would be that associated with the dwellings permitted under application reference 20/01920/FUL.

## **Relevant Planning History**

- 10/00884/CLE – Certificate of lawful existing use for use of existing access for both access and egress purposes – Withdrawn 22<sup>nd</sup> February 2011.
- 16/01120/FULM – Removal of existing buildings and erection of 27 dwellings, a new village hall, new commercial/retail units, new agricultural building together with associated access – Withdrawn 16<sup>th</sup> April 2020.
- 20/00178/DIS – The approval of details reserved by conditions 17 (highways) and 24 (drainage) relating to planning permission 18/02198/FULM – Approved 28<sup>th</sup> September 2020.
- 20/00193/DIS – The approval of details reserved by conditions 10 (trees), 11 (trees), 21 (highways / trees), 27 (flood mitigation), 30 (land contamination) and 33 (levels) relating to planning permission ref 18/02198/FULM – Split Decision 26<sup>th</sup> January 2021 (conditions 10, 11, 27, 30 and 33 discharged and condition 21 not discharged).
- 20/01074/DIS – The approval of details reserved by condition 37 (landscape and ecological mitigation plan) relating to planning permission reference 18/02198/FULM – Approved 23<sup>rd</sup> December 2020.
- 20/01198/DIS – The approval of details reserved by condition 5 (external materials and finishes), 14 (brick and stone wall elevation details), 23 (surface water drainage), 26 (surface water bunded basin assessment), 28 (archaeology) and 35 (external lighting), relating to planning permission 18/02198/FULM – Approved 6<sup>th</sup> January 2021.
- 20/01385/DIS – The approval of details reserved by condition 34 (retaining walls / structures) relating to planning permission reference 18/02198/FULM – Approved 20<sup>th</sup> January 2020.
- 20/01625/DIS – The approval of details reserved by condition 7 (landscaping) relating to planning permission reference 18/02198/FULM – Approved 10<sup>th</sup> February 2022.
- 20/01631/DIS – The approval of details reserved by conditions 4 (external materials and finishes) and 38 (precise details of substation materials) relating to planning permission reference 18/02198/FULM – Approved 20<sup>th</sup> November 2020.
- 21/01789/DIS – The approval of details reserved by conditions 12 (hard landscaping), 15 (off-site highway works: tactile paving), 16 (off-site highway works: speed reduction), 18 (village hall cycle parking), 25 (surface water: long term maintenance), 29 (archaeology: occupation) and 32 (bin collection area / points) relating to planning permission reference 18/02198/FULM – Approved 20<sup>th</sup> July 2022.
- 22/00073/DIS – The approval of details reserved by condition 6 (soft landscaping scheme), 7 (tree protection scheme), 11 (construction surface water), 17 (construction traffic), 19 (highways trees - tree survey), 22 (retaining walls / structures), 23 (external lighting) and 26 (landscape and ecological management) relating to planning permission reference 20/01920/FUL – Approved 31<sup>st</sup> March 2022.
- 22/00615/NMA – Non-material amendment to planning application reference 20/01920/FUL so as to reposition screen wall to plot 52 – Approved 5<sup>th</sup> May 2022.
- 22/00665/DIS – The partial approval of details reserved by condition 31 (land contamination, in relation to plots 1- 31 only) relating to planning permission ref 18/02198/FULM – Approved

17<sup>th</sup> May 2022.

- 22/01308/VCIM – Demolition of existing buildings and redevelopment for 43 dwellings, a new village hall, formation of vehicular and pedestrian access points and associated infrastructure approved under planning permission 18/02198/FULM without complying with condition 21 associated with works to highway trees on Ashby Road – Approved 17<sup>th</sup> October 2022.
- 22/01950/DIS – The approval of details reserved by condition 31 (contaminated land - occupation) relating to planning permission reference 18/02198/FULM – Approved 17<sup>th</sup> July 2023.
- 24/01534/DIS – The approval of details reserved by conditions 4 (design detailing) and 9 (boundary treatment elevations) relating to planning permission ref: 24/00197/FUL – Approved 27<sup>th</sup> January 2025.
- 24/01559/DIS – The approval of details reserved by conditions 10 (surface water drainage scheme), 12 (surface water scheme maintenance) and 16 (finished floor and ground levels) relating to planning permission reference 24/00197/FUL – Approved 14<sup>th</sup> October 2025.
- 24/01560/DIS – The approval of details reserved by condition 11 (construction surface water scheme) relating to planning permission reference 24/00197/FUL – Approved 23<sup>rd</sup> January 2025.
- 25/00048/DIS – The approval of details reserved by condition 19 (Bat And Bird Box Locations) relating to planning permission reference 24/00197/FUL – Approved 25<sup>th</sup> February 2025.
- 25/00281/DIS – The approval of details reserved by condition 19 (bat and bird box locations) relating to planning permission reference 24/00197/FUL – Approved 25<sup>th</sup> February 2025.
- 25/00605/DIS – The approval of details reserved by conditions 14 (verification investigation) and 18 (external lighting scheme) relating to planning permission reference 24/00197/FUL – Approved 21<sup>st</sup> July 2025.

## **2. Publicity**

13 neighbours notified on the 28<sup>th</sup> of October 2025.

A site notice was displayed on the 30<sup>th</sup> of October 2025.

A press notice was published in the Derby Evening Telegraph on the 5<sup>th</sup> of November 2025.

## **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.

### **Comments from:**

NWLDC Conservation Officer who has commented that under application reference 20/01920/FUL the approved site layout identified the retention of a large mature tree which was an existing landscape feature to be retained. Based on Section 8 of the Council's adopted Good Design SPD ('responsive to context'), a bungalow should therefore not be developed, and compensatory planting should be delivered.

If, however, a bungalow is to be permitted then the Council's Conservation Officer would consider its appearance to be acceptable.

### **No Objections from:**

Breedon on the Hill Parish Council.

Historic England.

Leicestershire County Council – Archaeology.

Leicestershire County Council – Highways Authority (subject to standing advice being considered).

Leicestershire County Council – Lead Local Flood Authority (subject to standing advice being considered).

Leicestershire County Council – Planning Obligations.

NHS Leicester, Leicestershire and Rutland Integrated Care Board.

NWLDC Affordable Housing Enabler.

NWLDC Environmental Protection.

NWLDC Waste Services Development Officer.

#### **No Objections, subject to conditions and / or informatics, from:**

Leicestershire County Council – Ecology.

Leicestershire County Council – Tree Officer.

NWLDC Environmental Protection (Contaminated Land).

NWLDC Tree Officer.

#### **Third Party Representations**

Six third party representations have been received objecting to the application with the comments raised summarised as follows:

<b>Grounds of Objections</b>	<b>Description of Impact</b>
<b>Overdevelopment Loss of Character</b>	The additional dwelling would have a cramped appearance and would impact on the character of the settlement.
	The openness of the estate would be lost because of the proposed development.
	The proposed development would be contrary to the original approach to development envisaged on the site and would conflict with Policy D1 of the adopted Local Plan.
<b>Residential Amenity</b>	The proposed positioning of the bungalow would result in adverse impacts to residential amenity particularly in relation to overlooking, overbearing and overshadowing impacts.
	The construction of the development will result in adverse impacts to residential amenity.
	The dwelling would result in adverse noise and disturbance impacts from vehicular activity, vehicle highlights, door openings and conversations.
	As proposed the development conflicts with Policy D2 of the adopted

	Local Plan.
<b>Highways</b>	The development would result in the loss of visitor parking around St Hardulphs Close and thereby would result in congestion and detriment to highway safety.
	The movement of construction vehicles, as well as those associated with the dwelling, will result in detriment to highway safety.
	The ability for vehicles to manoeuvre would be lost.
<b>Tree Impacts</b>	The proposed development would impact on the roots of the trees and cause shading impacts to the occupants of the proposed dwelling.
	There would be boundary and maintenance disputes given the location of the trees.
	The proposed development would not enable the retained trees to be maintained.
<b>Loss of Open Recreational Space</b>	The proposed development would result in the loss of an open green / recreational space which in turn impacts upon the openness and character of St Hardulphs Close. Such open green / recreational space should be retained.
	A mature tree has been removed from the site and therefore the land should be retained and a replacement tree planted.
	The land is identified as being 'retained' on previous plans and is managed by a landscaping management company with residents contributing financially to the management of such landscaping.
	The NPPF encourages the protection of green / recreational spaces.
	The proposal conflicts with Policy IF3 of the adopted Local Plan.
	The emerging Local Plan (under Policy IF3) seeks to protect green spaces, and this should be given weight in the determination of the application.

## **4. Relevant Planning Policy**

### **National Policies**

#### **National Planning Policy Framework (2024)**

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 35 (Development contributions);  
Paragraphs 39, 40, 41, 42, 43, 45, 48 and 55 (Decision-making);  
Paragraphs 56, 57, 58 and 59 (Planning conditions and obligations);  
Paragraphs 61, 62, 63, 64, 65, 66, 71, 78, 79 and 81 (Delivering a sufficient supply of homes);  
Paragraphs 96, 98, 102 and 104 (Promoting healthy and safe communities);  
Paragraphs 109, 110, 112, 113, 115, 116 and 117 (Promoting sustainable transport);  
Paragraphs 124, 125, 129 and 130 (Making effective use of land);  
Paragraphs 131, 133, 135, 139 and 140 (Achieving well-designed places);  
Paragraphs 161, 163, 164, 166, 170, 173, 174, 175, 181 and 182 (Meeting the challenge of climate change, flooding and coastal change);  
Paragraphs 187, 193, 196, 197, 198, 199 and 201 (Conserving and enhancing the natural environment);  
Paragraphs 202, 207, 208, 210, 212, 213, 215, 216 and 218 (Conserving and enhancing the historic environment).

### **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 S3 – Countryside;  
Policy D1 – Design of New Development;  
Policy D2 – Amenity;  
Policy H4 – Affordable Housing;  
Policy H6 – House Types and Mix;  
Policy IF1 – Development and Infrastructure;  
Policy IF3 – Open Space, Sport 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.

#### **Made Breedon on the Hill Neighbourhood Plan (2025)**

The Breedon on the Hill 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 BotH5 – Ecology and Biodiversity;

Policy BotH6 – Trees and Hedgerows;  
Policy BotH7 – Water Management;  
Policy BotH9 – Ultrafast Connectivity;  
Policy BotH10 – Infrastructure;  
Policy BotH11 – Locally Valued Heritage Assets;  
Policy BotH12 – Design;  
Policy BotH14 – Housing Requirement;  
Policy BotH15 – Breedon on the Hill – Windfall Housing Development;  
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).

The Conservation of Habitats and Species Regulations 2010 (the ‘Habitats Regulations’).

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System).

## 5. Assessment

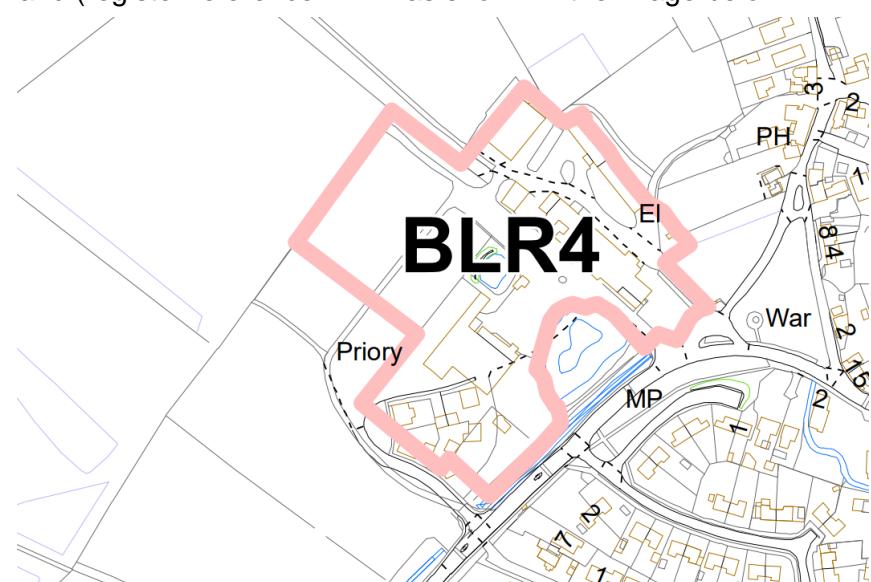
### Principle of Development

In accordance with the provision 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 Local Plan (2021) and the made Breedon on the Hill Neighbourhood Plan (BotHNP) (2025).

In terms of the site’s status within the adopted North West Leicestershire Local Plan, it is noted that it lies outside the defined Limits to Development and therefore Policy S3 of the adopted Local Plan would be applicable. This policy would support, amongst other things, the “*redevelopment of previously developed land in accordance with Policy S2*” (criterion (e)).

The Council’s Brownfield Land Register identifies land which would be considered ‘previously developed’ in the context of Policy S2 of the Local Plan and this register identifies that the application site would constitute brownfield land (register reference BLR4 as shown in the image below).

**Brownfield Land Register  
Reference BLR4**



For the purposes of the made BotHNP the application site would be within the defined Limits to Development, with Policy BotH15 of the made BotHNP supporting residential development within such Limits.

Paragraph 31 of the NPPF (2024) states that:

*“Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.”*

On the basis that the principle of the development would be supported by Policy S3 of the adopted Local Plan, given that the application site comprises previously developed land, it is considered that there is not conflict with the aims and intentions of the BotHNP and therefore the terms of Paragraph 31 would not be applicable in this instance.

In terms of 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.

The sustainability credentials of the scheme would need to be assessed against the NPPF and in this respect Policy S2 of the adopted Local Plan highlights that Breedon on the Hill is a ‘Sustainable Village’ which is defined as a settlement which has *“a limited range of services and facilities where a limited amount of growth will take place within the defined Limits to Development.”*

Services available within the settlement include a shop (incorporating a post office), primary school, public houses, church and a recreation ground with a village hall also being constructed in accordance with the permission granted under application reference 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM). Breedon lies within a zone served by a bookable bus service FoxConnect which operates Monday to Saturday (6am to 7.30pm) and links to Coalville, Castle Donington and East Midlands Gateway. Given the location of the application site such services would be accessible via foot on raised footways and consequently future occupants of the property would not necessarily be dependent on the private car to access the most basic of services. The proposed dwelling would also make a limited contribution to sustaining these services which is a key intention of Paragraph 83 of the NPPF.

Whilst recognising that Policy S2 of the adopted Local Plan outlines that the limited amount of growth to take place within ‘Sustainable Villages’ will be within the defined Limits to Development, the policy does outline that the *“re-use of previously developed land (as defined in the National Planning Policy Framework) will be supported where it is compatible with the settlement hierarchy”* with it also being stated that the *“redevelopment of previously developed land for housing should be within or well-related to the Principal Town, a Key Service Centre, Local Service Centre, Sustainable Village or Small Village.”* Paragraph 5.18 of Policy S2 further reiterates that any further development within a Sustainable Village will be restricted to either *“infilling or previously developed land which is well related to the settlement concerned.”*

As is outlined above the application site comprises brownfield land (register reference BLR4).

Whilst there is separation from the defined Limits to Development on the Policies Map associated with the adopted Local Plan, it is considered that the application site is well-related to Breedon as it is immediately adjacent to three previous developments on the former Breedon Priory Nursery Garden Centre site (18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL) with the development permitted under 18/02198/FULM (22/01308/VCIM) adjoining the defined Limits. In this

context it is considered that the development would be compliant with Policy S2, with it also being recognised that the application site is within the defined Limits for the purposes of the made BotHNP where the principle of the proposed development is supported.

The application has also been submitted by the same applicant who constructed the residential developments consented under application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL and the plans identify the application site would have connectivity with the adjacent site due to the use of the same vehicular access off Ashby Road. Given such physical and visual connectivity between the four sites, it is considered that this would further support the compliance with the aims of Policy S2 of the adopted Local Plan. Paragraphs 124 and 125 of the NPPF also encourage the re-use of previously developed land, with such land being sequentially preferable to greenfield land.

On the above basis the proposal would be considered acceptable in principle and in accordance with the aims of Policies S2 and S3 of the adopted Local Plan. It would, however, be necessary to assess the development against the requirements of criteria (i) to (vi) of Policy S3 albeit only criteria (i), (iv) and (vi) would be applicable to the proposed development. This view is taken given that the development would not undermine the physical and perceived separation between settlements (criterion (ii)), would not comprise ribbon development (criterion (iii)) and would not undermine the vitality or viability of local or town centres (criterion (v)).

An assessment against criterion (i) and (iv) is undertaken in the relevant sections of the report which follow and an assessment in respect of criteria (vi) has been undertaken earlier in this section of the report.

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

Policy D1 of the adopted Local Plan 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 made Breedon on the Hill Neighbourhood Plan (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.”*

In the assessment of application references 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM), 20/01920/FUL and 24/00197/FUL it was determined that the layouts would respect the context of the environment in which they were set by ensuring that the dwellings were orientated so as to address the streets within the scheme, and which would not be substantially detached from the internal highways. The type of dwellings proposed also responded to the context of the immediate environment outside the confines of the site by ensuring that those along the main internal highways were compacted together. The private rear amenity areas being commensurate with the footprint of the proposed dwelling, as well as ensuring that off-street car parking was not dominant to the frontage of the properties, were also secured as part of those approvals.

Images of the proposed site layout, proposed elevations and floor plans, as well as two visual illustrations, are shown in the following images.

## Proposed Site Layout



## Visual Illustrations



The proposed dwelling is served off the internal highway which formally served the golf course implements store, demolished as part of the planning permission granted under application reference 24/00197/FUL, and has been designed and orientated to provide a positive vista on the approach to St Hardulphs Close. This is achieved by the design detailing being consistent with that approved elsewhere within the estate. Additionally, the property is also designed to address the footpath which 'wraps' around the southern part of the application site and whereby appropriate design detailing is also provided. The provision of the bedroom window within the south-eastern elevation also ensures that there is active surveillance of the footpath in line with the requirements of the Council's adopted Good Design SPD.

Whilst the proposed dwelling would be set back from the internal highway to a greater extent than those properties on St Hardulphs Close, and would have off-street parking to its frontage, such an arrangement is not significantly different to that established by nos. 48 and 54 Priory Close which are both situated at the end of a cul-de-sac. It is also considered that the hard landscaping infrastructure to the bungalow's frontage is appropriately balanced with soft landscaping infrastructure in order to be compliant with the Council's adopted Good Design SPD.

The proposed size of the plot would also be consistent, if not greater, than those of the properties which exist within the estate and therefore it is considered would not result in the development appearing 'cramped' when viewed collectively with the neighbouring properties. It is also considered that the spacing between plots would also be in line with that established elsewhere within the estate thereby not resulting in its openness being impacted upon. In addition, the size of the rear amenity area would also be in excess of the footprint of the property as required by the Council's adopted Good Design SPD.

Overall, the proposed development would contribute positively to the visual amenities of the residential development undertaken as part of the permissions granted under application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL, and would accord with the Council's adopted Good Design SPD.

It is also considered that the proposed development would not impact on the character and appearance of the wider rural landscape given that the proposed development would not encroach any further in a north-western direction than the development permitted under application references 20/01920/FUL and 24/00197/FUL. The bungalow would also be viewed in the context of its relationship with the existing residential development which it is immediately adjacent to.

In the consideration of application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL the design of the dwellings were acceptable with them being traditional in appearance so as to respond positively to their setting adjacent to the Breedon on the Hill Conservation Area, as well as the design and style of traditional dwellings which exist on The Green and Melbourne Lane. The proposed bungalow is designed so that it is consistent with the approach to the design of house types elsewhere within the estate and therefore the development would continue to contribute positively to the setting of the Breedon on the Hill Conservation Area.

Such design detailing would include the use of brick cills and lintels, brick detail banding as well as brick detailing to the south-eastern elevation, and conditions would be imposed on any permission granted to ensure such detailing is provided. An additional condition would also ensure that windows and doors were set in reveal in a manner consistent with that elsewhere within the estate. Given the location of the off-street parking, it would be subject to active surveillance from within the property thereby encouraging its use in accordance with the Council's adopted Good Design SPD.

An appropriate selection of external materials has been proposed, and these would also be conditioned on any planning permission granted.

The development is also considered compliant with Policy BotH12 of the made BotHNP as well as the Breedon on the Hill Design Code (BotHDC), with the development being considered under the "*Breedon on the Hill – Development Beyond the Conservation Area*" focus area, given the density, layout and materials of construction to be utilised.

Whilst noting the third-party representations received, for the reasons as outlined above it is considered that the proposed development would not have a cramped appearance which would impact adversely on the character of the settlement, nor would the openness of the residential estate be lost.

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

Overall, the proposed bungalow would be a positive addition to the settlement and would integrate into the environment in which it is set and as such would ensure compliance with criteria (i) and (iv) of Policy S3 and Policy D1 of the adopted Local Plan, the Council's adopted Good Design SPD, Policy BotH12 of the made BotHNP, the BotHDC and Paragraphs 131 and 135 of the NPPF.

#### *Housing Mix*

It is outlined in the '*Developer Contributions and Infrastructure*' section of this report below that for the purposes of developer contributions the proposal would be considered as an extension to the developments permitted to the south-east (under 18/02198/FULM (22/01308/VCIM)), south-west (20/01920/FUL), and north-east (24/00197/FUL) even though a development of one dwelling would not ordinarily require the provision of developer contributions.

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 consider 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 are as follows:

- 1 bed – 0-10% (Market) and 30-35% (Affordable);
- 2 bed – 39-40% (Market) and 35-40% (Affordable);
- 3 bed – 45-55% (Market) and 25-30% (Affordable); and
- 4 bed – 10-20% (Market) and 5-10% (Affordable).

Policy BotH18 of the made BothNP outlines that on developments of five or more dwellings, no more than 16% of the market housing should be four or more bedrooms and that provision should be made for bungalows and other properties designed to meet the housing needs of older households.

The submitted scheme proposes the following (%):

- 1 bed – 0% (Market);
- 2 bed – 0% (Market);
- 3 bed – 100% (Market); and
- 4 bed+ - 0% (Market).

When assessed with the schemes permitted under application references 18/02198/FULM (22/01308/FULM), 20/01920/FUL and 24/00197/FUL the combined mix would be as follows (%):

- 1 bed – 0% (Market) and 0% (Affordable);
- 2 bed – 3.7% (Market) and 80% (Affordable);
- 3 bed – 38.9% (Market) and 20% (Affordable); and
- 4 bed+ - 57.4% (Market) and 0% (Affordable).

The market housing would be weighted more towards larger units than as suggested by the HEDNA, with the terms of Policies H6 and BotH18 not being considered applicable to the proposed application as it relates to one dwelling and cannot be applied retrospectively to the developments permitted under application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL.

It is acknowledged that Policy H6 indicates that the HEDNA mix is one of several criteria to be considered when applying the policy, and consideration should also be given to other factors such as the *“character and context of the individual site”* (criterion (f) of Part 2). Paragraph 129 of the NPPF also outlines that in terms of the efficient use of land planning decisions should support development which take into account, amongst other things:

- *“the desirability of maintaining an area’s prevailing character and setting (including residential gardens)”* (criterion (d)); and
- *“the importance of securing well-designed attractive and healthy places”* (criterion (e)).

In the assessment of application reference 18/02198/FULM (22/01308/VCIM) the officer report outlined that:

*“Whilst utilising previously developed land the application site lies outside the Limits to Development with open countryside to the north-west. Consequently, care has been given to designing a scheme which has a greater density of development closer to the settlement boundary and which then ‘feathers out’ towards the edges given the transition to the open countryside. It is considered that such a design approach has influenced the provision of larger homes within spacious plots. The development also provides positive economic and social benefits with the provision of a village hall*

*and affordable housing in excess of that which would be sought under Policy H4 of the adopted Local Plan, with the affordable mix being acceptable to the Council's Affordable Housing Enabler."*

In the case of this application no further affordable housing would be required as the requirements of Policy H4 of the adopted Local Plan are not triggered due to the proposed development being carried out on previously developed land. Policy BotH19 of the made BotHNP would also not be applicable as the development is on previously developed land and the number of dwellings proposed does not exceed 10.

It is considered that whilst the affordable housing, as well as the social and economic benefits associated with the provision of the village hall, are only realised because of the implementation of the permission granted under 18/02198/FULM (22/01308/VCIM) such benefits would still be of relevance to an assessment of the proposed application against Policy H6. This is the case given that a standalone application of one dwelling would not be required to demonstrate compliance with Policy H6.

In any event the proposed development would be situated to the edge of the scheme, as permitted under application reference 18/02198/FULM (22/01308/VCIM), and would also be adjacent to open countryside. Given the conclusion reached in the consideration of 18/02198/FULM (22/01308/VCIM), in that the scheme 'feathered out' towards the edges given the transition to the open countryside, it is considered that this has led to a design approach which results in a large dwelling within a spacious plot

On the basis that an intensification in the number of dwellings would be discordant with the approach to design considered appropriate in the consideration of application reference 18/02198/FULM (22/01308/VCIM), it is determined that the compliance with criteria (f) of Part (2) of Policy H6, as well as Paragraph 125 of the NPPF, would negate the lack of compliance with the housing mix suggested by the HEDNA in this instance. Paragraph 129 of the NPPF also only seeks to ensure that residential developments are not built at low densities where there is a shortage of land available for meeting housing needs, this is not applicable in this case as the Council can demonstrate a five year housing land supply.

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)).

As is identified above, the combination of the proposed development with that permitted under application references 18/02198/FULM (22/01308/VCIM), 20/1920/FUL and 24/00197/FUL would result in a total of 59 dwellings being created, as such Part (3) of Policy H6 would be applicable.

Whilst Part (3) of Policy H6 is applicable both criterion 3(a) and 3(b) are not specific on what 'proportion' of dwellings would be required, nor is it defined what would constitute a dwelling which would be suitable for occupation by an elderly and / or disabled person. In this respect criterion (a) simply indicates that the proportion of dwellings should include bungalows and that in relation to criterion (b) a dwelling should accord with Part M4(2) of the Building Regulations.

Previous consents have not delivered any bungalows, which largely was as a result of the original development (18/02198/FULM (22/01308/VCIM)) not being required to demonstrate compliance with Policy H6 as the number of dwellings permitted was under 50 (being 43).

Notwithstanding this, the proposed dwelling would comprise a bungalow and it has previously been demonstrated that the properties constructed within the estate are in accordance with Part M4(2) of the Building Regulations 2010. In these circumstances, it is considered that the proposed development would be compliant with Part (3) of Policy H6.

## **Impact on the Historic Environment and Archaeology**

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.

Policy BotH11 of the made Breedon on the Hill Neighbourhood Plan (BotHNP) seeks to ensure that development proposals that will affect locally valued heritage assets, or their setting, will be assessed having regard to the scale of any harm or loss and the significance of the heritage asset.

### *Historic Environment*

In terms of heritage assets, the application site is situated around 90 metres from the boundary of the Breedon on the Hill Conservation Area, set to the east. In terms of listed buildings, the Grade II listed lies 135 metres to the south east and the Parish War Memorial is also 160 metres to the south east with the Grade II listed Holly Bush Inn (Melbourne Lane) and Grade I listed Church of St Mary and St Haldulph and hill fort 140 metres and 460 metres to the north-east respectively. An Iron Age hill fort ('The Bulwarks'), which is a scheduled ancient monument (SAM), is also to the north-east and forms the surrounds of the Grade I listed church. Therefore, the impacts of the development on the setting of these heritage assets should be given special regard as required by the 1990 Act.

The nearest locally valued heritage asset, as defined by Policy BotH11 of the made BotHNP would be the post war prefab housing at 1 to 7 The Crescent (identified as MLE22622).

As part of the consideration of the application the Council's Conservation Officer and Historic England (HE) have been consulted.

In their consultation response, HE has outlined that the views of the Council's Conservation Officer and County Council Archaeologist should be sought. Archaeology is discussed in the '*Archaeology*' sub-section of this report below.

The comments of the Council's Conservation Officer have focused on the loss of an Ash tree, which was removed at some point in the past, and how compensatory tree planting should be delivered instead of the proposed bungalow. This matter is discussed in more detail in the '*Landscaping*' section of this report below, with the Council's Conservation Officer not defining how the loss of the Ash tree (which was not formally protected) impacts on the significance of the designated heritage assets.

It is, however, specified by the Council's Conservation Officer that the proposed appearance of the bungalow would be acceptable.

For the purposes of application reference 24/00197/FUL it was concluded that when viewed from the SAM, and following the permissions granted under application references 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM) and 20/01920/FUL, the proposed six dwellings did not extend further into the countryside and consequently no harm arose to the significance of the setting of 'The Bulwarks' SAM. For the purposes of the determination of application reference 24/00197/FUL, the Council's Conservation Officer also did not identify any harm to the other heritage assets identified above.

The proposed bungalow would be visually integrated with the surrounding residential properties permitted in accordance with the permissions granted under application references 18/02198/FULM

(22/01308/VCIM), 20/01920/FUL and 24/00197/FUL and consequently it is reasonable to conclude that no harm would arise to the significance of the identified heritage assets.

It is also considered that the proposed development would not impact on the setting of the locally valued heritage asset of 1 to 7 The Crescent given the separation distance involved, and the presence of the development consented under application reference 18/02198/FULM (22/01308/VCIM) between the application site and this locally valued heritage asset.

Based on the above, it is considered that no harm would arise to the significance of the setting of any heritage assets. In the circumstances that no harm arises, an assessment in the context of Paragraphs 215 is not required and the setting of heritage assets would be preserved.

#### *Archaeology*

As part of the consideration of the application the County Council Archaeologist has been consulted.

The County Council Archaeologist has advised that following a review of the Leicestershire and Rutland Historic Environment Record (HER) they do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets, as such they advise that no archaeological action will be required.

#### *Impact on the Historic Environment and Archaeology Conclusion*

Overall, the proposal would be compliant with Policy He1 of the adopted Local Plan as well as Policy BotH11 of the made BotHNP, Paragraphs 207, 208, 210, 212 and 218 of the NPPF and Sections 66 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

#### **Residential Amenities**

Policy D2 of the adopted Local Plan 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. Paragraph 198 of the NPPF requires development to be appropriate for its location.

The properties most immediately impacted on as a result of the development would be no. 8 St Hardulphs Close, set to the south-west, as well as no. 55 Priory Close, set to the south-east, and nos. 57, 59 and 61 Priory Close, all set to the north-east.

#### *Relationship between Existing Dwellings and Proposed Bungalow*

On the basis of the submitted plans the proposed bungalow would be set around 13 metres from the north-eastern (rear) elevation of no. 8, 9 metres from the north-western (side) elevation of no. 55, around 11 metres from the south-western (rear) elevations of nos. 57 and 59 and around 13 metres from the south-western (rear) elevation of no. 61. Additionally, the proposed dwelling would be around 1 metre from what would become a shared boundary with nos. 57 and 59, around 2 metres from a shared boundary with no. 8 and around 6 metres from the boundary with no. 55.

The Council's adopted Good Design SPD outlines that the minimum 'back to back' distance to be established should be 20 metres, with the minimum separation distance where the principal elevation would face the blank side elevation of a neighbouring property being 12 metres. There is no specification for the minimum distance which should be established in a 'front to front' relationship but this relationship would be less sensitive than a 'back to back' relationship.

Whilst acknowledging the Council's adopted Good Design SPD, it is recognised that this is 'guidance' and therefore the particular circumstances of a development proposal will need to be factored into account.

In this respect, the proposed dwelling would be a bungalow (single storey property), with the plans indicating that the overall eaves height of the property would be around 2.4 metres and that the overall ridge height would be 5.4 metres. As proposed the roof of the dwelling is also designed to be hipped and therefore slopes away from the boundaries with the neighbouring properties, with the ridge height (of 5.4 metres) being set around 5 metres from the boundaries of nos. 57 and 59. The part of the dwelling set around 1 metre from the boundaries of nos. 57 and 59 comprises the eaves height which is 2.4 metres. The dwelling would be positioned to the south-west of nos. 57 and 59, which have both have gardens around 10 metres in length. The property is also to the north-east of no. 8 and would be off-set so that it does not sit 'directly' behind no. 8 or its rear amenity area, with a group of trees situated on land between the boundary of no. 8 and the application site. The site is separated from the boundary with no. 55 by a pedestrian footpath.

Given the above circumstances, it is considered that the proposal would not result in adverse overbearing or overshadowing impacts to occupiers of no. 8 or nos. 55, 57, 59 and 61 to a degree that would justify a refusal of the application.

In terms of overlooking impacts the three windows proposed in the south-western elevation of the bungalow would serve two bedrooms as well as a kitchen; the window in the south-eastern elevation would serve a bedroom and the two windows in the north-eastern elevation would serve a bathroom and an en-suite.

A 1.8 metre high close boarded fence is present to the south-eastern boundary of no. 8, with a retained group of trees (outside the boundary of no. 8) to the north-east. The north-western boundary of no. 55 also comprises a 1.8 metre high close boarded fence. The permitted boundary treatments to nos. 57, 59 and 61, under application reference 24/00197/FUL, comprise a 1.2 metre high post and rail fence with wire mesh infill and hedgerow planting to the south-western boundaries, albeit it was observed during the site visit that a 1.8 metre high close boarded timber fence is positioned along the south-western boundary of no. 57.

It is considered that direct views from the windows in the south-western elevation would be onto the internal highway towards St Hardulphs Close, as well as the footpath, with the presence of the existing boundary treatments to no. 8 and no. 55 restricting views into the rear amenity areas of these properties, as well as directly into the dwellings themselves. The existing boundary treatment to no. 55 would also prevent direct overlooking from the window in the south-eastern elevation of the proposed dwelling. Given that the windows in the north-eastern elevation are to serve a bathroom and en-suite they can be conditioned to be obscure glazed with a restricted opening in order to prevent any direct overlooking being established towards nos. 57 and 59. Direct views from the openings in the north-western elevation (being a secondary window to the kitchen and a French door to the living room) would be onto the proposed garden associated with the dwelling and therefore would not result in overlooking towards no. 8 or 61.

Third party representations have raised concerns in relation to overlooking towards two ground floor windows within the south-eastern (side) elevation of no. 8, however it is considered that such windows are smaller secondary windows and already have a relationship with the public domain given the presence of the footpath.

### **Side Windows within No. 8 St Hardulphs Close**



In these circumstances any overlooking towards these windows would not be materially different to that already established by pedestrians travelling to and from St Hardulphs Close from Priory Close via the footpath. A hedgerow is also present to the boundary with no. 8 and this hedgerow, once matured, would also filter and restrict views towards the two ground floor windows. On this basis any overlooking impact in this respect would not be of such detriment that a reason to refuse the application could be substantiated.

The establishment of suitable boundary treatments to the north-eastern and south-western boundaries of the rear amenity area would also ensure that no adverse overlooking impacts would arise from the future occupants' use of the amenity area.

On the above basis, and subject to the imposition of relevant conditions to restrict the nature of the windows installed in the north-eastern elevation and that suitable boundary treatments are established, it is considered that no adverse overlooking impacts would arise.

The conclusions reached above are based on the height of the proposed bungalow, the design of its roof and the placement. However, it is acknowledged that permitted development rights (being rights that would grant deemed consent for works to a dwelling without the need for formal planning permission under the Town and Country Planning (Permitted Development) (England) Order 2015 (as amended)) could allow for works to be undertaken to the dwelling which could increase its height, alter the shape of the roof and / or allow for further windows to be installed. Paragraph 55 of the NPPF outlines that conditions "*should not be used to restrict national permitted development rights unless there is clear justification to do so.*" In this particular case it is considered there is clear justification to remove permitted development rights for certain forms of development in the interests of ensuring that the amenities of existing dwellings are adequately protected given the nature of the relationships to be established.

### *Residential Amenities of Future Occupants of the Proposed Dwelling*

Based on the above assessment it is considered that the proposed dwelling would have an acceptable relationship with existing residential dwellings and therefore the future amenities of any occupants would not be adversely affected in relation to overbearing, overshadowing or overlooking impacts.

Whilst a retained group of trees would be present to the south-western boundary of the application site it is considered that the proposed layout has been designed so that the bungalow and its associated amenity area are located in the most optimum location, to lessen this impact. On this basis the extent of any shadowing would not be sufficiently detrimental as to warrant a refusal of the application particularly as neither the Council's Tree Officer, or the County Tree Officer, have raised any objections, and any future occupants of the bungalow would be aware of this relationship prior to their purchase. The location of the group of trees outside of the amenity area associated with the bungalow would also ensure that such trees would not be subject to undue pressure for removal.

#### *Other Amenity Impacts*

The other aspect to consider in respect of residential amenity is any potential impacts arising from noise, dust and fumes which is as outlined in Part 2 of Policy D2 of the adopted Local Plan.

Paragraph 201 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 no representation has been received from the Council's Environmental Protection Team raising an objection to the proposed development, or that there would be a requirement to impose conditions on any permission granted.

By its nature, the future occupation of a residential property would not be considered a noisy use, with the relationship the proposed dwelling would have with the neighbouring properties not being materially different to that established elsewhere on the residential estate.

Concerns have been raised by third parties that the positioning of the vehicular access and driveway to the proposed bungalow would result in the movement of vehicles adjacent to no. 8 and its associated amenity area, additionally the noise associated with vehicle engines starting up and doors opening and closing near no. 8 would also result in adverse noise impacts. As is outlined above, the Council's Environmental Protection Team have raised no objections to the application, with it being considered that the movement of vehicles adjacent to the side of a dwelling and its associated amenity area is not materially different to that of a property which sits on the junction of two roads. Such a relationship is also established elsewhere on the estate, including the access road between nos. 1 and 9 St Hardulphs Close, nos. 23 and 41 Priory Close, nos. 42 and 58 Priory Close, and nos. 57 and 67 Priory Close, and whereby any vehicular movements are associated with multiple dwellings rather than the one dwelling proposed as part of this application. In such circumstances there is no justification to refuse the application in this respect.

Whilst third parties have also raised concerns about vehicle headlights associated with the bungalow resulting in detriment to residential amenities, it is again the case that no objections are raised to the application by the Council's Environmental Protection Team. As proposed the driveway to the bungalow would be from the internal access road towards St Hardulphs Close and whereby the direct illumination of headlights from vehicles entering or exiting the site would be onto the internal access road. Whilst windows are present on the neighbouring properties, including to their side elevations, it is again considered that any lighting impact from vehicular headlights would not be materially different to that established at the junctions referred to above within the estate. On this basis there would be no justification to refuse the application in this respect.

In terms of external lighting to the bungalow itself, a condition would be imposed requiring the approval of a suitable scheme in the absence of any precise information as part of the application submission.

Although third parties have raised concerns in relation to construction activity resulting in detriment

to residential amenity, this view is not shared by the Council's Environmental Protection Team. It is considered that the construction impacts associated with one dwelling would not be significant, with it being the case that the planning permissions granted under application references 20/01920/FUL (for 9 dwellings) and 24/00197/FUL (for 6 dwellings) were not subject to any restrictions in relation to the hours of construction or construction activity. On this basis the imposition of a condition(s) to restrict construction activity would be unreasonable and would not meet the tests for conditions outlined at Paragraph 57 of the NPPF.

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.

#### Residential Amenities Conclusion

Overall, and subject to the imposition of relevant conditions, the proposed development would be considered compliant with Policy D2 of the adopted Local Plan as well as Paragraphs 198 and 201 of the NPPF.

### **Highway Impacts**

As part of the consideration of the application the County Council Highways Authority (CHA) has been consulted and they have advised that their standing advice should be considered, including the contents of the Leicestershire Highways Design Guide (LHDG).

#### **Site Access**

The site will be accessed from a secondary road off Priory Close which comprises a private residential road constructed in accordance with the planning permission originally granted under application reference 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM) and 20/01920/FUL. Priory Close has a design speed of 20mph.

Priory Close meets the adopted public highway at its junction with Ashby Road which is around 223 metres from the application site. On the basis that only one additional dwelling is proposed it is considered that there would not be a significant intensification in the use of the junction with Ashby Road which was originally designed to accommodate a higher number of dwellings than what has been constructed on the site.

The proposed access to serve the dwelling is of a sufficient width to accommodate the movements associated with one property and it can be ensured that suitable pedestrian visibility splays are provided given the relationship the access has with the pedestrian footpath. These would be conditioned on any permission granted. Low level boundary treatments would also ensure that suitable vehicular visibility splays are achieved, albeit the location of the access would likely lead to there being no interaction with other vehicles given that the access to the property is located away from the junction of St Hardulphs Close.

Overall, the proposed site access would be acceptable.

#### **Highway Safety**

There have been no Personal Injury Collisions (PIC's) recorded to have taken place within 500 metres of the application site on the adopted highway in the most recent five-year period. As such there are no existing highway safety concerns regarding this site.

Although third party representations have raised concerns in relation to highway safety on the internal

estate road, particularly in relation to construction vehicles, there is no evidence to suggest that the construction of the dwellings permitted under application references 20/1920/FUL and 24/00197/FUL, following the original construction of the dwellings permitted under application reference 18/02198/FULM (22/01308/VCIM) have resulted in detriment to highway safety. The construction activity associated with one dwelling, as well as the vehicular activity of any future occupants, would also not be significant and therefore not at a level which would be considered unacceptable to highway safety in the context of Paragraph 116 of the NPPF.

#### *Internal Layout*

In terms of off-street parking, the LHDG and Council's adopted Good Design SPD outline that properties with 1 to 3 bedrooms should have a minimum of two off-street parking spaces. The proposed dwelling would have three bedrooms, and it is demonstrated on the submitted plans that two suitably sized and positioned off-street car parking spaces would be provided in accordance with the LHDG and Council's adopted Good Design SPD.

The ability for vehicles to manoeuvre within the application site so as to exit in a forward direction is also demonstrated on the submitted plans.

On the above basis the internal layout and off-street parking provision is acceptable and would be secured by condition on any permission granted.

Third party representations received have objected to the application on the basis that it would remove visitor parking and impact on the manoeuvring of vehicles.

The relevant policies of the adopted Local Plan, as well as the LHDG, do not mandatorily require visitor parking to be provided as part of residential development proposals and none was secured as part of the planning permission granted under application reference 20/01920/FUL. Each individual dwelling on St Hardulphs Close, however, was provided with a sufficient level of off-street parking in accordance with the LHDG and Council's adopted Good Design SPD as part of that planning permission.

The red line of the site associated with application reference 20/01920/FUL does not adjoin with that associated with this application, and therefore any visitor parking which may be undertaken in the vicinity of the application site is not required by any planning permission. It is also the case that at the time of the determination of application reference 20/01920/FUL, the internal estate road providing access to St Hardulphs Close was continuous as it served the golf course implements store which was not demolished until planning permission was granted under application reference 24/00197/FUL.

On the above basis any loss of visitor parking, which in any event was not required as part of any planning permission granted, would not justify a refusal of the application. It is also considered that the width of the internal highway at the point where vehicular access to the proposed dwelling would be delivered is not designed to allow the manoeuvring of vehicles, nor is there any dedicated turning head which would be lost as a result of the development. On this basis the delivery of the proposed dwelling would not impact on the ability for existing vehicles to manoeuvre, either formally or informally.

#### *Highway Impacts Conclusion*

Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios.*"

On the basis of the above assessment, and subject to the imposition of conditions, it is considered that the proposed development would not result in an unacceptable impact to highway safety nor would the residual cumulative impacts on the highway network be severe. On this basis the proposed development would be compliant with criterion (vi) of Policy S3 and Policies IF4 and IF7 of the adopted Local Plan as well as Paragraphs 112, 113, 114, 115, 116 and 117 of the NPPF.

## **Ecology and Biodiversity Net Gain**

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 2017 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 made Breedon on the Hill Neighbourhood Plan (BotHNP) outlines that development should conserve, restore and enhance the network of local ecological features and habitats, Local Wildlife Sites (including historical sites), Geology Sites and Wildlife Corridors. It also specifies that new development will be expected to provide a net gain in biodiversity consistent with national policy.

### *Ecological Impacts*

In their original consultation response, the County Council Ecologist outlined that two ponds are within 250 metres of the application site, along with a ditch, and that historic information from the Leicestershire and Rutland Environment Record Centre indicated the presence of Great Crested Newts (GCNs) and bats within 1 kilometre of the site. In these circumstances the County Council Ecologist requested the submission of a Preliminary Ecological Appraisal (PEA).

A PEA has subsequently been submitted by the applicant and following a review of its contents the County Council Ecologist has raised no objections to the application subject to the imposition of a condition on any permission granted which would require the development to be undertaken in accordance with the mitigation measures outlined within the PEA. Such a condition would be imposed on any permission granted.

Although not specifically requested by the County Council Ecologist a condition would also be imposed on any permission granted which would secure a bird box and bat box given the terms of criterion (d) of Paragraph 187 of the NPPF which specifically encourages the incorporation of features which support priority or threatened species such as swifts and bats.

Map 8 associated with Policy BotH5 of the made BotHNP identifies an Ash tree which comprises a Local Wildlife Site (LWS) (ref: 91421). Whilst this is the case, such an Ash tree no longer exists on the site with it being unclear when the Ash tree was removed. It is acknowledged within the officer reports associated with application references 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM) and 20/01920/FUL that the Ash tree lay outside of the site boundaries of these two applications and therefore the relevant planning permissions granted did not impose any conditions which required the Ash tree to be retained. Additionally, the Ash tree (whilst recognised as a veteran tree) was not subject to a Tree Preservation Order (TPO), nor did it lie within a Conservation Area, and consequently its removal could be carried out at any time without any form of consent. As is discussed in the '*Landscaping*' section of this report below, the Council's Tree Officer also considers that the tree either died from Ash dieback disease or became moribund.

Whilst acknowledging the terms of Policy BotH5, it is considered that a reason to refuse the application based on the loss of the Ash tree could not be justified given the absence of the Ash tree at the time the application was submitted as well as the fact that the Ash tree was never subject to any form of protection which prevented its removal.

#### *Biodiversity Net Gain*

In terms of Biodiversity Net Gain (BNG), the mandatory requirement for 10% BNG for small sites (minor applications) as required by the Environment Act has come into force. The proposals are therefore required to demonstrate compliance in this regard.

The submitted BNG Report (BNGR) and BNG Metric Calculations (BNGMC) conclude that there would be net gain of 0.03 habitat units (+74.29%) and therefore the trading rules (i.e. the guidelines to ensure no 'net loss' of biodiversity occurs as part of developments) would be satisfied and offsetting would not be required in line with the biodiversity gain hierarchy.

In their original consultation response, the County Council Ecologist outlined that the proposed vegetated garden would contribute towards the net gain in habitat units and that as there was an inability to legally secure biodiversity net gains within private gardens the BNGMC should be updated to demonstrate that a 10% net gain would still be achieved without the incorporation of the private garden.

The applicant's ecologist subsequently challenged this position by outlining that the BNG Metric has been designed to incorporate the use of vegetated gardens within the assessment as outlined in the Department for Environment, Food and Rural Affairs (DEFRA) Statutory Biodiversity Metric User Guide.

Whilst the applicant's ecologist agrees with the County Council Ecologist in respect of the inability to legally secure gains within private gardens, they have noted that the BNG Metric takes this into account by providing a 'blanket' classification for vegetated gardens (irrespective of what is present) giving them 'Low' distinctiveness within the Condition Assessment where they are classed as 'not applicable' (N/A). As a result, the ability (or otherwise) to legally secure management is unnecessary as whatever management is / is not undertaken in the long-term has no bearing on the score for this classification. In this particular instance a blanket 'vegetated garden' classification has been applied to the single plot, but the same approach would also be applied to a larger residential scheme which would be viewed in the same way.

Following further consideration of the applicant's ecologist response, the County Council Ecologist has no objections and agrees with the conclusions of the BNGR and BNGMC.

Any permission granted would be subject to the mandatory BNG condition which is imposed as an informative rather than a condition.

An informative would also be imposed on any permission granted to advise the applicant that a Habitat Management & Monitoring Plan (HMMP) would be required to discharge the mandatory BNG condition.

The mandatory BNG condition and HMMP would secure the monitoring of the on-site BNG delivery for the 30-year period as specified in the Environment Act.

#### Ecology Conclusion

Overall, and subject to the imposition of relevant conditions, the proposed development would be compliant with Policy En1 of the adopted Local Plan, Policy BotH5 of the made BotHNP, Paragraphs 187 and 193 of the NPPF and Circular 06/05.

## Trees and Landscaping

Part (3) of Policy En1 of the adopted Local Plan outlines that new development will be expected to maintain landscape features (such as trees and hedgerows) for biodiversity, as well as for other green infrastructure and recreational uses.

Policy BotH6 of the made Breedon on the Hill Neighbourhood Plan (BotHNP) identifies that existing trees and hedgerows should be retained where possible and integrated into new developments, and that development which damages or results in the loss or deterioration of ancient trees, hedgerows or trees of good arboricultural and amenity value will not be supported. Applications where trees are impacted on should be accompanied by a tree survey (TS).

### *Impact to Existing Trees*

The application is accompanied by an Arboricultural Survey (ArS) (compliant with BS 5837:2012 *'Trees in Relation to Design, Demolition and Construction – Recommendations'*) which identifies that a group of trees (comprising Birch, Fir and Ash) is located to the south-western site boundary which is rated Category B (*'Trees of Moderate Quality'*). Additionally, an Ash tree (also rated Category B) is located to the immediate north-west of the group of trees.

As part of the consideration of the application comments have been provided by both the Council's Tree Officer and the County Tree Officer.

The County Tree Officer has commented that any arboricultural constraints on the site would be limited to the impact which may arise to the linear group of trees. Based on the projected root protection area (RPA) of this tree group, the proposed bungalow and its associated infrastructure would be positioned outside of the RPA of the tree group and therefore they have no objections subject to any permission granted being conditioned so that a tree protection plan (TPP) is secured and put in place during the construction phase of the development.

In terms of the Council's Tree Officer they have responded specifically in relation to comments provided by the Council's Conservation Officer who identified that a former Ash tree comprised an existing landscape feature that should have been retained in line with Section 8 of the Council's adopted Good Design SPD (*'responsive to context'*) and therefore, in their view, compensatory tree planting should be provided on the site rather than the proposed bungalow.

As is identified in the *'Ecology'* section of this report above, the Ash tree is recognised as a Local Wildlife Site (LWS) (ref: 91421) on Map 8 associated with Policy BotH5 of the made BotHNP, however the Ash tree has been removed, and it is unclear when this removal took place. In reviewing Google Earth images, the Council's Tree Officer has commented that such images suggest that the Ash tree had significant crown dieback and therefore an assumption is made that either it died from Ash dieback disease, or became moribund, and was subsequently removed.

The Ash tree which has been removed was not protected by a Tree Preservation Order (TPO), nor did it lie within a Conservation Area. In addition, the officer reports associated with application references 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM) and 20/01920/FUL specify that the Ash tree lay outside the site boundaries associated with these applications and consequently was not protected by any conditions imposed on the permissions granted.

On the basis that the Ash tree did not exist at the time the application was submitted, it is considered that it has no material consideration in the application to be determined given that there is no mechanism which requires the Ash tree to be replaced. It is also probable, based on the comments of the Council's Tree Officer, that the Ash tree died due to Ash dieback disease.

Additional comments from the Council's Tree Officer have outlined that the proposed bungalow and driveway would be outside of the RPA of the tree group and therefore a direct impact would be avoided. Whilst the removal of existing hard surfacing to provide the rear garden to the bungalow may cause some disturbance to the tree group, this could be mitigated by care being taken during the construction phase. The provision of natural turf would also result in an improvement to the rooting environment of the tree group and local green infrastructure overall.

In terms of the third party representations received in relation to the group of trees impacting adversely on the amenities of any occupants of the proposed bungalow, the Council's Tree Officer has commented that any impacts would not be to a degree where an objection would be warranted given that such trees would be protected from any unnecessary pressure for removal (as they are situated outside of the application site boundary), the impact would only be experienced within the rear amenity area, and that the impact would be limited to the afternoon period onward. In addition, any future occupants of the bungalow would be aware of the relationship with the tree group prior to their purchase.

Overall, the Council's Tree Officer has no objections to the application.

Based on the recommendations of the ArS, as well as the Council and County Tree Officers' comments, conditions imposed on any permission granted would secure an Arboricultural Method Statement (ArMS) and TPP.

The group of trees which lie to the south-west of the site fell within the red line of the site boundary associated with application reference 20/01920/FUL, with the approved boundary treatments to what are now nos. 7 and 8 St Hardulphs Close comprising a 1.2 metre high post and rail timber fence (with wire mesh infill) which was supplemented with a hedge. Boundary treatments associated with the proposed bungalow are to be agreed via condition, but even if a 1.8 metre high timber close boarded fence was provided along the south-western boundary any management of the group of trees would still be possible from within the gardens of nos. 7 and 8, or from the north-west given that the garden associated with the proposed bungalow would not cover the entire length of the group of trees. Additionally, the ArMS to be secured via condition as part of any permission granted could seek to undertake appropriate management of the trees which 'overhang' the boundary of the application site. This would ensure that their condition was approved prior to the bungalow being occupied.

#### *Soft Landscaping*

The application is not accompanied by a soft landscaping scheme and consequently a condition imposed on any permission granted would seek to secure an appropriate scheme including the delivery of a natural turf garden, hedgerow planting to the north-western site boundary and appropriate tree planting within the rear garden which is considered to be of a sufficient size to accommodate such tree planting. This approach would be consistent with the soft landscaping infrastructure delivered as part of application references 18/02198/FULM (22/01308/VCIM) and 20/01920/FUL, as well as that to be delivered as part of application reference 24/00197/FUL.

#### *Hard Landscaping*

In terms of hard landscaping, a plan has been provided to specify that the proposed driveway and off-street parking spaces would comprise block paving but no further details are provided in relation to other hard surfaces around the bungalow. On this basis a condition would be imposed on any permission granted to secure a precise hard landscaping scheme which would be consistent with that consented under application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL.

## Landscaping Conclusion

Overall, the proposed development would be considered compliant with Part (3) of Policy En1 of the adopted Local Plan and Policy BotH6 of the made BotHNP.

## **Flood Risk and Drainage**

Policy Cc2 of the adopted Local Plan requires the risk and impact of flooding from development to be minimised, with Policy Cc3 requiring surface water drainage to be managed by Sustainable Drainage Systems (SuDS) (where feasible).

Policy BotH7 of the made Breedon on the Hill Neighbourhood Plan (BotHNP) outlines that development sites should be designed to manage surface water sustainably. It also specifies that new dwellings in Breedon on the Hill should incorporate Sustainable Drainage Systems (SuDS), should avoid connections into the public sewer, should incorporate water efficient design and technology and protect existing drainage systems.

### *Flood Risk*

On the basis of the Environment Agency (EA) '*Flood Map for Planning*' detailed on the Government website, the application site is wholly within Flood Zone 1, which is at the lowest risk of fluvial flooding.

In terms of surface water (pluvial) flooding, the application site is at a very low risk of surface water flooding, although areas to the immediate north-east are at a low, medium and high risk of surface water flooding. The Council's Strategic Flood Risk Assessment (SFRA) also evidences that the application site would be at a very low risk of flooding from groundwater and sewers. Given the site's location, it is also reasonable to conclude that it would not be at risk from tidal / coastal flooding and flooding from artificial sources (i.e. reservoirs and canals).

Paragraph 173 of the NPPF outlines that a sequential risk-based approach should be taken to individual applications in areas known to be at risk now or in the future from any form of flooding. Paragraph 174 of the NPPF subsequently outlines that the aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. It is, however, outlined at Paragraph 175 of the NPPF that the sequential test would not be applicable where a site specific FRA demonstrates that no built development within the site boundary would be located on an area that would be at risk of flooding from any source.

The '*Flood Risk and Coastal Change*' section of the NPPG specifies, at Paragraph 023 (Reference ID: 7-023-20220825), that the aim of the sequential test is to ensure areas at little or no risk of flooding from any source are developed in preference to areas at higher risk and this therefore means avoiding, as far as possible, development in current and future medium and high flood risk areas. Paragraph 024 (Reference ID: 7-024-20220825) further states that reasonably available sites in medium to high flood risk areas should only be considered where it is demonstrated that it is not possible to locate development in low flood risk areas.

Notwithstanding the above, Paragraph 027 (Reference ID: 7-027-20220825) specifies that in applying Paragraph 175 of the NPPF a proportionate approach should be taken and where a site-specific FRA demonstrates clearly that the proposed development (when accounting for its layout, design and mitigation measures) would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development, without increasing flood risk elsewhere, then the sequential test would not need to be applied.

In this instance the proposed bungalow would be located wholly within an area at very low risk of flooding from surface water and is not at risk of flooding from any other source, on this basis the sequential test would not need to be applied.

### Flood Risk Conclusion

Overall, and when accounting for the development being sequentially located to avoid areas at medium to high risk of flooding from any source, it is considered that compliance with Policy Cc2 of the adopted Local Plan and Paragraphs 173, 174, 175 and 181 of the NPPF is demonstrated.

### *Surface Water Drainage*

As part of the consideration of the application the Lead Local Flood Authority (LLFA) have been consulted, and they have outlined that their standing advice should be considered.

The application is supported by a Drainage Technical Note (DTN) which outlines that the impermeable area of the proposed development is 0.26 hectares which results in a proposed Qbar discharge rate of 0.1 litres per second (l/s). On the basis that such a discharge rate is not feasible, the DTN outlines that the discharge rate would be limited to 1 l/s with such surface water being discharged to the existing surface water sewers associated with the development permitted under application reference 20/01920/FUL. To ensure the discharge rate meets the 1 in 100 year storm event plus 40% for climate change, surface water would be stored within attenuation crates for a maximum volume of 18 cubic metres (m<sup>3</sup>).

It is considered that the proposed surface water drainage scheme, when combined with the delivery of permeable block paving and other permeable hard surfacing within the application site (where required), would deliver a SuDS scheme and conditions would be imposed on any permission granted to secure the surface water drainage scheme.

In any event the application site comprises previously developed land, and in addition to the securing of the surface water drainage scheme the introduction of soft landscaping would also assist in suitably managing surface water. On this basis the proposed development would not create or exacerbate any localised flooding issue.

### Surface Water Drainage Conclusion

Overall, the proposal would be compliant with Policies Cc2 and Cc3 of the adopted Local Plan, as well as Policy BotH7 of the made BotHNP and Paragraphs 181 and 182 of the NPPF.

### *Foul Drainage*

Insofar as foul drainage is concerned, the submitted DTN specifies that this would be discharged to the foul sewers constructed as part of the development consented under application reference 20/01920/FUL which are connected to the mains sewer. Any connection into the mains sewer would need to be agreed with Severn Trent Water (STW) under separate legislation, and no representation has been received from STW advising that capacity does not exist within the existing foul drainage network to accommodate the additional loads associated with one dwelling.

### Foul Drainage Conclusion

It is considered that foul drainage can be met by the existing sewerage system in place and on this basis the proposed development would accord with Paragraph 198 of the NPPF.

## Developer Contributions and Infrastructure

No requests have been made for Section 106 contributions.

Paragraphs 56 and 58 of the NPPF set out the Government's policy in respect of planning obligations and, in particular, provide that planning obligations should be:

- a) necessary to make the proposed development acceptable in planning terms;
- b) directly related to the proposed development; and
- c) fairly and reasonably related in scale and kind to the proposed development.

Equivalent legislative tests are contained within the Community Infrastructure Levy (CIL) Regulations 2010.

For the avoidance of doubt the Local Planning Authority is not dealing with this development as a stand-alone application for one dwelling but instead are treating it as an extension to the development consented under application references 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM), 20/01920/FUL and 24/00197/FUL and consequently a combined development of 59 dwellings, should permission be granted for the development as proposed.

A Section 106 agreement was secured against the permission granted under application reference 18/02198/FULM (22/01308/VCIM) which provided the following:

- Affordable Housing – 4 x 2 bed rented and 1 x 3 bed shared ownership dwellings.
- Health Contribution – a contribution of £21,549.66 for improvements to the Castle Donington Surgery on Borough Street.
- Travel Packs – to be supplied by Leicestershire County Council as the Highways Authority at a price of £52.85 per pack.
- 6 Month Bus Passes – to be supplied by Leicestershire County Council as the Highways Authority at a price of £360.00 per pass.

A Section 106 agreement was also secured against the permission granted under application reference 20/01920/FUL which provided the following:

- Recreation Contribution – a contribution of £10,000.00 for repairs, improvements and maintenance of play equipment at the existing facility to the rear of St Hardulphs Church of England Primary School at Main Street.

A further Section 106 agreement was also secured against the permission granted under application reference 24/00197/FUL which provided the following:

- Education Contribution – a contribution of £17,911.75 for the improvement, remodelling or enhancement of existing facilities at Castle Donington College, Castle Donington.
- Library Contribution – a contribution of £181.19 for improved stock provision, or to enable the reconfiguration of the internal space within the library to enable additional uses of the building, at Castle Donington Library, 101 Bondgate, Castle Donington.
- Further Health Contribution – a contribution of £4,646.40 for an increase and improvement to primary care services at either the Castle Donington Surgery on Borough Street, Castle Donington or the Belton Surgery at 1 Mill Lane, Belton.

In terms of this application, the consultation responses received from the Council's Affordable Housing Enabler (AHE), County Planning Obligations Team, County Highways Authority, and NHS Leicester, Leicestershire and Rutland Integrated Care Board (ICB) have outlined that no further contribution requests will be sought.

## *Affordable Housing*

On the basis that the application site constitutes previously developed land no further affordable housing would be required given the terms of Policy H4 of the adopted Local Plan would not trigger a further contribution even when combined with the development permitted under application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL.

The permission granted under application reference 18/02198/FULM (22/01308/VCIM) secured 43 dwellings, 8 number of units on greenfield land at 30% (2.4 units) and 35 number of units on brownfield land at 5% (1.75 units), which equated to 5 affordable units ( $2.4 + 1.75 = 4.15$  units rounded up to 5).

The additional 9 dwellings consented under application reference 20/01920/FUL resulted in 52 dwellings, 8 number of units on greenfield land (2.4 units) and 44 number of units on brownfield land at 5% (2.2 units), this still equated to 5 affordable units ( $2.4 + 2.2 = 4.6$  units rounded up to 5).

The further 6 dwellings consented under application reference 24/00197/FUL resulted in 58 dwellings, 8 number of units on greenfield land at 30% (2.4 units) and 50 units on brownfield land at 5% (2.5 units), this also still equated to 5 affordable units ( $2.4 + 2.5 = 4.9$  rounded up to 5).

An additional dwelling, as proposed, would result in 59 dwellings, 8 number of units on greenfield land at 30% (2.4 units) and 51 units on brownfield land at 5% (2.55 units), this would still equate to 5 affordable units ( $2.4 + 2.55 = 4.95$  rounded up to 5).

This position has been accepted by the Council's AHE who has raised no objections.

The terms of Policy BotH20 of the made Breedon on the Hill Neighbourhood Plan (BotHNP) would not be considered applicable to the development on the basis that the scheme does not comprise 10 dwellings or more and is on a site which is less than 0.5 hectares in size. Additionally, this policy could not be applied retrospectively to the previously consented developments.

## *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. Given that the combination of the schemes consented under 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL, along with that now proposed, would result in a development of more than 50 dwellings (59 total) the terms of Policy IF3 would be applicable.

Policy BotH10 of the made Breedon on the Hill Neighbourhood Plan (BotHNP) outlines that new development will be supported by the provision of new or improved infrastructure, together with financial contributions for off-site infrastructure requirements where appropriate. This can include, amongst other things, community infrastructure improvements which may include the provision of children's play equipment (criterion (c)).

When considering an application against Policy IF3 due regard is to be given to four criteria, (a) to (d), which are as follows:

- (a) *The scale of the proposed development and the mix and type of dwellings to be provided;*
- (b) *The nature and scale of existing open space, sport and recreation provision within the locality of the proposed site;*
- (c) *The likely population characteristics resulting from the proposed development as well as that of the existing population in the locality; and*
- (d) *Local evidence of need, including (but not limited to) a Playing Pitch Strategy, open space assessment of need or equivalent sources.*

In terms of criterion (a) of Part (1) of Policy IF3 it is proposed that the combined development (being that permitted under application references 18/02198/FULM (22/01308/VCIM), 20/01920/FUL and 24/00197/FUL as well as that proposed as part of this application) would result in a mix of predominantly 3 and 4+ bedroom dwellings with a minor percentage of 2 bed dwellings which would largely comprise the affordable dwellings (this being as outlined 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). Given such a mix it is considered that the dwellings would be predominantly aimed at families.

With regards to criterion (b) of Part (1) of Policy IF3 it is considered that the existing open space, sport and recreation provision within Breedon on the Hill is limited to a recreational facility to the rear of St Hardulphs Church of England Primary School on Main Street (the recreational facility is accessed by pedestrians off The Dovecote). It is, however, the case that the planning permission granted under application reference 18/02198/FULM (22/01308/VCIM) resulted in the provision of a village hall (now constructed) which can be utilised for indoor sport and recreational activities. Breedon Priory Health Club situated off Green Lane, Wilson, also provides leisure facilities (such as a gym and swimming pool) although membership of the health club is required in order to utilise such facilities.

In terms of criterion (c) of Part (1) of Policy IF3 the population characteristics associated with the development would likely involve the movement of small to medium sized families into the settlement along with younger couples. The existing population characteristics of Breedon on the Hill are defined by families along with mid-aged to elderly couples / singles.

Currently there is no playing pitch strategy or open space assessment (criterion (d) of Part (1) of Policy IF3) which deals specifically with Breedon on the Hill with the relevant strategies being applicable at a District Level.

Part (2) of Policy IF3 outlines that any open space, sport and recreation provision should be designed as an integral part of the proposed development in accordance with Policy D1 of the adopted Local Plan. Part (3) of Policy IF3 indicates that the provision of open space, sports and recreation facilities should be located on-site unless an off-site or partial off-site contribution would result in an equally beneficial enhancement to an existing open space, sports and / or recreation facility which is of benefit to the local community. The latter part of Policy IF3 indicates that further guidance will be set out in a supplementary planning document (SPD) but to date no such SPD has been produced.

The development proposed under the current application relates to the provision of one dwelling on a brownfield site of 0.05 hectares and taking into account the size of the site it would not be possible to accommodate on-site open space, sport and recreation provision. Such a conclusion was also reached in the assessment of application references 20/01920/FUL, whereby nine dwellings were constructed on a brownfield site of 0.51 hectares, and 24/00197/FUL, where six dwellings were constructed on a brownfield site of 0.45 hectares.

It is also the case that in the consideration of application reference 18/02198/FULM (22/01308/VCIM) it was not necessary to demonstrate compliance with Policy IF3 of the adopted Local Plan given that the scheme only related to 43 dwellings with it not being possible to 'retrospectively' introduce sport and recreational facilities on this site, or that associated with application references 20/01920/FUL and 24/00197/FUL.

In terms of open space this was 'informally' provided within the confines of the application site associated with application reference 18/02198/FULM (22/01308/VCIM) around the balancing ponds in the north-western and south-eastern parts of the site, as well as the land between the access road to the proposed dwellings and the south-western boundaries of nos. 27 and 29 Priory Close.

Whilst Policy IF3 was not applicable in the consideration of application reference 18/02198/FULM (22/01308/VCIM) it was the case that a village hall was permitted (and which is now constructed) as part of the development which was designed as an integral part of the scheme given its prominent location along the south-eastern site boundary in views from Ashby Road, Melbourne Road and The Green. The village hall was designed with a main hall which is capable of being used for indoor sport and recreation purposes.

In the consideration of application reference 20/01920/FUL a financial contribution of £10,000.00 was secured, payable to Breedon on the Hill Parish Council, which is to be utilised for repairs and improvements, as well as the future maintenance of, the existing recreational facility to the rear of St Hardulphs Church of England Primary School on Main Street. Whilst such a contribution was not strictly compliant with the CIL Regulations, given that the financial figure was not subject to any calculations to determine the level of contribution, the applicant advised they were willing to pay such a contribution.

Whilst no further contribution is proposed as part of this application, nor was one secured as part of the permission granted under application reference 24/00197/FUL, it is considered that the schemes previously consented have delivered a village hall, which could be utilised for sport and recreational purposes, as well as a financial contribution towards maintenance and improvements to an existing recreational facility. The level of contribution previously sought is therefore considered reasonable and would not justify any further requests as part of this application given that the overall number of dwellings to be created is not significantly above the threshold where Policy IF3 becomes applicable.

On the above basis it is considered that the terms of Part (3) of Policy IF3 are met in that the provision of the village hall, and the payment of the off-site financial contribution, result in the provision of a new facility, as well as an equally beneficial enhancement to an existing facility, both of which will be of benefit to the local community.

Whilst any open space on the site associated with planning permission 18/02198/FULM (22/01308/VCIM) may not be 'formally' provided, it is considered that the lack of 'formal' open space would not justify a refusal of the application particularly when taking into account the overall level of development proposed in relation to the threshold when Policy IF3 becomes applicable.

In terms of Policy BotH10 of the made BotHNP, it is considered that the financial contribution secured as part of the planning permission granted under application reference 20/01920/FUL would meet the terms of this policy with no further contribution being justified as part of this application for the reasons as outlined above.

#### Developer Contributions and Infrastructure

Overall, the proposed development would not conflict with Policies IF1 and IF3 of the adopted Local Plan or Policy BotH10 of the made BotHNP.

## **Land Contamination**

Policy En6 of the adopted Local Plan outlines that proposals for development on land that is (or is suspected of being) subject to contamination, will be supported where a detailed investigation and assessment of the issues is undertaken and that appropriate mitigation measures are identified, where required, which avoid any unacceptably adverse impacts upon the site or adjacent areas, including groundwater quality.

The Council's Land Contamination Officer has been consulted, and they have advised that they have no objections to the application subject to the imposition of conditions which would require the submission of a Risk Based Land Contamination Assessment and a Verification Investigation, this is due to the historic use of the site as a plant nursery.

It is considered that the imposition of such conditions is reasonable in the circumstances that the land would be utilised for a residential purpose and therefore necessary to ensure the health and safety of any future occupants. Subject to the imposition of these conditions, the scheme would accord with Policy En6 of the adopted Local Plan as well as Paragraphs 196 and 197 of the NPPF.

## **Waste Collection**

The Council's Waste Services Development Officer (WSDO) has been consulted on the application and has raised no objections.

A Section 106 agreement secured against the planning permission granted under application reference 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM) indemnified the Council so that the Council's waste vehicles could transverse upon what is now Priory Close (an unadopted highway). A further Section 106 agreement associated with the planning permission granted under application reference 20/01920/FUL secured additional indemnification so that the Council's waste vehicles could also serve the properties which comprise St Hardulphs Close.

The proposed bungalow would be served off the internal access road leading to St Hardulphs Close, with the extent of the indemnification identified onto the plans associated with the Section 106 agreement being around 9 metres from the application site boundary. On the basis that the bin collection point (BCP) serving the dwellings on St Hardulphs Close is around 10 metres from the junction of the vehicular access to St Hardulphs Close and the internal highway, it is considered that future occupants of the dwelling would be in a position to present their waste receptacles at the boundary of the application site so that they are collected in a manner which would be consistent with that of the waste collection for the properties on St Hardulphs Close. In this circumstance it is therefore considered that no further indemnification would be necessary.

An informative imposed on any permission granted would advise future occupants of the proposed bungalow of the need for their waste receptacles to be presented at the site boundary on the day of collection.

## **Other Matters**

### *Policy BotH9 of the made Breedon on the Hill Neighbourhood Plan*

Policy BotH9 of the made 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 (Fibre to the Premise). Exceptions will only be considered where it can be demonstrated that making such provision would render the development unviable.*”

It is considered that the responsibility of ensuring that suitable broadband speeds are delivered would be a matter to be addressed by the service provider outside of the planning process with it also being the case that Approved Document R (Infrastructure for Electronic Communications) of the Building Regulations 2010 (as amended) requires physical infrastructure and network connections for new dwelling which are Gigabit-ready. On the basis that separate legislation would secure the requirements of Policy BotH9 of the made BotHNP, there is no conflict with this policy.

#### *Loss of Open / Recreational Space*

Representations received from third parties have objected to the application on the basis that it results in the loss of open / recreational space.

For the purposes of the NPPF, and in particular Paragraph 103 and 104, open space is defined as *“all open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as visual amenity.”*

The area of open space identified by the third parties relates to a turfed area of around 0.02 hectares which includes two inspection chambers associated with the drainage infrastructure installed on site. This is as shown in the images on the following page.

#### ***Area of Open Space Identified by Residents***





As is discussed in the '*Open Space, Sport and Recreation Facilities*' sub-section of the '*Developer Contributions and Infrastructure*' section of this report above, the original planning permission granted under application reference 18/02198/FULM (as varied by the permission granted under application reference 22/01308/VCIM) was not required to provide open space, sport or recreation facilities in accordance with the requirements of Policy IF3 of the adopted Local Plan as the total number of dwellings was below 50 (being 43). Notwithstanding this, open space was informally provided within the confines of the application site associated with 18/02198/FULM (22/01308/VCIM) around the balancing ponds in the north-western and south-eastern parts of the site, as well as the land between the access road to the proposed dwellings and the south-western boundaries of nos. 27 and 29 Priory Close.

For the avoidance of doubt the land identified by third parties to comprise open space fell outside of the red line of the application site boundary associated with application reference 18/02198/FULM (22/01308/VCIM), as well as that associated with application reference 20/01920/FUL, given that such land comprised the retained access to the golf club implements store which was demolished as part of the planning permission granted under application reference 24/00197/FUL. Consequently, such open space has never been designed or deemed to be necessary nor formally required as part of the previous planning permissions granted. On this basis there is no evidence that previous permissions have sought for the open space to be retained, nor is it required to be maintained by virtue of conditions imposed on the previous consents.

It is unclear when the open space was turfed but based on the observations of the site visit its size is not sufficient enough to offer important opportunities for sport and recreation and there is no formal planting, no seating or evidence of frequent activity. It is also considered that it does not provide significant visual amenity given its positioning to the rear of properties on Priory Close and adjacent to the side elevation and boundary of no. 8 St Hardulphs Close. In these circumstances whilst the site is of value to residents it is not considered to meet the definition of open space within the NPPF.

Whilst the proposed development would result in the loss of a piece of land perceived by residents to be an area of open space which is of value to them, given the above circumstances, and that its loss would be compensated for by the 'informal' open spaces delivered elsewhere on the estate and the immediate landscape to the northern and western areas of the estate being open and devoid of development, it is considered that the proposed development does not conflict with the aims and intentions of Policy IF3 of the adopted Local Plan or Paragraphs 103 and 104 of the NPPF and a reason for refusal could not be justified on this basis.

In respect of Policy IF3 in the emerging Local Plan, as are a number of adverse comments have been received as part of the Regulation 18 consultation on the new Local Plan, and the new Local Plan has to go through the Regulation 19 consultation and then be submitted for Examination, the Council's Planning Policy team has advised that only limited weight can be attached to the emerging policy.

### **Overall Planning Balance, Contribution to Sustainable Development and Conclusions**

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 (adopted Local Plan) (2021) and the made Breedon on the Hill Neighbourhood Plan (made BotHNP) (2025). The site is located outside the defined Limits to Development as defined in the adopted Local Plan but is within the defined Limits for the purposes of the made BotHNP. Although outside the defined Limits for the purposes of the adopted Local Plan, the proposed development would be undertaken on previously developed land (PDL) in a settlement which is a 'Sustainable Village', consequently the proposal would be acceptable in principle in the context of Policy S3 of the adopted Local Plan. Furthermore, Policy BotH15 of the BotHNP supports residential development within the defined Limits.

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 requirement of other policies, such as those set out within the NPPF (2024)). As set out above, the NPPF contains a presumption in favour of sustainable development. 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 albeit these would be limited given the proposal only relates to one dwelling.

#### *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 limited social benefits. The NPPF identifies in particular, 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 imposition of conditions to secure suitable design detailing and landscaping, the proposed development would be of an appropriate design which would successfully integrate into

the environment in which it is set thereby fostering a well-designed and safe environment. The proposed development would also not remove designated open space in the context of the definition within the NPPF.

*Environmental Objective:*

The development would be undertaken on PDL which would be the most appropriate land for new development as outlined by Paragraphs 124 and 125 of the NPPF. 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. It is also considered that the proposed development would not have unacceptable impacts in terms of the natural and historic environment with the imposition of conditions ensuring the scheme's design would protect and enhance the built environment.

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, the proposed development would comply with the provisions of the development plan as a whole and would benefit from the presumption in favour of sustainable development. Overall, there are no material considerations which indicate the determination of this application other than in accordance with the development plan and approval is therefore recommended.