

Item No. 3

Application Reference Number P/21/0615/2

Application Type:	Outline Planning Permission	Date Valid:	13/05/2021
Applicant:	Jack Casey		
Proposal:	Outline Application for the erection of up to 60 residential dwellings, with all matters reserved except access.		
Location:	Sturdee Poultry Farm Sowters Lane Burton on The Wolds Leicestershire		
Parish:	Burton on The Wolds	Ward:	The Wolds
Case Officer:	Shaun Robson	Tel No:	07864 603389

Background

This application has been brought to plans committee as it relates to a major housing development and is considered a departure from the development plan and is recommended for approval.

The application has also been called in by Cllr Bokor who has concerns about the proposal, specifically the over development of Burton village causing accumulative harm from a lack of infrastructure/services; the additional traffic being directed through the existing housing estate known as The Saints; and the lack of community S.106 monies which contributes to combating that accumulative harm

Description of the Application Site

The application site is located to the south of Burton on the Wolds and is approximately 3.04 ha in size. The site is currently formed by a number of poultry sheds of various sizes and a small number of low quality structures and associated hardstanding, relating to the current use of the site as a poultry farm.

The eastern boundary of the site is defined by Turvy Motors, with a small number of residential units located east of Sowters Lane. To the south is open countryside and arable fields. To the west of the site, there is a small field separating the site from main village. To the north there is residential development associated with St Phillips Road and St Leonards Close.

Description of the Proposal

The application seeks outline planning consent for the residential redevelopment of Sturdee Poultry Farm for up to 60 dwellings which will include a mixture of dwelling types and sizes, including bungalows. All matters, other than the access arrangement, are reserved for future consideration.

The Sowters Lane access will be retained and improved to form a standard priority T junction. The intention is for this access to be a secondary access for vehicles with the main access to the site for vehicles, pedestrians and cyclists being provided via a connection to St Leonards Close.

The proposal is accompanied by an illustrative masterplan which shows how the site could be developed for a scheme of up to 60 dwellings. The masterplan suggests a central access road which is to be accessed via St. Leonards Close (to the north) and the secondary access Sowters Lane (to the east). The access road is proposed to loop into the site with three small off shoot roads serving a number of dwellings. Members are reminded however the master plan is submitted for illustrative purposes only, and only the principle of up to 60 dwellings and access details are submitted for approval as part of this application.

The submitted illustrative masterplan also indicates a detention basin could be incorporated within the public open space to the southern tip of the site with a further small detention basin to the north adjacent to the access from Sowters Lane.

The application includes the following supporting documents & plans:

- Application form
- Site Location Plan
- Illustrative Masterplan
- Landscape and Visual Assessment
- Ecological Appraisal
- Arboricultural Report and Tree Survey
- Transport Statement
- Travel Plan
- Flood Risk Assessment & Drainage Strategy
- Noise Assessment
- Design and Access Statement
- Statement of Community Involvement
- Heritage Statement

Development Plan Policies

Charnwood Local Plan Core Strategy (adopted 9 November 2015)

Policy CS1 – Development Strategy – Sets out a growth hierarchy for the borough that sequentially guides development towards the most sustainable settlements. This identifies Burton on the Wolds as an “other” settlement, (4th in a hierarchy of 5) where small scale development within limits to development is supported.

Policy CS2 – High Quality Design – requires developments to make a positive contribution to Charnwood, reinforcing a sense of place. Development should respect and enhance the character of the area, having regard to scale, massing, height, landscape, layout, materials and access, and protect the amenity of people who live or work nearby.

Policy CS3 Strategic Housing Needs - supports an appropriate housing mix for the Borough and sets targets for affordable homes provision to meet need.

Policy CS 11 Landscape and Countryside - seeks to protect the character of the landscape and countryside. It requires new development to protect landscape character, reinforce sense of place and local distinctiveness, tranquillity and to maintain separate identities of settlements.

Policy CS13 Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and expects development proposals to consider and take account of the impacts on biodiversity and geodiversity, particularly with regard to recognised features.

Policy CS14 - Heritage - sets out to conserve and enhance our historic assets for their own value and the community, environmental and economic contribution they make.

Policy CS16 Sustainable Construction and Energy - supports sustainable design and construction techniques.

Policy CS17 Sustainable Travel – Seeks to increase sustainable travel patterns and ensure major development is aligned with this.

Policy CS 18 The Local and Strategic Road Network – Seeks to maximise the efficiency of the road network by delivering sustainable travel.

Policy CS 24 Delivering Infrastructure – is concerned with ensuring development is served by essential infrastructure. As part of this it seeks to relate the type, amount and timing of infrastructure to the scale of development, viability and impact on the surrounding area.

Policy CS25 Presumption in favour of sustainable development - echoes the sentiments of the National Planning Policy Framework in terms of sustainable development.

Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

Policy ST/2 Limits to Development – this policy sets out limits to development for settlements within Charnwood.

Policy CT/1 General Principles for areas of countryside... - This policy defines which types of development are acceptable in principle within areas of countryside.

Policy CT/2 – Development in the Countryside – Sets out how development that is within the countryside will be assessed to ensure there is no harm to the rural character of the area.

Policy EV/1 Design – This seeks to ensure a high standard of design and developments which respect the character of the area, nearby occupiers, and which are compatible in mass, scale, layout, whilst using landforms and other natural features. Developments should meet the needs of all groups and create safe places for people.

Policy TR/18 Parking in New Development – This seeks to set the maximum standards by which development should provide for off street car parking.

Wolds Villages Neighbourhood Plan (2018 – 2028)

On June 10, 2021 the Wolds Villages Neighbourhood Plan was “made” part of the development plan, in accordance with Regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended).

Relevant policies in relation to the proposal are:-

Policy WV1 – Landscape Character and Locally important views - sets out that in the countryside, new development should conserve or enhance the character of the local landscape.

Policy WV2 - Green Infrastructure - states that development proposals should seek to conserve and enhance the local green infrastructure which includes a wildlife corridor and woodland along Melton Road.

Policy WV3 – Trees – seeks to ensure protection of important trees and hedges or replacement if loss is unavoidable.

Policy WV5 – Water Management – states that new development should take account flood risk and that it should be effectively drained

Policy WV6 – Local Green Space – designates areas as local green space and includes the allotments to the north of the site

Policy WV7 – Local Heritage Assets – lists local assets where the benefits of the proposal must be balanced against harm to significance. It includes ridge and furrow within the site in this list. It also seeks to protect archaeological remains.

Policy WV8 – Community Services and facilities – sets out that community facilities including the allotments to the north should be protected and supports retention and improvement of these.

Policy WV10 – Infrastructure – seeks to ensure new housing is supported by appropriate infrastructure

Policies WV11 & WV12 – Housing Provision & Sturdee Poultry Farm – Policy WV11 sets out the framework for the delivery of new housing within the Parish. This sets out within the Limits to Development of Burton on the Wolds within which permission for housing development will be supported. The Policy states that beyond the Limits to Development, housing will be restricted save for the delivery of land at Sturdee

Poultry Farm (in accordance with Policy WV12), previously developed land, rural workers accommodation, replacement dwellings, the reuse or adaption of rural buildings, affordable housing through exception sites and development that supports sustainable businesses. Policy WV12 permits housing upon the Sturdee Poultry Farm site in the event there is a need for housing identified within the emerging local plan by policy WV12.

Policy WV14 – Housing Mix – requires new housing development to have regard to recent assessments of housing need within the Wolds. It specifically focuses on the needs of older households and the need for smaller homes.

Policy WV 15 – Affordable Housing – supports conditions or planning obligations ensuring local people are prioritised for affordable units when they are allocated

Policy WV16 – Design – states that development proposals must comply with Burton in the Wolds Village Design Statement

Other material considerations

The National Planning Policy Framework (2021)

The National Planning Policy Framework sets out the Government's view of what sustainable development means. It is a material consideration in planning decisions and contains a presumption in favour of sustainable development. For planning decisions this means approving proposals that comply with an up to date development plan without delay. If the Development Plan is silent or policies most relevant to determining the application are out of date permission should be granted unless protective policies within the National Planning Policy Framework give a clear reason for refusal or any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the NPPF as a whole.

The National Planning Policy Framework policy guidance of particular relevance to this proposal includes:

Section 5: Delivering a sufficient supply of homes

The National Planning Policy Framework requires local planning authorities to significantly boost the supply of housing and provide five years' worth of housing against housing requirements (paragraph 75). Where this is not achieved policies for the supply of housing are rendered out of date and for decision-taking this means granting permission unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, (paragraph 11d). Paragraph 14 sets out what the status of neighbourhood plans is where the presumption at paragraph 11d applies. Local planning authorities should plan for a mix of housing and identify the size, type, tenure and range of housing that is required and set policies for meeting the need for affordable housing on site (paragraph 62).

Section 8: Promoting healthy and safe communities

Planning decisions should promote a sense of community and deliver the social, recreational and cultural facilities and services that such a community needs.

Section 9: Promoting Sustainable Transport

All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment and a Travel Plan (paragraph 113). Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable modes maximised (paragraph 105). Developments should be designed to give priority to pedestrian and cycle movements and create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians and within large scale developments, key facilities should be located within walking distance of most properties (paragraph 106). Development should only be prevented or refused on transport grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts would be severe (paragraph 111).

Section 12: Requiring well-designed places.

The National Planning Policy Framework recognises that good design is a key aspect of sustainable development and that high quality, beautiful, sustainable and inclusive design should be planned for positively (paragraph 126).

Section 14: Meeting the challenge of climate change, flooding and coastal change

New development should help reduce greenhouse gas emissions and energy efficiency improvements in buildings should be actively supported (paragraph 153). It should also take account of layout, landform, building orientation, massing and landscaping to minimise energy consumption (paragraph 157) and renewable and low carbon energy development should be maximised (paragraph 158).

Planning Practice Guidance

This national document provides additional guidance to ensure the effective implementation of the planning policy set out in the National Planning Policy Framework.

National Design Guide

This document sets out the Government's design guidance to support the National Planning Policy Framework.

Leicestershire Housing and Economic Development Needs Assessment (HEDNA) – 2017

HEDNA provides an up to date evidence base of local housing needs including an objectively assessed housing need figure to 2036 based on forecasts and an assessment of the recommended housing mix based on the expected demographic changes over the same period. The housing mix evidence can be accorded significant weight as it reflects known demographic changes.

Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)

This document provides guidance on affordable housing to support Core Strategy Policy CS3.

Design Supplementary Planning Document (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life.

Leicestershire Highways Design Guide

The Leicestershire Highways Design Guide deals with highways and transportation infrastructure for new developments. It replaces the former 6C's Guidance.

Burton on the Wolds Village Design Statement (2006)

This document sets out residents aspirations for design within the village. It emphasises the need to protect the natural environment and work with the natural landscape "bowl" that the village lies within. Smaller scale developments are supported that complement existing styles and materials and avoid monotony.

Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended)

The Environmental Impact Assessment Regulations set out the parameters, procedures and Regulatory detail associated with the screening, scoping and preparation of an Environmental Statement and consideration of significant environmental impacts of development. As this application is for a site of less than 5 hectares and is for less than 150 dwellings it does not stand to be screened for an Environmental Impact Assessment.

Conservation of Habitat and Species Regulations 2010 (as amended)

The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England.

Protection of Badgers Act 1992

Badgers are subject to protection under the above Act. This Act includes various offences, including wilfully killing, injuring or taking a badger or deliberately damaging a badger sett. A licence is required from Natural England where development proposals may interfere with badger setts.

Equality Act 2010

Section 149 places a statutory duty on public authorities in the exercise of their

functions to have due regard to the need to eliminate discrimination and advance equality.

The Draft Charnwood Local Plan 2019-36

This document has reached the Preferred Options Consultation stage, and went out for public consultation between 4 November 2019 and 16th December 2019. This document sets out the Council's draft strategic and detailed policies for the plan period 2019-36. This document carries very limited weight at the current time.

Consultation Responses

The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website www.charnwood.gov.uk

Consultee	Response
Leicestershire Lead Local Flood Authority – LCC	Does not object to the proposal but has requested further clarification that Severn Trent are satisfied that the site can be adequately served in terms of water disposal. The additional clarification has been forwarded to the LLFA.
Housing Strategy & Support CBC	In accordance with policy CS3 requests 40% of new homes are affordable comprising a mix of 77% social and affordable rent and 23% shared ownership.
Environmental Protection - CBC	Does not raise any objections to the application subject to a condition requiring a ground investigation in order to ascertain if further mitigation measures are required in order to build out the development.
Environment Agency	Does not object to the proposal, subject to the inclusion of an informative relating to the use of the proposed pumping station on site.
Leicestershire County Council, (LCC) - Highways	The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe, therefore they have not objected to the proposal subject to it being carried out in accordance with the access details included within the Transport Assessment. Conditions are suggested relating to the timing of the provision of the accesses and the provision of a construction management plan. Contributions are also sought regarding travel passes and the provision of sustainable travel packs.
LCC Education	Seeks contributions of £262,656.00 towards remodelling and improving capacity at Burton on the Wolds primary school, £179,117.52 towards increasing the capacity at

	the Humphrey Perkins School and £38,267.46 towards improving capacity for 16+ education at Rawlins Academy.
LCC Libraries	Seeks a contribution of £1820 towards library facilities at the Barrow Library.
Burton on the Wolds, Cotes & Prestwold Parish Council	<p>Objects to the application on the grounds that the impact would significantly and demonstrably outweigh its benefit. The Council considers that the intention of Policy WV12 of the Neighbourhood Plan was to release the Poultry Farm site only in specified circumstances, which do not apply in this case.</p> <p>Attention is also drawn to the recent conversion to 91 residential units under the provisions of the GPDO and the cumulative impacts of this on the community. Concerns are raised with regard to limited amenities and employment, poor public transport, highway safety, landscape impact, school capacity and the impact on the amenity of neighbouring dwellings. Additionally it highlights concerns regarding highway safety, impact of construction vehicles migrating to the site, the on-going maintenance of Sowters Lane and the flooding of the site and surrounding area.</p> <p>The Parish Council have also raised the issue that the village hall was built on a small, central site to serve a much smaller community and has no parking facilities, giving little scope for accommodating an expanding community. They have stated that should this development take place they would expect a significant contribution via Section 106 towards a new community meeting place, as stated in Neighbourhood Plan WV10.</p>
Ward Councillor Boker	Considers that the development will result in over development of Burton village causing accumulative harm from a lack of infrastructure/services, the resulting additional traffic being directed through the existing housing estate known as The Saints and the lack of community S.106 monies which actually contribute to combating that accumulative harm.
Charnwood Open Spaces	<p>No objection raised to the proposal but has made the following request to mitigate the impacts of the development.</p> <p>The development shall include the following on site provision(s):</p> <ul style="list-style-type: none"> • Parks – 0.05ha on site in the form of a multi-functional green space area combined with the Amenity Green Space provision; • Natural and Semi Natural Open Space – 0.29ha

	<p>defined habitat areas should be identified and created within the proposed on site open space. These areas should be laid out and managed for their ecological/wildlife value in accordance with a landscape and biodiversity Strategy/Management Plan for the site;</p> <ul style="list-style-type: none"> • Amenity Green Space – 0.07ha on site in the form of a multi-functional green space area combined with the Parks provision; • Provision for children – 1 facility on site (suitable LEAP to be provided – Equipment and design to be approved by CBC prior to commencement of development) <p>The following developer contributions have been requested, where on-site open space provision is not to be met on-site, in order to mitigate the impact of the proposed development in accordance with Policy CS15 of the Charnwood Local Plan Core Strategy 20011-2028:</p> <ul style="list-style-type: none"> • Provision for young people - £57,239.00; • Outdoor sports facilities - £19,762.00; • Allotments - £6,775.00; • Indoor Sport - £27,251.00 (indoor pool), £26,331.00 (indoor courts) and £3,888.00 (indoor bowls rinks).
NHS - CCG	Seek a contribution of £30,378.74 towards improving the capacity of Barrow Health Centre to allow for the accommodation of 145 additional patients generated by the scheme.

Other Comments Received

37 objection letters have been received from local residents. The list below summarises the areas of concern that have been raised by residents with regard to the application. Please note that residents' comments can be read in full on the Council's website www.charnwood.gov.uk

- No justifiable need for the houses within the village
- Impact on services
- Unsustainable location
- Contrary to local and national policy, including the Wold Villages Neighbourhood Plan
- Poor public transport
- Sewer system can't cope
- The current use results in a contaminated site

- Local school does not have capacity
- Air pollution
- Noise
- Density of development is too high
- Poor local amenities
- Access onto Sowters lane is unsafe due to it being narrow and unlit
- Flooding
- Pollution and climate change
- Traffic surveys are flawed
- Sowters Lane is a private road
- Disruption during construction
- Poor or absent pavement links
- No safe route to school
- Tracking at roundabout for larger vehicles
- 91 dwellings have recently been allowed therefore the development is not required
- Site cannot accommodate development / over development of site

Consideration of the Planning Issues

The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Charnwood Local Plan 2011 – 2028 Core Strategy (2015), those “saved” policies within the Borough of Charnwood Local Plan 1991 – 2026 (2004) which have not been superseded by the Core Strategy and the Wolds Villages Neighbourhood Plan 2018 – 2028. It is acknowledged that several of these plans are over 5 years old; therefore it is important to take account of changing circumstances affecting the area, or any relevant changes in national policy. With the exception of those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national advice. Accordingly there is no reason to reduce the weight given to them in this regard.

As the Core strategy is now five years old the Authority must use the standard method to calculate a housing requirement. In light of this, the Authority cannot currently demonstrate a 5 year supply of housing land (3.34 years), and as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight.

The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits, for planning permission to be refused.

Part i) of paragraph 11d sets out that where there are National Planning Policy Framework policies that protect areas or assets this can be a clear reason to refuse

an application. These are set out in footnote 6 and are generally nationally designated areas such as SSSI's although Local Green Space and areas of archaeological interest demonstrably equivalent to ancient monuments can be included. In this case although there is an area of Local Green Space designated via the Neighbourhood Plan, which is remote to the site, it is unaffected by the proposal. The site is also recognised within the Neighbourhood Plan as the preferred location for new housing development in the Parish, and should come forward for redevelopment in accordance with the Draft Charnwood Local Plan upon adoption, either by being directly allocated or as a result of an increased local housing requirement being confirmed for the village. For these reasons it is not considered by officers that in this instance paragraph 11 i) would apply.

In situations where para 11d of the presumption applies consideration should be given to paragraph 14 in relation to Neighbourhood Plans in the context of the Authority having more than three years supply of deliverable housing sites and good housing delivery. The Neighbourhood Plan for the Wolds has recently been made as such it stands to be assessed under paragraph 14. Paragraph 14 states:

In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a. the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b. the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c. the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 74); and*
- d. the local planning authority's housing delivery was at least 45% of that required over the previous three years.*

The main issues are considered to be:

- The principle of the proposed development;
- Housing mix;
- Landscape & Visual Impact;
- Design;
- Open space;
- Amenity;
- Heritage;
- Arboriculture;
- Ecology;
- Flood risk/drainage;
- Highway matters;
- Contaminated Land and Public Safety; and
- Developer contributions

Principle of the proposed development

The application site is located outside but partly adjacent to, the Development Limits to the settlement of Burton on the Wolds, as established under “saved” Policy ST/2 of the Borough of Charnwood Local Plan 1991 – 2026 and latterly updated under Policy WV11 of the Wolds Neighbourhood Plan. For land outside these Development Limits policies CT/1 and CT/2 apply which seek to control development outside of a relatively narrow set of criteria. Policy CS1 of the Core Strategy outlines a development strategy for the Borough, including a settlement hierarchy. Within the settlement hierarchy, Burton on the Wolds is identified as an “other” settlement where a limited level of housing growth which is predominantly small scale and within limits to development is acceptable. Its place in the hierarchy is due to the relatively low level of services and facilities within the village and because of limited public transport access to higher order settlements and employment.

The supporting text to WVNP Policy WV11 states that “Burton on the Wolds might be said to be expected to deliver at least 36 dwellings”. This housing need has been based on a percentage share of the “other” settlements housing target deriving from the draft local plan. It takes the stance that the housing requirement in the current Core Strategy has already been met with regard to “other” settlements and does not seek to increase housing targets to cater for this. The Neighbourhood Plan anticipates that this housing requirement will be met within the limits to development that it sets out. In the event that a future need is identified once the Draft Local Plan is adopted, the Plan identifies the application site, under policy WV12 as a reserved housing site subject to a requirement being identified for the settlement through the Local Plan housing requirement. Policy WV12 indicates that if the criteria regarding the need are met then the site would be suitable for development of at least 36 dwellings.

These policies are those that are the most important ones for establishing whether development of the site for housing is acceptable in principle.

The development is at odds with these housing supply policies as it comprises a large-scale development that is outside the limits to development and the requirement to bring forward the site, which is a reserve allocation within the Neighbourhood Plan as identified by Policy WV12, has not been enacted. However, given the current lack of a 5 year supply of housing land, these policies must be considered to be out of date and the presumption in favour of sustainable development requires an assessment to be made as to whether there are any adverse impacts of granting permission that would significantly or demonstrably outweigh the benefits of the proposal.

Within this assessment, conflict with the above policies can be considered as an adverse impact but given the age of policies CS1, CT/1, CT/2 and ST/2, (all over 5 years old), the weight that can be ascribed to them would be reduced. Accordingly there is harm resulting from conflict with the development approach set out in policies CS1, CT/1, CT/2, ST/2 and WV11, which seeks to direct growth away from smaller settlements, which weighs against the proposal and needs to be considered within the planning balance for the proposal. However, if a specific need for growth is

identified policy WV12 permits the redevelopment of the site. However, given that a need is yet to be established through the Local Plan, which is in a draft format, the development also conflicts with this policy at this time.

Paragraph 14 of the National Planning Policy Framework states that in situations where paragraph 11d applies, the adverse impacts of allowing development that conflicts with a neighbourhood plan are likely to significantly and demonstrably outweigh the benefits where all of four criteria apply. Criterion b) is of particular importance here. This states that for paragraph 14 to apply, the neighbourhood plan must contain policies and allocations to meet its identified housing requirement.

Policy WV11 states that *“Burton on the Wolds might be said to be expected to deliver at least 36 dwellings”*. The Planning Inspector in their recent appeal decision, (dated 24th June 2021) at Land off Melton Road Burton on the Wolds (APP/X2410/W/20/326448), stated that:

“I acknowledge that the Planning Practice Guidance (PPG) states that a local requirement could be set exceptionally by the neighbourhood planning body. However, the figure of 36 dwellings is set out only in supporting text and thus does not have the status of development plan policy. This must limit the weight that can be given to this figure.”

“Secondly, the figure is based on a proportionate share of the provisional housing figure for ‘Other Settlements’ in the draft Local Plan. However, this plan is still at a very early stage of preparation and carries very little weight. The figure has not therefore been based on any adopted strategic plan or an up-to-date assessment of local needs. I am not therefore persuaded that this constitutes an ‘identified housing requirement’ in the context of paragraph 14.”

“Even so, the PPG also states that the neighbourhood plan must contain policies and allocations to meet the need. Windfall policies alone are not sufficient. The Sturdee Farm site is the only site identified for any form of housing. WVNP Policy WV12 states that this site will be released in accordance with the draft Charnwood Local Plan, when it is adopted, if a local housing requirement is identified for which the site is appropriate. It is clear, therefore, that the Sturdee Farm site is not intended to be released prior to the adoption of the new Local Plan. Even in those circumstances, this would only be the case if the plan identifies an additional extra need. Therefore, even if the 36 dwellings were an identified requirement now, the Sturdee Farm site is not seen as the means of meeting this need.”

Accordingly, whilst the neighbourhood plan is less than two years old there is no unreserved housing allocation to meet an identified housing need within the plan. Therefore any contradiction with policies relating to the provision of housing cannot be considered as a significant and demonstrable harm sufficient to outweigh identified benefits on its own. Any such conflict with the Neighbourhood Plan remains a harm to be accounted for in the planning balance rather than being determinative.

Whilst it is acknowledged that the mechanism and circumstances for releasing the Sturdee Farm has not presently been met, it is material that Policy WV12,

nevertheless does identify the site as suitable for housing and reserves it for future residential development.

In conclusion, the proposal would result in the provision of up to 60 dwellings at a time when the Local Planning Authority cannot demonstrate a five year housing land supply and, although there is conflict with the Development Plan and the neighbourhood plan, the provision of housing is a significant material consideration that weighs in its favour.

In addition the provision of housing on previously developed land and cessation of a potentially problematic use within close proximity to existing residential properties, is also considered to weigh heavily in its favour.

Although there is some conflict with the Development Plan this does not outweigh this benefit. Accordingly the proposal is considered to be acceptable in principle.

Housing mix

Policy CS3 of the Core Strategy and Policies WV14 and WV15 of the Wolds Neighbourhood Plan help define an appropriate housing mix for this site. Policy CS3 outlines a requirement to secure an appropriate housing mix having regard to the identified housing needs and the character of the area and suggests 40% of the 60 dwellings (24), should be affordable. The Housing Supplementary Planning Document provides further guidance in support of this policy. Policy WV14 requires new housing development to have regard to recent assessments of housing need within the Wolds with particular focus on older households and smaller homes. Policy WV15 seeks to ensure that affordable units are used to meet local need.

These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them in this regard.

The proposal is in outline and includes an undertaking to provide 24 affordable homes (40%). The size, type, tenure and design of these are not currently known although it is anticipated that much of this detail would be established by later reserved matters. It is noted that the applicant has indicated the provision of bungalows on the site in a response to local representations following their consultation. Nevertheless, it is still considered appropriate to set down parameters relating to, for example, the size of units required at outline stage and it is suggested that a condition could be used to do this.

The Leicestershire Housing and Economic Development Needs Assessment (HEDNA) outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:

Affordable	
1 bed	40 – 45%
2 bed	20 – 25%
3 bed	25 – 30%
4+ bed	5 – 10%
Market	
1 bed	0 – 10%
2 bed	25 – 35%
3 bed	45 – 55%
4+ bed	10 – 20%

It is suggested that a size mix profile to reflect this, a locally identified need and the character of the area could be achieved although care would need to be taken, (as per CS3), to ensure the character of this edge of village location was not harmed by this. It is considered that a proposal which complies with CS3, WV14 and WV15 could be achieved.

Landscape and Visual impact

Policies CS2, CS11 and WV1 are concerned with protecting the landscape and ensuring new development does not result in visual harm. A Landscape and Visual Appraisal (LVA) has been submitted with the application which looks in detail at these impacts. These policies generally accord with the National Planning Policy Framework and do not directly impact on the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

Landscape

The Landscape and Visual Appraisal (LVA) finds limited impact on nationally defined character areas and the removal of the existing built form together with the potential to integrate soft landscape buffer within the development will integrate the development into the existing built form of the settlement.

The site lies within 'The Wolds' character area as defined by the Borough of Charnwood Landscape Character Assessment. The strategy for the character area is to 'conserve and enhance' by positioning new development on lower slopes and around edges of existing settlements, to avoid breaking the horizon and minimising the impact on the open rolling landscape character. The development, due to its position, is considered to meet the requirements of the strategy as it is positioned on the edge of the village and will therefore not break the horizon.

Visual Impact

The LVA addresses visual impacts from several key locations, including Sowters

Lane, Six Hills Road and more distant views from rights of way and the surrounding area.

Overall, it concludes that views from the north and west towards the site will not be possible due to landform and the intervening built form of the village. The site will be readily visible from views from the south from south west around to the east.

The viewpoints are found from roads and PRoW within approximately. The locally important views identified within the Wolds Villages Neighbourhood Plan were assessed and the LVA has concluded that none were found to have visibility of the site.

The site is visually prominent due to the lack of vegetation and the large scale and colour/materials of the buildings, which are distinctly different to the surrounding built form.

The LVA concluded that from most viewpoints the site is viewed alongside properties within the village and is currently noticeably different in character.

It is therefore considered that the proposal would not result in adverse or unacceptable landscape or visual impact in accordance with policy CS11. It is also considered that a development could be brought forward which respects the location at this edge of village location and therefore accords with policy CS2 of the Core Strategy and EV/1 of the Local Plan.

Design

Policies CS2 and WV16 seek high quality design for new development. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

As this proposal is in outline, approval of the design and layout is not currently sought. However, an indicative layout has been included which shows how the site could be developed and design principles are also set out within the Design and Access Statement.

Open space

Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. Within the Neighbourhood plan policies WV2, 6, 8 and 10 are all concerned with ensuring the village is served by an adequate framework of open space and that there is infrastructure to support the needs of residents. The Neighbourhood Plan also identifies areas of local green space that are important to the community and seeks to protect these.

The indicative plan suggests that within the site there will be 0.93ha of open space provided in the northern part of the site adjacent to Sowers Lane and along the southern edge of the development.

As a result there is an ample quantum of space to meet informal recreation needs and for children's play. There is, however, no provision for older children or sports.

Given the size of the site it is unlikely that these typologies could all be provided for within the site but a commuted sum to improve facilities elsewhere within the village could be secured.

The neighbourhood plan includes policies to protect and enhance green spaces and community areas in the village.

It is considered that the development would provide good quality open space proportionate to its size, accordingly the proposal is considered to comply with policies CS15 and WV6, 8 and 10 of the Development Plan.

Amenity and Noise

Policies CS2 and EV/1 require the amenity of existing and future residents to be protected. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

It is recognised that the site is adjacent to a garage which has the potential to cause noise and disturbance to the new dwellings. However Environmental Health Officers have considered the proposal and raise no objection to the application on amenity grounds.

It is clear from the indicative layout that there is ample space to ensure that the amenity of adjacent houses is not harmed by loss of light, privacy or outlook. This will be a matter which is dealt with more fully at the detailed reserve matters stage.

Heritage

Policy CS14 of the Core Strategy is concerned with heritage and seeks to ensure heritage assets are protected and conserved. This policy accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The site is not within a conservation area and there are no listed buildings within the vicinity that the proposal would impact upon the setting of. It is considered that given no national or local assets are affected by the proposal the development complies with policies CS14 and WV7.

Arboriculture

Policies CS2 and CS11 of the Core strategy seek to ensure high quality design that reflects the character and context of the area, which in this location comprises low density development and agricultural land with mature trees and hedges. Policy WV3 of the Neighbourhood Plan seeks to retain and protect valuable trees and hedges in

the area. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

Arboricultural survey work submitted with the application shows that the majority of the trees and hedges are to be retained with the exception of a few trees. The survey also identifies that the trees that are to be removed are poor specimens which have become damaged by virtue of previous works or thinning of trees. The potential exists to secure additional planting/tree replacement by virtue of a condition. Accordingly it is considered, therefore, that the proposal complies with Development Plan policies CS2, CS11 and WV3.

Ecology

Policy CS13 of the Core Strategy seeks to protect biodiversity and to ensure that where there is any loss this is avoided, mitigated or compensated. Policy WV2 of the Neighbourhood Plan is concerned with green spaces and recognises the value of these in terms of biodiversity. This policy generally accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The current site has little or limited biodiversity value, due to the high levels of hardstanding, existing structures and current use as a poultry farm.

The redevelopment of the site has the potential to create new areas of open space and an attenuation pond which will both create new areas for wildlife leading to biodiversity gains.

To ensure that this is the case planning conditions would need to be attached to secure a detailed strategy. Accordingly the proposal is considered to comply with Development Plan policy CS13.

Flood risk/drainage

Policy CS16 of the Core Strategy and policies WV5 of the Neighbourhood Plan seek to ensure that development is not at risk of flooding and that it does not cause flood risk elsewhere. This policy generally accords with the National Planning Policy Framework and does not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to it.

The site lies within flood zone 1 where the risk of flooding is generally low.

The application includes a drainage strategy to ensure that drainage problems are not created in the surrounding area. The strategy suggests that surface water would be collected within a detention basin and discharged at a controlled rate into the existing Severn Trent assets.

The Lead Local Flood Authority has not objected to the submitted drainage strategy although has asked for clarification from Severn Trent in terms of their acceptance to

accommodate the surface water reduced discharge rate.

It is however considered that the proposal can be satisfactorily drained and that there would be no flood risk to future or existing residents. As a result it would comply with Development Plan policies CS16 and WV5.

Highway matters

Policy CS2 of the Core Strategy seeks to ensure safe access is provided to new development and policy CS17 is concerned with encouraging sustainable transport patterns. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

Capacity

The Souters Lane access will be retained and improved to form a standard priority T junction. The intention is for this access to be a secondary access for vehicles with the main access to the site for vehicles, pedestrians and cyclists via an extension of St Leonards Close which connects to St. Philips Road. The submission has been accompanied by a Transport statement and a safety audit to which clarity has been sought and received from the applicant.

The statement identifies a maximum traffic count for the use and suggests a maximum increase of 32 two way vehicle movements during the morning peak. At a rate of approximately 1 vehicle per minute this is not considered to give rise to capacity issues on the adjacent highway network. The Local highway Authority raises no objection to this assessment and considers the junction can operate without significant queuing or delay.

Safety & Suitability

The proposed access is not controlled and is onto a stretch of road with a 40mph speed limit. Although there is no personal injury accident data recorded in the vicinity of the site it has nevertheless been designed with appropriate visibility and geometry and a road safety audit has been carried out. Concerns have been raised by residents that the site is not suitably located to encourage walking or provide safe walkable access into the village. Residents would be required to either cross Melton Road in order to reach the footway on the northern side of Melton Road to reach the village centre or alternatively walk along St. Leonards Close to reach the village centre. It is considered that the alternative route may be the preferred route for a number of residents.

The Local Highway Authority (LHA) raises no objection on pedestrian or highway safety grounds providing the development is carried out as per the submitted access plans.

Sustainability

The proposal includes a foot and cycle links to the village including via St. Leonards Close. These would help integrate the site with the village and would encourage journeys to local facilities and green space on foot. There are bus stops within easy reach of the development on Melton Road, and the applicant has indicated a willingness to supply new residents with travel packs and bus passes to encourage the use of this service. Whilst the location in itself does not offer the best transport choice within the Borough the development itself is designed to maximise the potential that this location can offer. In this regard the development is considered to comply with policy CS17.

In conclusion the proposal is considered to comprise a safe and suitable access for the amount of development proposed. Although site layout details are currently unknown it would be possible to provide internal roads and parking for the scheme to an acceptable design. The proposal would not lead to severe residual cumulative impacts on the highway and would provide reasonable transport choice for its location. Accordingly the proposal is considered to comply with relevant development plan policies and not to give rise to transport related harm.

Contaminated Land and Public Safety

Objections have been received from local residents raising concerns due to the current use of the site as a poultry farm and the potential of contaminants within the ground. The Council's Environmental Protection Team have been consulted in connection with the proposal and whilst they do not raise any objections to the proposal in principle they have suggested planning conditions requiring further survey work and mitigation/remediation measures as necessary.

Based on the information submitted with the application, and the advice of the Environmental Protection Team, it is not considered that there would be any risk to existing or future residents that cannot be adequately mitigated and therefore the application is considered to accord with Paragraph 174 of the National Planning Policy Framework.

Infrastructure

Policy CS24 states that new development should contribute either on or off site to any infrastructure arising as a result of the proposal. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Whilst such an assessment takes into account other developments and commitments in the area it cannot be used to address shortfalls created by other commitments. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development.

Education	A contribution of £262,656.00 towards remodelling and improving capacity at Burton on the Wolds primary school, £179,117.52 towards increasing the capacity at the Humphrey Perkins School and
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	£38,267.46 towards improving capacity for 16+ education at Rawlins Academy.
NHS	A contribution of £30,378.74 towards improving the capacity of Barrow Health Centre to allow for the accommodation of 145 additional patients generated by the scheme.
Open Space	On site provision of open space, natural and semi natural areas and the accommodation of a LEAP. The provision of off-site contributions for; <ul style="list-style-type: none"> • Provision for young people - £57,239.00; • Outdoor sports facilities - £19,762.00; • Allotments - £6,775.00; • Indoor Sport - £27,251.00 (indoor pool), £26,331.00 (indoor courts) and £3,888.00 (indoor bowls rinks).
Burton on the Wolds, Cotes & Prestwold Parish Council	The Parish Council have requested that, should this development take place, they would expect a significant contribution via section 106 towards a new community meeting place.
Libraries	A contribution of £1820 towards library facilities has been requested.
Sustainable Transport	A request has been made for the provision of travel packs for each dwelling, which will include two six month bus passes, two per dwelling. A travel plan monitoring contribution will also be required, which will cover a five-year period. Fees for this service are set at £6,000 for a full travel plan.

These contributions (with the exception of indoor sport and the community meeting space) are considered to be CIL compliant and would allow the necessary infrastructure to meet policy CS24.

There are concerns regarding the contributions requested towards indoor sports. This is because they are based on a national threshold that does not consider existing provision, local need and/or circumstances. As a result, it has not been fully demonstrated that the contribution towards indoor sport provision is necessary to make the development acceptable in planning terms in accordance with the requirements of CIL regulation 122. Therefore the amount requested which are considered CIL compliant and acceptable are provision for young people - £57,239.00, outdoor sports facilities - £19,762.00 and allotments - £6,775.00. Burton on the Wolds, Cotes & Prestwold Parish Council has requested developer contributions towards a new community meeting place, as stated in Neighbourhood Plan Policy WV10. Unfortunately based on the evidence submitted it is considered the request for a contribution has not been satisfactorily justified nor is it considered necessary to make the development acceptable in planning terms. Furthermore, a Planning Inspector recently considered this request and recorded the following within

a decision relating to an outline application at Land off Melton Road Burton on the Wolds (APP/X2410/W/20/326448). It states:

51. Turning to other concerns raised in relation to the S106, my attention was drawn to WVNP Policy WV10. This sets out a requirement for additional community meeting space. My understanding is that this was not requested by the Borough Council. Neither the development nor the S106 therefore make provision for this policy requirement.

52. The Parish Council confirmed at the Inquiry that there are currently no plans in place for new community meeting space in the village. It is not clear therefore what any contribution would be spent on, or when it would be spent. There is also no indication as to what level of contribution would be necessary from a development of this scale. Based on the evidence before me, I am also not convinced that the failure to meet this objective would result in tangible material harm to the village or its residents. There is also no clear evidence that any impacts would be mitigated in a reasonable timescale. As such, I do not consider this to be clear evidence that the development would fail to secure necessary infrastructure or service improvements.

57. In conclusion on this matter, I am satisfied that the development would make sufficient provision for affordable housing and necessary infrastructure provision. Although the development would not contribute to community meeting spaces, as required by Policy WV10, I am not persuaded by the evidence before me that any technical conflict with this policy would result in material harm.

No further details/evidence has been submitted in support of this request and as a result, it cannot be demonstrated that the contribution towards a new community meeting place is necessary to make the development acceptable in planning terms in accordance with the requirements of CIL regulation 122.

Planning Balance

As there is currently an insufficient supply of deliverable housing sites, this application would have to be determined on the basis of para 11d of the presumption in favour of sustainable development in the National Planning Policy Framework. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

In this case the development would provide up to 60 new units of which 24 would be affordable homes, at a time when there is an acute need for housing within the Borough. This is a significant benefit of the scheme. Whilst it is recognised that these dwellings would not be provided adjacent to the most sustainable type of settlement in the Borough, Burton on the Wolds is a settlement where there are some local facilities and a bus service, albeit low frequency, to higher order centres. The site offers the potential for high quality design and an acceptable mix of housing. There are no technical constraints relating to highways, contamination or flooding that cannot be mitigated and additional landscape can be secured by way of detailed landscape design. Impacts on infrastructure can be offset within the site or via commuted payments to improve facilities in the area.

Weighed against this the conflict with the Development Plan including the recently adopted Neighbourhood Plan.

Whilst the development does not currently comply with Policy WV12, it is relevant that the site has been identified as suitable for future residential development. In addition the provision of housing on previously developed land and cessation of a potentially problematic use within close proximity to existing residential properties, is considered to weigh heavily in the balance.

The test from the Framework is whether the detrimental impacts of the proposal, described above would significantly and demonstrably outweigh the benefits of making a significant contribution to the supply of housing or whether specific policies within the Framework indicate that development should be restricted. With the Council's current position on housing land supply, it is not considered that these identified harms, (when taken together), would significantly and demonstrably outweigh the benefits of the additional housing.

RECOMMENDATION A:-

That authority is given to the head of Planning and Regeneration and the Head of Strategic Support to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

Education	£262,656.00 towards remodelling and improving capacity at Burton on the Wolds primary school, £179,117.52 towards increasing the capacity at the Humphrey Perkins School and £38,267.46 towards improving capacity for 16+ education at Rawlins Academy.
Affordable Housing	40% of units to be affordable equating to a mix of 77% social and affordable rent and 23% shared ownership
Open Space	On site provision of open space, natural and semi natural areas and the accommodation of a LEAP. The provision of off site contributions for; <ul style="list-style-type: none"> • Provision for young people - £57,239.00; • Outdoor sports facilities - £19,762.00; • Allotments - £6,775.00;
Sustainable Transport	Travel packs for each dwelling to include two application forms for 6 month bus passes, which can be provided through Leicestershire County Council at (average) £510.00 per pass. A Travel Plan Monitoring contribution. This contribution will cover a five-year duration. Fees for this service are set at £6,000 for a full travel plan.
NHS – CCG	A contribution of £30,378.74 towards improving the

	capacity of Barrow Health Centre to allow for the accommodation of 145 additional patients generated by the scheme.
Libraries	£1820 towards library facilities at the Barrow Library.

RECOMMENDATION B:-

That subject to the completion of the S106 legal agreement in Recommendation A above, planning permission be granted for the development subject to the following Conditions and Reasons why they have been imposed:

1.	<p>Application for the approval of the reserved matters shall be made within three year of the date of this permission and development shall commence within two years of the date of approval of the last of the reserved matters.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.</p>
2.	<p>No development shall commence until details of the appearance, landscaping, layout and scale, (“the reserved matters”), have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with these approved details.</p> <p>REASON: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004</p>
3.	<p>The development hereby permitted shall be carried out in accordance with the following approved plans:</p> <ul style="list-style-type: none"> • PA/02 Site Location Plan • SFB-BWB-GEN-XX-DR-TR-100 Rev P1 Proposed Access Arrangements <p>REASON: To provide certainty and define the terms of the permission</p>
4.	<p>The reserved matters shall comprise a mix of market and affordable homes that has regard to both identified housing need for the borough and the character of the area.</p> <p>REASON: To ensure that an appropriate mix of homes is provided that meets the Council’s identified need profile in order to ensure that the proposal complies with Development Plan policies CS3, WV14 and the advice within the NPPF.</p>
5.	<p>The landscaping details submitted pursuant to condition 2 above shall include:</p> <ul style="list-style-type: none"> i) the treatment proposed for all ground surfaces, including hard surfaced areas; ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the

	<p>planting belt to the east of the site;</p> <p>iii) finished levels or contours within any landscaped areas;</p> <p>iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.</p> <p>v) functional services above and below ground within landscaped areas; and</p> <p>vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.</p> <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2, CS11 and WV1 of the Development Plan.</p>
6.	<p>The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels.</p> <p>REASON: To make sure that the development is carried out in a way which is in character with its surroundings and ensure compliance with policies CS2 and WV16 of the Development Plan and associated national and local guidance.</p>
7.	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:</p> <p>i. 0.29ha of natural and amenity green space</p> <p>ii. 0.12ha of multi-functional green space (Parks 0.05ha, Amenity Green Space 0.07ha)</p> <p>iii. 1 equipped LEAP</p> <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Development Plan policies CS15, WV2 and WV8.</p>
8.	<p>The details submitted pursuant to condition 2 above shall include the following:</p> <ul style="list-style-type: none"> • A biodiversity audit for the site which shows that the landscaping scheme provides a strong net gain for biodiversity • Details of external lighting for the site that minimises light spill onto boundary habitats <p>REASON: To ensure that there is no adverse unmitigated impact on ecology and that there is compliance with policy CS14 of the Development Plan and associated national and local guidance.</p>
9.	<p>The development shall be carried out in accordance with the Sustainable Drainage Statement dated April 2021 submitted with this planning application.</p> <p>REASON: To ensure that there is no risk of flooding to future residents and that the proposal drains adequately and does not lead to flooding elsewhere. This is to ensure compliance with development Plan policies CS16 and WV5 and national guidance.</p>

10.	<p>No development shall commence until a construction management plan has been submitted to and approved in writing by the Local Planning Authority. This shall include the following:</p> <ul style="list-style-type: none"> • Details of the management of surface water during construction • Details of construction vehicle parking • Details of construction traffic routeing • Hours of operation for construction and delivery of materials <p>REASON: To ensure that the development does not cause harm to amenity or the environment during the construction phase and ensure compliance with Development Plan policies CS2, CS16 and WV5.</p>
11.	<p>Prior to occupation of any dwelling a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces and surface water drainage system, shall be submitted to and approved in writing by the local planning authority. The approved landscape management plan shall then be fully implemented.</p> <p>REASON: To ensure that public open spaces are maintained so that they are of good quality and that drainage systems retain full function. This is to make sure the development remains in compliance with Development Plan policies CS15, CS16 and WV5</p>
12.	<p>Development shall not commence until an assessment of the risks posed by any contamination has been submitted in writing to and approved in writing by the local planning authority. Such an assessment shall be carried out in accordance with authoritative UK guidance.</p> <p>REASON: To ensure the site, when developed, is free from contamination, in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>
13.	<p>Where the above approved risk assessment identifies contamination posing unacceptable risks, no development shall begin until a detailed scheme to protect the development from the effects of such contamination has been submitted in writing to and approved in writing by the local planning authority.</p> <p>REASON: To ensure the site, when developed, is free from contamination, in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>
14.	<p>Unless otherwise agreed in writing with the local planning authority, the approved scheme shall be implemented and a verification report submitted in writing to and approved in writing by the local planning authority, before the development (or relevant phase of the development) is first occupied.</p> <p>REASON: To ensure the site, when developed, is free from contamination, in the interests of public health and safety to comply with the aims and objectives of the National Planning Policy Framework.</p>
15.	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements Northern Access Option 2 shown on</p>

	<p>drawing number SFB-BWB-GEN-XX-DR-TR-100 Rev P1 have been implemented in full.</p> <p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).</p>
16.	<p>The development hereby permitted shall be carried out in accordance with the Travel Plan Prepared by BWB Consulting SFB-BWB-GEN-XX-RP-TR-0002-Travel Plan-S2-P01 which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).</p>

Informative Note(s):

1. Planning Permission has been granted for this development considering policies CS1, CS2, CS3, CS11, CS13, CS14, CS16, CS24, CS25, ST/2, CT/1, CT/2, EV/1, TR/18, WV1, WV2, WV3, WV5, WV6, WV7, WV8, WV10, WV11, WV12, WV14, WV15 and WV16. Whilst the development does not fully comply with all of these Development Plan Policies it is considered the benefits of the proposal are not significantly and demonstrably outweighed by the harm identified. There are no other issues arising that would indicate that planning permission should be refused.
2. The Local Planning Authority has acted pro-actively through early engagement with the Applicant at the pre-application stage and throughout the consideration of this planning application. This has led to improvements with regards the development scheme in order to secure a sustainable form of development in line with the requirements of Paragraph 38 of the National Planning Policy Framework (2021), and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. Advice to Applicant / LPA It is proposed that the foul sewers on the development use a pumping station to transport sewage to the existing Severn Trent sewers at Saint Leonards Close. If it is intended for this pumping station to have an emergency overflow then it will require a Discharge Permit under the Environmental Permitting (England and Wales) Regulations 2016. An appropriate management system should be developed to ensure the pumping station and foul sewer network are properly maintained and regularly inspected for blockages etc. prior to adoption of the network by Severn Trent Water Ltd. An action plan should also be developed in case of failure of the pumping station to minimise any resulting pollution from a sewage overflow. Consideration should be made at the design stage of the pumping station to

ensure the building and its immediate surroundings are designed to contain any sewage spills or overflows if the station fails and minimise any escape to surface water.

According to Environment Officer observations when inspecting the existing poultry site there is a private storm-water drain from the site at NGR SK5925520850; this discharges to the Walton Brook upstream of the Sewage Treatment Works. This does not appear to be shown on any maps/diagrams in the proposal. The applicant should End 2 plan appropriately to block or remove this drain so that it cannot serve as a pollution pathway. Or the applicant could potentially incorporate the drain into the site design but should inspect/map the drain and ensure it is fit for purpose.

Environmental Permit

The site currently has an environmental permit from the Environment Agency to operate an intensive poultry farm, Permit Reference: EPR/TP3132NJ/S003 dated 13/05/20. The operator shall discharge their responsibilities under Condition 4.3.6 – ‘the Environment Agency shall be given at least 14 days notice before implementation of any part of the site closure plan’.

In addition, the Operator will be required to provide an H5 Site Condition Report (SCR) as part of the Permit surrender process; the SCR must provide the evidence necessary to convince the Environment Agency that the site does not pose a pollution risk and is in a satisfactory state. A link can be found here:

<https://www.gov.uk/government/publications/environmental-permitting-h5-site-conditionreport>

Further information regarding cancelling an installation permit can be found here:

<https://www.gov.uk/guidance/change-transfer-or-cancel-your-environmentalpermit#cancel-surrender-your-permit>.

