

Committee Report 12th March 2024
Report of Head of Planning

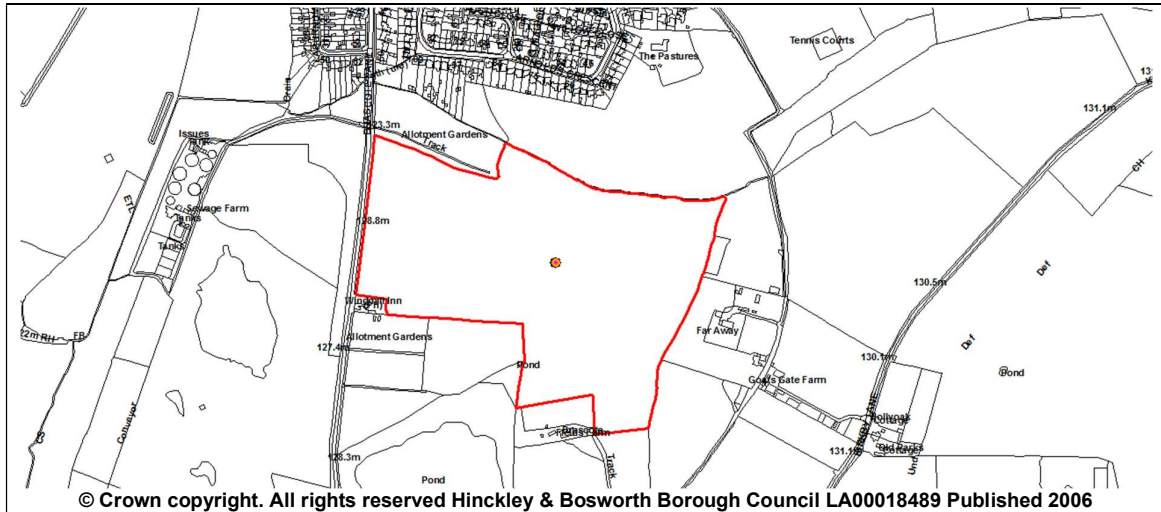


Hinckley & Bosworth
Borough Council

Planning Ref: 23/01037/OUT
Applicant: Richborough Estates
Ward: Newbold Verdon with Desford and Peckleton

Site: Land East Of The Windmill Inn Brascote Lane Newbold Verdon Leicestershire

Proposal: Proposed development of up to 239 dwellings (Outline Application - Access Only)



1. Recommendations

1.1. Grant planning permission subject to:

- A signed Section 106 Legal Agreement (as per the Heads of Terms set out in this report), and;
- Planning conditions as outlined at the end of this report

2. Planning application description

2.1. The application seeks outline permission for the development of up to 239 dwellings, open space and associated infrastructure, with all matters reserved except for access. This is a resubmission of a previously refused application ref 22/00277/OUT which is currently the subject of an appeal.

2.2. The application details include:

- Up to 239 new homes at a proposed density of 35dph;
- Vehicular and pedestrian access from Brascote Lane;
- Pedestrian and vehicular connectivity throughout the site;
- A Country Park including areas of public open space, and tree and shrub planting throughout the site comprising 4.95 hectares approximately (in total)
- Sustainable Urban Drainage measures by way of attenuation storage the use of existing sewer infrastructure for foul effluent
- An updated Design and Access Statement
- An updated Landscape and Visual Impact Assessment
- An updated Flood Risk Assessment and Strategic Drainage Strategy

- An updated Noise Assessment
- An updated Air Quality Assessment
- Technical Note – updated transport advice (Jan 2024)

3. Description of the site and surrounding area

3.1. The site comprises 14.34 hectares of agricultural land adjacent to the south of Newbold Verdon. Brascote Lane runs along the western edge of the site. There are allotments to the north-west and south-west of the site. Agricultural fields surround the rest of the site. Site access is from Brascote Lane and there are no known Public Rights of Way running through the site. The site's topography is relatively flat, falling by approximately 2m towards the sites north eastern edge.

3.2. There are no designated heritage assets within the proposed development site and it is not situated within the Newbold Verdon Conservation Area.

3.3. The site is reasonably well located for local services and facilities in Newbold Verdon, such as Newbold Verdon Primary School, the Church of St James, Aslans Way Playing Fields, Newbold Verdon Cricket Club, Newbold Verdon Medical Centre, Nisa Local Store, Libertas Coffee Shop, Jubilee Inn, Heathbrook Pharmacy, Newbold Verdon Library and some shops. It is within walking distance of bus stops along Main Street.

4. Relevant planning history

22/00277/OUT

- Proposed development of up to 239 dwellings (Outline Application - Access Only)
- Refused (currently the subject of an appeal)

4.1. For clarity and ease of reference, the site forms submissions LPR38 A and LPR38 B to the 2020 SHELAA exercise and LPR38 under policy HO01 Provision of Housing of the Pre-Submission Local Plan (January 2022).

4.2. It is also to be noted that residential development on the Brascote Lane site has been accepted through the draft allocation for 221 dwellings at Regulation 19 stage of the Local Plan 2020-2041 (ref LPR38). Newbold Verdon is a Key Rural Centre (stand alone), and therefore has a reasonable provision of services/infrastructure to support the development.

5. Environmental Impact Assessment

5.1. Under the Town and Country (Planning Impact Assessment) Regulations 2017 there is a requirement to 'screen' certain types of major development or other industrial, agricultural schemes to ascertain whether they would have significant environmental effects and are considered to be EIA development. Under Schedule 2 of these Regulations there are thresholds and criteria that are applicable to certain types of development in order to be 'Schedule 2 development'.

5.2. This development is considered under Category 10 (b) 'urban development project' and the thresholds for this are:

- The development includes more than 1 hectare of urban development which is not housing development
- The development includes more than 150 dwellings
- The overall site of the development exceeds 5 hectares

- 5.3. In this case, the development exceeds 5 hectares and so is considered to be Schedule 2 development. This type of development requires 'screening' to determine whether it requires an Environmental Impact Assessment. The scheme has been screened by the Council and it has been concluded that the site is not in or adjacent to an environmentally sensitive area (as per the definition within the Regs), is not unusually complex and does not pose potentially hazardous environmental effects. Although it is acknowledged that the proposal would create some effects upon the environment when compared to the existing situation it was concluded that these effects would not be 'significant' and therefore under the provisions of the screening regulations the proposal did not require an Environmental Impact Assessment.

6. Publicity

- 6.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 6.2. 53 public comments have been received, raising the following concerns:
- Flood risk
 - Development on arable farmland
 - The proposal is outside the settlement boundary – isolated location
 - Ecology impact – ground nesting birds, badgers
 - Drainage system not adequate to accommodate new development
 - The site is not near a major road or public transport routes
 - Highway dangers – on a bend, narrow lane, not safe for walkers, volume of traffic and speeding cars already a problem
 - The development would eradicate rural countryside and ruin recreation use of the site for walking/enjoyment
 - A development of 239 dwellings would adversely impact upon the doctors surgery, schools and local services
 - The development would result in increased parking problems for the village
 - The corner of Bosworth Road would be better suited for a development of this size
 - Noise pollution
 - Newbold Verdon has already provided its fair share of housing to date
 - There are three sites around the development which, due to the sand and gravel workings, have been left in an unsafe condition with large areas of deep water and quicksand.
 - There is a sewage treatment plant very close by and electricity pylons. Extending the village into this area does not seem very suitable or safe for families with children.
 - Placing a housing development on the edge of a village and taking up 14.2 hectares (35 acres) of agricultural land is, in our opinion, going to have a significantly adverse effect on the intrinsic value, beauty open character and landscape character of the countryside. The Character Assessment undertaken as part of the evidential basis of the Neighbourhood Plan describes this area as part of The Block. The area of land sitting east and then north of Brascote Lane before becoming defined as lying west of Kirkby Lane down to the Desford Road (B582). Its value to parishioners was described as providing countryside access and visual amenity.
 - A large housing development is going to significantly distract from that amenity, undermining for many the enjoyment of the most accessible route into and through the countryside.

- It should also be noted that the area of the development is 140,000m² and the area of the village is 639,000M² which means that the built form of the village will increase by another 22%, adding 1/5th in one build. Can this be sustainable?

7. Consultation

7.1. No objection has been received from:

- HBBC Environmental Health (subject to Conditions relating to a CEMP including air mitigation, Contaminated Land, Noise attenuation, construction hours)
- Coal Authority
- Environment Agency
- HBBC Drainage (subject to Conditions relating to surface water drainage, management of drainage assets, maintenance of drainage assets)
- HBBC Waste (subject to a Condition relating to bin storage and collection)
- HBBC Conservation Officer
- LLFA (Subject to Conditions relating to surface water drainage, management of drainage assets, maintenance of drainage assets, infiltration testing)
- LCC Archaeology (Subject to a Condition relating to a Written Scheme of Investigation)
- LCC Ecology (Subject to Conditions relating to biodiversity net gain, Biodiversity CEMP and the provision of bird and bat boxes)
- HBBC S106 Monitoring Officer (Open Space Contributions) covering the following:
 - Off site Outdoor Sports contribution: £83,057.28
 - Off site Outdoor Sports maintenance: £39,463.68
 - On site Children's Equipped Play Space: £156,532.57
 - On site Children's Equipped Play Space maintenance: £151,086.24
 - Country Park to include 1.6 Ha of accessible natural green space and 3.35 Ha of open space for ecological enhancements – maintained via a management company
- HBBC Affordable Housing (40% - 25% to be First Homes, and the remainder split 75% social/affordable rent and 25% intermediate tenure)
 - 24 homes for First Homes
 - 54 homes for affordable rent
 - 18 homes for shared ownership
 - The preferred mix for affordable housing for rent is for 10% of any affordable rented homes to be for 1 bed roomed 2 person properties, either quarter houses or flats without communal areas, with the remainder of the mix being for 2 bed 4 person and 3 bed 5 person houses, with a greater delivery of 2 bed roomed houses. All properties should meet Nationally Described Space Standards where possible. A cascade should be included in the section 106 legal agreement to require the affordable rented housing to be offered in the first instance to people with a local connection to Newbold Verdon, and in the absence of applicants with a local connection, to people with a connection to the Borough.
- NHS West Leicestershire CCG (£185,081.60 health contribution sought towards Newbold Verdon Medical Practice)
- LCC Planning Obligations Team request the following:

- Libraries - Newbold Verdon Library £7,217.25
- Waste - Barwell RHWS £11,837.67
- Early Years Education - Newbold Verdon Primary School £192,646.22
- Primary Education – no contribution sought
- Secondary Education (11-16) – Bosworth Academy £713,484.79
- Post 16 Education - Bosworth Academy £152,432.05
- SEND Education - Dorothy Goodman School Hinckley £134,911.75

- 7.2. HBBC Economic Regeneration Officer - Due to the high number of proposed dwellings please could a Local Employment & Training Strategy be requested.
- 7.3. LCC Tree Officer - As the proposed development does not impact any LCC Tree preservation Order I have no comments to make that either support or oppose the planning application.
- 7.4. Local Highway Authority – No objections subject to conditions and S106 planning obligations.
- 7.5. National Highways - National Highways has reviewed the documentation provided by the applicants and recommend that planning permission not be granted for a specified period for the following reasons:

- A5/A47 Longshoot and Dodwells

There are currently capacity issues between the Longshoot and Dodwells junctions. These junctions are operating above capacity and in view of this the applicant will need to demonstrate to National Highways whether any of the trip generated by the development will reach the SRN, particularly the A47/A5 junctions at The Longshoot and Dodwells circulatory. If it is found that journeys will reach the network, mitigation for those trips will need to be provided to prevent the severe impacts on the SRN. This assessment will need to be carried out using the Longshoot/Dodwells modelling protocol which was developed to specifically to determine the safety of any proposals relating to the SRN. This should take account of other developments in the vicinity to determine cumulative effects. There is currently an Examination for a Development Consent Order (DCO) for HNRFI. The impact from the DCO will affect developments within the A5 corridor in the area. This will require the applicant to mitigate their impact of their development on the SRN, using the above-mentioned model.

Further response from National Highways received Feb 2024 - Further to our previous response dated 29 November 2023, National Highways has further scrutinised the information contained within the Transport Assessment and in conclusion have found that this development shall have no severe impact upon the safe and efficient operation of the Strategic Road Network. As a result national highways has no objection to any planning consent granted in relation to this planning application consultation.

- 7.6. Active Travel - ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue from the applicant.

Further response from Active Travel received Feb 2024 - The applicant has provided further information in response to ATE's recommendations of the 22nd of December 2023 following the initial ATE comments made on the 21st of November 2023 for which the applicant submitted a revised Design & Access Statement

(DAS). This subsequent revision comprises of the presentation of a technical note by Hub Transport Planning on behalf of the applicant on the 25th of January 2024. ATE recommends approval of the application, subject to the agreement and implementation of planning conditions and/or obligations as set out in this response.

7.7. Newbold Verdon Parish Council – Object.

When the site underwent an assessment for the draft Neighbourhood Plan back in 2018;

- The site is outside of the current settlement,
- The distance between the site and local amenities, including public transport are too far away
- Flooding issues
- Environmental impact due to loss of wildlife and habitat,
- Current speeding issues with Brascote Lane, which will be heightened should the development go ahead.
- It is an outline application only, so it gives no certainty of number of houses that will actually be built on this site should the application be approved. It currently states 239 houses, but it could be more.
- As the application also does not detail any further information about the proposed development and infrastructure, it does not allow Council the opportunity to make an informed decision.
- The volume of traffic the development will create in that area of the parish is a concern.
- The school would not cope with the extra influx of young families, including the Doctors surgery.

7.8. Leicestershire Police – Request for Section 106 financial contributions totalling £89,400:

- Start Up Personal equipment for staff including computers, mobile information terminals, radios, protective equipment, uniforms and training in the use of these.
- Police Vehicles deployed to deal with emergency responses, for follow up of recorded crimes and general neighbourhood policing.
- CCTV and identification technology such as Automatic Number Plate Recognition, cameras, CCTV and drones.
- Crime Reduction Equipment; and
- Infrastructure Support sufficient to support the work of officers and staff.

8. Policy

8.1. Core Strategy (2009)

- Policy 11: Key Rural Centres Standalone
- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

8.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation

- Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 8.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
 - Planning (Listed Buildings and Conservation Areas) Act 1990
- 8.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highway Design Guide
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Assessment (2017)
 - Open Space and Recreation Study (2016)
 - Housing Needs Study (2019)
 - Affordable Housing SPD (2011)
 - Leicestershire Minerals and Waste Local Plan
- 8.5. Newbold Verdon Neighbourhood Plan – The Planning Policy Team have advised that currently little to no weight can be applied to the second (and latest) Regulation 14 pre-submission draft plan published in August 2020.

9. Appraisal

9.1. The following list represents the key issues for assessing this planning application:

- Principle of Development
- Housing Land Supply
- Housing Mix and Supply
- Impact upon Highway Safety
- Landscape and Visual Impact
- Design and Layout
- Archaeology
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Minerals
- Heritage Impact
- S106 Heads of Terms
- Planning Balance

Principle of Development

9.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining

applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

- 9.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).
- 9.4. The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The latest Local Development Scheme (LDS), was approved at Full Council on 13 December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 19 Consultation which is not scheduled until May-June 2024. The Replacement Local Plan is therefore delayed. Therefore little weight can be given to this.
- 9.5. Notwithstanding this the principle of residential development on the Brascote Lane site has been accepted through the draft allocation for 221 dwellings at Regulation 19 stage of the Local Plan 2020-2041 (ref LPR38). Newbold Verdon is a Key Rural Centre (stand alone), and therefore has a reasonable provision of services/infrastructure to support the development - of which it provides to the settlement and the wider, rural hinterland.
- 9.6. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located adjacent to the settlement of Newbold Verdon but is on land which is designated as countryside.
- 9.7. Policy DM4 of the SADMP states “that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development”.
- 9.8. Development in the countryside will be considered sustainable where:
 - a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker AccommodationAnd
 - i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and
 - ii) It does not undermine the physical and perceived separation and open character between settlements and
 - iii) It does not create or exacerbate ribbon development

- iv) If within a Green Wedge it protects its role and function in line with Core Strategy Policies 6 and 9 and
- v) If within the National Forest it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

9.9. The proposed development does not relate to any of the criteria above, however, the application is supported by an updated Landscape Visual Impact Assessment (LVIA) setting out the visual impact on the wider landscape character.

9.10. The proposal does not comply with Policy DM4, but represents development on an edge of settlement location and is a site that has been accepted through the draft allocation for 221 dwellings at the previous Regulation 19 stage of the Local Plan 2020-2041 (ref LPR38). Material planning considerations are set out below.

Housing Land Supply

9.11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

9.12. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing at 1st April 2022. However, at a recent appeal (application ref: 21/01131/OUT, appeal Ref: APP/K2420/W/22/3301735, determined 4 January 2023) the Council signed a Statement of Common Ground which updates the monitoring position. On this basis, the Council have agreed that the 5 year housing land supply currently stands at 4.76 years, as of 1st April 2022. Due to this and the change in the housing figures required for the borough paragraph 11(d) of the NPPF is triggered. Therefore, this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

9.13. Under these circumstances, the NPPF sets out, in paragraph 11d) that, for decision makers:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

9.14. Footnote 8 in the NPPF states that the application of this approach “includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable

as set out in paragraph 77) and does not benefit from the provisions of paragraph 76 or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years”

9.15. Paragraph 60 of the NPPF sets out that *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.

9.16. Paragraph 79 of the NPPF sets out that:

“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority’s housing requirement over the previous three years, the following policy consequences should apply:

- where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;

- where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework, in addition to the requirement for an action plan.

- where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.”

9.17. Development on this site would contribute to the housing land supply and consideration should be given to paragraph 81 of the NPPF which states:

“To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability”

A condition is proposed in this instance to require the receipt of reserved matters within 18 months of the date of this decision in order to help speed up the timeframe for delivery of housing should Members be minded to approve the application.

9.18. The Council cannot demonstrate a 5 year housing land supply and the Housing Delivery Test has fallen below 95% over the last three years. Therefore, the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

9.19. The provision of up to 239 dwellings, 40% of which is to be Affordable Housing (96 units), is considered to be a significant social and community benefit of the proposal and weighs heavily in favour of the scheme.

Housing Mix and Supply

9.20. Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely

to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a 'very good' rating against Building for Life, unless unviable. A minimum density of 30 dwellings per hectare is required in rural areas, a lower density may be required where individual site circumstances dictate and are justified.

- 9.21. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The above policy allows for the most recent evidence to be taken into account in decisions and thus policy 16 is considered up to date in this regard.
- 9.22. Final number and mix of dwellings will be determined at Reserved Matters stage, but the illustrative layout shows a mix of types and sizes can be accommodated. The development is for up to 239 dwellings and the appropriate layout and density details will be assessed and determined at the Reserved Matters stage.
- 9.23. Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%. The rest will be delivered in urban areas at a rate of 20%. The Borough has an unmet affordable housing need and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.
- 9.24. The housing officer has requested a policy compliant 40% affordable housing provision across the site. This would break down as follows:
- 24 homes for First Homes
 - 54 homes for affordable rent
 - 18 homes for shared ownership
- 9.25. This meets both the requirement in NPPF for 10% of all homes to be for affordable home ownership (the First Homes and the shared ownership) and the ministerial guidance that 25% of the affordable housing provision should be for First Homes. The remainder of the affordable housing requirement is made up of affordable rented homes.
- 9.26. The need for rented housing in Newbold Verdon, as shown by the Housing Register on 4.5.22, is as follows:

Property size	No. of Applicants interested in Newbold Verdon	Of which, number with a connection to Newbold Verdon
1 bed	127	14
2 bed	73	9
3 bed	51	6
4 or more bed	16	
Total	267	29

Table 1 – Housing Need by property size

- 9.27. The preferred mix for affordable housing for rent is for 10% of any affordable rented homes to be for 1 bedroomed 2 person properties, either quarter houses or flats without communal areas, with the remainder of the mix being for 2 bed 4 person

and 3 bed 5 person houses, with a greater delivery of 2 bedroomed houses. All properties should meet Nationally Described Space Standards where possible. A cascade should be included in the section 106 legal agreement to require the affordable rented housing to be offered in the first instance to people with a local connection to Newbold Verdon, and in the absence of applicants with a local connection, to people with a connection to the Borough.

- 9.28. Subject to these requirements being met through completion of a Section 106 legal agreement, this proposal is deemed to be acceptable with respect to housing mix and affordable housing provision and policy compliant.

Impact upon Highway Safety

- 9.29. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 9.30. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 9.31. Paragraph 115 of the NPPF (2023) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 116 (e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 9.32. It is proposed that new vehicular and pedestrian access to the site will be formed from Brascote Lane via a new priority junction. Proposals also include the reduction of the speed limit along this section of Brascote Lane to 30mph and provide a new gateway feature to the south of The Windmill Inn Public House. The proposed access street has been designed to be 5.5m wide with 2.0m wide footways on either side of the carriageway. This includes footway connections which link the site access junction to the existing footway provision along the frontage.
- 9.33. Significant discussions took place with the Local Highway Authority historically in order to overcome a number of initial concerns that were raised as part of the original application submission (22/00277/OUT). Previously, further information was sought from the local highway authority in relation to:
- Vehicular visibility splays;
 - A wider assessment of PIC data to cover the whole study area;
 - Further consideration of the turning matrices; and
 - Updated junction capacity assessments to reflect LCC's current configuration, along with any changes to the forecast traffic flows as necessary.
- 9.34. Active Travel and National Highways were also consulted on this application in order to assess the impact the proposal may have on the strategic road network and sustainable transport options. Initially, further information was sought. Specifically, National Highways raised concerns about the proximity of the proposal to the M69 junction 2 that forms part of the Strategic Road Network. National Highways scrutinised the information contained within the Transport Assessment

and in conclusion found that the proposed development would have no severe impact upon the safe and efficient operation of the Strategic Road Network. Active Travel are also satisfied with the sustainability of the site subject to conditions in relation to a Travel Plan and cycle parking provision.

- 9.35. The final highways section will be reported on the Supplementary List alongside the final comments from LCC Highways.

Landscape and Visual Impact

- 9.36. Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.
- 9.37. A Landscape and Visual Impact Assessment (LVIA) was submitted as part of the previous application 22/00277/OUT and an updated version has been submitted as part of this current outline planning application. The LVIA assessed 22 viewpoints across a 2km area.
- 9.38. The site does not fall within any landscape designations as set out within the NPPF.
- 9.39. The western part of the site lies within the Bosworth Parkland character area, whilst the eastern part of the site lies within the Newbold and Desford Rolling Farmland character area. The site does not include any fundamentally defining features, and instead is generally made up of more common place features found regularly within each of these character areas. The surrounding landscape has a good network of public footpaths and recreational routes, but these do not traverse the site.
- 9.40. The site is located southern edge of Newbold Verdon and consists of a large irregular shaped field currently in arable use, defined by hedgerows and hedgerow trees to the north and east of Brascote Lane. The site is adjoined by Brascote Lane and the Windmill Inn public house to immediate west, allotments on the periphery of Newbold Verdon and agricultural fields to north, a farm and small agricultural fields to the east, beyond which is a footpath, and Brascote Lane, allotments and a private fishing lake and farm to the south. The site is well screened by the existing mature hedgerows that act as a perimeter to it, largely limiting views to Brascote Road (though farm accesses), the allotments, the footpath to the east of the site, and Newbold Verdon Cricket Club.
- 9.41. The LVIA states that the following features of the landscape character areas are considered to be sensitive and valued, and should influence the development response for the site:
- Mature trees and ancient woodland
 - Hedgerows and tree
 - Mixed farming and field patterns
 - Rural settlement pattern of compact, nucleated settlements connected by a network of rural lanes and minor roads
 - Rural landscape and sense of tranquillity
 - Areas providing a rural setting to settlements

9.42. The Landscape Character Assessment also provides a landscape strategy for each LCA, of which the following are considered to be pertinent to the potential development of the site for housing within the Bosworth Parkland and Newbold and Desford Rolling Farmland:

- Encourage the use of traditional 'Midlands-style' hedge laying to manage hedgerows, improving their structure and biodiversity value and strengthening landscape character.
- Maintain the rural character of the landscape, ensuring development responds sensitively to the landscape context.
- Enhance and manage the diversity of parkland meadows and retain features such as estate fencing and open roadsides with grass verges.
- Create new and conserve existing notable habitats, in particular lowland wood pasture and parkland, wet woodland and grazing marsh.
- Conserve historic field patterns where possible, and the agricultural setting to isolated farmsteads.
- Conserve and enhance the biodiversity of the landscape through a mosaic of habitats.
- Identify opportunities for replacement of hedgerows along roadsides and their future management as landscape features.
- Promote regeneration and enhancement of tree cover through establishment of linear copses and hedgerow trees within field boundaries and around urbanising influences

9.43. Access into the scheme is proposed to be taken via a single vehicular entrance on Brascote Lane along the western edge of the site. This would require short sections of hedgerow to be lost but new hedgerow and tree planting is proposed within the site to compensate for the short section of roadside hedgerow that will require removal to facilitate the access points. The development proposes to retain all other remaining boundary hedgerows and trees, and to create several new areas of amenity open space within the site, including a new village green on the western edge of the site which will act as a gateway to Newbold Verdon, and a new Country Park to the south.

9.44. The development proposals show that development is to be set back from the western, northern, and eastern Site boundaries so as to respect the existing character and street-scene of Brascote Lane, to ensure an attractive, characteristic new gateway into the village is provided by the development, to allow for the visual softening of the new housing within the Site, and to enable new planting to be incorporated to enhance existing vegetation and habitats, retaining of as much of the existing on-site vegetation and landscape features as possible. It is to be noted that the Country Park offers opportunities to incorporate characteristic new landscape features that would benefit the local area in terms of landscape character and visual amenity.

9.45. The proposal seeks to incorporate a number of mitigation measures that offer the opportunity to enhance landscape features on site. These include:

- Enhancement of existing hedgerows through laying, replanting, and gapping up and the planting of new hedgerow trees;
- New hedgerows, mature trees in naturalistic groupings and new single mature specimen trees characteristic of the rural fringe landscape and the vegetation structure of the wider rural landscape beyond the site;
- Extensive areas of planting and open space provided within the new Country Park, providing links to existing recreational routes around the

village (in particular for those users of Brascote Lane which forms part of a circular pedestrian route

- 9.46. The LVIA concludes that there will be a minor-moderate impact on the landscape as a result of the proposed development and this impact tends to be limited to the localised area only. However, the LVIA also concludes that once the mitigation and enhancement measures have had time to establish and mature, the landscape impacts are considered to result in neutral effects in the long term. The proposed retention of the existing boundary hedgerow and the development buffer (which includes new planting) will help to reduce the perceived visibility of the proposed development from further afield.
- 9.47. It is therefore considered overall that, the application demonstrates it will not have an unacceptable impact on the surrounding area from a landscape character or visual impact perspective. This is considered as such when taking into account the Council's lack of 5-year housing land supply and because this scheme will provide 239 dwellings comprising 40% affordable housing alongside a Country Park which provides open space above the stipulated/calculated requirement as set out within the Hinckley and Bosworth Open Space and Recreation Study 2016.

Design and Layout

- 9.48. Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 9.49. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment.
- 9.50. The SPD also contains detailed guidance on the character of the urban areas within the Borough and provides examples of how developments should respond in order to assimilate well with the local context, and to be distinctive to the area. The document outlines 'design objectives' for Newbold Verdon described as follows:
- Protect the landscape setting of the village, including Hall Farm and its outbuildings, the medieval manorial site, as well as key spaces around the churchyard and rectory.
 - Protect the quality sense of enclosure achieved around the church by relatively regular traditional buildings, and development should be resisted if it introduces ad hoc modern domestic detritus creating visual disjuncture.
 - In the rest of the village, opportunities should be sought to enhance the entrance to the village from the countryside, which has been lost, introducing more appropriate rural and agricultural vernacular designs.
- 9.51. This is an outline application and therefore detailed layout and appearance considerations are not being assessed at this stage - however, they will form details at the Reserved Matters stage if the outline application is approved.
- 9.52. Notwithstanding this, the indicative plans illustrate that the development will comprise up to 239 dwellings with its main access into the site from the existing highway network along Brascote Lane. It also shows the provision of large

amounts of open space – to include a 4.95ha Country Park. The Design and Access Statement accompanying the application describes the proposal as an outward facing development, fronting Brascote Lane, with a perimeter block formation and a legible street hierarchy, including areas of incidental green space. There is proposed to be a landscape led arrival space (indicative details show a community green adjacent to the Windmill Inn) and coupled with the provision of a Country Park, this scheme illustrates a green infrastructure led proposal.

9.53. The development is proposed to be set within a robust landscaped and vegetated edge, which will provide a transitional edge to Newbold Verdon that respects and complements the existing built settlement edge and the rural context of the countryside to the south of the village. The established residential backdrop associated with Arnolds Crescent provides visual connectivity between the proposed and existing settlement edge.

9.54. It is considered that the parameter plan provides a reasonable outline approach to the scheme that will flow through into the detailed plans submitted at Reserved Matters stage and indicates that a suitable form of development can be brought forward in accordance with design requirements set out in Policy DM10 of the SADMP, the Good Design Guide SPD and the NPPF.

Archaeology

9.55. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.

9.56. In line with the National Planning Policy Framework, Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 199 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.

9.57. The application includes a Heritage Statement, alongside a Geophysical Survey. Trial trenching has also been undertaken, with oversight from LCC Archaeology. The submitted documentation states that there are no designated heritage assets or archaeological potential within the site.

9.58. The LCC Archaeologist has raised no objection to the scheme, but has recommended that to prior to the impact of development upon the identified heritage asset(s) the applicant must make arrangements for and implement an appropriate programme of archaeological investigation. This will involve the excavation of a mitigation area of the affected archaeological remains.

9.59. It is therefore considered that subject to a suitably worded condition the application is in compliance with the NPPF and Policy DM13 of the SADMP with respect to archaeological considerations.

Impact upon Residential Amenity

9.60. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and

amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

- 9.61. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 9.62. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 9.63. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 9.64. The scheme, subject to the detailed matters to come forward at Reserved Matters stage, will have a suitable relationship with nearby residential units and this will be fully examined at that next stage.
- 9.65. The Environmental Health Officer has requested additional information with respect to a Noise Impact Assessment, Construction Environmental Management Plan and Land Contamination. These are all reasonable requests for information that can be appropriately sought through condition at outline stage.
- 9.66. The concerns raised by the neighbours to the scheme are noted, but it is considered that the proposed conditions to be placed on the scheme (particularly those relating to noise, air quality and construction management), together with the Council's continued role in approving detailed plans at Reserved Matters stage, will ensure that sufficient scrutiny and control will be retained to ensure all residential amenity concerns are addressed in full.
- 9.67. Subject to conditions, this application is considered to be acceptable in amenity terms and in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

- 9.68. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 9.69. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.

- 9.70. The site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. The site is split into two sub-catchments seeking to discharge at a total of 34.3 l/s (23.3 l/s and 11 l/s) via tree pits, swales and attenuation basins to the Thurlaston Brook at the site's northern boundary.
- 9.71. The Local Lead Flood Authority advises that the proposals are acceptable subject to conditions to secure a surface water drainage scheme, management and maintenance of surface water and infiltration testing. Similar commentary has also been provided by the HBBC Drainage Team. Subject to the suggested conditions, the development is considered to satisfy Policy DM7 of the SADMP and the NPPF with respect to drainage and flooding matters.

Ecology and Biodiversity

- 9.72. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 9.73. The site is 3.8km from Botcheston Bog Site of Special Scientific Interest (SSSI). The assessment submitted as part of the application details finds that the site is a large arable field bound by hedgerows, lines of trees and a poor semi-improved grassland margin. There are areas of scattered scrub and a flowing watercourse along the northern boundary with drains along the southern and central western boundaries. Two of the boundary hedgerows have been identified as potential local wildlife site (pLWS) hedgerows in the north and east.
- 9.74. The applicants have been in discussion with LCC Ecology about exactly how they intend to ensure that the scheme meets the requirement levels of net gain in biodiversity. It is highlighted that the scheme proposes a 4.95 ha Country Park and 3.35 ha of the open space associated with this Park will be for ecological enhancements on site. A Tree Survey has been undertaken which identified 10 tree groups, 9 hedgerows and 26 trees located along the site boundaries. With the exception of removal required to facilitate the site access these features will be retained where possible. Enhancement will occur through additional on-site planting and landscaping details will be further considered at the reserved matters stage.
- 9.75. There is an agreement between the applicant and Ecology Team at LCC that the scheme can progress to outline determination subject to a condition attached requiring additional information in respect of Biodiversity Net Gain. They have also advised that additional ecological enhancements (e.g. bat and bird boxes, and a CEMP) will also be required as part of suitably worded conditions.
- 9.76. As such, it is considered that subject to the proposed conditions, the proposals meet the requirements of Policy DM6 of the SADMP with respect to ecology matters, as well as Paragraph 186 of the NPPF (2023).

Minerals

- 9.77. The application site falls within a sand and gravel Mineral Safeguarding Area identified by Leicestershire County Council. Under Policy M11 of the Leicestershire Minerals and Waste Local Plan up to 2031, planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Resource Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

- 9.78. The LCC Minerals Team have been consulted on this application and have stated in their consultation response that the development site is located within a minerals safeguarding area for sand and gravel. However, due to the type of mineral and the location of development to other residential properties the County Council has no objections to the proposal. As such with respect to minerals this application is considered to be acceptable and compliant with Development Plan Policy.

Heritage Impact

- 9.79. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of paragraph 197 of the NPPF and:

- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) The desirability of new development making a positive contribution to local character and distinctiveness.

- 9.80. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.

- 9.81. The Conservation Officer does not object to the proposal on heritage grounds and agrees with the conclusions of the Heritage Statement submitted with the application. The only designated heritage asset that has the potential to be affected by the proposal would be the Church of St James (Grade II listed building) due to its visibility within the surrounding landscape, however, due to the intervening distance, the application site forms a very small part of the setting to the church only, and it is a neutral element that makes no contribution to the building's significance. Therefore, the proposed development within the site will not impact on the significance of this listed building and the proposal will comply with Policies DM11 and DM12 of the SADMP DPD, Section 16 of the NPPF and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

S106 Heads of Terms

- 9.82. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016 updates these standards and also identifies the costs for off-site and on-site contributions.

- 9.83. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- A) Necessary to make the development acceptable in planning terms;
 - B) Directly related to the development; and
 - C) Fairly and reasonably related in scale and kind to the development.
- 9.84. The contributions being sought for this proposed development are detailed below:
- HBBC S106 (Open Space Contributions) covering the following:
 - Off site POS outdoor sports contribution: £83,057.28
 - Off site POS outdoor sports maintenance: £39,463.68
 - On site POS Children's Equipped Play Space provision: £156,532.57
 - Country Park totalling 4.95 hectares to be maintained by a management company
 - HBBC Affordable Housing (40% - 25% to be First Homes, and the remainder split 75% social/affordable rent and 25% intermediate tenure)
 - 24 homes for First Homes
 - 54 homes for affordable rent
 - 18 homes for shared ownership
 - 10% of any affordable rented homes to be for 1 bedroomed 2 person properties, either quarter houses or flats without communal areas, with the remainder of the mix being for 2 bed 4 person and 3 bed 5 person houses, with a greater delivery of 2 bedroomed houses. All properties should meet Nationally Described Space Standards where possible. A cascade should be included in the section 106 legal agreement to require the affordable rented housing to be offered in the first instance to people with a local connection to Newbold Verdon, and in the absence of applicants with a local connection, to people with a connection to the Borough.
 - NHS West Leicestershire CCG (£185,081.60 health contribution sought toward Newbold Verdon Medical Practice)
 - A Local Employment and Training Strategy
 - Monitoring Fees (£558 per obligation)
 - Council's Legal Fees
 - LCC Planning Obligations Team (£1,167,235.92) split as follows:
 - Libraries - Newbold Verdon Library £7,217.25
 - Waste - Barwell RHWS £11,837.67
 - Early Years Education – Newbold Verdon Primary School - £192,646.22
 - Primary Education – No contribution sought
 - Secondary Education (11-16) – Bosworth Academy = £713,484.79
 - Post 16 Education - Bosworth Academy = £152,432.05
 - SEND Education - Dorothy Goodman School Hinckley = £134,911.75
 - STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.
 - Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at an average of £360.00 per pass).

- Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
 - Police requests totalling £89,400.00 and split as follows:
 - Start Up Personal equipment for staff - £19,000
 - Police Vehicles and Charging Points £40,000
 - CCTV and Identification Technology £5,000
 - Crime Reduction Equipment £5,000
 - Infrastructure Support £20,400
- 9.85. All of the above contributions and requests are considered to meet the three tests, and will therefore form part of a Section 106 legal agreement should Members be minded to approve the application.

Planning Balance

- 9.86. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 9.87. The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 9.88. This site has been accepted through the draft allocation for 221 dwellings at the first Regulation 19 stage of the Local Plan 2020-2041 (ref LPR38). Newbold Verdon is a Key Rural Centre (stand alone), and therefore has a reasonable provision of services/infrastructure to support the development - of which it provides to the settlement and the wider, rural hinterland.
- 9.89. The provision of up to 239 dwellings (40% of which to be affordable units) is considered to be a significant social and community benefit of the proposal and weighs heavily in favour of the scheme.
- 9.90. The Country Park is considered to be a significant environmental benefit of the scheme and will provide ecological enhancements for the site.
- 9.91. Whilst the scheme does not fully comply with Policy DM4 of the SADMP, the impact on landscape and visual amenity has been assessed and is considered to be moderate to minor for this development. Given the provision of a Country Park and the provision of much-needed housing, particularly 40% affordable housing, these factors are considered to outweigh the moderate to minor landscape impacts identified. The scheme is therefore deemed to be acceptable subject to conditions and also the requirements and financial contributions as part of a signed Section 106 Legal Agreement.

10. Equality implications

10.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

10.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

10.3. There are no known equality implications arising directly from this development.

10.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

11. Recommendation

11.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - Off site POS outdoor sports contribution: £83,057.28
 - Off site POS outdoor sports maintenance: £39,463.68
 - On site POS Children's Equipped Play Space provision: £156,532.57
 - A Country Park totalling 4.95 hectares to be maintained by a management company
- HBBC Affordable Housing (40% - 25% to be First Homes, and the remainder split 75% social/affordable rent and 25% intermediate tenure)
- 24 homes for First Homes
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- 10% of any affordable rented homes to be for 1 bedroomed 2 person properties, either quarter houses or flats without communal areas, with the remainder of the mix being for 2 bed 4 person and 3 bed 5 person houses, with a greater delivery of 2 bedroomed houses. All properties should meet Nationally Described Space Standards where possible. A cascade should be included in the section 106 legal agreement to require the affordable rented housing to be offered in the first instance to people with a local connection to Newbold Verdon, and in the absence of applicants with a local connection, to people with a connection to the Borough.
- NHS West Leicestershire CCG (£185,081.60 health contribution sought toward Newbold Verdon Medical Practice)
 - Council's Monitoring Fees - £558 per obligation
 - Council's Legal fees

- A Local Employment and Training Strategy
- LCC Planning Obligations Team request split as follows:
- Libraries - Newbold Verdon Library = £7,217.25
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 - STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.
 - Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at an average of £360.00 per pass).
 - Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).
- Police financial requests totalling £89,400 and split as follows:
- Start Up Personal equipment for staff - £19,000
 - Police Vehicles and Charging Points £40,000
 - CCTV and Identification Technology £5,000
 - Crime Reduction Equipment £5,000
 - Infrastructure Support £20,400
- Planning conditions outlined at the end of this report.

11.2. That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3. That the Planning Manager be given delegated powers to finalise the terms of the S106 agreement including trigger points and claw-back periods.

12. Conditions and Reasons

1. Application for the approval of reserved matters relating to the dwellings shall be made within 18 months from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard

- (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
- c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to densities that are appropriate to the hierarchy of streets.
 - d) Scale of each building proposed in relation to its surroundings have been submitted to and approved, in writing, by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 3. Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with the Council's adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.

Reason: To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy 2009.

- 4. The development hereby permitted shall not be carried out otherwise than general accordance with the submitted application details, as follows:

Site Location Plan drawing ref n1741 001 received 15 March 2022
Parameter Plan drawing ref n1741 004 Rev D received 18 April 2023

Where the above plans and documents include proposed mitigation measures, these shall be implemented in accordance with the approved details, unless otherwise dealt with by conditions to follow.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

- 5. The development hereby permitted shall be implemented in general accordance with the illustrative masterplan Drg No n1741 06 Rev C received 10/08/2022 and the LVIA recommendations set out within the Landscape Visual Impact Assessment dated December 2023.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

- 6. Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground

levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that a satisfactory relationship is achieved between buildings in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

7. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document 2016.

8. Notwithstanding the recommendations within the Phase 1 Ground Condition Assessment no development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

9. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination and implementation is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

10. Development shall not commence until details of all trees, shrubs and hedges to be retained, including any trees located outside but adjacent to the site boundary, together with the means of protecting them from damage during the carrying out of the development have been submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of development and shall remain in place until after the completion of the development.

Reason: Whilst landscaping is a reserved matter, a condition is necessary at this stage to ensure that the existing landscaping on the site is protected in accordance with DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

11. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016)

12. As part of the Reserved Matters submission a Biodiversity Net Gain Plan (the Plan) shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall be based on the Biodiversity Net Gain metric spreadsheet completed by Ramm Sanderson (12/04/2022) and shall provide a net gain on the reported baseline habitat loss. The Plan shall include the following details:

- A) Location plan of the areas to be used for Biodiversity Net Gain;
- B) Description of existing habitats on site;
- C) Description of planned habitat creation/enhancement, including species to be planted/sown;
- D) Timetable for implementation of habitat creation/enhancement;
- E) Habitat management and monitoring plan including timetable for management routines and reviews, and strategy for any remedial measures, if and when required;
- F) Mechanism for securing the implementation of the biodiversity off-setting and its maintenance/management for a period of 30 years in accordance with details approved in the Plan.
- G) Number and location of bat and bird boxes to be provided across the site

The Plan shall be supported by an up to-date Biodiversity Net Gain metric calculation using the latest DEFRA version of the metric. The Plan shall be implemented in accordance with the approved details.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

13. No trees and shrubs shall be removed on site during the bird nesting season (1st March - 31st July inclusive).

Reason: To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the Site Allocations and Development Management Policies.

14. Development shall not begin until a scheme for protecting the proposed dwellings from noise from the Windmill Inn Public House and Road noise has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To ensure the protection of neighbouring residential amenity to accord with Policies DM7 and DM17 of the SADMP.

15. No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority and the approved details shall then remain in force throughout the construction period. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. If piled foundations are to be used vibration must be included in the CEMP details. Site preparation and construction work shall be limited to between 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no working on Sundays and Bank Holidays.

Reason: To ensure the protection of neighbouring residential amenity during construction to accord with Policies DM7 and DM17 of the SADMP.

16. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users, and lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

17. Prior to the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

18. Prior to the occupation of any of the dwellings on site, full fibre broadband connection shall be made available and ready for use.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2021).

19. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

20. Prior to the commencement of development a scheme for the installation of electric vehicle charging points will be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full detail of the location and fitting of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

21. No development shall commence on site until a scheme that makes provision for the secure storage of cycles for each dwelling has been submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of promoting a modal shift in transport movements and in accordance with the National Planning Policy Framework (2021).

22. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

23. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The construction of

the development must be carried out in accordance with these approved details.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase.

24. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development.

25. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

26. No demolition/development shall take place/commence until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016) and the requirements of the NPPF.

27. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Hub drawing number T20517.001 Rev C have been implemented in full.

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 accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

28. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4m x 160m have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

29. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (2021).

30. Prior to first occupation of the development, a Travel Plan comprising immediate, continuing, and long-term measures to promote and prioritise alternatives to private vehicular use, which shall include clear objectives and modal share targets, together with a time-bound programme of implementation, monitoring, regular review, and interventions (in the event of a failure to meet modal share targets) shall be submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be implemented, monitored, and reviewed in accordance with the agreed Travel Plan measures and targets to the satisfaction of the Local Planning Authority.

Reason: In order to deliver sustainable transport objectives including a reduction in private vehicular journeys and the increased use of public transport, walking, wheeling, and cycling in accordance with paragraphs 112 and 113 of the National Planning Policy Framework (NPPF).

31. No above ground works shall be carried out until details of the cycle parking has been submitted to and approved in writing by the Local Planning Authority. The quantum of cycle parking provision shall accord with the guidance in LTN 1/20 on Cycle Infrastructure Design unless local cycle parking standards are greater. The development or any phase of the development shall not be occupied until the cycle parking has been constructed and completed in accordance with the approved details and shall thereafter be kept free of obstruction and permanently available for the parking of cycles only.

Reason: To comply with the guidance in LTN 1/20 on Cycle Infrastructure Design as a minimum and in accordance with paragraph 112 of the National Planning Policy Framework (NPPF).

12.1. Notes to applicant

1. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
5. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.

The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.