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Hinckley & Bosworth
Borough Council

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 09 June 2025

To: Members of the Planning Committee

Cllr MJ Crooks (Chair)	Cllr C Gibbens
Cllr J Moore (Vice-Chair)	Cllr SM Gibbens
Cllr CM Allen	Cllr CE Green
Cllr RG Allen	Cllr KWP Lynch
Cllr SL Bray	Cllr LJ Mullaney
Cllr MA Cook	Cllr H Smith
Cllr DS Cope	Cllr BR Walker
Cllr REH Flemming	Cllr R Webber-Jones
	(1 vacancy)

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite, Hinckley Hub on **TUESDAY, 17 JUNE 2025 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Manager

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Thank you

PLANNING COMMITTEE - 17 JUNE 2025

A G E N D A

1. **APOLOGIES AND SUBSTITUTIONS**

2. **MINUTES (Pages 1 - 2)**

To confirm the minutes of the meeting held on 20 May 2025.

3. **ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES**

To be advised of any additional items of business which the Chair decides by reason of special circumstances shall be taken as matters of urgency at this meeting. Items to be taken at the end of the agenda.

4. **DECLARATIONS OF INTEREST**

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. **QUESTIONS**

To hear any questions in accordance with Council Procedure Rule 12.

6. **DECISIONS DELEGATED AT PREVIOUS MEETING**

To report progress on any decisions delegated at the previous meeting.

7. **24/00560/HYB - LAND OFF STATION ROAD, MARKET BOSWORTH (Pages 3 - 42)**

Hybrid application for full permission for residential development of up to 135 dwellings along with landscaping, public open space, drainage infrastructure and new access following demolition of two existing dwellings; and outline permission (all matters reserved except for point of access) for 0.6ha of employment uses (classes E(g)(i, ii and iii), B2 and B8).

8. **24/00831/OUT - LAND NORTH OF SHENTON LANE, MARKET BOSWORTH (Pages 43 - 74)**

Outline application for the erection of up to 100 dwellings (including 40% affordable housing) with public open space, landscaping, sustainable drainage system, a vehicular access point and the demolition of one residential dwelling. All matters reserved except for means of access (re-submission of 22/00167/OUT).

9. **23/01144/FUL - LAND OFF LEICESTER ROAD, MARKFIELD (Pages 75 - 90)**

Application for construction of a 72-bed residential care home (C2) and associated solar panels, access, parking and landscaping (cross-boundary application with Charnwood Borough Council).

10. **22/00882/OUT - LAND ADJACENT TO MIRA TECHNOLOGY PARK, CALDECOTE (Pages 91 - 120)**

Outline application (all matters reserved) for extension of MIRA Technology Park to comprise employment use (class B2); associated office and service uses (class E g); storage (class B8); new spine road; car parking; landscaping and enabling works (cross boundary application with North Warwickshire Borough Council).

11. **APPEALS PROGRESS (Pages 121 - 126)**

To report on progress relating to various appeals.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

20 MAY 2025 AT 6.30 PM

PRESENT: Cllr J Moore – Vice-chair in the chair
Cllr J Moore (Vice-Chair, in the Chair), Cllr CM Allen, Cllr RG Allen,
Cllr MC Bools (for Cllr MJ Crooks), Cllr SL Bray, Cllr DS Cope,
Cllr REH Flemming, Cllr C Gibbens, Cllr SM Gibbens, Cllr L Hodgkins (for Cllr R
Webber-Jones), Cllr KWP Lynch, Cllr LJ Mullaney, Cllr H Smith and
Cllr BR Walker

Officers in attendance: Chris Brown and Rebecca Owen

16. **Apologies and substitutions**

It was noted that since publication of the agenda, Annual Council had agreed changes to the membership of the Planning Committee in replacing Councillor Hollick with Councillor Webber-Jones.

Apologies for absence were submitted on behalf of Councillors Cook, J Crooks, Green and Webber-Jones, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Bools for Councillor Crooks
Councillor Hodgkins for Councillor Webber-Jones.

17. **Minutes**

It was moved by Councillor Bray, seconded by Councillor C Gibbens and

RESOLVED – the minutes of the meeting held on 22 April be approved as a correct record.

18. **Declarations of interest**

No interests were declared.

19. **Decisions delegated at previous meeting**

It was noted that decisions delegated at the previous meeting had been issued.

20. **22/01048/FUL - Land adjacent to Barlestone Garage, Newbold Road, Barlestone**

It was reported that this item had been withdrawn from the agenda.

21. **25/00254/HOU - 123 Leicester Road, Hinckley**

Application for demolition of existing single storey rear extension and erection of single storey rear extension.

An objector spoke on this application.

Whilst in support of the application, it was moved by Councillor Bray and seconded by Councillor R Allen that conditions regarding drainage and position of the vents/extractor fan outlet be added and that permitted development rights be removed. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report and the abovementioned additional conditions in relation to drainage, vents and permitted development rights;
- (ii) The Head of Planning be granted powers to determine the final detail of the planning conditions.

22. **Appeals progress**

Members were updated on progress in relation to appeals.

(The Meeting closed at 6.50 pm)

CHAIR

Planning Committee 17 June 2025
Report of the Head of Planning

Planning Ref: 24/00560/HYB

Applicant: Miller Homes

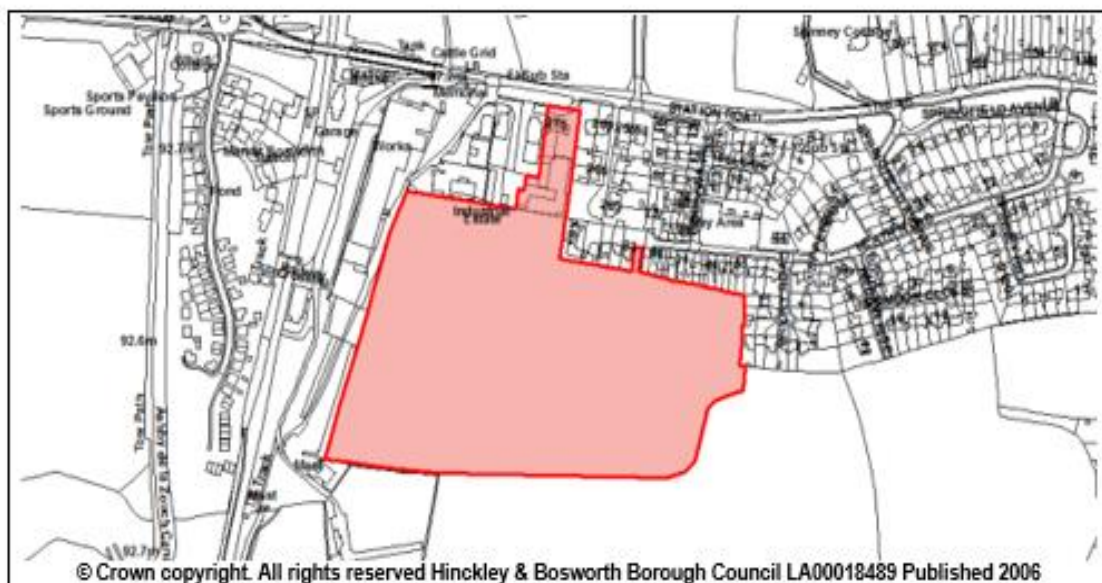
Ward: Cadeby, Carlton, Market Bosworth and Shackerton



Hinckley & Bosworth
Borough Council

Site: Land off Station Road, Market Bosworth, Leicestershire

Proposal: Hybrid planning application seeking full planning permission for residential development of 135 dwellinghouses along with landscaping, public open space drainage infrastructure and new access following demolition of two existing dwellinghouses; and outline planning permission (all matters reserved except for point of access) for 0.6ha of employment uses (Classes E (g) (i, ii and iii), B2 and B8.



1. Recommendations

- 1.1. That the application be approved subject to:
 - Conditions outlined at the end of this report
 - The completion of a S106 Agreement to secure the required financial contributions and other measures detailed at paragraph 8.90 including affordable housing, education and health funding, highway funding, open space, maintenance and monitoring costs.
- 1.2. That the Head of Planning be given powers to determine the final detail of the conditions.
- 1.3. That the Head of Planning be given powers to determine the detailed terms of the S106 Agreement

2. Background

- 2.1. At the Committee meeting in February members resolved to granted permission subject to the completion of a S106 Agreement that included securing a total of 54

affordable housing units made up of 31 homes for rent, 13 discounted market homes and 10 shared ownership homes. Since then the applicant has contacted 13 Registered Affordable Housing Providers, none of which have expressed an interest in taking on the 31 homes proposed for affordable rent or the additional 10 shared ownership homes. The companies contacted and their reasons for not expressing an interest are set out below in a table supplied by the applicant.

No.	Registered Provider	Comment
1	Futures	Declined – They have informed that they will not be offering on this one due to the delivery time scales
2	NCHA	Declined – They have informed that they are not currently seeking s106 units. Only looking at 100% AH deals at present or if delivery is late 2026 onwards.
3	MTVH	Declined – They have advised that they are not currently seeking s106 units without significant additional funding.
4	Stonewater	Declined – They have advised that they are not currently seeking s106 units.
5	Midland Heart	Declined – They have advised that they are not currently seeking s106 units.
6	Platform	Declined – They have informed that the number of units is too low.
7	PA Housing	Declined – They have advised that they are not currently seeking s106 units.
8	Sage	Declined – They have informed that the number of units is too low.
9	Amplius (Longhurst)	Have not responded.
10	TRG	Declined – They have advised that they are not currently seeking s106 units.
11	Places for People	Declined.
12	EMH	Declined – They have advised that they are not currently seeking s106 units.
13	Orbit	Have not responded.

- 2.2. The applicant and the Council's Affordable Homes Officer have therefore sought to negotiate an alternative form of provision that is both at no additional cost to any party but also that does not disproportionately benefit any party, particularly the applicant.
- 2.3. It is now proposed therefore that the applicant will gift 16 of the one and two-bed dwellings (10 one-beds and 6 of the two-beds) to the Council for it to provide as affordable rented homes. The Council's Affordable Housing Officer considers that this represents a very good outcome for the Council considering the issues with registered providers outlined above. The figure is also subject to final validation to confirm that the financial outcomes are acceptable to the Council.
- 2.4. As this represents a significant change in how the affordable homes are to be provided the application must be brought back to Committee for decision. The February report has therefore been updated to reflect the current position with

changes provided below at paragraphs 3.2, 7.1, 7.12, 9.13, 9.23, 9.24, 9.26, 9.90, 9.95, and Condition 28 highlighted in bold. The recommendation remains unaltered.

3. Planning Application Description

- 3.1. The application is in two parts and seeks full permission for the erection of 135 dwellings (including 40% affordable housing), public open space and associated infrastructure that includes vehicular access, landscaping and a sustainable drainage system (SuDS), with outline permission being sought for up to 0.6 hectares of employment uses (Classes E (g) (i, ii and iii), B2 and B8). Class E (g) includes offices, research and development and industrial processes that can be carried out in any residential area without detriment to residential amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Class B2 is general industrial use and Class B8 is storage and distribution.
- 3.2. The application includes the demolition of a pair of semi-detached dwellings on the Station Road frontage to provide a new access and includes the demolition of existing commercial premises. The application provides a broad mix of dwellings including 40% affordable homes. The mix of dwellings is as follows:
- 13 one bed dwellings
 - 45 two bed dwellings
 - 52 three bed dwellings
 - 25 four bed dwellings
- In terms of tenure, **119 will be market homes and 16 will be for affordable rent.**
- 3.3. The proposed employment land is located to the west of the site adjacent to the existing commercial and industrial premises that are accessed from Station Road. A landscaped bund some 3m high that is to be topped with a 2m acoustic fence is proposed to the western boundary of the site and to part of the northern boundary between the existing industrial development to the west and the new 0.6 hectare employment zone. Acoustic fencing is also provided to the east of the access into the site.
- 3.4. Most of the proposed dwellings take their access from adopted roads which feature a main loop road and two secondary cul-de-sacs which are also to be adopted. A footpath link is provided from the development to Heath Road where there is an existing children's play area to the east of the junction of Heath Road and Godsons Hill. Given the proximity of the play area a trim trail is proposed on the site that runs along the southern and western boundary and between the proposed dwellings and the proposed employment area. A permissive footpath link is also shown to the eastern boundary of the site. A proposed surface water attenuation pond is located in the south west corner of the site to the south of the employment area. The attenuation pond is directly overlooked by seven of the proposed dwellings.
- 3.5. Significant new tree planting is proposed across the site, particularly between the proposed dwellings and the proposed employment area, between the proposed dwellings and the existing employment uses to the north, either side of the new access into the site and adjacent to the southern and eastern boundaries of the site with the farmland beyond.
- 3.6. The scale of the development is predominantly two storey, but with four bungalows and ten 2.5 storey dwellings. The overall design of the dwellings is traditional with 18 different house types being used with three different red bricks being used. There is a limited use of render in keeping with materials that feature within the vicinity of the site.

- 3.7. Solar panels will be installed on approximately 60% of the dwellings. Not every roof is able to accommodate solar panels due to orientation on the site, the roof type and the size of the dwellings. In addition, depending on Building Regulations updates, there may be a requirement that 60% of the properties be provided with Air Source Heat Pumps.
- 3.8. The applicant has advised that a range of energy reducing measures are incorporated into the design of the dwellings. These include:
- Optimisation of natural daylight
 - Maximisation of passive solar gains
 - High-performance glazing
 - 100% low energy light bulbs
 - High efficiency boilers
 - Ground floor insulation
 - Roof insulation
 - Electric vehicle charging points for every plot
 - Low water flow fixtures and water restrictors
- 3.9. Parking is provided at a rate of at least two spaces for every dwelling with at least three spaces for every four bed property. Garages have internal dimensions of 6m by 3m.
- 3.10. Key existing landscape features such as the single mature tree within the centre of the site, the existing perimeter hedgerows and trees and the existing hedgerow that runs north-south through the site are all retained, save for where the access road punctures the central hedgerow. Existing hedgerows are enhanced through supplementary native species planting.
- 3.11. The proposed new access arrangements include footway/cycle links to and highway improvements on Station Road which comprise the following works:
- A priority-controlled T junction access junction to Station Road (the main access into the site, which is lined on both sides with trees)
 - A pedestrian link to Heath Road
 - Introduction of bus stops on both sides of Station Road in the vicinity of the site
 - An uncontrolled pedestrian crossing facility on Station Road (dropped kerbs and tactile paving)
 - Traffic calming measures in the form of chicanes on Station Road
 - A relocation of the existing weight restriction on Station Road to ensure that the site is only accessed from the west and the A444 and not through the centre of Market Bosworth
 - Signage opposite the junction to direct HGVs back to the A444 when exiting the site
- 3.12. The application is accompanied by the following reports and documents:
- Planning Statement
 - Design and Access Statement
 - Archaeological Assessment
 - Heritage Statement
 - Biodiversity Net Gain Statement
 - Transport Assessment
 - Travel Plan
 - Framework Travel Plan
 - Flood Risk Assessment and Drainage Strategy

- Air Quality Assessment
- Utilities Information
- Phase 1 Ground Investigation Report
- Noise Assessment
- Landscape and Visual Impact Assessment
- Arboricultural Assessment
- Ecological Appraisal
- Mineral Assessment

4. Description of the Site and Surrounding Area

- 4.1. The application site covers an area of 7.12 hectares and is located to the west of Market Bosworth, which is identified as a Key Rural Centre in the Council's Core Strategy.
- 4.2. The site, which currently comprises two agricultural fields, existing industrial buildings and a pair of two storey semi-detached dwellings is surrounded by a mix of residential, employment and agricultural land uses with residential development to the north and east, farmland to the south and east and employment uses to the west. To the south-west corner of the site is a telecommunications mast and a Severn Trent Water pumping station.
- 4.3. There is an existing access to the larger of the two fields via an internal industrial estate road to the north-west corner of the site and the smaller field, which forms part of a much larger field, has an unused gated access from Heath Road.
- 4.4. The main developable part of the site is set back from Station Road by over 100 metres and the Ashby de la Zouch Canal, which lies within a dedicated conservation area, lies over 150 metres to the west at its closest point. Between the canal and the site is the Owl Homes development of 73 dwellings, the Battlefield rail line and the Churchill industrial premises. The Churchill site has permission for a new industrial building bordering the site in the south west corner (23/00646/FUL).
- 4.5. The site is generally flat but has a gentle fall from the east towards the south-west corner away from existing adjacent residential properties. The difference between the highest and lowest points on the site is approximately 9 metres. The larger field that forms the bulk of the site is surrounded by mature hedgerows with sporadic mature trees. There is a single mature tree in the centre of this larger field. The smaller parcel of land forms part of a larger field and so does not have any fencing or hedging on its southern boundary or part of its eastern boundary. The centre of Market Bosworth lies some 900 metres to the east.
- 4.6. The application site is located within Flood Zone 1 on the Environment Agency Flood Maps for Planning and while most of the site is at very low (less than 0.1%) annual risk of surface water flooding there is a broad swath running centrally across in the site from north-east to south-west that is at low (0.1% to 1%) annual risk of surface water flooding with a few small areas at medium annual risk (1% to 3%). Beyond the site to the south a small watercourse is at high risk (greater than 3%) but this does not affect the application site. There is an existing ditch running north-south across the site and then along the southern boundary to the east adjacent to the existing hedgerow that divides the two parcels of land and that runs along the southern boundary of the site.

- 4.7. There are no public rights of way on or adjacent to the site. The closest being public footpath (PRoW S72) which lies to the south-eastward of the site and is approximately 260 metres from the site at its closest point and with a mature hedgerow and mature tree planting approximately midway between the PRoW and the site boundary.

5. Relevant planning history

- 5.1. 84/0986/4 – Outline application for residential development on part of the site and extending over adjacent land – refused and subsequent appeal dismissed February 1985. The Inspector considered that due to the proximity of the appeal site to industrial premises and to the sewage treatment works, the proposed development would not provide the standards of amenity which occupiers would expect in a new residential development, and the proposed development would form a very noticeable intrusion into the countryside.

6. Publicity

- 6.1. The application has been publicised by sending out letters to the occupiers of 59 neighbouring properties. Site notices have also been posted within the vicinity of the site and a notice has been published in the local press.
- 6.2. Responses have been received from a total of 18 separate addresses. Of these there are nine objecting to the application, six in support and three responses are neutral. The following points have been raised:
- Traffic is already an issue in Market Bosworth, and this will increase the gridlock and chaos around school times
 - The off-site highway works are opposed as they may affect planned access upgrades to the Sidings land. Positive advice has already been received from Highways regarding these upgrades and the proposed changes could hinder my intended improvements
 - The number of dwellings on the site should not have been increased as it will add to traffic problems
 - HGVs should not be allowed to go through the town centre – a condition on construction traffic should be applied to the development
 - Residents at the end of Heath Road were previously assured that the existing bungalows would be backed on to by other new bungalows which would minimise privacy and security and reduce noise levels assuming bungalows would be occupied by older residents. The prospect of houses overlooking my existing small and exposed garden is distressing and causing great anxiety
 - Existing residents should be provided with a brick wall rather than the proposed acoustic fence
 - As the owner of Kyngs Golf and Country Club the application it must be ensured that the application does not adversely affect the ability to deliver the consented access arrangements for the golf course site in the future – particular the delivery of a right turn lane / ghost island arrangement on Station Road
 - There will be damage to the conservation and ecology of the area
 - There will be drastic changes to the landscape and view for the current population in Market Bosworth
 - Some of the proposed dwellings have insufficient parking
 - The layout fails to make provision for a pedestrian/cycle link between the south eastern and south western corners of the site – there is a clear potential to create a links to Sustrans Route 52 and the Ashby Canal towpath and the wider Public

Right of Way network – particularly as adjacent land is to be allocated for residential development in the update to the Local Plan

- There should be a route between the attenuation basin and the employment area to enable the possible future opening up of a pedestrian route through the site and across the railway and through the Owl Homes estate to the canal towpath
- The development should fund improvements to the existing bus service
- The proposed industrial space could have been used as a health centre / doctors' surgery
- The proposed industrial units need a limit on operating hours and delivery times
- There is insufficient infrastructure to cope with an increase in dwellings – schools are oversubscribed and the doctors' surgery won't be able to cope with the additional population, nor can it expand on its current site. Existing infrastructure should be improved before more houses are built
- There will be significant overlooking, overshadowing and loss of privacy to properties and gardens on Heath Road that back on to the site
- The scale and density of the scheme is too high for the town to absorb
- The Council had previously assumed that there was a dog walking route along the field edge behind houses on Heath Road and had installed a handrail over the culvert to make access safer – the lack of this route makes tree maintenance harder
- Existing trees and shrubs should be retained with a strong delineation between the development and agricultural land beyond
- There should be new tree and hedgerow planting adjacent to existing homes
- Fully support this development – it is supported and complies with Market Bosworth's Neighbourhood Plan which has the support of the local community. The site ensures that inevitable growth and development occurs in a sympathetic manner taking account of the unique nature of Market Bosworth
- Broadly in support with caveats
- Houses have been planned on this site for 30 years
- This is a well thought out and sympathetically designed development

7. Consultation

- 7.1. **Market Bosworth Parish Council** – The application appears to be robust, detailed and thorough. The Parish Council supports all the principles of development outlined in the planning application. Although it is proposed to deliver more homes than identified in the various iterations of the Market Bosworth Neighbourhood Plan, the application has considered the main parameters identified in the Neighbourhood Plan policies, the Station Field design Brief and the Hinckley and Bosworth Masterplan for Market Bosworth.

The indicative layout of the site is ideally suited to the rural environment as well as the road layouts in existing neighbouring developments. The Parish Council would urge that all the proposed planting identified on the illustrative landscape masterplan is made a condition of the development.

The Parish Council is pleased to see that the affordable homes include social housing of various types. In order that the social housing and affordable housing will benefit those in need within the community of Market Bosworth the Parish Council urges that the accommodation should be prioritised in accordance with the Neighbourhood Plan local connection criteria and secured via condition.

The Parish Council is concerned about the potential impact of heavy goods vehicles passing through the centre of town during construction. Such vehicle movements

would be a danger to pedestrians and experience shows that they would pose serious risk of damage to property. We urge that the weight restriction currently in force on Station Road be moved to start immediately east of the site entrance prior to commencement of construction, and we propose that a condition of development should be that all HGV movements into and from the site should be from the western approach only. Otherwise the Parish Council supports the proposed access and traffic management proposals on Station Road

The Parish Council would urge that during the construction phase best practice is adopted to minimise disruption, noise and disturbance with particular respect for the residents of the existing Springfield Estate, e.g. advance notice of pile driving and other potential major disturbance events.

The Parish Council has been consulted on the change to the affordable housing provision and has no objections but draws attention to the requirement for local connection criteria for the 16 affordable homes and to the need for bungalows to be included in the mix.

Officer comment: The 16 affordable homes would all be subject to local connection criteria, but the mix does not include any of the four bungalows on the site which would all remain as market homes as previously approved by Committee.

- 7.2. **LCC Highway Authority** – The Local Highway Advice (LHA) has confirmed that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

Based on the information submitted the development therefore does not conflict with paragraph 116 of the NPPF, subject to the conditions and planning obligations outlined.

The LHA advises that the proposed off-site highway works (detailed above at paragraph 2.8) are acceptable and appropriately mitigate the impacts of the proposed development on the local highway network.

Access to the site is proposed to be taken from Station Road, a C class road subject to a 30mph speed limit. At the request of the LHA the Applicant has undertaken a Road Safety Audit (RSA) which has not raised any problems with the proposed site access. Should a ghost right turn lane be required in the future for the Kyngs Golf Course then white lining would be required to ensure no conflict with vehicles turning right into the application site.

The LHA is content that the proposed visibility splays are acceptable.

The LHA welcomes the measures to reduce vehicle speeds on station Road and is aware that speeding traffic has been a longstanding local concern

The anticipated trip rates and trip distribution are considered acceptable, and the extension of the bus service (Arriva 153 service) will need to be secured.

- 7.3 **LCC Minerals and Waste** – The development site is located within a mineral safeguarding area for sand and gravel. The submitted minerals assessment is considered acceptable, and the Minerals Planning Authority have no objections or comments with regard to mineral sterilisation as it is considered that the proposal

would not conflict with Policy M11 of the Leicestershire Minerals and Waste Local Plan.

However, the development would result in the loss of a safeguarded waste site (ref HK20 – see Document S4/2015) but following the submission of further information it is confirmed that the Authority has no objections to the application.

- 7.4 **LCC Archaeology** – The site has archaeological potential for the prehistoric, Roman and early-medieval periods. Following the submission of a Written Scheme of Investigation, the undertaking of trial trenching, and the receipt of satisfactory assurances it is considered that given the results of the investigation and the nature of the resulting material, the post-excavation requirements will be met. It is therefore recommended that no further archaeological involvement will be required for the site.
- 7.5 **LCC Ecology** – The updated information is satisfactory and shows a slight increase in Biodiversity Net Gain for the proposal. There are no objections and conditions are recommended regarding a Biodiversity and Ecology Management Plan, a Construction Environmental Management Plan, precautionary reasonable avoidance measures, and bat-sensitive lighting.
- 7.6 **Lead Local Flood Authority** – It is noted that the site lies within Flood Zone 1 being at low risk of fluvial flooding with a low to medium risk of surface water flooding. The proposals seek to discharge at 21.2 litres per second via pervious paving and a wet detention basin to the on-site watercourse at the south-west corner of the site. The housing element will outfall into the detention basin at 5 litres per second and will utilise its own attenuation to achieve this. The Applicant has submitted amended information which has satisfied previous concerns. The LLFA therefore advises the LPA that the proposals are considered acceptable subject to conditions regarding surface water drainage.
- 7.7 **LCC Planning Obligations** – The development yields 37 primary aged children. St Peters Primary Academy is the catchment primary school for the development and has a net capacity of 252 places and there will be a surplus of 14 pupil places if this development goes ahead. There are no other primary schools with a two mile walking distance of the development. The 37 pupils generated by this development can therefore be fully accommodated in nearby schools. Therefore, there is no claim for a developer contribution on this occasion.

The development yields 21 secondary aged children. The Market Bosworth School is the catchment secondary school for the development and has a net capacity of 860 places and there will be a deficit of 64 places if this development goes ahead. There are no other secondary schools within a three mile walking distance of the development. A total of 18 pupil places have been deducted that are being funded from S106 agreements for other developments in the area, meaning the overall deficit is 46 pupil places. The 21 places created by this development cannot be accommodated in nearby schools. Therefore a part request for contributions in respect of the secondary education sector of £364,205.62 is justified.

The development yields 5 post 16 aged children. Bosworth Academy is the catchment post 16 school for the development and has a net capacity of 401 places and there will be a deficit of 84 places if this development goes ahead. A total of 16 pupil places have been deducted that are being funded from S106 agreements for other developments in the area, meaning an overall deficit of 68 pupil places. The 5 places created by this development cannot therefore be accommodated at nearby schools.

Therefore a full request for contributions in respect of the post 16 education sector of £77,810.50 is justified.

The County Council seeks developer contributions towards the cost of expanding special school provision for developments of 100 dwellings or more. The development yields 0.44 primary aged and 0.49 secondary aged SEND children. The nearest SEND provision to the development is The Dorothy Goodman School which has a capacity of 430 places and there will be a deficit of 50 places if this development goes ahead. Including all of the SEND schools in the vicinity of the development the overall deficit is 75 pupil places. A total of 10 pupil places have been deducted that are funded from S106 agreements for other developments in the area, meaning an overall deficit of 65 pupil places. Therefore a full request of £29,079.96 for primary SEND education and £39,787.13 for secondary SEND education is justified.

The total request for education across these sectors for the proposed development equals £510,883.21. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling, or enhancing existing facilities at either the named catchment school within the Department for Education approved planning area serving the development, or any other school within the locality of the development, including the construction of a new school.

Having investigated the impact on Early Years education of the proposed development it is determined that the development will see an increase of 10.37 Early Years children to the area, and therefore, a full contribution will be required to ensure there is childcare available to meet this demand. There are currently two providers within a one-mile distance of the site, providing a total of 44 places. There are no surplus places. There are four other housing developments in the area with a total of 319 dwellings which creates 27.11 places. Therefore a full contribution of £190,351.72 is sought in respect of Early Years education.

A contribution of £3,880.40 is sought to provide improvements at Market Bosworth Library and its facilities to account for the increase in members of the library as a result of the development.

A contribution of £6,686.55 is sought to provide improvements at Barwell Household Waste and Recycling Centre to account for the increased usage as a result of this development.

The total contribution requested by the County Council is £711,801.88.

- 7.8. **Environment Agency** – No formal comments to make as the site lies within flood zone 1 and therefore there are no fluvial flood risk concerns. Advice is provided regarding foul drainage.
- 7.9. **Canal and River Trust** – No comments to make.
- 7.10. **NHS England** – Based on census data a household averages 2.42 patients per dwelling. A development of 135 dwellings will result in a population increase of 327 patients. A contribution of £104,544 is requested by the Integrated Care Board for the use of the Market Bosworth Surgery on Back Lane, the Newbold Verdon practice or any other healthcare infrastructure impacted by the development. It is requested that the contributions are released prior to first occupation.

- 7.11. **HBBC Conservation** – To adequately meet the requirements of paragraph 200 of the NPPF a proportionate Heritage Statement has been prepared to accompany the application. The statement established that the following heritage assets have the potential to be sensitive to the development of the site through changes within their settings:

Designated Heritage Assets:

- Coton Priory Farmhouse (Grade II Listed Building)
- Outbuilding at Coton Priory Farm (Grade II Listed Building)
- Former Dairy at Coton Priory Farm (Grade II Listed Building)
- Farm Building at Coton Priory Farm (Grade II Listed Building)
- Ashby Canal Conservation Area

Non-Designated Heritage Assets:

- Ashby and Nuneaton Joint Railway
- Market Bosworth Station
- Signal Box
- Station Master's House
- Goods Shed

The Statement has combined the assessments of the designated heritage assets located at Coton Priory Farm and the non-designated heritage assets located at the Railway Station owing to their close proximity, functional relationships and crossover settings.

The Statement concludes that the application site comprises a neutral element within the setting of the listed buildings at Coton Priory Farm, the Ashby Canal Conservation area and the non-designated heritage assets of the Ashby and Nuneaton Joint Railway, whereby the site makes no contribution to the significance of these heritage assets. The proposed development will result in negligible to small visual changes within their settings, but this will be seen within the context of existing development and will not affect how their respective significance is appreciated or understood. The proposed development will therefore not cause harm to the significance of any of the designated and non-designated heritage assets.

The assessment contained within the Heritage Statement and the conclusion that the proposal will not cause harm to the significance of any of the designated and non-designated heritage assets is agreed with and consequently it is considered that the proposal accords with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document, Section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 7.12. **HBBC Affordable Housing** – As this scheme is in a rural area, policy set out in the Core Strategy (policy 15), indicates that 40% of the dwellings should be for affordable housing. Of these properties, 75% should be for social or affordable rent and 25% for intermediate tenure. This will mean that 54 dwellings should be for affordable housing.

To comply with this guidance, which supersedes the tenure mix set out in the Core Strategy, the following number of properties in each tenure should be provided:

- **31 properties for social and/or affordable rent**
- **13 discounted market dwellings with a 30% discount on open market value**
- **10 properties for shared ownership**

At 11 September 2024 the Council's Housing Register had 371 households in need for affordable homes to rent in Market Bosworth. The figures below are for those with a connection to the borough and for those with a connection to Market Bosworth

- 1 bed property – 203 – 15
- 2 bed property – 95 – 5
- 3 bed property – 51 – 2
- 4+ bed property – 22 - 1

The space standards and distribution of the affordable housing throughout the site are acceptable, as is the suggested mix of property types.

As the site is in the rural area of the Borough, the Section 106 agreement should include a cascade that the affordable housing for rent is offered firstly to people with a local connection to Market Bosworth, and secondly to people with a connection to the Borough of Hinckley and Bosworth, as set out in the Council's allocations policy. Any First Homes should meet the national standards for a local connection.

The Applicant has evidenced the problems that they have had in attracting Registered Provider interest in the site. It is known that many Registered Providers are at capacity. Given the pressures on our housing register and temporary accommodation requirements, the option of converting all 54 affordable properties to an affordable home ownership product is not preferred. Following discussions with the Applicant the gifting of 16 dwellings to the Council for occupation at affordable rent is a very good outcome for the Council considering the issues with registered providers outlined above. The figure is also subject to final validation to confirm that the financial outcomes are acceptable to the Council.

- 7.13. **HBBC Compliance and Monitoring** – No objections subject to all open space typologies being provided in accordance with the Council's standard requirements. The requirement for equipped children's play space can be dealt with via a contribution being made to the existing equipped children's play space at the junction of Heath Road and Godsons Hill and through the provision of the trim trail on site – the sum of those costs though must as a minimum be the equivalent to the total sum that would be required if the equipped play space had to be provided on site.
- 7.14. **HBBC Drainage** – No objections subject to conditions regarding surface water drainage.
- 7.15. **HBBC Environmental Health** – No objections subject to conditions regarding contamination, noise attenuation, lighting, working hours of any commercial/industrial premises and a Construction Environmental Management Plan.
- 7.16. **HBBC Waste Management** – No objections subject to a condition regarding provision for waste and recycling storage and collection.
- 7.17. **Market Bosworth Society** – We would not usually comment on plans that are not within the Conservation Area or on the approaches but given that this is a major development it is worthy of comment. Overall the members of the Society are in favour of this development. Several took part in formulating the Neighbourhood Plan and many subsequently voted to designate this land for development.

The Society is delighted to see that most trees are to be retained, particularly those that are mature or vintage. The lining of the new roads with trees is important as it

would retain the character of the town. A green canopy is valued by the community and is also important in reducing global warming.

The Society would like to see more bungalows available on the site.

Visitor parking spaces should be provided at the expense of a few houses.

The number of affordable homes should be reduced and replaced with some retirement type homes.

Provision should be made for children's play areas within the site.

8. Policy

8.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 17: Rural Needs
- 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 SA5: Land South of Station Road and Heath Road, Market Bosworth
- 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. Market Bosworth Neighbourhood Plan (2015)

- Policy CE4: Trees
- Policy BD1: Affordable Housing
- Policy BD2: Site Allocation south of Station Road and Heath Road
- Policy BD3: Design guidelines for site allocation south of Station Road and Heath Road

8.4. Market Bosworth Neighbourhood Plan Review 2020-2039 – The Review is currently at examination stage. While there are several unresolved objections to certain policies, these do not relate to the current site or to its allocation for development. Therefore the following policies are considered relevant to the application and can be afforded considerable weight:

- Policy CE4: Trees and Hedgerows
- Policy CE6: Provision for Wildlife in New Development

- Policy BD1: Affordable Housing
 - Policy BD2: Site Allocation South of Station Road and Heath Road
 - Policy BD3: Design Guidelines for Site Allocation South of Station Road
- 8.5. Leicestershire Waste and Minerals Local Plan (2019)
- Policy M11: Safeguarding of Mineral Resource
- 8.6. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - National Planning Practice Guidance (NPPG)
 - National Design Guide (2019)
- 8.7. Other relevant guidance
- Good Design Guide (2020)
 - Land South of Station Road, Market Bosworth Development Brief Supplementary Planning Document (SPD) (2021)
 - Station Field Design Brief (2024)
 - Market Bosworth Design Codes (2023)
 - Leicestershire Highway Design Guide (2024)
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Study (2017)
 - Open Space and Recreation Study (2016)
 - Housing Needs Study (2024)
 - Leicestershire and Rutland Historic Environment Record
 - Environment Act (2021)

9. Appraisal

- 9.1. This is a hybrid planning application with the employment (0.6 hectare) element submitted in outline with all matters reserved except for access, and the housing element (135 homes) submitted in full. It is considered that the key issues in respect of this application are as follows:
- Principle of Development
 - Housing Mix and Supply
 - Impact upon Highway Safety
 - Impact on the Character and Appearance of the Area
 - Impact on Heritage Assets
 - Design and Layout
 - Residential Amenity
 - Flood Risk and Drainage
 - Ecology and Biodiversity
 - Archaeology
 - Infrastructure and Development Contributions
 - Planning Balance

Principle of Development

- 9.2. 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. Paragraph 2 of the National Planning Policy Framework (NPPF) repeats this and states 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), the Leicestershire Minerals and Waste Local Plan (2019) and the Market Bosworth Neighbourhood Plan (2015).
- 9.4. The emerging Local Plan for 2020-41 has been consulted on at Regulation 18 draft stage, with the consultation period ending in September 2024. The latest Local Development Scheme outlines further public consultation in 2025. Given the early stage of preparation, no weight is given to the emerging Local Plan in the determination of this application.
- 9.5. As set out above at paragraph 7.4 the Market Bosworth Neighbourhood Plan Review is currently at examination stage and while there are unresolved objections to some policies it is considered that these impact on the application site. It is therefore considered that some weight can be given to relevant policies of the Review as set out above at paragraph 7.4.
- 9.6. The Core Strategy (CS) sets out the settlement hierarchy for the Borough and Market Bosworth is identified within the CS as a Key Rural Centre. Policy 11 allocates land for the development of a minimum of 100 new homes and supports additional employment provision to meet local needs.
- 9.7. The site is allocated for a mix of development in the Site Allocations and Development Management Policies Development Plan Document and in the Market Bosworth Neighbourhood Plan and in the Neighbourhood Plan Review. In all cases the site allocation includes the site of the Churchill permission 23/00646/FUL referenced above at paragraph 3.4.
- 9.8. Policy SA5 of the SADMP states that proposals for the site should
- provide between 0.5 hectare to 1 hectare of employment land
 - provide approximately 100 dwellings with a density in line with Core Strategy Policy 16, which requires a density of at least 30 dwellings per hectare
 - create a safe pedestrian access off Station Road and alternative pedestrian access into the site
 - provide some allotment provision with associated car parking facilities
 - provide open space and play space in line with Core Strategy Policy 19
 - provide affordable housing in line with Core Strategy Policy 15, which requires 40% provision
- 9.9. Policy BD2 of the Market Bosworth Neighbourhood Plan states that the development shall provide between 0.5 hectare to 1 hectare of employment land, an area of open space and a minimum of 55 dwellings with an overall housing density in line with Core Strategy 16.
- 9.10. Policy BD2 of the Market Bosworth Neighbourhood Plan Review states that the site, which also includes the additional Churchill land, shall provide between 0.5 hectare

to 1 hectare of employment land and a minimum of 77 dwellings as well as open space. As set out above the proposed development meets the requirements of Policy BD2 of both iterations of the Neighbourhood Plan.

- 9.11. The Station Road Development Brief SPD is dated March 2021 and was prepared on behalf of the Borough Council and the Parochial Church Council, which owned the site. It sets out that the development proposals would be required to deliver approximately 100 dwellings, a minimum of 40% affordable homes, 0.5 to 1 hectare of employment land, 1.08 hectares of green space and play provision, a net gain in on-site biodiversity, allotment provision and associated car parking.
- 9.12. The SPD goes on to state that recent consultation had highlighted that allotments were no longer needed to be provided on site and that the need for new on-site play space or improvements to the nearby existing play space needed to be agreed at the planning application stage.
- 9.13. The proposal of 0.6 hectare of employment land and 135 dwellings at a density of 35 dwellings per hectare and so accords with Policy SA5. It proposes a trim trail on site and a financial contribution is to be made to improve the existing children's play area at the junction of Heath Road and Godsons Hill. **Affordable homes are not now to be provided at a rate of 40% but an alternative and equivalent provision is set out above and below.**
- 9.14. It is considered that the development of the site as proposed is acceptable in principle in accordance with development plan policies and the requirements of the National Planning Policy Framework.

Housing Mix and Supply

- 9.15. The NPPF was updated in December 2024 and National Planning Practice Guidance revised the standard method for calculating the local housing need assessment. As a result, the Council must re-visit its five-year housing land supply (5YHLS) position. Whilst further assessments must be made, the Council are now unlikely to be able to demonstrate a 5YHLS, which is one of the circumstances where the tilted balance of Paragraph 11d) of the NPPF is engaged.
- 9.16. The tilted balance of Paragraph 11d) of the NPPF is also engaged due to the age of relevant housing policies within the Core Strategy.
- 9.17. The revised NPPF now states that when the tilted balance is engaged, decision making must have particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes. Overall, the NPPF now requires that as the Council can no longer demonstrate the necessary five-year supply of land for housing, additional weight should be given to housing applications that meet these requirements.
- 9.18. In light of this the provision of 135 dwellings to the Borough's housing supply is considered to attract significant weight in the planning balance.
- 9.19. 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 the Building for Life criteria – now Building for a

Healthy 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.

- 9.20. Paragraph 61 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, 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. This allows for the most recent evidence to be taken into account in decisions and thus Policy 16 of the CS is considered up to date in this regard.
- 9.21. The Applicant is proposing a density of 35 dwellings per hectare and a broad mix of housing sizes and types including a good proportion of one bedroomed properties including four bungalows.
- 9.22. 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 (2024) identifies a Borough need for 430 affordable dwellings per annum. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.
- 9.23. Policy 15 of the Core Strategy requires that 40% of units on the site to be affordable, with a mix of 75% of those to be social or affordable rented and 25% intermediate tenure/shared ownership. The greatest need for affordable rented housing in the Borough is for smaller units of accommodation to assist single people or couples, or small families. **As set out above no Registered Affordable Housing Providers have expressed an interest in the site. As an alternative, the Council's Affordable Housing Officer has agreed with the Applicant that 16 homes will be gifted to the Council to operate at an affordable rent. The figure is also subject to final validation to confirm that the financial outcomes are acceptable to the Council.**
- 9.24. For this development, the mix of dwellings proposed by the applicant which includes a good number of one bedroomed properties, including three bungalows is welcomed. **The 16 gifted units will** first be offered to people with a connection to the parish of Market Bosworth, and secondly to people with a connection to the Borough of Hinckley and Bosworth.
- 9.25. Subject to the affordable homes being secured by a S106 Agreement, the proposal is deemed to be acceptable with respect to housing mix and affordable housing.
- 9.26. The provision of up to 135 dwellings, **16 of which would be affordable homes gifted to the Council**, is considered to be a significant benefit of the proposal that would positively contribute towards the Council's need for a 5 year supply of housing land and to the need for affordable homes within the borough.

Impact upon Highway Safety

- 9.27. Chapter 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that in assessing specific applications for development it should be ensured that sustainable transport modes are prioritised, that safe and suitable access to the site can be achieved for all users, that the design of streets, parking areas and other

transport elements reflect national guidance and that any significant impacts from the development on the transport network in terms of capacity and congestion, or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 9.28. Paragraph 116 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 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 highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 9.30. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 9.31. The applicant has been in lengthy discussions with the Local Highway Authority to overcome a number of detailed issues that were raised. In response the applicant has submitted additional technical information, road safety audits, and proposals for offsite highway improvements.
- 9.32. As a result of this additional information the County Highway Authority advice is that the impacts of development on highway safety would not be unacceptable and the impacts on the road network would not be severe. The application includes several off-site improvements as detailed below:
- A priority-controlled T junction access junction to Station Road (the main access into the site)
 - A pedestrian link to Heath Road
 - Introduction of bus stops on both sides of Station Road in the vicinity of the site
 - An uncontrolled pedestrian crossing facility on Station Road (dropped kerbs and tactile paving)
 - Traffic calming measures in the form of chicanes on Station Road
 - A relocation of the existing weight restriction on Station Road to ensure that the site is only accessed from the west and the A444 and not through the centre of Market Bosworth
 - Signage opposite the junction to direct HGVs back to the A444 when exiting the site
- 9.33. Given the views of the County Highway Authority, and subject to conditions, it is considered that the proposals accord with the requirements of the NPPF and Policy DM17 of the Site Locations and Development Management Policies Development Plan Document.

Impact on the Character and Appearance of the Area

- 9.34. Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

- 9.35. Paragraph 139 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 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 but on land that is allocated for mixed use development of the type proposed.
- 9.37. Policy DM10(c), (d) and (e) of the 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 the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 9.38. The Council's Good Design Guide (2019) identifies Market Bosworth as a large early medieval village (often considered a small market town) and states that the design objectives include protecting the quality of the main approaches through appropriate levels of setback, mature boundary treatments, dispersed built form and the integrity of the hall and church.
- 9.39. As set out above the site is allocated for employment and housing development in both the SADMP and the Market Bosworth Neighbourhood Plan. The neighbourhood Plan at paragraph 6.2 sets out the key considerations affecting the site which include issues such as the landscape within the site and views to the site. It points out that the site is adjacent to the open countryside to the south-west of Market Bosworth and that the A444 provides attractive long distance views of St Peter's Church spire and the wooded hillside (north of Station Road) from south of Sibson, which is approximately 3 miles away from the site.
- 9.40. At 6.2k the Neighbourhood Plan states that the site is situated in a location that will not impact significantly on those important long distance views. It goes on to state that the existing industrial estate is well screened from the A444 and the Wellsborough Road and that the natural landscape for the proposal would similarly screen this approach. It points out that the site is set back from and therefore largely hidden from Station Road.
- 9.41. This development is for 135 homes with an average density of approximately 35 dwellings per hectare and for up to 0.6 hectares of employment floorspace. The proposed development is predominantly two storey with some three storey properties where rooms are provided in the roof space and a smaller number of bungalows. This serves to break up rooflines, add interest to the development and avoids a sterile homogeneity to the development. The employment land is appropriately located to the west of the site where it would be adjacent to the existing employment development. The access into the site from Station Road is treelined on both sides. Extensive tree planting is proposed, particularly between proposed residential development and existing employment uses, between proposed dwellings and the proposed employment use, and between the proposed dwellings and the farmland to the south and east. The existing landscape features within the site, the single mature tree within the site and the single hedge that runs north south through the site are

retained and enhanced by making them focal points within the development with a landscaped pedestrian route running through the site alongside the retained hedge to provide a pedestrian link to Heath Road and the existing play area at the junction of Godsons Hill and Heath Road, as well as running around the eastern, southern and western perimeters of the site within a landscaped setting.

- 9.42. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application. Given that the site is allocated for residential and employment development it has not in this case been independently reviewed. The LVIA concludes that with regard to the wider landscape character of the area there would be a negligible adverse effect in the long term and that for the more local landscape character there would be a minor adverse effect in the long term. Given that the site is changing from farmland to built development this degree of harm is inevitable. The LVIA concludes that with regard to visual effects these would be limited and that where there would be views these are often against a backdrop of existing industrial and residential development. Overall the LVIA concludes that the proposed landscaping mitigates the effects of development and that combined with the limited visibility of the site, potential adverse impacts will be minimised. Officers do not disagree with these conclusions.
- 9.43. Overall, it is considered that the site is capable of accommodating the development proposed without resulting in any significant adverse landscape or visual effects to the wider area. In the longer term it is considered that the effect on the character and appearance of the area and on the wider landscape will be limited. The proposed development is considered therefore to broadly accord with the requirements of the Market Bosworth Neighbourhood Plan, Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document.

Impact on Heritage Assets

- 9.44. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 9.45. Chapter 16 of the NPPF provides national policy on conserving and enhancing the historic environment. In determining planning applications, paragraph 203 of the NPPF advises local planning authorities to take account of
- 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 viability; and
 - c. The desirability of new development making a positive contribution to local character and distinctiveness.
- 9.46. Paragraph 212 of the NPPF requires that great weight is given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance. Paragraph 213 requires that any harm to the significance of a designated heritage asset has clear and convincing justification and Paragraph 215 states that where a proposed development will lead to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the proposal. Paragraph 216 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

- 9.47. Policies DM11 and DM12 of the SADMP 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. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset, or its setting will be required to demonstrate:
- a. an understanding of the significance of the heritage asset and its setting; and
 - b. the impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - c. how the benefits of the proposal will outweigh any harm caused; and
 - d. any impact on archaeology in line with Policy DM13.
- 9.48. Policy DM12 requires all development proposals to accord with Policy DM10 and states that development proposals should ensure that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 9.49. Relevant heritage assets are listed above at paragraph 6.11. In this instance the closest designated heritage asset to the site is the Ashby de la Zouch Canal Conservation Area. There are no listed buildings within the vicinity of the site. Non-designated heritage assets are separated from the development by existing and proposed industrial buildings.
- 9.50. The Council's Conservation Officer has assessed the submitted Heritage Statement and considers that the proposal will not cause harm to the significance of any designated or non-designated heritage assets. Consequently it is considered that the proposal accords with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document, Section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Design and Layout

- 9.51. 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.
- 9.52. Policy BD3 of the adopted Market Bosworth Neighbourhood Plan provides design guidelines for the site allocation under Policy BD2. It states that development proposals should address four issues. These are:
- Ensuring clear and safe separation of heavy goods traffic and work vehicles from provision for pedestrians and cyclists;
 - Ensuring that the visual impact of the development is minimised and that it relates sensitively to the surrounding area and that building heights are in general conformity with the surrounding residential area;
 - Incorporating and enhancing existing landscape features and providing green space both within the new development and on the boundaries to provide a buffer against surrounding areas; and
 - Reducing the density adjacent to the open landscape to create a gradual transition from built area to more open green space.

- 9.53. Policy BD3 of the Market Bosworth Neighbourhood Plan Review states that the development proposals should address the 17 issues identified in the Station Field Design Brief. It states that the Design Brief is an integral part of Policy BD3 and should be used in conjunction with the Market Bosworth Design Codes. The first four of the 17 issues are the same as those in the adopted version of Policy BD3. The additional 13 issues are:
- That the design of the eastern part of the site is sensitive to existing and adjoining properties and minimises visual impact
 - That affordable housing is fully integrated throughout the site
 - That a mix of house types and sizes is provided to meet the future needs of households in Market Bosworth
 - That pedestrian and cycle links are provided to adjoining residential area to the east to reduce reliance on the private car
 - That a legible street pattern is provided in accordance with Manual for Streets which links the residential properties to services and facilities
 - Providing garages large enough to be useable with internal dimensions of 6m by 3m
 - Providing off street parking in accordance with Manual for Streets
 - Providing vehicle and safe pedestrian link to station Road
 - Providing a landscape buffer between the employment land (existing and proposed) and the proposed dwellings
 - Designing a 'gateway' for the development onto Station Road to announce the development, which is largely hidden from view
 - Ensuring that the proposed open space / play provision are well overlooked
 - Retaining a publicly accessible space between the development and the open countryside
 - Ensuring that the landscape design within the site links green spaces with green corridors through the built area to enhance biodiversity and create a high quality environment
- 9.54. 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.
- 9.55. The employment element of the application is in outline with only the means of access being sought for approval under this application. This means that all other matters, including design and layout, apart from the principle of the employment use, its general location in relation to existing development and the proposed dwellings, and the means of access, would be considered under a separate reserved matters application
- 9.56. Nineteen different house types are proposed which is considered to provide a good degree of variation and interest. This includes houses with three floors of accommodation as well as four bungalows. Houses feature brick detailing that includes projecting bay windows, soldier courses, eaves detailing, arched brick headers and a limited use of render. The predominant facing material is red brick with three different bricks being used. This is in keeping with the prevailing character of dwellings in the local area.
- 9.57. Boundary treatments include 1.8m close boarded fencing with 1.8m brick walls being provided to publicly prominent boundaries.

- 9.58. Open spaces are provided within and around the site with existing hedgerows and trees being retained and extensive new tree planting being proposed, particularly to the access from Station Road, between the new housing and the proposed and existing employment uses and to the open farmland to the south and east.
- 9.59. A range of parking solutions are provided, and garages are of a size considered useable for larger cars and meet the requirements of both the Neighbourhood Plan Review and the Leicestershire Highway Design Guide.
- 9.60. Acceptable waste bin storage and collection points have been provided and will be secured via condition.
- 9.61. The submission documents set out that the design and layout of the proposed has taken account of all relevant local policy background and guidance as well as national design guidance such as Building for a Healthy Life. It is considered that the 17 issues referred to in Policy BD3 of the Neighbourhood Plan Review are met.
- 9.62. Taking all relevant matters into account it is considered that the design and layout of the proposed development accords with the requirements of Policy SA5 and DM10 of the SADMP, Policies BD3 of both the adopted and review versions of the Market Bosworth Neighbourhood Plan. the Good Design Guide and national planning policy and design guidance.

Impact upon Residential Amenity

- 9.63. 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.
- 9.64. 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.
- 9.65. Paragraph 135 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.
- 9.66. Paragraph 198 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.
- 9.67. There are residential properties which immediately adjoin the site on the Station Road frontage to the east of the access, on Heath Road that borders the northern edge of the developable area of the site and on Priory Road on the eastern boundary of the site. Objections have been received relating to overlooking and loss of privacy and the application has been amended to address these concerns. These amendments have resulted in a reduction in the number of dwellings from 138 to 135 and the

replacement of two two-storey dwellings with two bungalows. The requirement for a minimum back to back distance of 21m between properties that directly face each other is achieved with a handful of exceptions. These are considered acceptable though as these relate to instances where a bungalow faces an existing bungalow or where an existing property has extended unusually close to its rear boundary. For the proposed new dwellings there is just one case where the interface distance falls below the standard 21m distance.

- 9.68. All proposed dwellings have gardens that are at least 7 metres in depth. While the vast majority of dwellings meet the Good Design Guide's general guideline with regard to minimum garden sizes there are thirteen properties that fall below these guidelines. These are mainly on the western edge of the development nearest the existing and proposed employment uses where a terraced form of development that addresses the acoustic related constraints of the site.
- 9.69. While there is not 100% compliance with the guidelines set out in the Council's Good Design Guide, the main reason for this results from the need to address noise issues and it is not considered that the small degree of departure from these guidelines is so harmful as to warrant refusal or further amendment of the application.
- 9.70. The Council's Environmental Health Officer has reviewed the submitted Air Quality Assessment and noted that mitigation is required to reduce noise impact from adjacent commercial operations. A 3m high landscaped bund topped by 2m high acoustic fencing is required on the western and part of the northern boundaries of the site. An acoustic fence is also to be provided to the east of the access road. As a result the submitted noise assessment concludes no dwellings will require acoustically upgraded features. The Environment Health Officer has raised no objection subject to a number of conditions that includes noise mitigation, contamination, lighting, working hours and a Construction Environmental Management Plan.
- 9.71. Subject to these conditions it is It is considered that the proposed development is acceptable in amenity terms and in complies with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

- 9.72. 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.
- 9.73. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity.
- 9.74. The whole of the site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning being at low risk of fluvial flooding. A significant proportion of the site is subject to a low risk of surface water flooding and the submitted Flood Risk Assessment sets out that the site levels will be designed such that dwellings are not at risk of surface water flooding. It should be noted that Heath Road, to the north-west of the site is currently as high risk of surface water flooding but that this is limited

to the carriageway with existing houses being elevated sufficiently so that they are at no risk. In these circumstances a condition regarding levels is appropriate.

- 9.75. As this is a greenfield site surface water runoff rates will be restricted to the greenfield equivalent to ensure that the rate of surface water run-off from the site does not increase as a result of the proposed development. The proposed drainage strategy will comprise a piped network with an outfall to the watercourse located along the site's southern boundary. Attenuation for the site will be provided in an online detention basin in the south-west corner of the site.
- 9.76. The drainage strategy provides attenuation suitable to store surface water drainage from the impermeable areas up to the 1 in 100 year event plus a 40% allowance for increase in projected volumes due to climate change and 10% increase in impermeable areas due to 'urban creep'.
- 9.77. Both the LLFA and the HBBC Drainage Officer advise that the proposals are acceptable subject to conditions to secure a surface water drainage scheme, management and maintenance of surface water and infiltration testing. No objections have been received from Severn Trent and the scheme accords with the Environment Agency standing advice given that all dwellings and gardens would be within flood zone 1. Subject to the suggested conditions, it is considered that the proposed development would satisfy Policy DM7 of the SADMP and the NPPF.

Ecology and Biodiversity

- 9.78. 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 187 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.
- 9.79. National legislation now requires 10% increase in biodiversity as a result of the proposed development. This can be provided on site, on neighbouring land that an applicant controls or via a financial contribution to provide an increase elsewhere. In this instance the net gain is provided on site.
- 9.80. The ecology reports submitted with the application indicates that the site is predominantly arable farmland and industrial/residential development with other habitats including buildings, hedgerows, deciduous trees, a single ditch and scrub. One hedgerow within the site is a potential Local Wildlife Site and minor losses to this hedgerow, as a result of providing vehicular access, will be mitigated through additional hedgerow planting. The County Ecologist has assessed the information and considers that the report is satisfactory subject to conditions.
- 9.81. A full biodiversity net gain (BNG) metric has been submitted and reviewed by the County Ecologist and is acceptable. This shows a 10.1% gain in habitat units and a 56.07% gain in hedgerow units. The proposals will therefore achieve more than a 10% net gain in biodiversity.
- 9.82. Subject to the condition requirements this application is considered be acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the SADMP and the requirements of national legislation.

Archaeology

- 9.83. 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 207 of the NPPF also reiterates this advice.
- 9.84. Paragraph 216 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing applications that directly affect non-designated assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.85. In line with the NPPF 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 218 states that local planning authorities should require the developer to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact, and to make this evidence and any archive publicly accessible. It is also pointed out that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
- 9.86. In accordance with the requirements of the County Archaeologist a written scheme of investigation has been submitted and trial trenching undertaken. The County Archaeologist is satisfied that the post-excavation requirements will be met, and, on that basis, they are satisfied that no additional archaeological involvement will be required for the site.
- 9.87. It is therefore considered that the application meets the requirements of Policy DM13 of the Site Allocations and Development Management Policies Development Plan Documents and of the National Planning Policy Framework.

Infrastructure and Development Contributions

- 9.88. 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.
- 9.89. 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 58 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 9.90. The contributions sought are detailed below:
- Health - Market Bosworth or Newbold Verdon surgeries - £104,544.00
 - Libraries - Market Bosworth Library - £3,880.40

- Waste - Barwell HWRC - £6,686.55
- Early Years Education - £190,351.72
- Primary Education - St Peters Primary Academy – no requirement
- Secondary Education - The Market Bosworth School - £364,205.62
- Post 16 Education – Bosworth Academy - £77,810.50
- Primary SEND Education - Dorothy Goodman School - **£29,079.96**
- Secondary SEND Education - Dorothy Goodman School - **£39,787.13**
- Affordable Housing provision – **16 homes gifted to the Council for affordable rent**
- Travel Pack provision of £52.85 per dwelling/employee - £7,134.75 (residential only)
- Bus Pass provision of £510 per person/employee (maximum of two per dwelling) - £137,700 (residential only)
- Travel Plan Monitoring Fee - £11,337.50
- **Appointment of a travel plan coordinator from commencement of development until five years after completion of the last unit**
- Bus stop provision on Station Road and extension of the existing Arriva 153 bus service to these stops
- Off-site highway improvements
- Traffic Regulation Order associated with relocating the existing weight restriction - £7,500
- Off site outdoor sports contribution - £46,915.20
- Off-site outdoor sports maintenance contribution - £22,291.20
- Off-site equipped children's play space contribution – up to a maximum of £88,417.98 (to be determined taking account of the on-site equipped play provision)
- Off-site equipped children's play space maintenance contribution – up to a maximum of £42,670.80 (to be determined taking account of the on-site equipped play maintenance)
- On-site equipped play space maintenance
- On-site informal play space maintenance
- S106 monitoring fees

The total S106 financial contribution resulting from the development of 135 dwellings is at least £1,180,313 and doesn't take into account the additional contributions required for the employment site, the costs of the affordable housing provision, the costs of the bus stops and bus service extension, **the travel plan coordinator** and on site open space provision and maintenance.

- 9.91. All the above contributions are considered to meet the tests for planning obligations and should therefore form part of the Section 106 legal agreement to be formulated should the application be approved. The applicant has expressed their willingness to enter into such a legal agreement and as such the application is considered to comply with the requirements of Policy DM3 of the SADMP and Policy 19 of the Core Strategy.

Conclusions and Planning Balance

- 9.92. 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.

- 9.93. 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. It is necessary therefore to consider that 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.
- 9.94. The site is allocated for mixed development in the Site Allocations and Development Management Policies Development Plan Document and in both the adopted and review versions of the Market Bosworth Neighbourhood Plan. Development of the site has been proposed for many years. Development of the site is clearly acceptable in principle.
- 9.95. The provision of 135 dwellings, **of which 16 are to be affordable homes gifted to the Council for occupation at an affordable rent**, is considered to be a benefit of the proposal to which significant weight in favour of the scheme is attached.
- 9.96. The proposed development is not considered to have a significant harmful effect on the character and appearance of the countryside. In this regard it would be broadly acceptable and consistent with the requirements of Policy DM4 and Policy DM10 of the SADMP. The development would also be broadly consistent with the environmental protection aims of the NPPF.
- 9.97. The effects of this proposed development in relation to access are not considered to pose an unacceptable impact on highway safety, in accordance with the requirements of Policy DM17 of the SADMP.
- 9.98. The proposal would cause no harm to any heritage assets.
- 9.99. The character of the site would change considerably and while this results in some short term harm this is largely mitigated in the longer term.
- 9.100. There is some minor degree of harm caused as a result of the minor degree of non-compliance with the Council's guidelines on separation distances and garden sizes. These are guidelines though and while this is a greenfield site only moderate weight is afforded to this issue.
- 9.101. The delivery of market and affordable housing is a significant benefit of the scheme to which significant weight should be given. Other benefits of the scheme include an overprovision of public open space beyond what is required to mitigate the scheme, the likely job creation that results from the employment land and the economic and social benefits through the construction of dwellings and from subsequent activities of future residents in the local area. These benefits are each considered to attract moderate weight.
- 9.102. As the tilted balance applies, paragraph 11(d) of the NPPF requires that 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. Taking into account the site allocation, the housing land supply position and the need for affordable homes within the borough, it is considered that the limited adverse impacts of the proposed development would not significantly and demonstrably outweigh the considerable

benefits when assessed against the policies in the NPPF when taken as a whole. Therefore, planning permission should be granted in this instance.

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 **That the application be Approved** subject to:

- the conditions set out below
- the entering into of a S106 Agreement to secure the required financial contributions and other measures set out above at paragraph 8.90 that include affordable housing, education and health funding, highway funding, open space, maintenance and monitoring costs, bus stops and the extension of the existing 153 bus service
- Authority to determine the final details of the conditions and of the S106 Legal Agreement be delegated to the Head of Planning

11.2 Conditions and Reasons

1. No development associated with the OUTLINE element of the consent shall commence until details of the layout, scale, appearance, landscaping (hereafter called the reserved matters) have been submitted in writing to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

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).

2. Application for approval of reserved matters shall be made within three years of the date of this permission and the development shall be begun not later than two years 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.

3. The development to which the FULL planning permission relates shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

4. The development to which the FULL planning permission relates shall be carried out in accordance with the submitted application details, as follows:

- Site Location Plan – n2258 001 (21.08.24)
- Coloured Planning Layout – n2258 008-01 Rev D (20.03.25)
- Technical Planning Layout – n2258 008 Rev E (15.05.25)
- Boundary Treatments Plan – n2258 008-02 Rev D (20.03.25)
- Materials Plan – n2258 008-03 Rev D (20.03.25)
- Surface Materials Plan – n2258 008-04 Rev D (20.03.25)
- Car Parking Plan – n2258 008-05 Rev D (20.03.25)
- Public Open Space Typologies Plan – n2258 008-07 Rev C (20.03.25)
- House Type Pack Market Bosworth March 2025 Rev C (20.03.25)
- Proposed Access Junction Layout – ADC3326-DR-002 Rev P6 (10.12.24)

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 to which the OUTLINE element of the consent relates shall be carried out in accordance with the submitted application details as follows:

- Site Location Plan – n2258 001 (21.08.24)
- Coloured Planning Layout – n2258 008-01 Rev D (20.03.25)
- Technical Planning Layout – n2258 008 Rev E (15.05.25)
- Proposed Access Junction Layout – ADC3326-DR-002 Rev P6 (10.12.24)

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).

6. No part of the residential development phase shall commence until such time as the existing and proposed ground levels of the site and proposed finished floor levels of the dwellings have been submitted in writing to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and development Management Policies Development Plan Document (2016).

7. A Landscape and Ecological Management Plan for each employment and residential phase, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted for the relevant phase in writing to and approved in writing by the Local Planning Authority prior to the occupation of the relevant phase. Each phase of development shall be carried out in accordance with the approved Plan.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No external lighting of the site shall be installed on either employment or residential phase until details for the relevant phase have been submitted in writing 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) and demonstrate that the lighting will not cause harm to protected species or their habitats (bats). The lighting shall provide street lighting to all unadopted carriageways. The lighting shall be installed, maintained and operated in accordance with the approved.

Reason: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM6, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Notwithstanding details shown on the approved layout plans, no development above floor plate level shall commence on either employment or residential phase until a scheme that makes provision for waste and recycling storage and collection across the relevant phase 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 and shall be maintained as such in perpetuity.

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).

10. No development approved by this permission shall be commenced on either employment or residential phase until a scheme for the investigation of any potential land contamination on the relevant phase has been submitted in writing 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 the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. If during development, contamination not previously identified is found to be present at the site, no further development shall take place on that phase until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing 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 prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. The employment or residential phase shall not be first occupied until a Verification Report relating to that phase has been submitted in writing to and approved in writing by the Local Planning Authority. The Verification Report shall be written by suitably qualified persons and shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that the risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

13. Prior to commencement of development on either employment or residential phase a Construction Environmental Management Plan for the relevant phase shall be submitted in writing to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises, and on the environment shall be prevented or mitigated from dust, odour, noise, smoke, light, land contamination and construction activities. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Site preparation and construction shall be limited to the following hours;
Monday - Friday 07:30 - 18:30

Saturday 09:00 - 14:00
No working on Sundays and Bank Holidays

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for Biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include the following details:
- a) Identification of potentially damaging construction activities.
 - b) Identification of biodiversity protection zones.
 - c) Practical measures and sensitive working practices for reptiles and bats, to avoid or reduce impacts during construction.
 - d) Timing of works to avoid harm to nesting birds.
 - e) Responsible persons for overseeing sensitive works.
 - f) Use of protective fencing where required.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on the site in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. No development approved by this planning permission on either employment or residential phase shall take place until such time as a surface water drainage and foul sewage disposal scheme for the relevant phase has been submitted in writing to and approved in writing by the Local Planning Authority. Thereafter, surface water drainage shall not drain onto the public highway.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policies DM7 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. No development approved by this planning permission on either employment or residential phase shall take place until such time as details in relation to the management of surface water on the relevant phase during construction of the development has been submitted in writing to and approved in writing by the Local Planning Authority.

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 though the entire development construction phase in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. No occupation of the development on either employment or residential phase 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 relevant phase have been submitted in writing to and approved in writing by the Local Planning Authority.

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 in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

19. No development approved by this planning permission on either employment or residential phase 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 relevant phase 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.

20. No development shall commence on either employment or residential phase until such time as a construction traffic management plan for the relevant phase, 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 in writing 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, to ensure that construction traffic does not use unsuitable roads and lead to on-street parking problems in the area in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

21. No part of the development hereby permitted on either employment or residential phase shall be occupied until such time as the access arrangements for the relevant phase shown on ADC drawing number ADC3326-DR-002 Rev P6 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 the interests of general highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

22. No part of the residential development shall be occupied until such time as the offsite highway works shown on ADC drawing number ADC3326-DR-002 Rev P6 including the footway extension to Godsons Hill, bus stops, traffic calming, uncontrolled pedestrian crossing and relocation of the weight restriction have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

23. No part of the residential development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 73 metres to the west and east of the site access have been provided. 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 the interests of general highway safety, and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

24. No part of the development hereby permitted on either employment or residential phase shall be first occupied until an amended Framework Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets for the relevant phase has been submitted in writing to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

25. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 10 metres of the highway boundary, nor shall any be erected within a distance of 10 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway, and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

26. Prior to commencement of the residential phase a Biodiversity Enhancement Management Plan that demonstrates how a Biodiversity Net Gain of at least 10% shall be achieved on the site shall be submitted in writing to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the development provides biodiversity enhancement in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework (2024).

27. Prior to the occupation of each dwelling on site full fibre broadband connection shall be available and ready for use in relation to each such dwelling/unit.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 119 of the National Planning Policy Framework (2024).

28. No residential development approved by this planning permission shall take place until a full scheme of soft landscaping works for the site **that includes full details of the approved trim trail equipment**, including an implementation and management scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity with the submitted Illustrative Landscape Masterplan P24-1884 EN 0007 D 0001 received 10 December 2024 and in full accordance with any subsequently approved Landscape and Ecological Management Plan and any requirements for the provision of a 10% Biodiversity Net Gain on the site. Thereafter the development shall be carried out in full accordance with the approved scheme.

The soft landscaping shall be maintained for a minimum period of five years from the date of planting with the exception of any trees planted which shall be maintained for a minimum period of ten years from the date of planting. During these periods any trees or shrubs that die or that are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: In the interests of the character and appearance of the site and surrounding area and to ensure that the development provides biodiversity enhancement in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework (2024).

29. Any reserved matters application dealing with layout shall be accompanied by a noise investigation and mitigation strategy detailing how the occupants of the proposed dwellings and existing neighbouring residents shall be protected from noise from the employment uses hereby approved.

Reason: To ensure that the occupiers of the proposed development are adequately protected from the nearby noise source in accordance with the requirements of Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework (2024).

30. The residential development hereby approved shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Nineteen47 Car Parking Plan – n2258 008-05 Rev D. Thereafter the on-site parking and turning provision shall be kept available for such uses in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in the interests of highway safety and in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies

Development Plan Document and the National Planning Policy Framework (2024).

31. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG17 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

32. Prior to the commencement of development on either the employment or residential phases, including site works of any description, tree protection measures for each relevant phase, in accordance with Section 6 of the submitted FPCR Arboricultural Assessment dated July 2024, have been put in place. Such tree protection measures shall remain in place at all times during each phase of construction.

Reason: To ensure that trees on site that are to be retained are adequately protected during and after construction in the interests of visual amenity and biodiversity and to ensure a satisfactory form of development in accordance with Policies DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraphs 136 and 187 of the National planning Policy Framework (2024).

33. No development above floorplate level shall take place on either the employment or residential phases until samples of the types and colours of materials to be used on the external elevations and roofs of the relevant phase have been submitted to and agreed in writing by the Local planning Authority. Each phase of the development hereby approved shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

34. No development above floorplate level shall take place on either the employment or residential phases until a scheme for secure and under cover cycle parking for the relevant phase has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraphs 115 and 117 of the National Planning Policy Framework (2024).

35. The development shall be carried out in accordance with the recommendations contained within section 4 of the submitted FCPR Ecological Appraisal dated May 2024.
- Reason:** In the interests of wildlife and biodiversity in accordance with policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).
36. No dwelling hereby approved shall be occupied until acoustic fencing in accordance with the submitted Aecom Noise Impact Assessment dated May 2024 and the Coloured Planning Layout n2258 008-01 Rev B has been erected. Such fencing shall be maintained and remain in place thereafter in perpetuity.
- Reason:** In the interests of existing neighbours and future occupiers of the residential development hereby approved in accordance with policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 187 of the National Planning Policy Framework (2024).
37. Further to the requirements of Condition 26 no occupation on either employment or residential phase shall take place until a Habitat Management and Monitoring Plan for the site or for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The Plan shall demonstrate how the site or each relevant phase of the development shall be managed and maintained in order to ensure that the Biodiversity Net Gain secured by Condition 26 is maintained for at least 35 years from the date of this permission.
- Reason:** To ensure that the development secures long-term biodiversity enhancement in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework (2024).
38. No part of the development hereby permitted shall be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each private drive/shared private drive with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.
- Reason:** In the interests of highway safety and in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document and the National Planning Policy Framework (2024).
39. Prior to the first occupation of any part of the development hereby permitted, a Public Transport Strategy shall be submitted to the Local Planning Authority, agreed in writing and implemented in full to provide public transport along Station Road in order to serve the development and to take into consideration the wider local bus network. The submitted scheme shall include:
- Hours of operation and service frequencies (minimum hourly service Monday – Saturday 7am-7pm)

- Measures to cover the full operation of the service for the minimum period of the duration of the Framework Travel Plan
- Routing of the service
- Details of any impact on the existing wider bus route/service in order to provide the extended service
- Provision of necessary off-site infrastructure, including two new poles and flags, raised kerbs, information display cases and bus stop markings on Station Road.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document and the National Planning Policy Framework (2024).

40. No dwelling here by approved shall be occupied until a hard surfaced footpath link to Heath Road, that is appropriately illuminated with street lighting, as shown on the Technical Planning Layout n2258 008 Rev C, has been implemented in full to link with the existing adopted highway. The link shall remain open and available for use at all times thereafter.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in the interests of highway safety and in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document and the National Planning Policy Framework (2024).

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Planning Committee 17 June 2025
Report of the Head of Planning

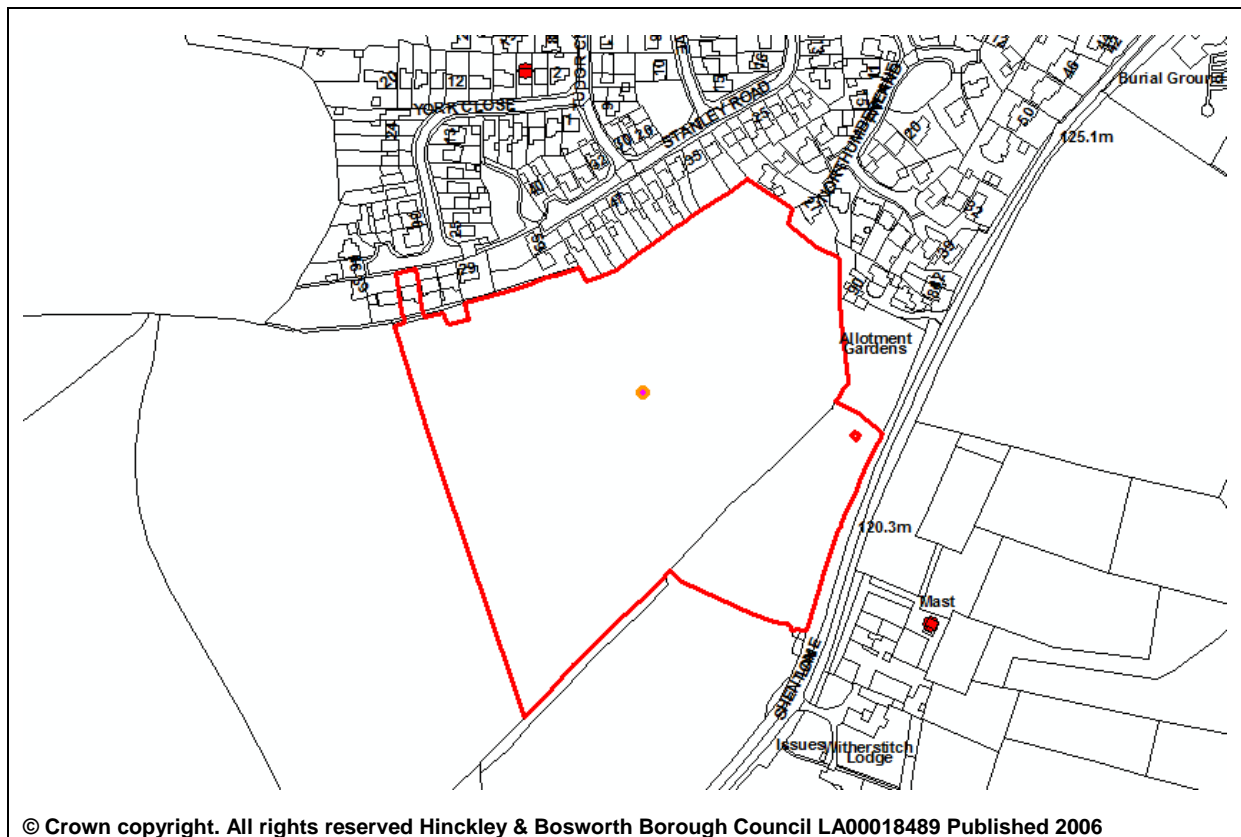
Planning Ref: 24/00831/OUT
Applicant: Gladman Developments
Ward: Cadeby, Carlton, Market Bosworth and Shackerstone



Hinckley & Bosworth
Borough Council

Site: Land North of Shenton Lane, Market Bosworth, Leicestershire

Proposal: Outline planning application for the erection of up to 100 dwellings (including 40% affordable housing) with public open space, landscaping, sustainable drainage system (SuDS), a vehicular access point and the demolition of one residential dwelling. All matters reserved except for means of access (re-submission of 22/00167/OUT)



1. Recommendations

- 1.1. That the application be refused for the reasons set out at the end of this report.

2. Planning Application Description

- 2.1. The application seeks outline permission for the erection of up to 100 dwellings (including 40% affordable housing), public open space and associated infrastructure that includes vehicular access, landscaping, sustainable drainage system (SuDS), a vehicular access point from York Close and the demolition of an existing dwelling (35 York Close) with all matters reserved except for access. The application is a resubmission of application 22/00167/OUT which sought permission for up to 125

dwelling on the site with an access from Shenton Lane and which was refused at appeal in August 2023 (APP/K2420/W/23/3317090).

- 2.2. While the application is in many respects a re-submission of the application previously refused at appeal there are some key differences which are outlined below:
- Reduction from 125 to 100 dwellings
 - Vehicular access to the site moved from Shenton Lane to York Close
 - Dwellings moved away from the field closest to Shenton Lane
 - Dwellings moved away from the rear boundary of gardens on York Close and Stanley Road
 - Pedestrian and cycle access only on to Shenton Lane
 - No highway works on Shenton Lane
 - Creation of a new walking and cycling route between York Close and Shenton Lane
- 2.3. The illustrative masterplan submitted with the application shows the dwellings being located in the centre of the site where it would back on to the gardens of just two existing dwellings, 25 and 27 Northumberland Avenue, with landscaped buffers to the rest of the site boundaries. An area of equipped children's play space is shown adjacent to the retained hedgerow dividing the larger field at the bottom of the site from the smaller field closer to Shenton Lane. The remainder of the field closer to Shenton Lane would be given over to pedestrian routes and informal open space. Further informal open space is shown to the western boundary of the site beyond which is existing farmland. Attenuation ponds and further informal open space is then shown on the northern boundary of the site. The illustrative masterplan indicates that the vast majority of the existing trees and hedgerows on the site being retained with removal only being required in two places to provide pedestrian access to the smaller field and then on to Shenton Lane.
- 2.4. The new access is in the north-western corner of the site. On leaving the site vehicles would turn right on to York Close and then an immediate left turn to follow the road up and round to the right to a currently unmarked T junction with Tudor Close. At Tudor Close vehicles could turn left or right. The shorter route to Station Road would mean a left turn on to Tudor Close to another unmarked T junction with Lancaster Avenue and then a right turn on to Lancaster Avenue to a third unmarked T junction with Weston Drive. From Weston Drive there would be a further choice with drivers being able to continue to the junction of Weston Drive with Station Road or turn right on to Haven Road and then turn left on to Southfield Way to its junction with Station Road closer to the centre of the town.
- 2.5. The site covers an area of approximately 5.6 hectares with over 2.7 hectares of formal and informal open space and attenuation ponds being provided comprising just under half of the total site area.
- 2.6. The application is accompanied by the following reports and documents:
- Planning and Affordable Housing Statement
 - Development Framework Plan
 - Socio-economic Report
 - Statement of Community Involvement
 - Transport Assessment
 - Travel Plan
 - Foul Drainage Analysis
 - Flood Risk Assessment

- Air Quality Assessment
- Noise Screening Assessment
- Waste Management Statement
- Heritage Assessment
- Landscape and Visual Impact Assessment
- Arboricultural Impact Assessment
- Ecological Impact Appraisal
- Biodiversity Net Gain Calculator
- Phase 1 Site Investigations
- Minerals Resource Assessment
- Demolition Statement

3. Description of the Site and Surrounding Area

- 3.1. The application site is located to the south-west of Market Bosworth, which is identified as a Key Rural Centre in the Council's Core Strategy. The site is bordered by Shenton Lane to the east as well as by the existing allotments and the gardens of properties on Shenton Lane and on Northumberland Avenue. To the north the site backs on to the rear gardens of properties on Stanley Road and York Close. To the east and south is open farmland and isolated farms. The access to the site is through an existing suburban residential estate and is far from direct. The access to the site is approximately 520 metres from Station Road, the key route out of Market Bosworth to the west. The nearest bus stop is on Market Place, approximately 670 metres from the centre of the site. As a result of the approved development to the south of Station Road a bus service will start again on Station Road but given the nearest houses are set back some way from the access to the site on York Close, the closest bus stop would still be in excess of 550 metres from the closest proposed dwellings.
- 3.2. The site currently comprises two agricultural fields that are used for pasture, one of which forms the boundary of the site with Shenton Lane, and which is much smaller than the larger field to the north and west that backs on to neighbouring dwellings. The two fields are separated by a hedgerow and are bordered by hedgerows and mature trees, particularly on the Shenton Lane frontage. The site is on a north-west facing slope that has a fall of approximately 10 metres to the lowest point in the north-west corner. The site includes the existing detached dwelling at 35 York Close which is to be demolished to provide vehicular access to the site.
- 3.3. The application site is located within flood zone 1. A public footpath (PRoW S72/6) runs westwards from York Place close to the north-west corner of the site.

4. Relevant planning history

- 4.1. 22/00167/OUT – Outline planning application for the erection of up to 125 dwellings (including 40% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point (All matters reserved except for means of access). Appeal against non-determination dismissed August 2023.
- 4.2. The above application was refused for five reasons:
- Highways and the failure to demonstrate that a safe and suitable access route to the site could be provided for all users
 - The effect on the character and appearance of the area particularly the important view along Shenton Lane

- The effect of the highway works on Shenton Lane on the setting of the Market Bosworth Conservation Area
 - The loss of the ridge and furrow earthworks on the site
 - The lack of a signed legal agreement regarding contributions to infrastructure
- 4.3. Importantly the Inspector made some key findings in their decision to dismiss the appeal. These are:
- The development would have significantly harmed the rural character and appearance of Shenton Lane and of Warwick Lane
 - The houses in the larger field did not have an effect on the significance of the Conservation Area, those in the smaller field did have a slight effect on the significance of the Conservation Area
 - Significant weight was given to the benefits of the proposal
 - The loss of the ridge and furrow was not a factor leading to dismissal of the appeal
 - Highway matters did not lead to dismissal of the appeal
- 5. Publicity**
- 5.1. The application has been publicised by sending out letters to the occupiers of 83 neighbouring properties. Site notices were also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. A total of 246 objections have been received from the occupiers of 211 properties, raising the following concerns and points:
- Putting the access through York Close is ridiculous and would have a significant effect on highway safety for both drivers and pedestrians – there is a dangerous blind spot due to hedge round a property on York Close
 - This would be an accident waiting to happen
 - The access would have a detrimental effect on the amenity of local residents
 - York Close changing from a quiet cul-de-sac to a through road would have a significant detrimental effect on the character of the wider area and particularly York Close
 - Traffic surveys were conducted during the school holidays
 - Traffic is already bad on Station Road and this will make it much worse – there would be traffic chaos
 - The access is not wide enough
Officer comment: The County Highway Authority accepts that a 2m wide pavement will only be provided on the eastern side of the carriageway
 - Construction traffic would have an immense and significantly detrimental effect on residents' lives – it is absurd to use York Close as a construction route
 - There would be a significant reduction in road safety, particularly changing York Close from a quiet cul-de-sac to a through road for 100 new dwellings
 - There would be a fundamental change in the character of a well-established, quiet residential area
 - Many residents of York Close bought properties as it was a quiet, peaceful environment and not a through road – there is a huge difference between buying a house knowing further development is happening and finding out after 50 years living on a quiet cul-de-sac that it is to become a through road
 - There would be a significant detrimental effect on air quality
 - There is insufficient public transport
 - Having pedestrian and cycle links to Shenton Lane would be dangerous without improvements to the highway

- This devalues the quality of life for everyone and would be a nightmare for residents
- Market Bosworth no longer feels like a country village
- The site lies in the countryside and is not allocated for development in the Neighbourhood Plan and is contrary to Policy DM4
- The development would put significant pressure on local services which are already oversubscribed and struggling to cope
- New development has already been approved and there is no need for additional dwellings when there are so many houses not selling
- This would have a significant negative impact on the environment and would increase noise and light pollution leading to a hugely negative effect on the health and wellbeing of local residents – the thought that this could be approved is causing stress to local residents
- Housing would be visible from Shenton Lane which would have an unacceptable effect on its character
- This would affect views and vistas and destroy part of the natural environment that surrounds the town that has been identified as a very important aspect of the town's character
- The development would result in the loss of ridge and furrow changing the historic environment to the detriment of residents and the nature of the town
- Loss of green space
Officer comment: There are no public footpaths that cross the site
- Loss of wildlife
- Approving the application results in the loss of valuable agricultural land
- Development of the site has already been rejected by an Inspector at appeal and so should be refused
Officer comment: The appeal was rejected for specific reasons that the Application addresses
- The development will lead to loss of privacy
- There would be a loss of views of the countryside
Officer comment: The loss of a view is not a material planning consideration that can be taken into account in the determination of a planning application
- This is an overdevelopment of the area
- Market Bosworth is a tourist destination, and tourists will be put off if roads are constantly congested
- This will lead to an increase in flooding
- The Parish Council has been proactive in developing a sustainable neighbourhood plan with local residents that meets and exceeds housing requirements whilst protecting the countryside, vistas and the historic importance of the village – this would be contrary to all that work
- This would have an adverse effect on property values
Officer comment: This is not a material planning consideration that can be taken into account in the determination of any planning application
- Crime levels will increase
- It is not ethical to demolish a perfectly good house

5.3. No representations in support of the proposed development have been received.

6. Consultation

6.1. **Market Bosworth Parish Council** – Objects to the proposal for the following reasons summarised below:

The development is outside of the settlement boundary – as such it is contrary to Policy DM4 and Policy CE5 of the Market Bosworth Neighbourhood Plan (MBNP).

Development in open countryside – contrary to Policy DM4 and contrary to MBNP Policies DC1, CE3 and CE5 as the scheme detrimentally affects key views and vistas and fails to safeguard the countryside.

Character and heritage – the application sits in open countryside between Stanley Road and Shenton Lane which provides an open vista of Ambion Hill and the symbolic flags of the site of the Battle of Bosworth. Shenton Lane is one of the few characteristic narrow rural lanes that help define the character of the area and provide a genuine feel and flavour of the rural way of life on approaching and leaving the town. The development would have a significant urbanising effect as the development would encroach on land towards the edge of Shenton Lane and intrude into the visual amenity from priory Lane, thus changing the character and important and hitherto unspoilt area of the parish.

Character approach into the conservation area – the site sits in very close proximity to the conservation area. Whilst the development does not propose any access or egress to Shenton Lane the development sits on land which is eminently visible from several approaches to the town. The approach towards the town along Shenton Lane quintessentially represents the unique transition from countryside to town centre and which is a key feature in the HBBC Landscape and Character Assessment and in the MBNP. The proposed development would be at odds with the context, rationale and strategic approach to planning policies in respect of open countryside in all relevant documents relating to Market Bosworth.

Unwarranted and unsustainable development – the proposed development does not demonstrate a sustainable approach at a time of significant climate change and appears to conflict with the HBBC Climate Change Strategy. There is no effective sustainable solution demonstrated by the application which simply relies on paragraph 11 of the NPPF without defining how the development can do this.

Highway matters, traffic and transport concerns – The current proposal requires vehicle movements from Station Road via Weston Drive, Lancaster Avenue, Tudor Close and then York Close – this is inappropriate. These access roads swerve a small and compact early 1970s housing development and these small roads in a quiet residential estate will be impacted significantly by the proposed development. The proposals would create significant disturbance to existing residents and cause significant harm to the character of this low density area of the existing estate which currently has a quiet rural setting. There would be significant disturbance to residents during the demolition of the existing house and throughout the construction process. The proposals would have a significant effect on highway safety.

Existing and planned development in Market Bosworth – the MBNP has allocated land for new housing and has supported development proposals, and the town has met and exceeded its housing targets. Market Bosworth has seen a significant increase in tourism development and as a tourism centre the town has many thriving attractions and tourism related development such as the marina, the hotels and the holiday lodges all have similar impacts on the town as dwellings do. This speculative application is unwarranted and excessive when total growth is considered as an overall total.

The Planning Application – Many of the associated ‘evidence based’ documents submitted with the application are inaccurate and out of date. Market Bosworth is not well resourced with local services and public transport and the documents reference shops and services such as the butchers and bank that closed years ago. The documents are full of promises that are unachievable.

- 6.2. **Dadlington and Sutton Cheney Parish Council** – Objects to the proposal. The highway infrastructure cannot cope with the additional vehicles that the development would generate. There is an existing problem with flooding. Additional building will add pressure onto the local parishes without providing additional infrastructure. The parish council is already reporting major traffic issues to the County, to the police and to other authorities on a regular basis and this will make the situation worse. A core issue is the lack of maintenance and management of the drainage system by Serven Trent and already stretched system cannot take any more water without major improvements to sewerage and drainage systems.
- 6.3. **Carlton Parish Council** – Objects to the application on the grounds that the site is not allocated for development in the Market Bosworth Neighbourhood Plan.
- 6.4. **LCC Highway Authority** – Following the submission of further information the Local Highway Authority (LHA) advice is that the impacts of the development on highway safety would not be unacceptable and that when considered cumulatively with other developments, the impacts on the road network would not be severe.

More detailed matters are set out below in the section relating to the impact on highway safety. A total of eight conditions are recommended along with contributions towards bus passes, travel packs and a Traffic Regulation Order consultation process for the installation of parking restrictions in the vicinity of the site access on York Close.

- 6.5. **LCC Minerals and Waste** – The site is identified as being within a mineral safeguarding area for sand and gravel. Whilst this is an important resource, Policy M11 of the Leicestershire Minerals and Waste Local Plan allows for development where there is an overriding need for the incompatible development. Given that the application is for housing the Minerals Planning Authority are satisfied that it is a matter for the Borough Council to determine whether there is an overriding need in this instance.
- 6.6. **LCC Tree Officer** – No comments to make.
- 6.7. **LCC Archaeology** – In response to the previous application the applicant submitted a desk-based Assessment, geophysical survey and undertook a trial trenching evaluation. It can be confirmed that the evaluation did not identify any significant archaeological buried remains and it is advised that no further mitigation is required in this respect.

The loss of the extant ridge and furrow earthworks on the site, which represents further depletion of an already greatly diminished archaeological resource, is regretted but it is considered that from a purely archaeological perspective the loss does not represent an especially robust reason for refusal.

It is essential though that adequate mitigation is provided to mitigate the loss of the ridge and furrow's evidential and historical significance, and that the residual impact, the loss of the communal and aesthetic values of the earthworks, is balanced by an appropriate/equivalent public benefit achieved by the scheme. This

is a judgement for the planning balance that cannot be made by the Archaeology Team.

In response to the previous application the applicant undertook a topographic survey of the earthworks which presents a positive movement in off-setting aspects of the development impact on the evidential and historical interest of the non-designated heritage asset. The report does, however, highlight a number of issues that remain unresolved, particularly in relation to the earthwork monument's dating and overall form (partly due to modern truncations of the visible earthworks). With this in mind it is recommended that further archaeological mitigation should be undertaken consisting of targeted trial trenches to address the issues and provide supplementary information to support an updated topographic survey report. Conditions are therefore recommended.

- 6.8. **LCC Ecology** – Although there are issues with the information submitted there are no objections subject to conditions including mandatory biodiversity net gain and bat mitigation.
- 6.9. **LCC Planning Obligations** – The following contributions totalling £556,920.02, are required as a result of this development:
- Waste – Barwell HWRC - £4,953
 - Libraries – Market Bosworth Library - £3,019.77
 - Primary Education – St Peters Primary Academy - £106,464.80
 - Secondary Education – The Market Bosworth School - £166,228.92
 - Post 16 Education – Bosworth Academy - £63,779.10
 - SEND Education – Dorothy Goodman School - £56,448.43
 - Early Years Education – St Peters Primary Academy - £156,026
- 6.10. **Environment Agency** – No comments to make.
- 6.11. **Coal Authority** – No comments to make.
- 6.12. **Leicestershire Police** – No objections but provides advice and sets out justification for a S106 contribution of £20,861.31.
- 6.13. **NHS England** – Housing developments put pressure on healthcare infrastructure and the local GP surgery will be required to increase their facility to maintain healthcare services to the increased population. A contribution of £77,440 is required and this should be released prior to first occupation.
- 6.14. **HBBC Conservation** – Agrees with the submitted Heritage Statement which concludes that due the very modest change of the view from Shenton Lane, the proposed development is anticipated to cause less than substantial harm to the market Bosworth Conservation Area at the very lowermost end of the spectrum.

The proposal would result in the total loss of most of the ridge and furrow earthworks throughout the site. This would represent the removal of a small part of the overall non-designated heritage asset, representing a minor level of harm to the significance of the non-designated heritage asset.

The Conservation Officers comments are included in greater detail below in the section on the impact on heritage assets.

- 6.15. **HBBC Affordable Housing** – As this site lies in a rural area the affordable housing requirement is 40%, or 40 properties, which should be split between 75% social rented and 25% intermediate tenure. To comply with guidance there should be 10 First Homes, 23 for affordable rent and 7 for shared ownership. The preference would be for the rented dwellings to provide a mix of 12 two-bed four-person homes and 7 three-bed five-person homes. Property sizes should meet the Nationally Described Space Standards for the larger bedroom sizes for each property. Affordable housing should be spread in small clusters across the site. A cascade should be included in any S106 Agreement requiring that the affordable housing is provided first to people with a local connection to Market Bosworth.
- 6.16. **HBBC Compliance and Monitoring** – An equipped area of play would be welcomed and would be better located towards the centre of the site, and this should be secured via S106 Agreement. A minimum of £65,494.80 should be spent on the play area.
- 6.17. **HBBC Drainage** – No objections subject to conditions regarding surface water drainage.
- 6.18. **HBBC Environmental Health** – No objections subject to conditions regarding contamination and a Construction Environmental Management Plan.
- 6.19. **HBBC Waste Services** – No objections subject to a condition
- 6.20. **Market Bosworth Society** – The Society is greatly concerned about this latest attempt to build north of Shenton Lane. The fields adjacent to Shenton Lane need greater protection that is afforded by this development. The application is in conflict with the Neighbourhood Plan and therefore the Local Plan. The site lies outside the settlement boundary which warrants refusal of the application. Adding more traffic to the network of roads needed to provide access will be dangerous as many houses on the access have no off road parking and for much of its length Weston Drive is reduced to a single carriageway due to parked vehicles. Resulting congestion will be a misery for local residents and the wider community. The increase in traffic will add to pollution levels.

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026 (2015 with minor update March 2021)
- Policy CE1: Character and Environment
 - Policy CE3: Important Views and Vistas
 - Policy CE4: Trees
 - Policy CE5: Landscape and the Wider Parish
 - Policy CE6: Building and Development
 - Policy BD1: Affordable Housing

Referendum version (2025)

- Policy CE1: All new development within Market Bosworth
- Policy CE3: Important Views and Vistas and Landscape Character
- Policy CE4: Trees and Hedgerows
- Policy CE5: Landscape of the wider Parish
- Policy CE6: Provision for wildlife in new development
- Policy BD1: Affordable housing
- Policy BD4: Heritage Asset Protection

- 7.2. Core Strategy (2009)
- Policy 7: Key Rural Centres
 - Policy 11: Key Rural Centres Stand Alone
 - Policy 14: Rural Areas: Transport
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
 - Policy 17: Rural Needs
 - Policy 19: Green Space and Play Provision
 - Policy 20: Green Infrastructure
 - Policy 23: Tourism Development
 - Policy 24: Sustainable Design and Technology
- 7.3. 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
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (2024)
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Study (2017)
 - The Green Infrastructure Strategy (2020)
 - Open Space and Recreation Study (2016)
 - Heritage Strategy (2020)
 - Housing Needs Study (2019)
 - Affordable Housing SPD (2011)
 - Leicestershire Minerals and Waste Local Plan
 - Market Bosworth Conservation Area Appraisal (2014)
 - Leicestershire and Rutland Historic Environment Record
- 8. Appraisal**
- 8.1. As this is an outline planning application with all matters reserved except for access, the number of detailed considerations relevant at this stage are limited. Nonetheless, the following represent the key issues:
- Principle of Development
 - Housing Land Supply

- Housing Mix and Supply
- Impact upon Highway Safety
- Impact on the Character and Appearance of the Area
- Impact on Heritage Assets
- Design and Layout
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Archaeology
- Trees
- S106 Heads of Terms
- Conclusions and Planning Balance

Principle of Development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) 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.
- 8.3. 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) and the Market Bosworth Neighbourhood Plan (MBNP), an updated version of which is currently subject to a referendum. The NPPF states at paragraph 12 that where a planning application conflicts with an up-to date neighbourhood plan, permission should not usually be granted.
- 8.4. The Emerging Local Plan is due to cover the plan period 2024-2045. The previous public consultation on the Regulation 18 Draft Local Plan ran from Wednesday 31 July to Friday 27 September 2024. The latest Local Development Scheme (LDS) was published on 06 March 2025. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a further Regulation 18 consultation scheduled for September/October 2025, and the Regulation 19 consultation scheduled for around March/April 2026. Given the early stage of the Emerging Local Plan and outstanding evidence still to be undertaken, the emerging policies are attributed very limited weight.
- 8.5. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located adjacent to the settlement of Market Bosworth but is on land which is designated as countryside. As such Policies DM4 of the SADMP and CE5 of the MBNP are of most relevance with regard to the principle of development.
- 8.6. Market Bosworth is identified as a Key Rural Centre (Stand Alone) and Policy 7 of the CS states that the Council will support housing development within settlement boundaries.

- 8.7. The Market Bosworth Neighbourhood Plan (MBNP) was made in September 2015 but was updated and modified in 2021 to take account of the then most recent housing needs assessment. A further update of the Plan has recently been through examination and is currently due to be put to referendum on 10 July 2025.
- 8.8. Policy CE5 of the made MBNP sets out that in the open countryside outside the settlement boundary, new development will only be permitted:
- Where it contributes to the local economy
 - For the re-use or extension of an existing building or
 - For sport or recreation or
 - For new dwellings where special circumstances apply such as homes for rural workers; where the development represents the optimal viable use of a heritage asset; where the development re-uses redundant buildings or where the design of the dwellings is of exceptional quality or is of innovative design.
- In all cases the development will only be permitted where it does not cause harm to the landscape or biodiversity of the countryside that cannot be effectively mitigated.
- 8.9. The referendum version of Policy CE5 revises the policy to add support for single dwellings that comply with paragraph 84 of the NPPF and adds that any housing proposal adjacent to the existing settlement boundary will be considered positively providing it is accompanied by an up-to-date housing needs assessment and providing any adverse impacts do not outweigh the benefits of the development.
- 8.10. 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. Development in the countryside will be considered sustainable where:
- 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
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation”.
- And
- 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
 - If within a Green Wedge it protects its role and function in line with Core Strategy Policy 6 and 9 and
 - If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.11. The proposed development does not relate to any of the criteria above in either Policy DM4, but this does not mean that the development is not sustainable. The referendum version of Policy CE5 of the MBNP offers support in principle for sites adjacent to the settlement boundary. The application seeks to justify why development in this location might be deemed to be sustainable; its follows on from

a public inquiry into a previous application for development of 125 homes on the same site but that had an access from Shenton Lane to the south of the site and puts forward a reasonable assessment of how the proposal would contribute to sustainable development as required by the NPPF. The thrust of the justification for the proposal is that it responds positively to the lack of a five-year housing land supply in the Borough. The urbanising effects of the proposal are acknowledged by the applicant, but these are said to be minimised and acceptable and the applicant considers that the development is not out of character within its settlement edge location. The proposal is also supported by a Landscape Visual Impact Assessment (LVIA) setting out the impact on the wider landscape character.

- 8.12. The decision of the Inspector on the previous appeal was that the appeal proposal was in conflict with the locational policies of the development plan.
- 8.13. It is considered that the proposed development fails to comply with policies DM4 and CE5. To the extent that Policy DM4 seeks to implement the Core Strategy through its approach to the countryside and settlement boundaries it is out of date. In terms though of the weight that should be afforded to Policy DM4 the emphasis of the policy is to promote sustainable development proposals within the countryside and protect it from unsustainable proposals. In that regard Policy DM4 is considered to be consistent and in accordance with the aims and thrust of the NPPF.
- 8.14. The Council considers that the proposal is offered no support by Policy DM4 of the SADMP and does not comply with the exception criteria set out in the made version of Policy CE5 of the MBNP. As such the application does not accord with development plan policy and is unacceptable in principle.
- 8.15. The proposal though must be assessed against the material planning considerations set out in the sections below.

Housing Land Supply

- 8.16. 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.
- 8.17. The Council's Planning Policy team are currently reviewing the revised NPPF (2024) implications for the Council's Five Year Housing Land Supply. A revised position is expected to be published by the end of June 2025 once the monitoring for the 2024/25 year has been completed. It is however very likely that, with the revised housing need figure of 682 dwellings per annum from the Dec 2024 NPPF (649dpa + 5% buffer as per Para 78a), the Council will be unable to demonstrate a Five Year Housing Land Supply once the revised position is published.
- 8.18. For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. In accordance with paragraph 11d) of the NPPF, the Council should grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.19. Paragraph 11d) of the NPPF states 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.”*

8.20. Paragraph 61 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”.

8.21 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.”*

8.21. Therefore, currently 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.

8.22. Paragraph 14 of the NPPF states that:
“In situations where the Paragraph 11d applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits provided all of the following apply:

- the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made and*
- the neighbourhood plan contains policies and allocations to meet its identified housing requirement”*

8.23. The Market Bosworth Neighbourhood Plan (MBNP) was originally made in 2015 and while it was updated in 2021 the 2024 version of the NPPF has considerable consequences for the way in which the Council must calculate its housing land supply figure. In addition Leicester City Council’s ongoing Local Plan examination

and issues with unmet needs have had an impact on the progression of our own Local Plan and on our overall housing figures. The Council therefore does not consider that the MBNP fulfils the requirement set out in paragraph 14 of the NPPF.

- 8.24. Given that the Council is unable to demonstrate that it has a five-year housing land supply the provision of up to 100 dwellings, a proportion of which is to be Affordable Housing, is therefore considered to be a benefit to which significant weight should be given in the planning balance.

Housing Mix and Supply

- 8.25. 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. 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. The Good Design Guide SPD advocates the use of the Building for Life assessment.
- 8.26. 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.
- 8.27. A final number and mix of dwellings would be determined at Reserved Matters stage, but the illustrative layout shows that a mix of types and sizes can be accommodated. The development is for up to 100 dwellings and the appropriate layout and density would be determined at Reserved Matters stage. The applicant has not undertaken a Building for Healthy Life Assessment (the replacement for Building for Life). A detailed assessment could be provided at Reserved Matters stage and could be required as a condition.
- 8.28. The Borough has an unmet affordable housing need, and this is given significant weight in the planning balance. It is considered important to note though that the delivery of affordable homes is dependent on many issues and on this same agenda is application 24/00560/HYB for a mixed scheme of 225 dwellings and 0.6 hectares of employment uses where Committee approved a scheme that included a 40% (54 dwellings) affordable home provision in February, but the applicant has failed to attract any interest from any Registered Affordable Housing Provider in taking on the scheme. An alternative form of provision in the form of 16 gifted units has been agreed by officers which is considered to represent a very good outcome for the Council, it is not though the 40% provision that is set out in Core Strategy Policy 15 as being required.
- 8.29. The housing officer has requested 40% of units on the site to be affordable, with a mix of 75% of those to be social or affordable rented and 25% intermediate tenure/shared ownership. The greatest need for affordable rented housing in the Borough and in Market Bosworth is for smaller units of accommodation to assist single people or childless couples, and for small families with one or two children.
- 8.30. The applicant has indicated that the site will provide the policy-compliant requirement of 40 affordable homes. The preferred mix of property types for rent would be of smaller properties comprising 1, 3 and 3 bedrooms – the greatest local need is for one-bed properties. The intermediate tenure should be a mix of 2 and 3 bedroomed houses, and all should meet the Nationally Described Space Standards.

- 8.31. As this site is in the rural area, the Section 106 Agreement requires that the affordable housing is first provided to those with a connection to Market Bosworth as set out in the Council's Housing Allocations Policy.
- 8.32. 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.

Impact upon Highway Safety

- 8.33. 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 should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.34. Paragraph 115 of the NPPF states that it should be ensured that sustainable transport modes are prioritised, taking account of the vision for the site, the type of development and its location and that safe and suitable access to the site can be achieved for all users. Paragraph 116 of the NPPF 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.
- 8.35. The applicant has been in discussions with the Local Highway Authority (LHA) to overcome a number of initial concerns that were raised and additional technical information has been submitted.
- 8.36. It is the view of LHA that the impacts of the development on highway safety would not be unacceptable and that when considered cumulatively with other developments, the impacts on the road network would not be severe. Given that paragraph 116 of the NPPF is clear that development can only be prevented on highway grounds if there is an unacceptable impact on highway safety the LHA is equally clear that that high bar has not been reached in this instance. In coming to this decision regarding its concerns regarding parked cars along the access route the LHA was mindful of the Inspectors comments at the previous appeal that there was no substantive evidence that a Traffic Regulation Order could not be made, given the improvement to highway safety that would result.
- 8.37. The LHA was also mindful that all properties in the immediate vicinity of the point of access to the site appear to have off-street parking available. Therefore in these site specific circumstances it would be difficult to resist the proposals on the grounds of whether or not a Traffic regulation Order could be delivered. Similarly a 2 metre wide footway would normally be required on both sides of the site access carriageway whereas in this instance a 2 metre wide footway is only provided on the side of the carriageway most useful to pedestrians. The LHA considers though that the lack of a second footway would not be a reason to resist the proposals in these site specific circumstances.
- 8.38. Highway concerns have been raised by many local residents, by Market Bosworth Parish Council and by Dadlington and Sutton Cheney Parish Council. The choice of access has been forced on the applicant given the Inspector's clear rejection of the use of Shenton Lane to provide access due to the effect that the consequent

highway works would have had on the setting of the Market Bosworth Conservation Area and on the character and appearance of Shenton Lane itself. The access from Station Road to the site is convoluted and had there not been alternative routes provided by Stanley Road, Haven Road and Southfield Way the LHA might have rejected the proposals due to the length of the cul-de-sac created.

- 8.39. Given that the estate through which the access is taken is one that was primarily constructed in the 1970s it is not believed that there are any dwellings that do not have, or that are not capable of providing, off-road parking. The few residents to the west of the access on York Close already have to navigate the same roads that any future occupants of the development would have to navigate and while it may not be entirely safe or convenient it is the professional view of the LHA that the proposals cannot be resisted on highway safety grounds.
- 8.40. The application is submitted in outline and the internal highway layout is a matter for reserved matters. Emergency access by vehicles is not required from Shenton Lane and while pedestrians, and emergency workers accessing the site on foot, are able to access Shenton Lane, no alterations to that highway are proposed or required by the LHA. The proposal is therefore considered to accord sufficiently with the requirements of Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document, with the requirements of the National Planning Policy Framework and with the Leicestershire Highway Design Guide.

Impact on the Character and Appearance of the Area

- 8.41. 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 contrary to this policy.
- 8.42. Point c) of Policy DM10 of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.43. The Council's Landscape Character Assessment states that the site falls within Landscape Character Area C: Bosworth parkland within the more general Agricultural Parkland landscape type, comprising rolling farmland and estate parkland with scattered trees and woodland around former agricultural villages. Two key characteristics of this landscape include "a rural and peaceful character with development limited to scattered farm buildings and historic settlements well integrated into the landscape by vegetation and small scale of buildings", "a good network of public footpaths and routes popular with cyclists. Destinations include Market Bosworth and the Battlefield Visitor Centre."
- 8.44. Key sensitivities and values noted in the Assessment include "the rural character and relative sense of tranquillity" and "the quintessential East Midlands landscape of mixed farming with pasture, arable and ridge and furrow providing a strong sense of place... Market Bosworth and its landscape setting of fields and trees". Three of the landscape strategies outlined in the Assessment include "maintaining the rural character of the landscape", "retaining features such as open roadsides with grass verges" and "maintaining rural views and setting of Market Bosworth".

- 8.45. Key characteristics of the Urban Character Area 6 that comprises the majority of the town include “setting provided by open countryside and farmland which lends a rural and peaceful character and permeates the town”. Key sensitivities and values include “the distinctive character and historic value of the market place and the historic link between the town, Bosworth Hall and parkland and the surrounding agricultural landscape and Bosworth Battlefield” and “green spaces which penetrate the historic core...which create a transition to the surrounding landscape”, the rural setting which lends a distinctive character as well as recreational and visual amenity value” and views to and from the surrounding landscape are important to the character of the town”.
- 8.46. Townscape strategies for Urban Character area 6 include “prioritising local distinctiveness in every element of change and future development” and “encouraging opportunities to enhance safe pedestrian / cycling connections”.
- 8.47. Policy CE5 of the made MBNP states that in the open countryside outside the settlement boundary, new development will only be permitted in certain circumstances, none of which apply to the proposed development. It goes on to states that in all cases development will only be permitted where it does not cause harm to the landscape and biodiversity of the countryside that cannot be effectively mitigated.
- 8.48. Policy CE3 of the MBNP relates to important views and vistas and states that development that harms important views onto or vistas out of Market Bosworth will be resisted and that new development will not be supported if it has a significantly adverse impact on an important view or vista.
- 8.49. The location of the views and vistas referred to in Policy CE3 are set out on the map on page 34 of the MBNP and includes the view along Shenton Lane towards Market Bosworth as one of nine key views. The commentary on page 31 states that this key view starts from a point next to Witherstitch Lodge Stables. This group of agricultural buildings lies directly to the south and opposite the southernmost corner of the site on the Shenton Lane frontage.
- 8.50. At this point anyone walking or driving towards the settlement will be on relatively high ground with limited but clear views of open fields to the west and wider and more open views of farmland to the east. Shenton Lane remains narrow allowing two cars to pass with care. There are wide grassed verges to both sides of the lane with the occasional telegraph pole being the only urbanising feature with the stables being one of the naturally occurring agricultural related building typically encountered within the countryside.
- 8.51. The stables complex of agricultural buildings is set at a lower level to the lane which further reduces their impact, and all appear single storey in character. A telecommunications mast to the rear of the site appears uncharacteristic in this setting. Beyond the stables the telegraph poles no longer run along Shenton Lane, heightening the very rural characteristics of the highway at this point. Hedgerows on both sides of the road are sparse and unmanaged and feature a significant number of trees, no doubt accounting for the difficulty in easily managing the hedgerows. This though allows pedestrians or people on bicycles or in vehicles to readily appreciate the fields on both sides of the road.
- 8.52. Once past the stables the first existing dwelling is viewed, framed by the trees on both sides of the lane. The Development Framework indicates that dwellings will be easily viewed to the west. At this point Market Bosworth remains barely appreciable

but the proposed dwellings will be very apparent, and the introduction of the footway and the road widening will be clearly visible in the foreground marking a distinct change in the character of the lane.

- 8.53. The commentary on page 31 of the MBNP, as part of paragraph 6.1p, states that as you move along, local allotments are located on the left, then residential dwellings, including the remains of the original Poor House, become apparent. The Development Framework indicates that the most prominent dwellings on the site will by then be behind you given that an area of open space is shown north of the vehicular access and south of the allotments.
- 8.54. The commentary states that this is an important view as it is the location of rural business and reminders of the past in the form of the Poor House. It is an example of the unique setting of Market Bosworth with the close proximity of farmed countryside and grazing land so close to the historic core. The key characteristic of the setting to the town provided by open countryside and farmland which lends a rural and peaceful character and permeates into the town is referred to in the Landscape Character Assessment where it refers to Urban Character Area 6, which comprises the majority of the town.
- 8.55. Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystems services.
- 8.56. The distinctive character of Market Bosworth is derived from four key factors:
- Location as a ridge top settlement
 - Agricultural economy
 - The manorial tradition based on Bosworth Hall and its parkland setting
 - Gateways and views
- 8.57. In response to the dismissal of the appeal proposals for 125 dwellings the current proposal has been reduced by 20% to provide up to 100 dwellings. This has allowed all dwellings to be removed from the fields closest to Shenton Lane where previously they were readily apparent to users of Shenton Lane. The Inspector's view of the previous proposals in this regard was that the previous scheme would have resulted in housing facing Shenton Lane, albeit behind existing and proposed trees and other vegetation and that despite that vegetation this would have the effect of extending built development along Shenton Lane into the open countryside surrounding the town.
- 8.58. The Inspector went on to say that in terms of visibility from public vantage points, while there were glimpsed views of the site from between the dwellings on York Close and Stanley Road, the main public view of the houses on the site would be from Shenton Lane. Importantly the Inspector considered that the land form sloped down from the smaller field closer to Shenton Lane and that the majority of the previous site would be well contained within the landscape and would not be visible from Shenton Lane although there would be glimpsed views from the public footpath to the west and longer views from Priory Lane but that these would be read against the backdrop of the existing houses and through trees and vegetation.
- 8.59. The applicant has clearly been mindful of the Inspector's comments in removing proposed dwellings from the field closest to Shenton Lane and the proposed development area is now that described by the Inspector as being well contained

within the landscape and where it, according to the Inspector, would not be visible from Shenton Lane.

- 8.60. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application. The LVIA is less certain than the Inspector on the previous scheme regarding the visibility of the proposed development from Shenton Lane. At paragraph 3.30 it notes the made MBNP's Important View 9, looking north along Shenton Lane and in the following paragraph states that views along Shenton Lane towards the settlement would be screened therefore preserving Important View 9. At paragraph 6.44 the LVIA points out that there will be views of construction activities from Shenton Lane. Paragraph 6.56 confirms that users of PRoWS55/1 which links Shenton Lane to Sutton Lane is likely to have views of the proposals, albeit that they would be limited. Paragraph 6.60 confirms that people travelling along Shenton Lane in vehicles would have potential views of the proposed development. Paragraph 6.62 states that people travelling north along Sutton Lane, which lies to the south and east of Shenton Lane and is considerably further from the site are only 'unlikely' to perceive new built form within the site. Finally, paragraph 7.10 concludes that the majority of visual effects resulting from the development will be experienced by residents of housing on roads surrounding the site and that the effects are likely to be Major / Moderate Adverse and that for *"the other main receptors including road users of Shenton Lane, Tinsel Lane/Priory Lane, Weston Drive and Sutton Lane; pedestrian users of PRoW S72/6, the visual effects at completion are likely to be Moderate / Minor Adverse over the short term and long term. Although new planting proposed to the site boundaries and within adjacent areas of public open space will serve to soften and screen views of new housing within the view as experienced by these receptors."*
- 8.61. The applicant's own LVIA clearly therefore contradicts the Inspectors view expressed at paragraph 17 of the decision letter that the majority of the appeal site would not be visible from Shenton Lane.
- 8.62. At paragraph 18 of the appeal decision letter though the Inspector states that overall, the development of the larger field would result in development that is well contained and would not intrude significantly into the countryside surrounding the town and that the development of the larger field would have a negligible effect on the character and appearance of Market Bosworth.
- 8.63. It is considered that the findings of the LVIA are not inconsistent with the findings of the Inspector as expressed at paragraph 18 of the appeal decision letter. There are now no off-site highway works proposed, which previously officers were so concerned about, and which would have changed the character of Shenton Lane.
- 8.64. It is material to note that the area is not a 'valued landscape' for NPPF purposes. Indeed there are no landscape or environmental designations or sensitivities or note for the site and its immediate surroundings.
- 8.65. The LVIA submitted as part of the application assesses the proposal's impact on the landscape and on neighbouring receptors and finds that the development has a number of Major / Moderate Adverse impacts, mainly from dwellings that surround the site but also from users of Shenton Lane although these fall to the Moderate / Minor Adverse level. The site sits within a landscape area with a particularly distinctive sense of place and character that is described above but built development has been wisely removed from the field closest to Shenton Lane. The fact remains though that the effect on users of Shenton Lane is considered by the

applicant to be Moderate / Minor Adverse and that these effects will continue for the long term.

- 8.66. It is considered therefore that the proposed development results in a detrimental effect on the character and appearance of the site and surrounding area and in particular of Shenton Lane, contrary to Policies DM4 and DM10 of the SADMP, Policies CE3 and CE5 of the MBNP and the requirements of the NPPF. These effects though are not considered to be at a significant level that requires refusal of the application on these grounds. These adverse effects are though considered to weigh to a limited to moderate extent against the application in the planning balance.

Impact on Heritage Assets

- 8.67. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.68. Section 16 of the NPPF provides national policy on conserving and enhancing the historic environment. In determining planning applications, paragraph 197 of the NPPF advises local planning authorities to take account of
- 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 viability; and
 - c. The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.69. Paragraphs 212-215 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.70. Paragraph 216 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.71. Policies DM11 and DM12 of the SADMP 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. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset, or its setting will be required to demonstrate:
- a. an understanding of the significance of the heritage asset and its setting; and
 - b. the impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - c. how the benefits of the proposal will outweigh any harm caused; and
 - d. any impact on archaeology in line with Policy DM13.
- 8.72. Policy DM12 requires all development proposals to accord with Policy DM10 and states that development proposals should ensure that the significance of a

conservation area is preserved and enhanced and that development proposals should make every effort to retain the significance of locally listed heritage assets.

- 8.73. The Market Bosworth Conservation Area lies approximately 300 metres to the north-east of the site and contains a large number of listed buildings including the Grade II* Listed Church of St Peter which has a spire that is a prominent feature in the surrounding landscape. The boundary of the Conservation Area lies alongside the eastern side of Warwick Lane and the northern side of Shenton Lane beyond its junction with Warwick Lane. There are no listed buildings or non-designated locally important buildings within close proximity of the site itself. There are extensive areas of ridge and furrow earthworks within the site which are dealt with in greater detail in the section below on archaeology.
- 8.74. Paragraph 4.1 of the Market Bosworth Conservation Area Appraisal (MBCAA) points out that all routes into Market Bosworth converge on the Market Place which is the centre of the Conservation Area. Shenton Lane is one of these routes. The Appraisal goes on to state that the historic relationships between the town, the Church of St Peter, Bosworth Hall and park and the agricultural landscape are clearly apparent and define the setting of the Conservation Area and hugely contribute to its unique sense of place.
- 8.75. Paragraph 4.6 of the MBCAA describes how Shenton Lane also approaches the Conservation Area through pleasant countryside which is interrupted only by clumps of trees and shrubs. Closer to the Conservation Area, Shenton Lane is bordered by a short length of residential development before entering the settlement proper adjacent to the new cemetery with properties set back behind mature trees in large front gardens. Paragraph 4.11 sets out that green spaces create a special ambience in the town and that wide grass verges add to the character. Paragraph 7.5 describes how Shenton Lane reflects the development of the village with existing development emphasizing the rural qualities of the lane.
- 8.76. The Council's Conservation Officer has assessed the submitted Archaeology and Built Heritage Desk-Based Assessment and considers that it is proportionate and meets the requirements of paragraph 207 of the NPPF and Policy DM11 of the SADMP.
- 8.77. It is agreed that there are no listed buildings or scheduled monuments affected by the proposed development. Also the Conservation Area is not discernible from the site itself and barely perceptible in direct views when adjacent to the site on Shenton Lane.
- 8.78. Whilst not being contiguous with the Market Bosworth Conservation Area, the undeveloped nature of the site as appreciable from Shenton Lane makes a very small contribution to the significance of the Conservation Area through setting, through illustrating its rural surrounds.
- 8.79. Built form is no longer proposed in the south-eastern field of the site, which will instead be meadow with structural planting. Officers agree with the impact assessment contained within the submitted Heritage Statement (section 2.27), in that due to the very modest change of the view from Shenton Lane, the proposed development is anticipated to cause less than substantial harm at the very lowermost end of the spectrum for the Market Bosworth Conservation Area.
- 8.80. In accordance with the summary contained within the Heritage Statement, the above assessment is considered to be in line with the Inspector's Decision for the

previous scheme, where he was explicit that development in the larger ('north-western') field would not be harmful (paragraph 36), and that the then proposed residences within the smaller field adjacent to Shenton Lane would 'have a slight effect on the significance of the Conservation Area as they would dilute the rural/countryside approach to it as outlined in the Conservation Area Appraisal' (paragraph 39). The change from agricultural land within this area of the site to public open space with meadow/structural planting proposed in the current scheme, and the loss of the view from the gateway, would result in a far lesser degree of harm. This would comprise the lowermost level of less than substantial harm.

- 8.81. In accordance with local and national policies as the proposal causes harm to designated and non-designated heritage assets this harm should be weighed against the public benefits of the proposal.
- 8.82. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long term conservation
- 8.83. It is considered that the proposal can demonstrate no particular heritage benefits. There are some social and economic (non-heritage) benefits demonstrated by the proposal including the provision of a number of dwellings, including affordable housing, towards the future housing supply of the borough, some short-term employment offered by the construction of the dwellings and the potential contribution future occupants may make to the local economy and community.
- 8.84. The Inspector on the previous appeal noted at paragraph 43 of the decision letter that seeking to place the degree of less than substantial harm to a designated heritage asset on a spectrum was not required as it could introduce an unnecessary degree of complexity to the judgement. It is considered though that the revised scheme now for consideration largely addresses the concerns that officer had regarding the heritage implications of the proposals in terms of the magnitude of change to the appearance of Shenton Lane and thus on the setting of the Conservation Area.
- 8.85. It is considered therefore that the less than substantial harm caused by the development is outweighed by the public benefits of the proposal such that refusal of the application is not justified on heritage grounds. It is considered though that the identified heritage harms do weigh in the planning balance against the scheme and that limited to moderate weight should be given to that harm in this regard.

Design and Layout

- 8.86. 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.

- 8.87. 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.
- 8.88. This is an outline application with all matters reserved except for access and therefore detailed layout and appearance considerations are not being assessed at this stage - however, they will form details at the Reserved Matters stage. Notwithstanding this, the indicative plans illustrate that the development will comprise up to 100 dwellings with access into the site from York Close with development being located towards the centre of the site with no dwelling located in the field closest to Shenton Lane. It provides a reasonable approach to the scheme that would flow through into the detailed plans submitted at Reserved Matters stage and indicate that a suitable form of development could be brought forward in accordance with Policy DM10 of the SADMP and the Good Design Guide SPD.

Impact upon Residential Amenity

- 8.89. 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.
- 8.90. 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. It also states that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.91. Paragraph 135 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.
- 8.92. Paragraph 187 states that planning decisions should contribute to and enhance the local environment by preventing new development from contributing to unacceptable levels of noise pollution and that development should wherever possible, help to improve local environmental conditions such as air quality.
- 8.93. It is considered that the proposed dwellings, subject to the detailed matters to come forward at Reserved Matters stage, could be designed such to have a suitable relationship with nearby residential units with regard to interface distances, overlooking and loss of privacy.
- 8.94. Additional information with respect to contamination and a Construction Environmental Management Plan could be appropriately sought via condition.

- 8.95. Concerns raised by the neighbours to the scheme, in particular those on the route that would be taken by vehicles accessing and egressing the site, are noted. The proposal provides access to the site at its far north west corner where traffic would need to travel along four different roads and would have to navigate five separate highway junctions after leaving Station Road.
- 8.96. The development proposes the demolition of a single dwelling in order to provide access to the site and provides distance of just 2.7 metres from the carriageway to the private rear garden of 37 York Close and just 2.3 metres from the back of pavement to the private rear garden of 33 York Close. While boundary treatment improvement could be secured via condition the environment of those two rear gardens would change significantly and it is considered that this would result in a permanent and long term significant loss of amenity to the residents of these two dwellings.
- 8.97. It is considered that the proposals would bring about a very significant change in the character of York Close which would change from a quiet cul-de-sac on the edge of the countryside to a through road accessing up to 100 additional properties. This change would be particularly felt by those neighbours that live closest to the proposed access. While the change in the character of York Close would not be unsafe, it is considered that the noise and disturbance caused by the increased traffic movements would have a material and significantly detrimental change on the existing quiet and peaceful character of the close.
- 8.98. It is acknowledged that these are subjective assessments of the impacts rather than ones based on technical noise reports which it is considered could not accurately reflect the underlying change to the residential environment as it would be experienced by the residents of York Close.
- 8.99. It is considered that the proposed development fails to accord with the requirements of Policy DM10 of the SADMP as it would have a significant adverse effect on the amenity of nearby residents. The proposal is also considered to be contrary to paragraph 135f) of the NPPF and to the Council's Good Design Guide. The level of harm to those residents most affected is considered to be very significant and therefore attracts very significant weight against the scheme in the planning balance.

Flood Risk and Drainage

- 8.100. 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.
- 8.101. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states that applications that could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of run-off, and which are proportionate to the nature and scale of the proposal. It also states that these should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity.
- 8.102. The site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning. A small part of the site, predominantly in the north-west corner and along the northern boundary, is subject to surface water flooding. The development

framework plan submitted with the application indicates that three attenuation ponds would be located in this north-west corner of the site to the rear of dwellings on York Close and Stanley Road.

- 8.103. The HBBC Drainage Officer 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. No objections have been received from Severn Trent or from the Environment Agency. Subject to the suggested conditions, it is considered that the proposed development would satisfy Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document and the NPPF.

Ecology and Biodiversity

- 8.104. 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.
- 8.105. The ecology information submitted with the application states that the mandatory 10% increase in biodiversity on the site can be achieved. comprises poor semi-improved grassland with mature boundary treatments. The County Ecologist has assessed the information and has no objections to the proposal subject to the mandatory 10% biodiversity net gain and a condition regarding bats.
- 8.106. Subject to the condition requirements this application is considered be acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

Archaeology

- 8.107. 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 207 of the NPPF also reiterates this advice and requires an applicant to describe the significance of any heritage asset affected, including any contribution made to its setting.
- 8.108. In line with the NPPF 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.
- 8.109. Paragraph 216 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application and that in weighing applications that directly affect non-designated assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.110. Paragraph 218 states that local planning authorities should require the developer to record and advance understanding of the significance of any heritage asset to be lost in a manner proportionate to their importance and the impact and to make this evidence publicly available. It also states though that the ability to record evidence

of our past should not be a factor in deciding whether such loss should be permitted.

- 8.111. There are legible ridge and furrow earthworks present across the majority of the application site. Those in the east of site (which also extend further south) are identified as a record on the Leicestershire and Rutland Historic Environment Record. The earthworks in both fields are identified in the local heritage asset list that accompanies the Market Bosworth Neighbourhood Plan, with the document describing them as the best example of medieval curved ridge and furrow near to the town. The ridge and furrow earthworks are considered to be of archaeological and historic interest, and as agreed within the Heritage Statement, the extant ridge and furrow earthworks within the site should be considered to form part of a heritage asset comprising the surviving ridge and furrow across the parish of Market Bosworth, as they are part of one former open field system. Collectively, these are considered to be of a significance commensurate to a non-designated heritage asset of lower significance.
- 8.112. A considerable amount of archaeological work has already taken place as a result of the previous application on the site.
- 8.113. The County Archaeologist has commented that the loss of the extant ridge and furrow earthworks on the site is regretted and that this represents further depletion of an already greatly diminished archaeological resource. The County Archaeologist does not feel though that from a purely archaeological perspective the loss represents an especially robust reason for refusal.
- 8.114. Due to the extent and siting of the proposed residential development this would result in the total loss of the most of ridge and furrow earthworks throughout the site (although depending on the level of earthworks required to form the play area and meadow some extent of those on the south-eastern field could possibly be preserved in situ). Given that the earthworks should be considered holistically 'as part of the other ridge and furrow present around the town' (as per the Inspector's conclusion for the appeal) the loss of the extant ridge and furrow within the site would represent the removal of a small part of the overall non-designated heritage asset. In agreement with the impact assessment contained within the submitted Heritage Statement (section 3.19), it is that the proposals are anticipated to result in a minor level of harm to the significance of this non-designated heritage asset.
- 8.115. It is not considered that the proposed development can demonstrate any particular heritage benefits. While the loss is mitigated with regard to the evidential and historic significance through the existing and proposed recording works, a minor residual impact upon the significance of the non-designated heritage asset will remain and the recording work does not adequately offset the impact of their loss particularly in respect of their aesthetic and communal value.
- 8.116. Whilst, in the light of the Inspector's decision on the previous appeal, it is considered that refusal of the application is no longer justified on archaeological grounds, it remains the case that the loss of the ridge and furrow earthworks results in a minor level of harm to the significance of this non-designated heritage asset. In the planning balance it is considered limited to moderate weight against the proposals should be given in this regard.

Trees

- 8.117. Policy DM6 of the SADMP sets out that on site features should be retained, buffered and managed favourably to maintain their ecological Value, connectivity and functionality in the long term.
- 8.118. Policy CE4 of the MBNP states that mature trees should be protected wherever possible. Development that would result in the loss of or damage to protected trees will not be permitted unless a satisfactory scheme for the replacement of lost trees or mitigation of any damage to the landscape is agreed.
- 8.119. In this instance both the Country and Borough Tree Officers have commented on the proposals and do not have significant concerns. In addition the proposals provide for significant new tree planting.
- 8.120. It is considered therefore that the proposal is acceptable with regard to the requirements of policies DM6 and CE4.

Other Matters

- 8.121. The loss of agricultural land is not considered significant given the sites use as grazing land rather than for crops.
- 8.122. The site lies within a Sand and Gravel Mineral Consultation Area. Given the proximity of the site to the settlement, it is considered that it would not realistically be quarried for mineral resources.

S106 Heads of Terms

- 8.123. 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.
- 8.124. 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.
- 8.125. The contributions sought are detailed below:
- Equipped On-site Play Space (On-site provision to the value of £65,494.80 and Maintenance (£63,216) to be provided)
 - Outdoor Sports Contribution £34,752 and maintenance of £16,512
 - Casual Play Space – 1680sq.m with maintenance of £18,144
 - Accessible Natural green Space – 4000sq.m with maintenance of £56,800
 - Affordable Housing – 40% (75% social or affordable rented and 25% intermediate tenure/shared ownership).

- Library Services £3,019.77
- LCC Waste Management £4,953
- Healthcare £77,440
- Primary Education £106,464.80
- Secondary Education £166,228.92
- Post 16 Education £63,779.10
- SEND Education £56,448.43
- Early Years Education £156,026
- Traffic Regulation Order £7,500
- Travel packs for all new residents (one per dwelling) £52.85 per pack and £500 administration charge
- Two x 6 month bus passes per dwelling to encourage new residents to use bus services and make behavioural changes £510 per pass

The total S106 financial contribution resulting from the development and not including open space provision and maintenance or affordable housing is £800,909.02.

- 8.126. All of the above contributions are considered to meet the tests for planning obligations and should therefore form part of the Section 106 legal agreement to be formulated should the application be approved. No such S106 agreement has been completed and as such the application is not considered to comply with the requirements of Policy DM3 of the SADMP and Policy 19 of the Core Strategy and is therefore a reason for refusal of the application.

Conclusions and Planning Balance

- 8.127. 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.
- 8.128. 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. The MBNP has been updated and is now subject to a referendum. As such its policies can be given significant weight. It's housing needs assessment though, understandably, does not take account of any wider Borough wide need. It is necessary therefore to consider that 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.
- 8.129. The provision of up to 100 dwellings, 40% of which are to be affordable units, is considered to be a benefit of the proposal to which significant weight in favour of the scheme is attached.
- 8.130. Other benefits of the scheme apart include the provision of play space and open space that would benefit existing residents, the likely increase in biodiversity on the site and the economic and social benefits through the construction of dwellings and from subsequent activities of future residents in the local area. These benefits are considered to attract limited to moderate weight.

- 8.131. The Council considers that the proposal is offered no support by Policy DM4 of the SADMP and does not comply with the exception criteria set out in Policy CE5 of the MBNP. As such the application does not accord with development plan policy and is unacceptable in principle. These policies are considered to be broadly consistent with the overall aims of the NPPF and that significant to moderate weight should be attached to the fact that the proposal is contrary to the development plan and would undermine the plan led approach endorsed by the Framework.
- 8.132. The proposed development has a harmful effect on the character and appearance of the countryside. It would be contrary to Policy DM4 of the SADMP and Policy CE5 of the MBNP and to the environmental protection aims of the NPPF. This matter attracts moderate to significant weight.
- 8.133. The proposal would result in less than substantial harm to the designated Market Bosworth Conservation Area and while the benefits of the proposal outweigh that harm when considered against the requirements of paragraph 215 of the NPPF, that harm still weighs in the final planning balance and limited to moderate weight is afforded to this aspect of the proposals.
- 8.134. Due to the extent and siting of the proposed residential development this would result in the total loss of the majority of the ridge and furrow earthworks on the site. This would have a minor adverse impact upon the archaeological and historic interest and thus significance of this non-designated heritage asset. It is not considered that the proposed development can demonstrate any particular heritage benefits but, given the other ridge and furrow earthworks around the town and the advice of the County Archaeology Team, moderate to limited weight is given to this matter.
- 8.135. Significant weight is given to the lack of a S106 Agreement. It is acknowledged though that the applicant has expressed no unwillingness to enter into such a legal agreement.
- 8.136. The effects on the amenity of residents of York Close are considered to attract very significant weight. Consequently, even taking into account the housing land supply position, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole. The proposal would not therefore represent sustainable development.

9. Equality implications

- 9.1 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.

- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 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).

10. Recommendation

10.1 That the application be Refused for the reasons set out below:

1. The proposed access results in very significant harm to the residential amenity of residents of York Close which, when afforded very significant weight alongside the other negative impacts of the development, significantly and demonstrably outweighs the benefits of the development. The development is contrary to Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document and chapter 12 of the National Planning Policy Framework (2024).
2. The applicant has not entered into a Section 106 contributions for the delivery of Affordable Housing and public open space or contributions towards health, education, waste services and libraries. As such the application is considered contrary to Policy DM3 of the Site Allocations and Development Management Policies Development Plan Document and Policy 19 of the Core Strategy.

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Planning Committee 17th June 2025
Report of the Head of Planning

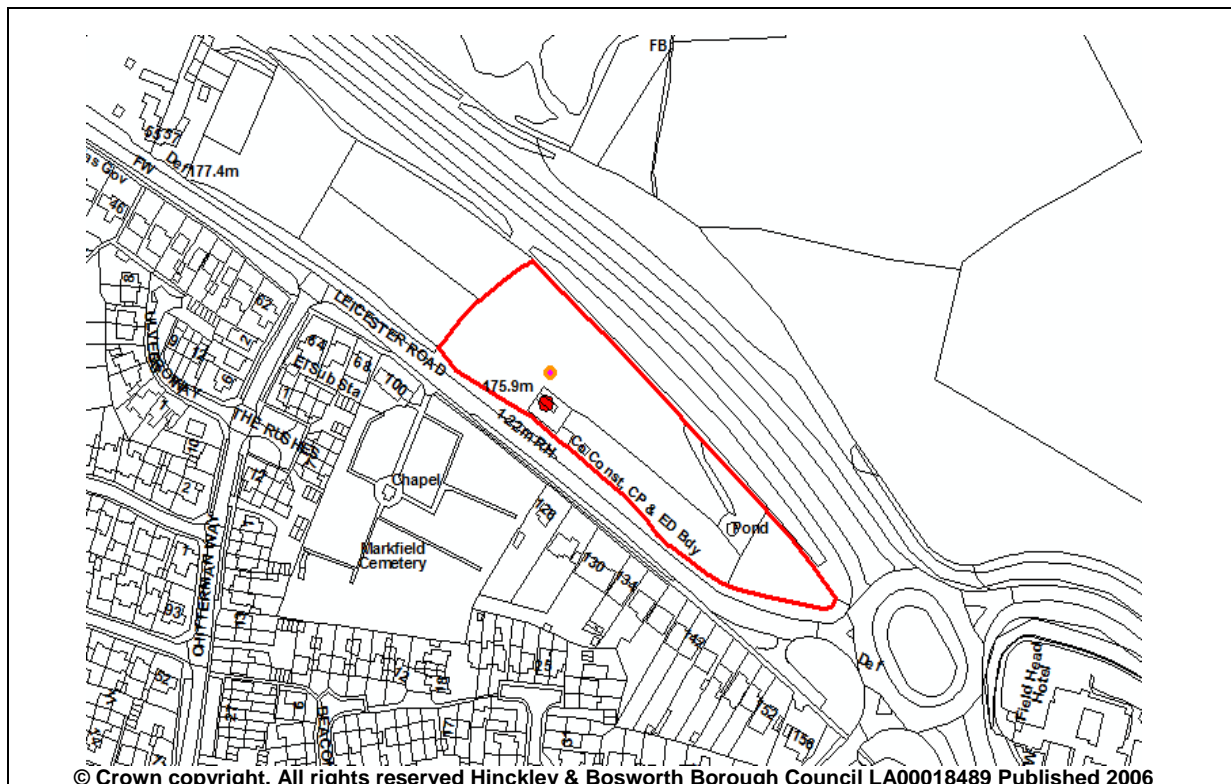
Planning Ref: 23/01144/FUL
Applicant: Mr Giles Nursey
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: Land off Leicester Road, Markfield

Proposal: Construction of a 72-bed residential care home (C2) and associated solar panels, access, parking and landscaping (cross boundary application with Charnwood Borough Council)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- Approval of application P/23/2197/2 (Charnwood Borough Council)
- The Head of Planning being given powers to determine the final detail of planning conditions

2. Planning application description

- 2.1. The application seeks full planning permission for a 72-bed residential care home (use Class C2) with associated access from Leicester Road, parking and landscaping.

- 2.2. The application is a cross-boundary application with Charnwood Borough Council (CBC). The land within Hinckley and Bosworth Borough accounts for less than 5% of the total site area, with only the consideration of the site's access falling within HBBC's jurisdiction. The wider site and all the proposed built development lies within the Charnwood Borough, HBBC has no jurisdiction to grant or refuse planning permission on land within the CBC area.
- 2.3. The vehicular access is located at the western edge of the site, to the north of Leicester Road and would lead to a parking area with 34 spaces, including 6 EV charge points and covered cycle and motorcycle parking.
- 2.4. The proposed two-storey building would be located towards the west of the site, and takes a broadly linear rectangular form, measuring approximately 80m in length, with five projecting gables of varying sizes. There is a small area of landscaping to the east of the building, and the rest of the site is retained as natural grassland (as existing). A section of hedgerow and some trees are to be removed to facilitate the access from Leicester Road.

3. Description of the site and surrounding area

- 3.1. The site is situated to the north of Leicester Road, Markfield, outside of the defined settlement boundary on the northern edge of Markfield. The application site is approximately 1.1 hectares with only a small section of the site including the proposed access located within the jurisdiction of HBBC. The land within HBBC's jurisdiction comprises an existing gate to the field, and a small section of hedgerow/grassland around the proposed access area.
- 3.2. The application site is situated within the National and Charnwood Forest, and is bound by Leicester Road to the south, the A50 to the north. The site is roughly rectangular in shape with a long frontage to Leicester Road. To the south, across Leicester Road, is a cemetery and a small number of residential properties. To the north at a higher level beyond a mature landscape embankment is the A50. Westwards is agricultural land and land used for horses and beyond that a housing site that recently obtained planning permission (21/00787/OUT – 93 dwellings). To the east the site comes to a point where Leicester Road joins the A50 – the Field Head Roundabout.

4. Relevant planning history

P/23/2197/2 (Charnwood Borough Council corresponding application)

- Erection of 72 bedroom Residential Care Home (Use Class C2) with associated parking provision, cycle parking, bin store, landscaping, air source heat pump enclosure and associated works
- Pending consideration

22/10120/PREMAJ

- Construction of a 72-bed residential care home (C2)
- Closed
- 23.11.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to residents and posting a site notice.
- 5.2. 7 objections (including the Parish Council) have been received making the following comments:
- Lack of on-site parking
 - Insufficient capacity of local road network
 - Noise impact on immediate neighbours
 - Drainage issues
 - Air quality not conducive to a care home
 - Impact on ecology and wildlife
 - Increased air pollution
 - More pressure on local GP services
 - Highway safety
 - Impact on trees

6. Consultation

- 6.1. No objection has been received from:
- LCC Highways- Subject to conditions and monitoring fees/contributions – to be secured by CBC
 - HBBC Waste
 - HBBC Affordable Housing- C2 use class is exempt from AH provision.
 - HBBC Environmental Health (Pollution) (subject to conditions)
 - National Forest Company: Financial Contribution of £7,700 in lieu of onsite/offsite planting – to be secured by CBC via s106.
 - HBBC Drainage
 - Environment Agency
 - LCC Tree Officer
 - LCC Archaeology
 - LCC Drainage
 - Leicestershire Police
 - NHS England- Financial Contribution of £23,040.00 – to be secured by CBC via s106.
 - National Highways
 - LCC Ecology (subject to conditions)

- 6.2. Markfield Parish Council: Object - *The committee flagged the lack of on-site parking, questioned if the immediate local road network was appropriate and whether it could meet the additional traffic demands. It also voiced concerns in relation to the potential detriment to neighbours from noise caused by shift changes and emergency call-outs. Drainage concerns relating to this strip of land were raised. The committee noted that another consultee had flagged the capacity of the proposed septic tank. The air quality at this site was also not considered to be conducive to a care-home.*

This application does not align with Markfield's made Neighbourhood Plan.

Should Charnwood Borough Council be minded to approve this planning application then the Parish Council will make two requests. The first is that section 106 agreements for new community assets and to improve existing community assets for Markfield's older residents are put in place and that the care home provider is encouraged to recruit local staff. Both requests would help strengthen community resilience. Further details of the potential section 106 requests can be made available.

- 6.3. LCC Drainage: Further Consultation Required:

- Pipe size details.
- Evidence that the watercourse into which surface water is to be discharged is in an adequate condition to receive the flows.
- Details relating to the management and maintenance of the surface water system.
- Evidence of consideration of pervious paving in the car parking areas.

Evidence of consideration of pervious paving in car parking areas has been provided. Other details remain outstanding.

Officer note: Following discussions with the LLFA and upon assessing the consultation response from HBBC Drainage, HBBC has imposed pre-commencement conditions for the provision of information relating to the management and maintenance of the surface water drainage system.

7. Policy

- 7.1. Core Strategy (2009)

- Policy 8: Key Rural Centres Relating to Leicester

- 7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

- 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide

7.4. Markfield Neighbourhood Plan (2021)

- Policy M4: Ecology and Biodiversity
- Policy M10: Design
- Policy M14: Infrastructure

7.5. Other relevant policies and guidance

- Leicestershire Highways Design Guide
- Good Design Guide Supplementary Planning Document (2020)
- HBBC Housing Needs Study (2024)

8. Appraisal

8.1. Key Issues

- Principle of development
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact on ecology and biodiversity
- Flood risk and drainage
- Other matters

Principle of development

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF, 2024) 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.
- 8.3. Paragraph 11 of the 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) and Markfield Neighbourhood Plan (2021).
- 8.4. The Core Strategy (CS) sets out the settlement hierarchy for the Borough where Markfield is identified as a Key Rural Centre relating to Leicester. There is no policy requirement for applicants for C2 use developments to demonstrate the need for older person's accommodation. It is however noted that the Housing Needs Study 2024 considered the needs of older people, concluding that there is a current shortfall in provision and there will be an additional demand for residential care bedspaces of

301 by 2041, leaving the Borough with a shortfall in this housing needs of 336 by 2041.

- 8.5. In terms of locational sustainability, the LPA considers that any proposal for specialist accommodation should demonstrate that it is conveniently situated in relation to local retail and community services. The proposal would be approximately half a mile to the Co-Op shop on Main Street and the Lonsis shop on Chitterman Way, as well as the Medical Centre on Chitterman Way. Other Community Services such as pubs, churches, cafes are similarly located approximately half a mile from the site around Markfield. Officers consider that the proposal is conveniently situated in relation to local retail and community services and although the walking distance to key services is at the limit to what may be acceptable for this type of use, there is a bus stop nearby which would also provide a regular service.
- 8.6. The site is located outside of the settlement boundary of Markfield, within the countryside and therefore any application would be assessed against Policy DM4 of the SADMP. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development. However, the proposed built development is located entirely within CBC. HBBC's consideration of the scheme amounts to the suitability and safety of the access, any potential associated impacts upon the character of the countryside, along with any ecological impacts of the proposed access arrangement.

Design and impact upon the character of the area

- 8.7. Policy DM10(c), (d) and (e) of the 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 the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.8. 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.
- 8.9. Paragraph 139 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.10. The LPA acknowledges that the main built form would fall outside the jurisdiction of HBBC, therefore the assessment of design and visual impact falls to CBC regarding the built form of the Care Home and associated landscaping.
- 8.11. The site falls adjacent to HBBC Landscape Character Area (LCA) A: Charnwood Forest Settled Forest Hills, where the majority of the Borough's woodland is found. Rectilinear agricultural fields make up much of the land cover in the area and these are arranged in an irregular pattern, well-defined by hedgerows and hedgerow trees, which add to the perception of a well-wooded context. Smaller blocks of deciduous woodland plantations also break up the expanse of agricultural fields, as well as frequent historic quarries which are scattered throughout the landscape within this

character area. Markfield is well integrated in the landscape because of the rolling topography and wooded character and is well connected by a good road network with links to Leicester via the M1, A46 and A50.

- 8.12. The Landscape Character Assessment (2017) sets out key sensitivities of this LCA which include;
- Late to post medieval enclosure, ridge and furrow as well as some assarts in and around Ancient Woodland contributes to the sense of place and provides continuity to the agricultural past.
 - Large mature woodlands and newer woodland plantations interspersed throughout the landscape create a well-wooded context and create relatively tranquil subareas away from the busy roads.
 - The distinct historic cores of the villages with an abundance of local building stone provide a strong sense of place and a sense of time depth.
- 8.13. In accordance with this strategy the proposal should seek to conserve and enhance the historic core of the village, promote characteristic building forms and integrate within this wooded landscape. It should also support the vision of the National Forest Strategy by planting native and mixed species woodland. Conserve and enhance the well wooded character of the landscape. Promote woodland management such as coppicing and ground flora diversification, as well as hedgerow tree planting. Additional planting to the sum of 20% of the site area is required by the National Forest Strategy.
- 8.14. The site plan indicates a parking and turning area along the western and southern boundaries, with the rest of the site to feature landscaping and patio areas, and possible accessible gardens beyond. No tree report has been submitted, but it appears that all trees on site would be retained, with the exception of the access point. The retention of the existing boundary tree and hedgerow planting aligns with the landscape strategies for this LCA and would help integrate development into the landscape. Landscaping of the wider site would fall within CBC's jurisdiction.
- 8.15. The proposed care home would be mostly two-storey with a three-storey section on the western wing of the building. The building would be approximately 93m long in total, with a maximum depth of approximately 28m. The maximum height is approximately 11m, with the predominant crown roof element measuring approximately 9.5m. The proposed design takes a broadly symmetrical form, with projecting gables intersecting the front and rear elevations with a main large feature gable in the centre, all crossing the main pitched crown roof. The design adds architectural interest with a central balcony, chimneys, and a mixed materials palette which has not been specified at this stage.
- 8.16. HBBC support the comments from National Forest Company in that materials should reflect the National Forest character in the design of the proposal. The visible use of timber (as opposed to timber effect) and green roofs and walls should be considered to reflect the site's location within the National Forest. The use of British timber cladding is supported both to create a National Forest character, while supporting the British forestry sector. The proposed materials currently include a mix of red and buff facing bricks, with slate tiles and white uPVC doors and windows. Architectural detailing is included in the form of white render and artificial stone bands. As with landscaping matters for the wider site, CBC will ultimately decide whether the proposed materials of the building itself could be improved in line with the comments of the National Forest Company.

- 8.17. The proposed building would result in a considerable change to the landscape and would have a significant visual impact when viewed through the proposed access from Leicester Road facing north. Any views from the A50 would be transient and would also be screened by the hedgerow/foliage along the northern boundary and the level change which falls from the A50 towards the site. Although there would be a large degree of screening provided by the hedgerow along the southern boundary, the outlook and views towards the site would be permanently altered from its current openness particularly during winter months, and specifically for residents of 126 – 144 Leicester Road and visitors to Markfield Cemetery. It is notable that the principle of development north of Leicester Road and south of the A50 has been accepted by CBC and the Planning Inspectorate in allowing the development of 93 dwellings to the west of the application site (21/00787/OUT). The quantum and location of the proposed development would not be wholly out of keeping with the settlement form once the above development has been implemented.
- 8.18. In terms of the design and impact on the character of the area regarding the access which is the only part of the development under HBBCs jurisdiction, it is not considered that there would be any unacceptable harm. Any visual harm caused by the entire proposal including on the CBC land would need to be balanced in the assessment by CBC, however the conclusion in this case is that the proposal within the jurisdiction of HBBC would not cause unacceptable harm to the character and appearance of the area and therefore complies with Polic DM10 of the SADMP in this regard.

Impact upon neighbouring residential amenity

- 8.19. 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.
- 8.20. Paragraph 135 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.
- 8.21. Paragraph 198 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.
- 8.22. The proposed development is located more than 60m from the closest neighbouring dwelling to the south on Leicester Road. It is therefore not considered that there will be any unacceptable harm to neighbouring amenity in terms of loss of privacy or overbearing impacts. Traffic movements will increase on this part of Leicester Road, however it is not considered that this will generate an unacceptable level of noise and disturbance in the context of the site.
- 8.23. Regarding prospective occupiers of the care home, HBBC Environmental Health has identified that the submitted noise report details that the site is in a high noise area.

Notwithstanding this, Officers consider that as the potential noise issues would be caused by the development within CBCs jurisdiction, any mitigation measures or relevant conditions regarding the build form itself would need to be included within CBCs decision as they do not relate to the access itself.

- 8.24. A condition is recommended requiring details of any lighting to be submitted to and approved by the LPA to ensure lighting of the access point does not cause amenity harm to those residents in proximity to the access.
- 8.25. In conclusion, the application is considered to be acceptable in amenity terms and in compliance with Policy DM10 of the SADMP and the requirements of the NPPF, subject to the recommended conditions.

Impact upon highway safety

- 8.26. 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 highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)). DM18 states that developments within Hinckley Twon Centre should demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking.
- 8.27. Paragraph 115 of the NPPF (2024) 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.
- 8.28. The application proposes a new access in the form of a T-junction fronting Leicester Road (north). Leicester Road is a C classified road subject to a 40mph. The proposed access achieves 2.4 x 65m visibility splays at the site access in both directions which are achievable within the public highway. Whilst no speed survey has been provided, the LHA has utilised its own mapping service and is satisfied that a 2.4 x 175.0m splay can be achieved to the southeast and splays more than 2.4 x 375.0m can be achieved to the northwest. Therefore, the LHA are satisfied that appropriate visibility splays are achievable from the site access.
- 8.29. The LHA note that a bus layby is located in close proximity to the site access on the development access side of Leicester Road. The shown visibility splay, measured correctly to a 1.0m offset of the nearside kerb in accordance with Figure DG2a of the LHDG, passes through only the first 14.0m of the bus stop layby. The LHA note that the bus layby measures in excess of 38.0m. The LHA therefore consider that a bus at the stop, which has a typical length of circa 12-14m, would not necessarily obstruct the visibility splay. The LHA are therefore content that appropriate visibility splays are proposed.
- 8.30. A 2.0m footway has been provided on the eastern side of the access to provide connectivity to the existing footway on the northern side of Leicester Road adjacent to the nearest bus stop to the site. For an alternative pedestrian access into the site, a 2.0m designated pedestrian access is proposed adjacent to the existing bus shelter on the northern side of Leicester Road. The footway widths proposed accord with Table DG9 of Part 3 of the LHDG.

- 8.31. A swept path analysis exercise has been undertaken at the site access using a large refuse vehicle and is shown on Drawing ADC2643-DR-001-P1. The LHA note that the vehicle over-runs the centreline of the carriageway however this is an infrequent movement and that the vehicle used is larger than a private collection vehicle, as referenced within the design and access statement.
- 8.32. A Stage 1 Road Safety Audit (RSA) raised a single problem with the location of the bus stop on the southern side of Leicester Road stating:
- 'There is an existing bus stop on the opposite side of Leicester Road to the proposed access. Should this bus stop remain, there is a risk that a vehicle overtaking a stationary bus, may come into collision with a vehicle turning left out of the proposed access, that may not be expecting an overtaking vehicle and consequentially increase the risk of a head on type or junction related collision.'*
- 8.33. The RSA recommended relocating the bus stop. The Designer's Response disagreed stating that sufficient visibility can be achieved from the proposed site access in both directions. The LHA, in its previous observations disagreed with the Designer's Response and considered that since the stops are served frequently, up to every 30mins, forward visibility between a vehicle approaching the bus stop and the site access should be demonstrated in order to demonstrate that the bus stop does not need to be relocated and that the site access is safe and suitable.
- 8.34. Drawing ADC2643-DR-003-P1 demonstrates forward visibility is achievable with a bus positioned at the stop and therefore relocation is not required to make the proposed site access safe and suitable. The LHA have sought to condition the site access in the relevant section below.
- 8.35. Regarding trip generation, the submitted Transport Assessment confirmed that there would be two shift patterns, the day shift from 08:00-20:00 and then the night shift from 20:00-08:00. During the day, there would be 16 carers/nurses, up to three administrators and a manager plus up to four ancillary staff for the kitchen and maintenance. For the night shift, there would be 10 carers/nurses.
- 8.36. The LHA welcome the first principles approach to trip generation and note that no staff trips will likely take place within the normal AM (08:00-09:00) and PM (17:00-18:00) peak periods.
- 8.37. The Applicant's transport consultant has submitted a trip generation exercise based on the 'Health - Care Home (Elderly Residential)' category of the TRICS database. The trip generation exercise results in an expected 10 two-way vehicle trips during the AM peak period and 8 two-way vehicle trips during the PM peak period.
- 8.38. The LHA note that these rates are broadly comparable with accepted trip generation for Application 23/0091/FUL for the erection of a 74-bed care home at 5 And 7 Groby Road, Glenfield. That scheme, based upon a sensitivity test, expected 11 two-way vehicle trips in the AM peak and 8 two-way vehicle trips in the PM peak. The LHA note that the ADC Infrastructure resulted in a daily two-way trip rate of 2.151 corresponding to 155 two-way trips across a day.
- 8.39. Regarding junction capacity, The LHA note that the Applicant has provided a distribution and assignment exercise based on National Census 'Location of Usual Residence and place of work method of travel to work' dataset for the 'Charnwood 016' MSOA. The LHA have conducted a high-level review and accept the distribution exercise which shows 82.9% of the development traffic would travel through the Field

Head roundabout whilst the remaining 17.1% would travel to and from the west of the site access, 14.9% of which via Ashby Road and Whitwick Road.

- 8.40. The LHA note that the Field Head roundabout is forecast to operate above capacity in 2027 without this development. However, following further assessment and review, based on the scale and land use proposed the vehicular impact on this junction is unlikely to be significant. Accordingly, the LHA do not consider in this case that a contribution to the North West Leicestershire District Council Coalville Transport Strategy to improve the junction would meet the relevant CIL tests.
- 8.41. Drawing ADC2643-DR-002-P1 shows a swept path analysis exercise has been undertaken of a large refuse vehicle and ambulance within the site. The drawing demonstrates a large refuse vehicle can enter the site, reverse towards the bin store and drive out in a forward gear. The assessment also demonstrates an ambulance would be able to use the layby outside the entrance and use the turning circle to exit in a forward gear.
- 8.42. Internally, parking provision will need to be in line with the Highway Requirements for Development Part 4 document available within the LHDG. For a residential home for the elderly with communal facilities, one car space per four bedrooms, plus one car space for each staff member on site would be required.
- 8.43. It has been confirmed that there would be up to 24 full time employees on site during the day and 10 during the night shift. For a 72-bed care home, this would result in a requirement for 38 parking spaces during the daytime period and 28 during the night-time period. 34 car parking spaces would be provided including four disabled spaces and three motorcycle spaces. Whilst this falls below the required figure of 38 suggested by the LHA, there is no objection and it is considered that the proposed parking arrangement is acceptable on balance, when considering the proximity to the bus stop as an alternative mode of transport for employees and visitors, as well as the inclusion of cycle and motorcycle parking.
- 8.44. The LHA note that as per Section 3.148 of Part 3 of the LHDG, where the LHA continue to apply previous guidance from its document 'Highway Requirements for Development' (HRfD), for the time being these are to be treated as maximum standards. The LHA therefore consider that the parking provision levels are in general accordance with local design guidance.
- 8.45. The LHA note that standard parking bays appear to measure 2.5 x 5.5m in excess of local design guidance (2.4 x 5.5m) and that the disabled parking bays provide a 1.2m buffer area as required. A 6.0m aisle space is also provided and therefore the LHA are satisfied that parking and turning is in accordance with local design guidance.
- 8.46. The LHA has requested planning obligations in the form of Travel Plan Monitoring Fee, Travel Packs, and Six-month bus passes. As HBBC is not the lead authority in this case, these obligations are to be requested as part of CBCs decision.
- 8.47. The LHA also advised planning conditions relating to access arrangements, vehicular visibility splays, parking and turning facilities, a construction traffic management plan, and a travel plan. As the lead authority in this case CBC have included these conditions in their decision notice, however they are repeated within the HBBC decision in order to ensure compliance for the part of the site within HBBCs jurisdiction.

- 8.48. To summarise, the proposed access arrangement and parking provision is acceptable, and the site is located in a sustainable location, with good access to bus stops, shops and other services. As such, the proposal will satisfy policies DM10(g), DM17, DM18 of the SADMP and the relevant policies in the NPPF, subject to section 106 contributions and conditions included in the CBC application.

Impact on Ecology and Biodiversity

- 8.49. 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 187 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.
- 8.50. The initial response from LCC Ecology expressed major concerns regarding the grassland, stating that it has been undervalued with a lack of justification as to why it's not mapped as lowland meadow and why there was a lack of quadrats in the northern field (outside of HBBCs area).
- 8.51. Regarding BNG, the metric has been amended to reflect the specific grassland classifications, and which are to be retained. As a priority habitat, this southern area is shown as retained on the plans and is in accordance with the mitigation hierarchy.
- 8.52. LCC Ecology therefore state that it is important that the long-term management of all the retained grassland is secured, to prevent it being lost to either scrub-encroachment or an inappropriate mowing regime. The HBBC comments confirm that given that as most of the site lies within Charnwood, detailed comments regarding the metric, appropriate enhancement measures, off-setting requirements and recommended conditions are left to their biodiversity team.
- 8.53. In summary, as the majority of the site falls within CBC, their Ecology team will appropriately make the final decision regarding the suitability of BNG provision and any other biodiversity issues and are to include any conditions and informatives within their decision. No objections have been raised with specific regards to the access point by LCC. The proposal is considered to accord with Policy DM6 of the SADMP and Paragraph 180 of the NPPF. CBC will be responsible for the imposition of any ecological/biodiversity conditions relating to the wider site.

Flood Risk and Drainage

- 8.54. 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.
- 8.55. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.56. The applicant has submitted a flood risk assessment and drainage strategy commensurate with the type of development.
- 8.57. The LLFA requested further details including pipe size, surface water discharge area suitability, and general details regarding the management and maintenance of the surface water system. Whilst the applicant attempted to provide this information, it was not considered adequate for the LLFA to provide a full response.

- 8.58. HBBC Drainage assessed the application and has no objections subject to three pre-commencement conditions. These conditions address the issues raised by the LLFA which relate to surface water drainage. However, none of the surface water arrangements lie within land within HBBC's jurisdiction and therefore drainage matters fall to be considered/conditioned by CBC. The development of the access within HBBC's area is considered to satisfy Policy DM7 of the SADMP and the NPPF with respect to drainage and flooding matters.

Conclusion

- 8.59. With regard to the proposed development falling within the jurisdiction of HBBC, the proposed access arrangement is acceptable. As such, the proposal satisfies policies DM10(g), DM17, DM18 of the SADMP and the relevant policies in the NPPF.
- 8.60. Whilst the built development and care home itself fall within the jurisdiction of CBC, the access would facilitate the provision of the care home. Furthermore, the assessment for the principle of development for the built elements of the proposal fall on CBC, but notwithstanding this the LPA considers that the proposed care home is in a sustainable location.
- 8.61. When considering the benefits of the proposal, HBBCs recent housing needs survey outlines a shortfall of 336 residential care bed spaces for the period 2020-2041. The provision for a 72-bed care home would therefore make a significant contribution to tackling this shortfall.
- 8.62. Regarding any visual or landscape harm, the final assessment for much of the built development again falls to CBC, however it is considered that any significant harm from public vantage points would be tempered given the site's location between Leicester Road and the A50.
- 8.63. There is no identified harm to neighbouring or occupier amenity, and the proposed access, parking and turning design is considered acceptable, both subject to conditions.
- 8.64. On the matter of ecology and biodiversity, again the decision falls with CBC regarding whether the proposal satisfies BNG requirements, and whether there is no unacceptable harm to species or habitats. Within the HBBC part of the site no concerns have been noted.
- 8.65. Regarding drainage and flood risk, the LLFA maintain some concerns over the lack of evidence that surface water drainage is acceptable. This will be dealt with via a pre-commencement condition. HBBC Drainage have no objections subject to conditions, and the LLFA have no objections regarding the CBC part of the site.
- 8.66. In conclusion, the proposal is considered to accord with Policies DM1, DM10, DM17, DM18, and DM24 of the SADMP, Policy 1 of the Core Strategy and the requirements of the NPPF.
- 8.67. Given the floorspace of the development lies within CBCs area, they will be responsible for the imposition of conditions and a S106 agreement as relevant to the wider development.

9. Equality implications

- 9.1 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.

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

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

- 9.4 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).

10. Recommendation

- 10.1 **Grant planning permission** subject to

- Planning conditions outlined at the end of this report
- Approval of application P/23/2197/2 (Charnwood Borough Council)

11. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

- Site Location Plan – 2153\PA\001
- Proposed Site Plan – 2153\PA\003
- Proposed Access Junction Layout-ADC2643-DR-001 Rev.P1

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).

3. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing ADC2643-DR-001 Rev.P1 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 the interests of general highway safety and in accordance with Policy DM17 of the SADMP and the National Planning Policy Framework (December 2024).

4. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 x 65.0m to the southeast 2.4 x 65.0m to the northwest 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 the interests of general highway safety, and in accordance with Policy DM17 of the SADMP and the National Planning Policy Framework (December 2024).

5. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. 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. The plan will provide a procedure for the investigation of complaints.

The agreed details shall be implemented throughout the course of the development.

Site preparation and construction shall be limited to the following hours;

Monday – Friday 07:30 – 18:00

Saturday 08:00 – 13:00

No working on Sundays and Bank Holidays

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. Details of any external lighting of the proposed access 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

Notes to applicant

1. All businesses have a duty of care to ensure that any waste produced is handled safely and within the law.

All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/waste, is commercial waste. For this reason, it legally has to be discarded in a certain way via a trade waste service or transfer station and cannot be disposed of through the residential service.

Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells, and should be stored correctly in a suitable container which needs to be closed or lidded.

Operators should arrange their own business/trade waste collection service. If you give your waste to someone else you must be sure that they are authorised to take it and can transport, recycle or dispose of it safely

Please contact us via email waste.officers@hinckley-bosworth.gov.uk for any further advice.

Planning Committee 17 June 2025
Report of the Head of Planning

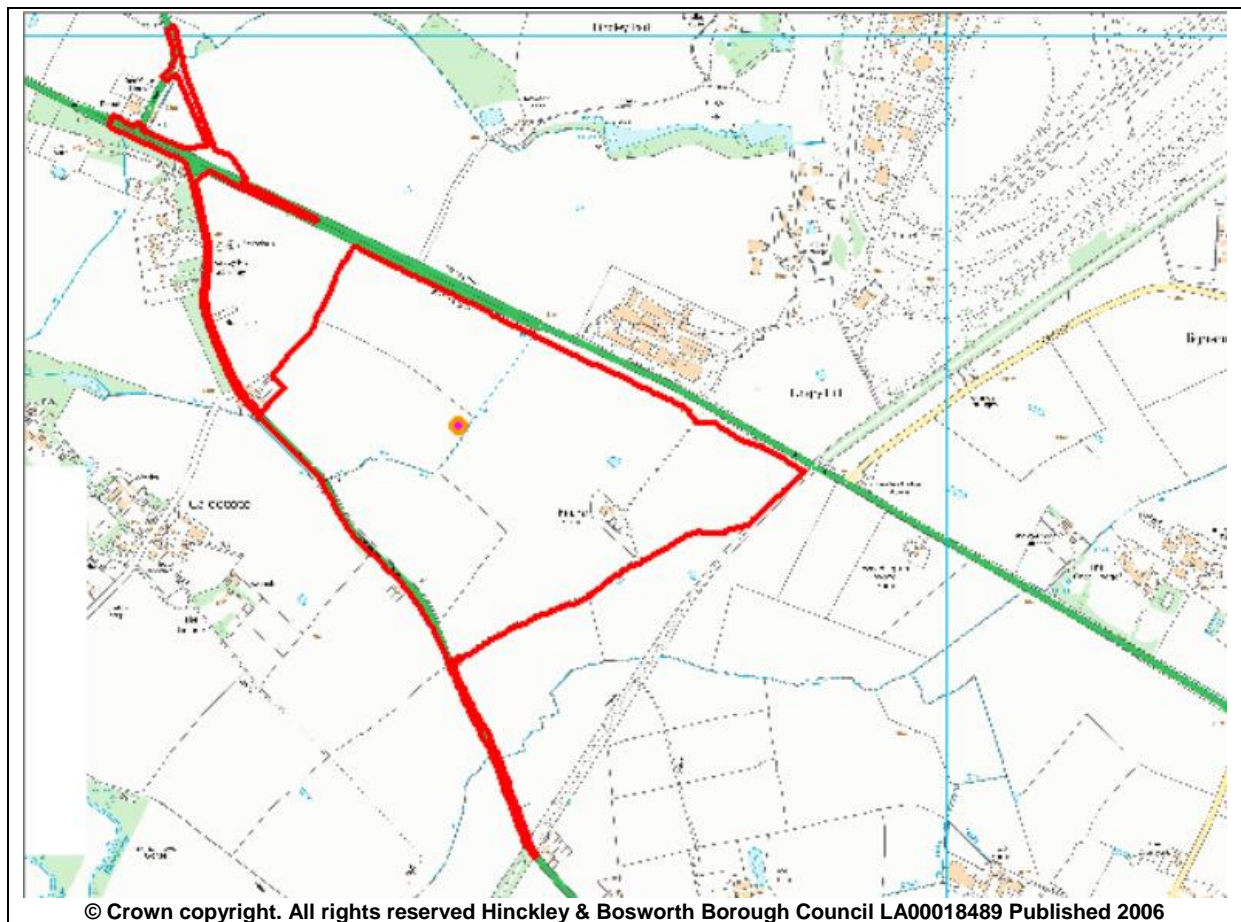
Planning Ref: 22/00882/OUT
Applicant: ERI MTP Limited
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Land adj Mira Technology Park, Caldecote, Warwickshire, CV10 0TS

Proposal: Outline planning application (all matters reserved) for extension of MIRA Technology Park to comprise employment use (Class B2); associated office and service uses (Class E g); storage (Class B8); new spine road; car parking, landscaping and enabling works (Cross boundary application with North Warwickshire Borough Council)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of the report
- A S106 to secure off site highways improvements including bus service improvements and with regards to employment and skills training
- The Head of Planning being given powers to determine the final detail of planning conditions

2. Planning Application Description

- 2.1. The application seeks outline planning permission for an extension to Mira Technology Park for employment uses split between B2 use (manufacturing), Class E g use for associated office use and B8 use for storage and distribution. A total of 213,500 m² of development is proposed, all of which will be located in North Warwickshire Borough. All matters of layout, appearance, scale, design, landscaping and access for the development would be reserved for later approval.
- 2.2. The application site red line includes land within Hinckley and Bosworth Borough with regards to highways access and highways works only. All buildings proposed are located within North Warwickshire, and with the red line also including land within Nuneaton & Bedworth Borough.
- 2.3. The extension to the Technology Park includes the following elements:
- Four development zones illustrating how the proposed floor area could be distributed through the site together with a limitation on building heights of 18 metres to the ridge of any roof.
 - 39.3ha of net developable area
 - A spine road (to be the redirected A444) to pass through the site from the A444 to the existing roundabout on the A5 at the MIRA entrance. The Plan illustrates an arrangement to show how the A444 might be diverted with an off-set roundabout involving the re-alignment of the A444. Weddington Lane will be downgraded and stopped off at Caldecote.
 - A new cycle route through the site connecting the A444 with the existing cycle route at either end of the Weddington Way where it passes underneath the A5 and where it joins the A444.
 - Strategic areas of new landscaping together with drainage attenuation ponds in the south-west of the site. • The possible route of the diverted footpath at the far western end of the site and
 - The possible location of bus stops along the spine road.
 - Off site highway works, including the removal and redesign of Redgate junction at the A5/A444 to a traditional four arm roundabout and mitigation works to the A5 junctions with Woodford Lane and Drayton Lane
- 2.4. Proposed access to the site would be from the existing roundabout that serves the existing Mira Technology Park on the A5, with a new arm to the south west to the site.
- 2.5. The proposal is formed of two phases for development, phase one would comprise the highway works to the A5 and the new Redgate roundabout together with development of the northern part of the site (7.4ha of development (zone 1 and zone 10, 13.9ha of development (zone 30)), with then phase two including the works to the A444 to Weddington Lane and the southern section of the site (18ha of development – zone 20).
- 2.6. Given the date of submission of the application a Biodiversity Net Gain of 10% is not required. Nonetheless, the calculation shows that 10% BNG can be achieved as part of the development proposals.
- 2.7. The application is accompanied by the following reports and documents:
- Planning Statement
 - Design & Access Statement
 - Transport Assessment and Addendum
 - Landscape and Visual Impact Assessment
 - Loss of agricultural land assessment

- Flood risk assessment
- Heritage assessment
- Archaeology desk based assessment
- Air quality assessment
- Economic benefits statement
- Statement of community involvement
- Tree survey
- Ecological surveys – newts, bats, reptiles, birds, badgers
- Energy strategy
- Ground condition report
- Travel plan
- Geophysical Survey

3. Description of the Site and Surrounding Area

- 3.1. As well as being split between three local planning authorities the site also lies with two counties, Leicestershire and Warwickshire and also within two regions of the country, the East Midlands and the West Midlands.
- 3.2. The site is 59 hectares of agricultural land, comprising four fields. The site is located around 3.5 km to the north-west of the centre of Nuneaton and bounded on two sides by the A5 to the north and the A444 to the south. There is agricultural land bounding the remaining sides. The existing Mira Technology Park is located opposite, across the A5 to the north east.
- 3.3. The application site is located within flood zone 1, which is at the lowest risk of flooding, and very small parts of the site are at low risk of surface water flooding (between 0.1% and 1% chance each year). The site slopes evenly down from the north with a gradient of around 1 in 40 leading to a height difference of around 14 metres AOD. A public footpath – the AE189 - runs from the A444 to the A5 diagonally crossing the eastern part of the site. This is joined by the N7 linking the Weddington Way at its southern end. A further path – the AE190 runs along the western site boundary.

4. Relevant Planning History

- 4.1. None for this site, the proposed development is located in North Warwickshire Borough. The existing Mira Technology Park, located in Hinckley & Bosworth Borough has an extensive planning history and there is a strong history of collaborative working between Mira Technology Park and the Borough Council.
- 4.2. The site is partially allocated for employment use in the North Warwickshire Local Plan Policy LP35. This policy allocates 42ha of the site as an employment allocation, around 70% of this proposal of 59ha. North Warwickshire Local Plan Policy E4 states that the proposed uses for the site, use classes B2, E(g) and B8 are acceptable.
- 4.3. North Warwickshire Borough Council have considered the application at their Board on a number of occasions, including a resolution to grant permission in February 2025 (reference PAP/2022/0423).

5. Publicity

- 5.1. The application has been publicised by sending out letters to the occupiers of 23 neighbouring properties. A site notice has been also posted within the vicinity of the site, and a notice has been published in the local press.
- 5.2. Representations have been received from or on behalf of the occupiers of 16 properties. These include 15 letters of objection and one neutral response. Of the objections received, 6 of these are from residents of nearby Fenny Drayton, with the remaining 9 from further afield, of which 8 are considered to be from users of the self storage business on Drayton Lane, Fenny Drayton. The following objections, concerns and points have been made:
- Object to the proposed left in left out arrangement for Drayton Lane, including for reasons of impact on existing self storage business, lack of evidence with regards to road safety implications, potential for increased rat running through Fenny Drayton;
 - Potential flooding and drainage impacts;
 - Impact on local infrastructure including to electricity cables and sewerage pipes;
 - Concerns over construction timetable and impact of highways construction works;
 - Concern over Woodford Lane junction works, including knock on impact to existing residents in Sheepy Magna, Pinwall, Ratcliffe Culey and Twycross;
 - Impact of closure of Weddington Lane and re-routing through the new site
- 5.3. The key concern raised throughout the majority of the objections received is with regards to the proposed works to the Drayton Lane/A5 junction to change this to a left in left out arrangement. The objections raise issues with regards to impact on the existing self storage business on Drayton Lane, including a potential loss of custom due to the increased distances needed to travel to either the Mancetter roundabout to the north or Redgate roundabout to the south. Highways impacts are discussed later on in this report.

6. Consultation

- 6.1. **Witherley Parish Council** – Objects to the proposal for the following reasons:
- Impact on the Parish and A5 through increased traffic;
 - Redgate junction – impact of lorries being re-routed onto new road and not being able to turn at the pub;
 - Potential for increased fly tipping, antisocial behaviour and unauthorised traveller encampments;
 - Left in left out proposal for Drayton Lane supported
- 6.2. **Higham Parish Council** – objects to the proposal due to loss of countryside
- 6.3. **National Highways** – No objections. Recommend conditions.
- 6.4. **LCC Highway Authority** – The Local Highway Advice (LHA) advice is that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the National Planning Policy Framework (2024) subject to conditions.

The LHA initially raised observations in October 2022, however, has subsequently been dealing with the application via North Warwickshire BC together with

Warwickshire County Council and National Highways. This resulted in NWBC advising approval in November 2024. The LHA advises similar conditions to those advised to NWBC.

- 6.5. **LCC Lead Local Flood Authority (LLFA)** – No objections subject to conditions. Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 59.5 ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a very low to low risk of surface water flooding. The proposals seek to discharge at the greenfield rate of 4.32 l/s/ha via pervious paving swales, underground storage and attenuation basins to the watercourse running through the centre of the site. Surface water will discharge via two outfalls. One outfall will discharge surface water from the northern part of the site, the other will discharge surface water from the southern part of the site. Geological data suggests that infiltration would not be a feasible method of draining the site. Ground investigations would need to be conducted in order to confirm this. Subsequent to the previous LLFA response the discharge rate on which the surface water drainage proposals are based has been amended. The applicant's calculation of 6.2 l/s/ha is now altered to 4.32 l/s/ha.
- 6.6. **LCC Archaeology** – The Leicestershire and Rutland Historic Environment Record (HER) notes that the new link road lies immediately north of the Roman Road Watling Street (HER Ref.: MLE1388). Roman remains nearby include finds recovered during metal detecting c.740m to the northwest (MLE3310) and features recorded during trial 2 trenching c.555m southeast of the proposed new link road (MLE18946). The proposed development area has not previously been subject to any archaeological investigation, but in view of the evidence from the surrounding area, it is considered to have potential for the presence of archaeological remains relating to Roman activity, including settlement and occupation. In accordance with National Planning Policy Framework (NPPF), Section 16, paragraph 194, the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application (NPPF paragraph 195). While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme.
- 6.7. **LCC Ecology** – No comments to make, Warwickshire CC to lead on response given the site is predominantly in Warwickshire
- 6.8. **North Warwickshire Borough Council** – No objections
- 6.9. **Nuneaton & Bedworth Borough Council** – no objections
- 6.10. **Severn Trent Water** – No response to date.
- 6.11. **Environment Agency** – This application is cross LPA boundary and also cross boundary for our internal Environment Agency planning teams. As the East Midlands team we have no objections to the application submitted by Hinckley and Bosworth and will not be making any formal comment on the submission for the following reason: - The development falls within flood zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

- 6.12. **HBBC Compliance and Monitoring** – No comments
- 6.13. **HBBC Environmental Health** – Investigation into potential noise impact on HBBC residents from the operation of the Technology Park will need to be undertaken. It is possible that this could be done in compliance with a suitably worded condition. See example below. a) Development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority b) All works which form part of the scheme shall be completed before the permitted development first comes into use. Investigation into potential light impact on HBBC residents from the operation of the Technology Park will need to be undertaken. It is possible that this could be done in compliance with a suitably worded condition, see example below. a) Details of any external lighting of the site shall be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. 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). b) The lighting shall be installed, maintained and operated in accordance with the 2 approved details. A Construction Environment Management Plan should be created for the site and should include the recommendations of the Air Quality Assessment submitted with this application.
- 6.14. **HBBC Waste** – No comments or objections.
- 6.15. **Sheepy Parish Council** – does not consider that sufficient assessment has been undertaken on traffic flow and impact to neighbouring villages of Sheepy Magna, Pinwall, Ratcliffe Culey and Twycross. The proposal for Woodford Lane to be left in left out will mean that vehicles heading north to the M42 may consider alternative rat running routes.
- 6.16. **Natural England** - Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutory designated sites and has no objection.

7. Policy

- 7.1. Core Strategy (2009)
- Policy 14: Rural areas - Transport
- 7.2. 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 DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM19: Existing Employment Sites
 - Policy DM20: Provision of employment sites
- 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Department for Transport Circular 01/2022: The Strategic Road Network and The Delivery of Sustainable Development (the Circular) (Dec 2022)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide
- Landscape Character Assessment (2017)
- Landscape Sensitivity Study (2017)
- Leicestershire Minerals and Waste Local Plan (2019)
- Leicestershire and Rutland Historic Environment Record

8. Appraisal

8.1. As this is a full cross boundary planning application where the majority of the site, some 95% lies within the boundary of North Warwickshire Borough Council. It is considered that the following represent the key issues:

- Principle of Development
- Highway Safety, Access and Parking Provision
- Design and Impact on the Character and Appearance of the Area
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Archaeology
- Planning Obligations
- Conclusions and Planning Balance

Principle of Development

- 8.2. 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.
- 8.3. The current Development Plan consists of the Core Strategy, and the Site Allocations and Development Management Policies Development Plan Document. In accordance with Paragraph 232 of the Framework, due weight should be given to policies according to their degree of consistency with the NPPF.
- 8.4. Importantly, and as set out above, the principle of development of the site has been established through the resolution granted on site by North Warwickshire Borough Council, with a resolution to grant planning permission in February 2025. The site is also allocated for employment development in the North Warwickshire Local Plan.
- 8.5. For Hinckley & Bosworth Borough, the proposed development is highway works based only, with works to highway junctions at the Redgate roundabout on the A5/A444 and at Drayton Lane/A5 the most relevant.
- 8.6. In terms of national planning policy, Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the SADMP set out a presumption in favour of sustainable development, and state at 11d) that where there are no relevant development plan policies, or the policies which are most important for determining

the application are out-of-date, permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing development, or any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 8.7. Section 6 of the NPPF deals with building a strong, competitive economy and Paragraph 87 of the NPPF states that planning decisions should recognise and address the specific locational requirements of different sectors.
- 8.8. It is important to note that this proposal is considered to be an extension to the existing Mira Technology Park facility, with the extension to be cross boundary between Local Planning Authorities, between Local Highway Authorities and between regions.
- 8.9. Paragraph 116 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.10. Paragraph 124 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while also safeguarding and improving the environment.
- 8.11. Paragraph 125 of the Framework states that planning decisions should, amongst other things, support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land.
- 8.12. Paragraph 187 of the Framework states that decisions should contribute to and enhance the natural and local environment by protecting valued landscapes in a manner commensurate with their statutory status and by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile land, and of trees and woodland.
- 8.13. Department for Transport Circular 01/2022 sets out the policy of the Secretary of State for Transport in relation to the Strategic Road Network and Government policy states that it should be read in conjunction with the NPPF, Planning Practice Guidance and all other material considerations. It confirms that National Highways is the highway authority for the strategic road network, which for the purposes of this application includes the A5.
- 8.14. Policy DM17 of the SADMP requires that development proposals are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- 8.15. 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.
- 8.16. 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 Accommodation.

8.17. Policies DM19 and DM20 of the SADMP set out that existing employment sites of high quality (including the existing Mira Technology Park) should be retained for employment use, with any non-employment use only be allowed in exceptional circumstances. For new employment sites outside of settlements, Policy DM20 states that proposals which stand outside the settlement boundary and on greenfield sites (as per this application) will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:

- a) Within settlement boundaries;
- b) On previously developed land;
- c) Adjacent to existing employment areas;
- d) Adjacent to settlement boundaries

In this case, the scale of the site proposed (59ha) rules out any compliance with a) and b) as above, with no suitable sites of this scale available either within settlement boundaries or on previously developed land. Whilst separated by the A5, the proposal is considered to be adjacent to an existing employment area of the existing Mira Technology Park. Furthermore, the site is proposed as an expansion to the existing Technology Park.

8.18. The MIRA Technology Park is a leading Enterprise Zones of national importance and the headquarters for Horiba MIRA the global automotive engineering company and its testing and development operations. The site is home to over 40 major international automotive engineering companies e.g. Bosch, Toyota, Haldex and Polestar, as set out in the Planning Statement it comprises Europe's largest and fastest growing automotive Research and Development cluster. The Technology Park contains major test facilities and over 110 kilometres of test tracks, making it a world class facility and a global attraction for automotive companies to the UK. It also supports the growing technologies in alternative fuels, electrification and autonomous technologies through recent major investments. This includes current expansion of the existing Technology Park to the south.

8.19. The Planning Statement submitted with the application sets out that the proposal will generate a significant number of new job opportunities on-site, including:

- up to 774 temporary opportunities bought about by the construction phase of development, and up to 2,500 opportunities offered via the completed development.
- Further job opportunities will also be generated off-site, including up to 751 opportunities during the construction phase of the development, and up to 3,250 opportunities once complete.
- The construction phase of development will have a significant and positive effect upon the local economy, contributing up to £468.40m in Gross Value Added (GVA) over the 5-7 year construction period.

- Furthermore, once completed scheme will add £353.80m GVA to the local economy each year.

The SADMP gives no guidance on what level of job creation constitutes a significant contribution but by any measure it is considered that such a level of job creation as is anticipated is objectively a significant contribution to job creation.

- 8.20. It is considered that the proposal is offered support in principle by Policy DM4 and by Policy DM20 of the SADMP. Further, the site is allocated for employment development in the North Warwickshire Local Plan and has a resolution to grant planning permission from North Warwickshire Borough Council.

Highway Safety and Access

- 8.21. Section 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 highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.22. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.23. Paragraph 115 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 116 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, following mitigation, would be severe, taking into account all reasonable future scenarios. Paragraph 117(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.
- 8.24. The application is submitted in outline with all matters reserved, including for access. A parameters plan has been submitted and will be conditioned with this demonstrating a spine road located through the site from the A5 and A444. The primary site access will be from the existing roundabout on the A5 that serves the existing Technology Park through a new fourth arm.
- 8.25. For the A444, a new three arm roundabout will be constructed to replace the existing Redgate 'longabout' junction arrangement. With this second access, the A444 Weddington Lane, south of the A5, will be diverted from its existing alignment, with existing properties at Caldecote then served with a new separate access road. North of the A5, the new Redgate junction roundabout will then cut across the existing field to the north, rejoining the existing A444 north of the Redgate pub. The existing pub and storage business currently at the southern end of the A444 will then be served with a new one way road from the new A444 alignment and with a left hand turn back onto the A5.
- 8.26. Elsewhere, further off site highway network improvements are proposed to the Woodford Lane/A5 junction (to Hartshill) and to the Drayton Lane/A5 junction, to Fenny Drayton. These include making these junctions signalled (for Woodford Lane) and to be 'left in, left out' junction (Drayton Lane), therefore removing the current vehicular crossing of the A5 in both locations when turning right onto or off the A5.

These proposed off site highway works are highway safety based, removing an existing issue of vehicular crossing of the A5.

- 8.27. Access to public transport will be improved through collaboration with the bus operator, Arriva Midlands, and the Warwickshire County Council Passenger Transport Operation team to instigate the diversion of Service 65 via the new spine road within the development as part of its route between Tamworth and Nuneaton via Atherstone and MIRA Technology Park. The intention is to restore a 30-min frequency on Service 65 on weekdays on the core element of the route between Atherstone and Nuneaton. The phased introduction of the revised Service 65 bus service will be linked with the phased build programme within the MIRA Technology Park South Site development.
- 8.28. Within the MIRA Technology Park South Site development additional bus stop infrastructure will be provided with the phased construction of the new spine road linking the A5 to the A444. The bus stop infrastructure will incorporate wide footways at bus stops, passenger waiting facilities, flag, timetable and mapping, provision of infrastructure to enable real-time information, low-floor kerbs and bus cage markings. The real-time information will also be incorporated into accessible locations within each of the building units.
- 8.29. In addition, the proposals include new cycle and pedestrian link enhancements, including a new footway along Weddington Lane and cycle links into the Weddington Walk and back to Nuneaton. The Framework Travel Plan accompanying the planning application sets targets that seeks to reduce the amount of single use vehicle trips to less than 67% in 3 years and double the amount of cycle and public transport trips.
- 8.30. The application has been considered extensively by Leicestershire County Council and Warwickshire County Council as the relevant Local Highway Authorities together with National Highways with regards to impact on the A5 (Strategic Road Network) and the surrounding local highway network. This assessment has been over a number of months in consideration of the application through North Warwickshire Borough Council. Neither of the three consultees object to the proposal, subject to suitable planning conditions.
- 8.31. With regards to the offsite highway works proposed, the proposed amendment to the Drayton Lane/A5 junction to be left in left out has raised objections, with a number of objections to both North Warwickshire Borough Council and to this application from the owners and customers of a self storage business located on Drayton Lane. The objections are based on a potential loss of custom through customers not being able to access Drayton Lane from the A5 from all directions, instead with minor diversions needed to the nearby Redgate and Mancetter roundabouts to access Drayton Lane under the proposed new junction.
- 8.32. The three highway authorities support the proposed junction improvements, confirming that these are as a result of increased traffic on the A5 from the proposed development, therefore increasing a highway safety risk of these two junctions. The proposed development is considered to increase morning and evening peak time traffic on this part of the A5 by 20% and 14% respectively, however with the proposed junction improvements in place to be left in and left out, this would decrease the use of these junctions for the morning and evening peaks by 19% and 2% respectively for Woodford Lane, and by 37% and 19% for Drayton Lane. The proposed improvement works are considered to be required as a package, for instance the proposed signalisation of Woodford Lane cannot be considered in isolation as given the proximity of the junctions, gaps in traffic to turn right out of or in to Drayton Lane

will be difficult to judge. National Highways are of the view that without the proposed improvements to Drayton Lane/A5 junction to be left in left out, there would be an unacceptable impact on highway safety and thus the application should be refused.

- 8.33. For Fenny Drayton, the proposed amendments to the Drayton Lane junction has the potential to increase traffic movements through the village for those accessing Drayton Lane, including customers of the existing self storage business and for agricultural vehicles. However, the proposed junction improvements will also remove existing rat running through the village for traffic coming from the A444/Fenn Lanes direction and currently seeking to avoid the Redgate junction. Removing the right hand turn from Drayton Lane will therefore force these traffic movements to the new Redgate junction and not rat running through the village. On balance, Leicestershire County Council consider that the proposed Drayton Lane works will decrease traffic flow through Fenny Drayton.
- 8.34. The objectors to the proposed Drayton Lane/A5 junction works have provided a series of five alternative proposals for consideration of:
- Including Woodford Lane junction signalisation, but to leave Drayton Lane as currently;
 - Include signalisation to both junctions;
 - Reverse proposals to include signalisation of Drayton Lane and left in left out at Woodford Lane;
 - Provide a 'longabout' as per the existing Redgate junction, to provide for both Woodford Lane and Drayton Lane; and
 - Provide a conventional roundabout at Drayton Lane and a left in left out arrangement at Woodford Lane
- 8.35. The above alternative proposals have been considered by the statutory consultees and are covered extensively by North Warwickshire Borough Council in their assessment of the application and resolution to grant permission. The above alternatives were not supported by the consultees for reasons including that a package of mitigation measures is needed for both junctions, not just a single junction, that there could be an increasing in queuing vehicles on the A5, that the road safety of the Woodford Lane junction would not be improved and that the alternative proposals would not remove the existing rat running through Fenny Drayton. The above alternatives have been considered and do have merit; however, they are not proposed by the applicant. The proposals from the applicant, of signalisation to Woodford Lane and a left in left out arrangement at Drayton Lane have been considered and are supported by all three highway authorities.
- 8.36. Objections have been raised by existing business owners and customers in light of the proposed changes to the Drayton Lane/A5 junction with regards to a potential impact on the existing business, potentially through a loss of custom through the changes proposed to the junction removing a right turn into Drayton Lane when travelling north on the A5 and a right turn out of Drayton Lane.
- 8.37. Paragraph 200 of the NPPF sets out:
- 'Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed'* (my emphasis)

The objections set out that the proposed works to Drayton Lane may result in an increase in travel costs, time delays and a potential impact on the viability of existing businesses due to this proposed change to the junction.

- 8.38. For the existing businesses on Drayton Lane, the junction changes proposed to be a left in left out junction will mean that customers accessing Drayton Lane from the south will have to either leave the A5 at the Redgate roundabout and travel through Fenny Drayton to reach Drayton Lane, a journey of negligible change in distance compared to the existing scenario of a right turn from the A5, but potentially with a small time difference due to slower vehicular speeds. The other option would be to travel past Drayton Lane to the Mancetter roundabout and travel back to Drayton Lane, an additional distance of approx. 3.30km. When leaving Drayton Lane to travel north, the removal of the existing right turn onto the A5 will mean an additional journey to the proposed new Redgate roundabout to then turn back to head north, an additional distance of approx. 3.70km.
- 8.39. It is noted that this is an additional distance to travel to existing businesses. The existing business provide storage for both household and business purposes, including small local businesses and are claimed to support up to 340FTE jobs through provision of storage. The existing businesses have been permitted to expand, and with the existing businesses (although not that permitted to expand) with unlimited 24hr access to the site. The self storage business has suggested that up to 90% of customers live within a 10-mile radius from the business. The additional time and distance impacts, as set out in para 8.38 above, will apply to most customers, with the majority of the customer base accessing the site from the A5, although the vast majority will only be impacted when travelling in one direction to or from the site, rarely both.
- 8.40. Key to considering this impact is the NPPF test of unreasonable in terms of any restriction on the existing business. In this case, the potential impact on access to the businesses, and therefore marketability of the site, is noted. However, whether this is an unreasonable restriction lies with the decision maker using planning judgement.
- 8.41. Use of the site is not on a frequent basis, and with a negligible impact on peak time traffic movements to and from the self storage and agricultural businesses. Some customers may access the site on a daily basis, or even more than once daily, however other customers may visit the site far less frequently, potentially less than monthly due to the long term storage provided. This infrequent level of vehicular trips to the site and low levels of daily trips has previously been presented to the Council in assessing an application to expand the site. Further, due to the minor differences in travel time compared to the existing scenario, together with the clear demand for self storage units and with future customers not knowing any difference from a new junction scenario as proposed, a long term impact on the business is considered to be unlikely to meet the test to be considered to be significant. Moreover, the reasons for the change in junction layouts proposed to Woodford Lane and Drayton Lane is solely for reasons of highway safety, preventing vehicles crossing the strategic road network in a location with a history of safety incidents.
- 8.42. Whilst a potential short term impact on existing businesses is noted, as customers adapt to the change in junction layout, the minor differences in travel time and distance are, on balance, not considered to result in an unreasonable restriction on existing businesses. In this respect the proposal is not considered to fail the test as set out in para. 200 of the NPPF.

- 8.43. The County Highway Authority has also confirmed that, in its view, the impacts of the proposal on highway safety would not be unacceptable and that when considered cumulatively with other developments, the impacts on the road network would not be severe.
- 8.44. Paragraph 116 of the NPPF confirms that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, which in this instance there is not, or if the impacts on the road network would be severe, which in this instance is not considered to be the case, with no objections received from three separate highway authorities that have reviewed the application over a number of months.
- 8.45. The proposal is therefore considered to be acceptable in terms of highway safety, access and parking provision and in terms of its effect on the surrounding road network. The proposal accords with the requirements of the requirements of the NPPF and with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Design and Impact on the Character and Appearance of the Area

- 8.46. 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 the countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.47. 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.
- 8.48. The large majority of the site lies within North Warwickshire Borough as does all of the built development that is proposed by the application. Only highway works are proposed within Hinckley & Bosworth Borough. The application is supported by a Landscape and Visual Impact Assessment, providing a detailed assessment of the site using 13 viewpoints within a theoretical zone of intervisibility. The LVIA highlighted the following key points:
- Inter-visibility from Caldecote should be carefully considered to ensure potential effects on the heritage assets are mitigated. •
 - Long distance views from sensitive receptors in Hartshill Country Park should be considered and mitigation should be included where possible.
 - Existing drainage ditches and hedges should be retained and protected where possible.
 - Any development should consider the impact on the users of the A5 and the effects of the traffic noise on the potential users of the site.
 - Weddington Country Walk is a well-used and therefore highly sensitive landscape and visual receptor. Careful steps should be taken to avoid any potential negative effects on the users.
 - Any development should consider a large landscape buffer to the south of the Site which could include ponds for ecological benefit, utilising the lowest part of the site.

- Where possible, any development on the Site should work with the existing landform and any spoil from excavation is utilised on the site in the form of bunds.
- 8.49. The site is agricultural in character, with long distance views across the site from the A5 together with some viewpoints within Hinckley & Bosworth Borough including from the A444. However, this part of the landscape is also dominated by the A5 together with the existing Technology Park. The Assessment concludes that the proposed development would have an overall major adverse landscape impact if no mitigation measures are included.
- 8.50. In respect of visual impacts, it concludes that there would be major adverse impacts when viewed from around the whole of the site with moderate impacts from more distant views from the south. The Assessment concludes that structural landscaping will have a positive impact but suggests that this will take some time to become established, thus concluding that there would be adverse landscape and visual impacts in the short term (up to ten years) and also in the longer term (after ten years). Whilst impacts would reduce over time, the development would remain prominent particularly from the A5 and from the A444.
- 8.51. In addition to the points made above in this section of the report it is material to note that the area is not a 'valued landscape' for NPPF purposes. Indeed, there are no landscape or environmental designations or sensitivities of note for the site and its immediate surroundings. Further, the site context will change in the short term through the existing ongoing permitted expansion of the current Technology Park to the north side of the A5.
- 8.52. Whilst the application results in a major change to the site it is considered that, through further consideration of landscaping at reserved matters stage together with suitable planning conditions, the proposed development does not result in a significant detrimental effect on the character and appearance of the site and surrounding area. These proposals are considered to accord with the requirements of Policies DM4 and DM10 of the SADMP and the requirements of the NPPF.
- 8.53. It is considered that the proposals are acceptable with regard to their effect on the character and appearance of the area.

Residential Amenity

- 8.54. 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. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, including from noise, light and land contamination.
- 8.55. Paragraph 135 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.
- 8.56. 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.

- 8.57. A Noise Impact Assessment has been submitted and the assessment finds that the background ambient noise levels are dominated by the road traffic using the A5 and the A444. The assessment concludes that the construction phase could have potential adverse impacts on the amenity of the surrounding area, but that mitigation measures such as controlled working hours and acoustic barriers would reduce impacts. In the operational phase, the report concludes that there will be adverse impacts due to the reduced effectiveness of the structural landscaping in the initial years.
- 8.58. The closest dwelling to the proposed development located within Hinckley & Bosworth is at Rowden Lodge, to the north of the site and across the A5 at a distance of c.500m at its closest point. The nearest settlement is at Fenny Drayton, c. 1200m away at its closest point, albeit that Caldecote is of a much shorter distance away but located within North Warwickshire and has been assessed by North Warwickshire BC as such in terms of any amenity impact.
- 8.59. The Council's Environmental Health Officer has no objections to the proposal subject to conditions relating to noise and lighting, with further detailed schemes to be submitted and approved.
- 8.60. The proposal would result in a significant change to the site but these changes are to a substantial degree screened from any neighbouring property by a combination of factors that includes existing features of the A5 and existing Technology Park, together with landscape screening and any noise mitigation as required, to be determined through reserved matters and planning conditions.
- 8.61. It is considered that the proposed development would be acceptable in terms of its impact on neighbouring residential amenity and would be in compliance with Policy DM7 and Policy DM10 a) and b) of the SADMP and the requirements of the NPPF.

Flood Risk and Drainage

- 8.62. 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.
- 8.63. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states that applications that applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the scale and nature of the development and provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity.
- 8.64. The site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning. The indicative site layout ensures that no buildings lie within any area indicated to be at high risk of surface water flooding.
- 8.65. A Flood Risk Assessment and an Outline Drainage Strategy have been submitted with the application which set out that the site is at a low risk of flooding from tidal,

pluvial, fluvial, groundwater and artificial sources. Whilst the report notes that the Site is bisected by a watercourse, calculations show that the watercourse has sufficient capacity to manage a rare 1 in 100-year event, and that it remains resilient even when an allowance for climate change is included. The report concludes that the site is at a low risk of flooding and that this risk will not be increased as a result of the proposed drainage strategy.

- 8.66. The proposals seek to discharge at the greenfield rate of 4.32 l/s/ha via pervious paving swales, underground storage and attenuation basins to the watercourse running through the centre of the site. Surface water will discharge via two outfalls. One outfall will discharge surface water from the northern part of the site, the other will discharge surface water from the southern part of the site. Geological data suggests that infiltration would not be a feasible method of draining the site.
- 8.67. The Lead Local Flood Authority advises that the proposals are acceptable subject to conditions. No objections have been received from the Environment Agency. Subject to the suggested conditions, it is considered that the proposed development would satisfy Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document and the requirements of the National Planning Policy Framework.

Ecology and Biodiversity

- 8.68. 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 187 of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.69. The planning application is accompanied by a Preliminary Ecological Appraisal and various species-specific Survey Reports. A Biodiversity Net Gain assessment has also been prepared to support the development proposals. The reports submitted set out the following:
- Evidence of Great Crested Newts was observed on the Site. Various recommendations have been made, including the need to obtain the appropriate licenses prior to commencing any site clearance or construction work, and to provide mitigation through the provision of a number of additional ponds and semi-natural habitat on the Site, which has been incorporated into the design proposals.
 - Badger – No evidence of Badgers was observed on the Site. As such, no further survey work or mitigation measures are required.
 - Bats – Two types of survey have been carried out – Bat Roosting and Bat Activity Surveys. The reports found evidence of both bat roosting and activity on the Site. Various recommendations are made, including the need to gain the appropriate licences prior to any demolition work, retain the existing trees and hedgerows where possible, enhance roosting potential through the provision of new bat boxes, and to minimise the impact of any lighting proposed.
 - Breeding Birds – The survey work has observed a large number of birds and potentially breeding birds using the Site. Various recommendations have been made to reduce any risk or impact, including the installation of new nest boxes, improvements to the landscaping of the area (including the planting of native species) and the implementation of a maintenance schedule which should take place outside of the bird nesting seasons.

- Reptiles – No evidence of Reptiles was observed on Site. As such, no further survey work or mitigation measures are required.
- 8.70. The County Ecologist has assessed the information submitted and has stated that subject to conditions the proposal is acceptable, with Warwickshire County Council to lead on this as the proposed built development is all in North Warwickshire.
- 8.71. It is considered that the provision of a biodiversity net gain and appropriate protection of existing habitats and wildlife could be secured via condition and a S106 Agreement. Subject to these requirements this application is considered acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document and the requirements of the National Planning Policy Framework.
- 8.72. An Agricultural Land Assessment has been submitted in support of this application. This assessment finds that the area is predominantly heavy clay Grade 3 under Agricultural Land Classification (and felt to be at the lower 3B end of the quality spectrum by those who farm it) and thus avoids best and most versatile agricultural land.

Archaeology and Heritage Impact

- 8.73. 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 207 of the NPPF also reiterates this advice.
- 8.74. In line with the NPPF Section 16, the Local Planning Authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. 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.
- 8.75. Paragraph 218 of the NPPF states that a developer should be required to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and impact and to make this evidence publicly accessible.
- 8.76. The County Archaeologist has confirmed that the site has a significant potential to contain archaeological buried remains relating to Roman roadside occupation and prehistoric activity and that in that context the current application can be approved subject to a condition regarding an appropriate programme of archaeological mitigation including an initial phase of exploratory trial trenching, followed, as necessary, by intrusive and non-intrusive investigation and recording.
- 8.77. For built heritage the proposal is not considered to impact upon the setting of any heritage assets located within Hinckley & Bosworth Borough due to the distance to the nearest listed buildings and due to the intervening landscape dominated by the A5 and existing Technology Park. However, there are nearby heritage assets in North Warwickshire Borough, including a number of built heritage assets in Caldecote, including the Church of St Theobald and St Chad and Caldecote Hall and Garden. North Warwickshire Borough Council consider that the site does not contribute to how the assets are experienced as part of a Victorian Country Estate and church with instead the site simply forming part of the wider agricultural landscape. Further design

details, including materials and landscaping, will be considered at reserved matters stage.

- 8.78. It is therefore considered that, subject to an appropriate condition, the proposal accords with the requirements of Policy DM13 of the Site Allocations and Development Management Policies Development Plan Document and of the National Planning Policy Framework.

Planning Obligations

- 8.79. 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.
- 8.80. In this instance contributions are being sought towards improvements to local bus services (£1.35m), spread over five years from the date of first occupation. In addition, an agreement is sought with regards to training and apprentice opportunities linked to nearby schools and colleges, with existing practices in place for this at the current Technology Park. Further contributions include a contribution to relevant traffic regulation orders. These will be led by North Warwickshire Borough Council as the lead authority for the application.
- 8.81. The request for any planning obligations must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 58 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- Necessary to make the development acceptable in planning terms;
 - Directly related to the development; and
 - Fairly and reasonably related in scale and kind to the development.
- 8.82. All of the above contributions are considered to meet the tests for planning obligations and should therefore form part of the unilateral undertaking that has been submitted by the applicant.

Conclusions and Planning Balance

- 8.83. 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.
- 8.84. The benefits of the proposal can be split as below:

Economic benefits:

- The scheme will generate a significant number of new job opportunities on-site, including up to 774 temporary opportunities bought about by the construction phase of development, and up to 2,500 opportunities offered via the completed development.
- Further job opportunities will also be generated off-site, including up to 751 opportunities during the construction phase of the development, and up to 3,250 opportunities once complete.
- The construction phase of development will have a significant and positive effect upon the local economy, contributing up to £468.40m in Gross Value Added (GVA) over the 5-7 year construction period.

- Furthermore, once completed scheme will add £353.80m GVA to the local economy each year.

Social benefits:

- The scheme will deliver opportunities for training/apprenticeships associated with the initiatives across the MIRA Technology Park and the MIRA Training Institute.
- The completed scheme will include the provision of new facilities such as the new recreation area and improved local infrastructure and roads.

Environmental benefits:

- The scheme will deliver extensive green infrastructure through the site, retaining many existing landscape features and helping to create new and sustainable habitats.
- A large area of publicly accessible open space will be provided, which helps to provide links to the green network of the wider area.
- Sustainable building techniques will be utilised, with a potential for 10% on site renewable energy generation through solar photovoltaics
- Sustainable modes of transport will be encouraged, with links between the existing and proposed parts of the MIRA Technology Park linked by new footpaths, cycle links and shuttle services, and links to the wider settlement hierarchy provided through improved public transport links, with a financial sum proposed for improved public transport provision

8.85. The physical alterations to the site will clearly be noticed both by road users, pedestrians and local residents but this is not in itself considered to result in harm. It is not considered that the effects of the development on the amenity of neighbouring residents would be significant. The benefits of the proposal also include the provision of off site highway works, considered to be of a benefit so as to improve highway safety at two key junctions on the A5. This is supported by three highway authorities in assessing the application.

8.86. The site is allocated for employment development in the North Warwickshire Local Plan for the employment uses proposed and the site will be an extension to the existing Technology Park located within Hinckley & Bosworth Borough. The proposal also benefits from a resolution to grant planning permission from North Warwickshire Borough Council in February 2025.

8.87. Taking all material planning considerations into account it is considered that the limited adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF when taken as a whole. The proposal is therefore considered to represent sustainable development, and it is recommended that permission be granted.

9. Equality implications

9.1 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.
- 9.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 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).

10. Recommendation

11. That planning permission be **granted** subject to the signing of a S106 agreement and subject to the conditions set out below:

1. Details of the appearance, landscaping, layout and scale (hereinafter called the “the reserved matters”) shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved. Page 23 of 269 5b/15

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

2. The first application for approval of the reserved matters shall be made to the Local Planning Authority not later than three years from the date of this permission. All applications for approval of reserved matters shall be made to the Local Planning Authority not later than eight years from the date of this permission. The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Plans & Documents List dated 13 February 2025

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).

4. If the development hereby permitted is to be constructed in more than one phase, details of the proposed phases of construction shall be submitted to the

Local Planning Authority for approval prior to, or at the same time as the first application for approval of the reserved matters. The Phasing Plan shall include details of the separate and severable phases or sub phases of development. Development shall be carried out in accordance with the approved phasing details, or such other phasing details as shall subsequently be submitted to and approved in writing by the Local Planning Authority.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Act 2004, and to prevent an accumulation of unimplemented planning permissions.

5. The development hereby permitted shall provide for no more than a maximum figure of 213,500 square metres of floorspace (GIA) for uses within Use Classes B2, B8 and E (g) (ii) of the Town and Country Planning (Use Classes) Order 2020 (as amended).

Reason: In order to define the scope and extent of the planning permission.

6. Any storage and distribution uses, within Use Class B8 of the Town and Country Planning (Use Classes) Order 2020 as amended, shall be uses that are ancillary or clearly secondary to the primary uses of the development hereby approved as defined under Condition 5 above.

Reason: In order to define the scope and extent of the planning permission

7. The reserved matters shall be designed in general accordance with the parameters plan approved under condition 3. In particular, the layout for Zones 20 and 30 as defined by that Plan and any unloading areas being located along the southern edge of each of these two Zones shall demonstrate that noise can be mitigated to 5dba below existing recorded background levels.

Reason: In order to define the implementation of the permission so as to reduce the risk of adverse noise impacts.

8. Any reserved matters application shall include a Noise Impact Assessment detailing the proposed measures to mitigate emissions of noise arising from the use and activity associated with any building and its curtilage within the application site. This Assessment shall particularly have regard to the potential noise impacts for neighbouring residential property as well for the village of Caldecote. This Assessment shall be carried out in accordance with BS4142:2014 plus A1:2019.

Reason: In order to define the implementation of the permission so as to reduce the risk of adverse noise impacts.

9. All access arrangements into, through and out of the site together with all off-site highway alterations shall be carried out in accordance with the plans approved under Condition 3.

Reason: In order to define the scope and extent of the planning permission.

10. No built development shall take place until a Construction Environmental Management Plan (CEMP) has first been submitted to and approved in writing by the Local Planning Authority, in consultation with Leicestershire County

Council, Warwickshire County Council and National Highways, for each phase of the development. The Plan shall provide for:

- a) A Construction Travel Management Plan (CTMP) including construction phasing,
- b) The parking of vehicles for site operatives and visitors.
- c) The routing for vehicles accessing the site associated with the construction of the development and signage to identify the route.
- d) The manoeuvring of vehicles within the site.
- e) Loading and unloading of plant and materials used in the construction of the development, including top-soil.
- f) The location of the site compounds.
- g) Storage of plant and materials.
- h) The erection and maintenance of security hoarding fencing.
- i) Wheel washing facilities.
- j) Measures to control the emission of dust and dirt during construction.
- k) Measures to control and mitigate disturbance from noise.
- l) A scheme for the recycling/disposal of waste resulting from the construction works.
- m) Any on-site lighting as required during construction.
- n) Measures to protect existing trees and hedgerows proposed for retention.
- o) Delivery, demolition and construction working hours.
- p) The means by which the terms will be monitored, details of a contact person and the procedure for reporting and resolving complaints. The approved CEMP shall be adhered to throughout the construction period of each phase.

Reason: In the interests of highway safety and the residential amenity of the local community in accordance with Policy DM10 of the SADMP (2016).

11. No development within any phase shall take place until full details of the finished floor levels, above ordnance datum, of the ground floor(s) of the proposed buildings, in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved levels.

Reason: In the interests of reducing potential landscape and visual harm in accordance with Policy DM4 and DM10 of the SADMP (2016)

12. No development within any phase shall take place until details of all external lighting relevant to that phase has been submitted to and approved in writing by the Local Planning Authority. The details shall be accompanied by an Impact Assessment in order to show that there are no adverse impacts arising from any proposed light source or from the glow of light arising from each phase. The Assessment shall also include an analysis of the cumulative impact of lighting arising from the whole site. In particular external lighting being installed on the southern-most elevations of the buildings to be erected in Zones 20 and 30 as defined by the Parameters Plan approved under Condition 2(b) above, shall be required to be justified for the purposes of health and safety and/or security only. The lighting shall be installed, operated and maintained at all times in accordance with the approved details.

Reason: In the interests of reducing the risk of adverse harm to the residential amenity of the local community in accordance with Policy DM10 of the SADMP (2016)

13. No development within any phase of the development hereby approved shall take place until a Landscape and Ecological Management Plan ("LEMP") for that phase has first been submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall be in general accordance with the approved Parameters Plan approved under condition 5. The LEMP shall include:
- a) a description and evaluation of the features to be managed;
 - b) ecological trends and constraints on site that might influence management,
 - c) the aims, objectives and targets for the management,
 - d) descriptions of the management operations for achieving the aims and objectives,
 - e) prescriptions for management actions,
 - f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a thirty-year period),
 - g) Details of the monitoring needed to measure the effectiveness of management,
 - h) Details of each element of the monitoring programme,
 - i) Details of the persons or organisations(s) responsible for implementation and monitoring,
 - j) Mechanisms of adaptive management to account for necessary changes in the work schedule to achieve the required aims, objectives and targets,
 - k) Reporting procedures for each year 1, 2, 5, 10, 20 and 30 with bio-diversity net gain reconciliation calculated at each stage,
 - l) Where necessary, the legal and funding mechanisms by which the long-term implementation of the LEMP will be secured by the developer, and the management body(ies) responsible for its delivery,
 - m) How contingencies and/or remedial action will be identified, agreed and implemented in the event that monitoring under (k) above shows that the conservation aims and objectives set out in (c) above are not being met so that the development still delivers the full functioning bio-diversity objectives of the originally approved scheme.
- The details in that Plan shall then be implemented on site and be adhered to at all times during the lifetime of the development.

Reason: In the interests of enhancing and protecting bio-diversity in accordance with Policy DM6 of the SADMP (2016)

14. No development approved by this planning permission shall take place until such time as a surface water drainage scheme, in accordance with the Sustainable Drainage Statement, has been submitted to, and approved in writing by the Local Planning Authority in consultation with National Highways. The development must be carried out in accordance with these approved details and completed prior to first use. The scheme shall include:
- a) Evidence to show that the discharge rate generated by all rainfall events up to and including the 1 in 100 year (plus an allowance for climate change) critical rain storm is limited to the Qbar greenfield run off rate of 4.32 l/s/ha for the site in line with the documents approved as above.
 - b) A detailed assessment demonstrating the on-site water courses suitability as a receptor for surface water run-off from the development. This assessment shall include:
 - A condition survey of the watercourse and evidence of any remedial measures identified as necessary;

- A review of flood risk impacts from the watercourse demonstrating consideration for downstream receptors off site in the context of the proposals,
 - Evidence demonstrating that all development and surface water infrastructure is outside the anticipated fluvial flood extent.
- c) Drawings/plans illustrating the proposed sustainable surface water drainage scheme. The documents approved under condition 2(d) above may be treated as a minimum and further source control SUDS should be considered during the detailed design stages as part of a “SUDS management train” approach to provide additional benefits and resilience within the design.
- d) Detailed drawings including cross sections, of proposed features such as infiltration structures, attenuation features and outfall structures. These should be feature-specific demonstrating that such surface water drainage systems are designed in accordance with the SUDS Manual CIRIA Report C753 and cross sections should demonstrate that all SUDS features will be accessible for maintenance whilst also providing an adequate easement from the on-site watercourse.
- e) Provision of detailed network level calculations demonstrating the performance of the proposed system to include:
- suitable representation of the proposed drainage scheme, details of design criteria used (including consideration of a surcharged outfall) with justification of such criteria,
 - simulation of the network for a range of durations and return periods including the 1 in 2 year, 1 in 30 year and 1 in 100 year plus 40% climate change events,
 - together with results demonstrating the performance of the drainage scheme including attenuation storage, potential flood volumes and network status for each return period,
 - and evidence to allow suitable cross- checking of calculations and the proposals.
- f) The provision of plans such as external levels plans, supporting the exceedance and overland flow routing provided to date. This overland flow routing should:
- demonstrate how run-off will be directed through the development without exposing properties to flood risk;
 - consider property finished floor levels and thresholds in relating to exceedance flows, and
 - recognition that exceedance can occur due to a number of factors such that exceedance management should not rely on calculations demonstrating no flooding. Only the scheme that has been approved in writing shall then be implemented on site

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 though the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016)

15. 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 in consultation with National Highways. 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 in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016)

16. No use 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 in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

17. No development shall take place on site including any site clearance or preparation prior to construction, until a Written Scheme of Investigation (WSI) for a programme of archaeological evaluative work for each phase of the development, excluding that part of the site included in the evaluation approved under condition 3 above, has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological evaluative fieldwork and associated post-excavation analysis and report production and archive deposition detailed within the approved WSI shall be undertaken as required in accordance with a programme specified in the WSI. A written report detailing the results of this fieldwork shall also be submitted to the Local Planning Authority in accordance with the approved programme. The findings from the archaeological evaluative work shall inform each reserved matters submission.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM13 of the Site Allocations and Development Management Policies Development Plan (2016).

18. Where necessary, and as informed by the findings of the archaeological evaluative work undertaken in the WSI, no development within any phase of the development shall take place until an Archaeological Mitigation Scheme (AMS) if appropriate, has been submitted to and approved in writing by the Local Planning Authority. The AMS should detail the strategy to mitigate the archaeological impact of the proposed development either through further fieldwork (for which a further WSI may be required) and/or through the preservation on site of any archaeological deposits. The AMS shall inform each reserved matters submission.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM13 of the Site Allocations and Development Management Policies Development Plan (2016).

19. No development within any phase shall take place until the fieldwork relevant to that phase detailed in the WSI and AMS has been completed in accordance with the programme(s) specified therein. Any post-excavation analysis, publication of results and archive deposition shall be undertaken in accordance with the approved WSI and AMS.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM13 of the Site Allocations and Development Management Policies Development Plan (2016).

20. No phase of the development hereby permitted shall commence until a scheme for the provision of adequate water supplies and fire hydrants necessary for fire fighting purposes relevant to each phase, has first been submitted to and approved in writing by the Local Planning Authority. Only the approved scheme shall then be implemented within the relevant phase.

Reason: In the interest of public safety

21. No part of the development hereby permitted shall be commenced until a final Green Travel Plan has been submitted to and approved in writing by the Local Planning Authority in consultation with National Highways and Leicestershire County Highway Authority. The site shall operate in full accordance with the approved Travel Plan thereafter.

Reason: To ensure that the A5 trunk Road and M69 motorway continue to serve their purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the Strategic Road Network resulting from traffic entering and emerging from the application site and in the interests of road safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016), Section 9 of the National Planning Policy Framework (2024) and Department for Transport Circular 01/2022.

22. No phase of the development hereby permitted shall be occupied for business purposes until the roads serving that phase, including footways, private drives, means of accessing plots, car parking and manoeuvring areas have been laid out and substantially constructed in accordance with details first submitted to and approved in writing by the Local Planning Authority. Areas for the parking and manoeuvring of vehicles shall be retained for these purposes at all times thereafter.

Reason: In the interests of highway safety and the residential amenity of the local community in accordance with Policy DM10 of the SADMP (2016).

23. Prior to the occupation of any built development hereby permitted, the scheme of works to improve highways access as shown in general accordance with drawing ref:
- 17059/GA/02 Rev E (Proposed A5 - A444 Link Road and Off-Site Mitigation)
 - 17059/GA/08 Rev K (Proposed A5 - A444 Link Road and Off-Site Mitigation)
 - 17059/GA/10 Rev C (A5 Watling Street / Higham Lane and Nuneaton Lane Mitigation)

- 17059/GA/13 Rev B (A5 Watling Street / Woodford Lane / Drayton Lane Safety Enhancement Scheme)

(or revisions of these drawings as agreed with the planning authority) should be completed and open to traffic, unless otherwise agreed via a phasing plan (pursuant to Condition 4).

Reason: In the interests of highway safety and the residential amenity of the local community in accordance with Policy DM10 of the SADMP (2016).

24. No works involving the disturbance of any surfacing of any public footpath or proposals to resurface any public footpath shall commence until details of such works are first submitted to and approved in writing by the Local Planning Authority. Only the approved works shall then be implemented on site.

Reason: In the interests of maintaining unobstructed public access.

25. Any contamination that is found during the course of construction within any phase of the development hereby approved, that was not previously identified shall be reported immediately to the Local Planning Authority. Development within that phase shall be suspended where directly affected by the contamination and a risk assessment carried out and submitted to the Local Planning Authority. Where unacceptable risks are found, remediation and verification schemes shall be submitted to the Local Planning Authority. Work shall then only resume or continue on the development in that phase, in accordance with the schemes that have been approved in writing by the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

26. Upon completion of any remediation works a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

27. No development approved by this planning permission shall commence until full details of all permanent and temporary external lighting of the site has been submitted to, and approved in writing by, the Local Planning Authority in consultation with National Highways. 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

permanent lighting shall be installed in full, maintained and operated in accordance with the approved details at all times that the development is operational.

Upon completion of the development, a statement of a suitably qualified contractor shall be submitted stating that any lighting installation to which condition 12 above applies is fully compliant with the Institution of Lighting Professionals Guidance Note 1: "The Reduction of Obtrusive Light" within zone E2.

Reason: To ensure that the A5 trunk road continues to serve their purpose as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the Strategic Route Network and in the interests of road safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016), Section 9 of the National Planning Policy Framework (2024), and Department for Transport Circular 01/2022, and in the interests of the amenity of neighbouring residents in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 135 of the National Planning Policy Framework (2024).

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PLANNING APPEAL PROGRESS REPORT - Week ending: 06.06.25

WR – WRITTEN PRESENTATIONS

HAS – HOUSEHOLDER APPEAL

IN – INFORMAL HEARING

PI – PUBLIC INQUIRY

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
25/00007/PP	TH	24/00229/FUL (PINS: 3357570)	IH	Mrs Nicola Lea	Oddfellows Higham-On-The-Hill (Proposed development of 7 dwellings – the conversion of the existing building into 2 dwellings and 5 new build properties)	Start Date Hearing Decision	03.04.25 06.08.25 10.09.25
25/00009/PP	JF	24/00716/FUL (PINS: 3364372)	WR	Mr M Patel	Land Opposite 49 Moore Road, Barwell (Erection of one new dwelling with associated landscaping and access formation)	Start Date Final Comments	23.04.25 11.06.25
25/00011/PP	SA	24/00975/OUT (PINS:3364808)	WR	Mr G Warren	Land ne of Old White Cottage 2 Newbold Road Desford (Outline application for the construction of a 3-bedroom split-level dwelling with landscaping (Self-Build) (Scale, Landscaping, Layout and Access to be considered))	Start Date Statement of Case Final Comments	02.05.25 06.06.25 20.05.25
25/00010/PP	SA	24/00270/FUL (PINS: 3364849)	WR	Mrs Pauline Taylor	Land north of Pipe Lane Orton on the Hill (The erection of one detached dwelling, formation of access from Pipe Lane and associated works)	Start Date Statement of Case Final Comments	01.05.25 05.06.25 19.05.25
25/00012/VCON	MJ	24/00757/CONDIT (PINS:3365553)	WR	Mr Chris Mee	Barton Hill Fields Farm Barton in the Beans (Variation of condition 3 16/00640/FUL)	Start Date Statement of Case Final Comments	15.05.25 19.06.25 02.07.25

23/00033/CLD	SJ	22/01121/CLE (PINS: 3330026)	WR	Lindley Hall Farms Ltd	Wide View Fenn Lane, Fenny Drayton. (Use of land for storage of agricultural machinery, vehicles, and materials)	Awaiting Decision	
	SI	23/01098/TPO (PINS: 10017)	WR	Claire Bradbury	28 Spinney Drive Botcheston (Carry out works to protected trees, to fell T1 Canadian Pine)	Awaiting Decision	
24/00017/PP	RW	23/00560/FUL (PINS:3346910)	WR	Mr N Hayre	37A London Road Hinckley (Conversion of detached outbuilding to studio apartment)	Awaiting Decision	
24/00021/PP	TH	23/01195/FUL (PINS: 3348843)	WR	Mr & Mrs David and Cheryl Gagin	Land Northeast of The Hovel, Spinney Drive Botcheston (Proposed dwelling with detached garage and creation of new access (Resubmission 22/01071/FUL) (Self Build))	Awaiting Decision	
24/00018/ENF	CZ	23/00143/UNBLDS (PINS: 3346915)	WR	Mr M Hayre	Land at 37 London Road, Hinckley (Outbuilding to the rear has been turned into habitable accommodation)	Awaiting Decision	
24/00026/ENF	CZ	21/00251/UNUSES (PINS: 3347029)	WR	Mr J Hemmings	Land at Shenton Lane, Upton (Use of agricultural land for car sales business)	Awaiting Decision	
24/00029/PP	JF	24/00596/FUL (PINS: 3355084)	WR	Ms Gillian Nicol	7 Springfield Road Hinckley (Proposed wooden cattery)	Awaiting Decision	

25/00001/PP	JF	24/00529/FUL (PINS: 3357325)	WR	Ms E Clarke	Hill View House 15 Sheepy Rod Twycross (Formation of new access and parking area)	Awaiting Decision	
25/00002/PP	SA	24/00551/FUL (PINS: 3357989)	WR	Mr Christopher McManus	Pond Barn, Cold Comfort Farm Rogues Lane, Hinckley (Change of use and conversion of existing redundant rural building to a single-family dwelling house, landscaping and associated works (Self-build))	Awaiting Decision	
25/00003/PP	SA	24/00654/FUL (PINS: 3359752)	WR	Mr Andrew Reid	502 Coventry Road Hinckley (Conversion of existing garage into a separate dwelling and alterations (Resubmission of 23/00666/FUL))	Awaiting Decision	
25/00006/PP	MJ	24/00872/OUT (PINS: 3361154)	WR	Mr & Mrs G Morley	Land SW Sibson Road Sheepy Parva (Outline planning permission for the erection of a single self-build dwelling (all matters reserved except for access))	Awaiting Decision	
25/00008/PP	SA	24/00284/OUT (PINS: 3361470)	WR	Mrs Pauline Taylor	Land at the corner of The Green and Pipe Lane Orton on the Hill (Outline planning application for the erection of one self-build/custom build dwelling (all matters reserved except for access))	Awaiting Decision	
25/00005/PP	SA	24/00657/FUL (PINS: 3362567)	WR	Mr and Mrs Gary and Amy Knight	Barnhills Farm, Merrylees Road, Thornton (Erection of two storey childcare facility with ancillary services and associated external play areas and animal interaction areas)	Awaiting Decision	

24/00014/PP	MJ	24/00118/FUL (PINS: 3344038)	WR	CW Property Lettings Ltd	Land adjacent 10 Wolsey Drive, Ratby (Erection of 2 dwellings)	Dismissed	05.02.25
24/00022/PP	SA	24/00476/FUL (PINS: 3350799)	WR	Hussein Essajee	87B & 87C High Street, Barwell (Change of use from two dwellinghouses Class C3 to Childrens Care Home Class C2)	Dismissed	24.02.25
24/00028/PP	LA	23/01229/OUT (PINS: 3348387)	IH	Redrow Homes	Land East of the Common Barwell (Outline Planning application for up to 95 dwellings with associated access, open space and landscaping following demolition of all buildings on site)	Allowed	13.03.25
24/00023/PP	DS	23/01173/FUL (PINS: 3349885)	WR	Ms Rebecca Redford	Land Adjacent To 22 Rookery Lane, Groby (Construction of two-bedroom dwelling)	Dismissed	17.04.25
24/00027/PP	SA	24/00275/OUT (PINS: 3351678)	WR	Ms Tracey Cleall	21 Greenmoor Road Burbage (Outline application for the provision of a single dwelling (all matters reserved except for Access and Layout.)	Dismissed	28.04.25
24/00005/ENF	CZ	22/00121/UNBLDS 22/00989/HOU (PINS: 3337207)	WR	Mrs Jackie Carrino	39 Wykin Road, Hinckley (breach of planning control)	Dismissed	02.06.25
25/00004/PP	EB	24/01000/HOU (PINS: 3360892)	HAS	Mr Ryan Coventry	6 St. Marys Gardens Barwell (Erection of raised decking to rear garden, storage unit and associated works (retrospective)	Allowed	04.06.25

24/00003/PP	CZ	23/00013/UNHOUS (PINS: 3336333)	WR	Mr B Watson	1 Sherborne Road Burbage (Timber structure on side elevation fronting a highway)	Dismissed	05.06.25
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