

**Planning Committee 7 January 2020
Report of the Planning Manager**

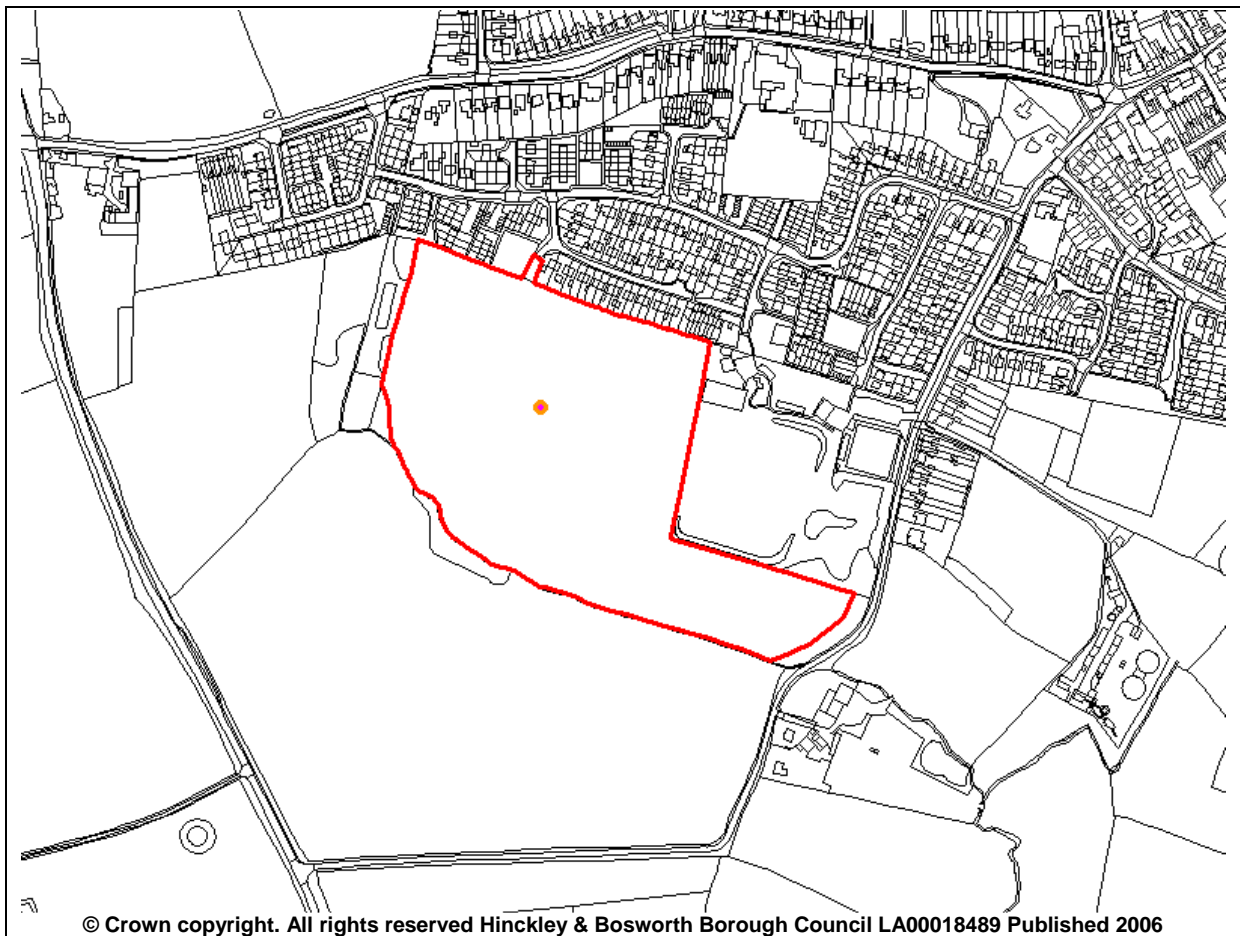
Planning Ref: 19/01011/OUT
Applicant: Gladman
Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: Land South Of Cunnery Close Barlestone

Proposal: Residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (SuDS)
(Outline - access only)



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing, 75% affordable rented and 25% shared ownership
 - £603,423.17 Play and Open Space
 - 0.16ha Local Area of Play LAP
 - Travel packs (£52.85 per pack)
 - Bus Passes (£360.00 per pass)
 - £6000 Sustainable Travel monitoring fee

- £1,408,133.34 Education
 - £5,310 Libraries
 - £8,717.00 Civic Amenities
 - £89,127.72 Health Care Provision (GP Practices)
 - Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
 - 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks outline planning permission for up to 176 dwellings with associated public open space, landscaping and infrastructure. All detailed matters are reserved for later determination, except access.
- 2.2. As the application is outline the proposed housing mix is unknown. However, the applicant has identified that 40% of the housing to be provided would be affordable housing, if 176 dwellings were to be provided this would result in 105 market dwellings of which 71 dwellings would be affordable with a mix of 53 dwellings for social rent and 18 intermediate dwellings for shared ownership.
- 2.3. An indicative development framework has been provided showing how the site could accommodate a development of up to 176 dwellings and shows access position, areas of infrastructure, build development and open space.
- 2.4. The proposed access would be via a new junction with Cunnery Close, and would incorporate vehicular and pedestrian access.
- 2.5. The proposal includes a large area of informal open space in excess of 2ha and a Local Area of Play (LAP) 0.16ha in area. The informal open space includes planting, pedestrian links and footpaths around the edge of the site connecting into existing footpaths and potentially the adjoining parish playing fields. The proposed LAP is shown on the development framework central to the site, with the public open space following the south and west edge with a larger open area to the east, south of the existing Bosworth Road playing fields.
- 2.6. The following documents have been submitted in support of the application; Planning Statement, Design and Access Statement, Statement of Community Involvement, Landscape and Visual Impact Appraisal, Transport Assessment and Travel Plan, Flood Risk Assessment, Foul Drainage, Ecological Appraisal, Bat Survey, Arboricultural Assessment, Noise Assessment, Air Quality Assessment, Heritage Assessment and a Socio-Economic Sustainability Statement.

3. Description of the Site and Surrounding Area

- 3.1. The site is located on the south western edge of Barlestone and comprises a single arable field parcel. It is 7.5ha in size with Cunnery Close located immediately to the north and Bosworth Road located to the east.
- 3.2. The site is defined by properties on Cunnery Close to the north, the rear boundary treatments of which bound the site. There is a small area of woodland to the west and a hedgerow and hedgerow trees to the south with further arable farmland beyond. Playing fields and a play ground form part of a recreation ground known as Bosworth Road Park to the immediate east, separated from the site by a row of mature trees and to the south east, Bosworth Road is located approximately 10m from the edge of the site.

- 3.3. The site is not currently publicly accessible and there are no Public Rights of Way running through the site or along its boundaries. Albeit, there appears to be informal use of the field boundaries as there is visible evidence of people walking here, there is a pedestrian access through to houses off Manor Road.
- 3.4. Barlestone village is elevated from the site, with the site itself sloping in a south easterly direction, where it meets a water course at the low point. The land outside of the site boundary then slopes back up to the west where it meets the A447, a view of the site and properties on Cunnery Close can be taken here.

4. Relevant Planning History

15/00772/OUT	Residential mixed use development comprising of up to 450 dwellings (use class C3), employment (use class B1), retail (use class A1 to A5), a childrens day nursery and medical centre (use class D1) and associated works (outline - access only)	Refused	13.04.16
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 105 Letters of objection have been received from 82 separate addresses; the comments are summarised below:
- 1) Drainage is inadequate, sewerage plant can not cope;
 - 2) Flooding will increase;
 - 3) Population increase of existing village by 1/8th too many houses for the size of the village;
 - 4) Access off Cunnery Close is not adequate, exiting here is already dangerous, road is not wide enough;
 - 5) Only one point of access and exit, concerns for access by emergency vehicles;
 - 6) Present highway safety issues;
 - 7) On street parking is an issue on Manor Road and Cunnery Close;
 - 8) There are insufficient services in the village, including doctors and school;
 - 9) Bus services in being reduced ;
 - 10) Mess and noise during construction;
 - 11) Increase of traffic through the village would be too great ;
 - 12) Additional open space would be a burden on Parish Council ;
 - 13) The loss of the turning head will mean vehicles reversing out on to Manor Road;
 - 14) Air noise, dust and light pollution;
 - 15) Loss of agricultural land;
 - 16) Bus stops are too far away;
 - 17) No local jobs therefore required to rely on car;

- 18) Barlestone already has approved planning applications that have not been built;
- 19) Planning permission has already been refused on this site, which is a material consideration;
- 20) The site does not fall under the definitions of DM4 and there is clear conflict;
- 21) Contrary to Policy DM4 and Core Strategy Policy 11, there is conflict with the spatial policies of the plan;
- 22) The application does not enhance the green infrastructure or improve connectivity in any way;
- 23) Economic benefits of scheme are immaterial given the level of services available in the village;
- 24) Loss of privacy from overlooking;
- 25) Devaluation of property;
- 26) Roads not suitable for construction traffic;
- 27) Lots of children use these roads to access the park and school;
- 28) Already a good mix of property types in village;
- 29) Homes for sale in village sat on the market;
- 30) Cemetery is almost full;
- 31) Neighbourhood Plan is being progressed that only identifies a need for 59 houses;
- 32) There are populations of bats in the area, next to the site;
- 33) Impact on wildlife/ biodiversity;
- 34) Minerals Survey needs to be done;
- 35) Loss of green space for access is contrary to Policy DM8;
- 36) Development will lead to heavier or more frequent flooding;
- 37) Should be an emergency access for this many houses;
- 38) Pumping station is proposed, which are unreliable and lead to flooding
- 39) Impact on climate change;

5.3. One letter of support from 1 address raising the following points:

- 1) I would be interested in buying one of these houses and support the development;

5.4. One petition has been received containing 15 signatures requesting that the Parish Council hold a planning meeting specifically to discuss planning application 19/01011/OUT.

6. Consultation

6.1. No objection, some subject to conditions and/or obligations have been received from:

The Coal Authority
 HBBC Drainage
 HBBC Environmental Health
 HBBC Street Scene Services
 HBBC Affordable Housing
 HBBC Compliance and Monitoring
 HBBC Conservation Officer
 HBBC Planning Policy
 LCC Ecology
 Lead Local Flood Authority
 LCC Highways
 LCC Minerals Planning
 LLC Archaeology
 Natural England
 Severn Trent Water

6.2. No response received from;

Ramblers Association
Leicestershire Police
HBBC Green Spaces
HBBC Tree Officer

6.3. Barlestone Parish Council object to the proposals for the following reasons:

- 1) The development by virtue of its scale and location would result in an incongruous and disproportionate amount of growth in an unsustainable location. It would have a detrimental impact upon the character of the countryside and surrounding landscape. The infrastructure in the village is unable to cope with this large increase in traffic movement.
- 2) The access proposed is unacceptable, the surrounding roads are congested with on street parking which is a danger to current residents. The amount of traffic the development would bring is unacceptable.
- 3) There is no room for emergency vehicles to exit Cunnery Close, which will become worse.
- 4) The village only has one convenience store with no car park and the roads around it are already congested.
- 5) Severn Trent Water remove waste from the sewage works by tanker, everyday. This already causes problems on narrow stretch of road (Bosworth Road).

7. Policy

7.1. Core Strategy (2009)

- Policy 11: 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 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

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 DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

- National Design Guide (2019)
- 7.4. Other relevant guidance
- Landscape Character Assessment (2017)
 - Landscape Sensitivity Assessment (2017)
 - Open Space and Recreation Study (2016)
 - Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA)
 - Affordable Housing SPD (2011)
 - Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- impact upon the character of the countryside and character of the area
- Affordable Housing and Housing Mix and Density
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flooding and Drainage
- Ecology
- Pollution
- Archaeology
- Infrastructure Contributions
- Other Matters

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) 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) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Barlestone is identified as a Key Rural Centre stand alone within Policy 7 and 11 of the Core Strategy. To support its role as a Key Rural Centre focus is given to limited development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.

- 8.5. Policy 11 provides the policy framework for each Key Rural Centre that Stands Alone (away from Leicester and outside of the National Forest). The first criterion for Barlestone seeks the provision of a minimum of 40 new homes. Since the adoption of the Site Allocations and Development Management Policies (2016) DPD which allocated sites in Barlestone in accordance with the Core Strategy only BARL03 has been delivered, providing 8 dwellings, no other allocations have come forward. Barlestone has seen little growth, with only 17 dwellings being completed since the adoption of the Core Strategy.
- 8.6. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure, in addition the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by Ministry Housing Communities and Local Government (MHCLG). Therefore, the application should be determined in accordance with Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.7. The consideration under Paragraph 11 (d) is weighed in the balance of the merits of any application and considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework.
- 8.8. This site lies outside of the settlement boundary of Barlestone and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. 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.
- 8.9. Policy DM4 states that 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;
- 8.10. The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning

balance along with the detailed assessment of the other relevant planning considerations in this case.

- 8.11. The proposed access is situated across open space allocated as BARL04 Cunnery Close amenity Space. This is a small incidental green space, which is not equipped.
- 8.12. Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities, of the SADMP seeks to resist the loss of land in recreation use and open space as identified in the Open Space Facilities Study, such as this one, except where:
- a) A replacement of an equivalent typology is provided, as defined by the most recent Open Space, Sport and Recreational Facilities Study, in an appropriate location serving the local community; or
 - b) It is demonstrated that there is a surplus of recreational land, facilities or open space of the same typology exceeding the needs of the local community; or
 - c) The development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on the remainder of the site, or on a nearby site serving the same community.
- 8.13. Albeit that the access is within land allocated within the SADMP, the parcel of land incorporated within the site to provide access is not within the ownership of the parish forming the land they own for use by residents as incidental open space. Notwithstanding that, the proposed development provides for 0.16ha of incidental open space within the development, as well as over 2ha of informal semi-natural open space around the site. Therefore, it is considered that the proposal meets the criteria as set out by Policy DM8 as an equivalent typology is provided in an appropriate location which would still serve the needs of the community. Further to this, the developer will be obligated to enter in to a s.106 agreement to provide contributions towards the enhancement of nearby existing recreational facilities.
- 8.14. The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages. A Neighbourhood Plan is currently being prepared for the Parish of Barlestone. The Neighbourhood group have recently completed an informal consultation with site representors to gain further information on sites which could be allocated for residential development. At present there is no draft document produced or indication of a preferred site. A Pre-Submission Version of the Neighbourhood Plan is due to be consulted on in February 2020. Given the preparation stage that the plan is at, it currently holds very limited weight in the planning balance.
- 8.15. In 2016 the Council refused an application for up to 450 dwellings off Cunnery Close, on a site that incorporated the application site. The proposed access is in the same location, however this proposal covers a much smaller site area. This is a material consideration in the determination of this application. The application was refused for the following reason;

The development, by virtue of its scale and location would result in an incongruous and disproportionate amount of growth in an unsustainable location. The development would have a detrimental impact on the character of the countryside and surrounding landscape. The proposal would be contrary to the Council's spatial vision and directions for growth. The development is therefore contrary to Policies 7 and 11 of the Core Strategy, Policy NE5 of the Local Plan, Policy DM4 of the emerging Site Allocations and Development Management Policies Development Plan Document and Paragraphs 7, 14 and 109 of the National Planning Policy Framework 2012.

- 8.16. The site is grade 3 agricultural land the loss of this should be weighed in the balance of the merits of the scheme.
- 8.17. This application is for the development of housing outside the settlement of Barlestone within the countryside it is contrary to Policy 7 and 11 of the Core Strategy and Policy DM4 of the SADMP. Therefore there is a conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Impact upon the character of the countryside and character of the area

- 8.18. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.19. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be unjustified.
- 8.20. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should also ensure the significance of a conservation area is preserved and enhanced.

Landscape and visual impact

- 8.21. The Borough's Landscape Character Assessment (2017) identifies the site within Landscape Character Area B- Charnwood Fringe Settled Forest Hills. This is characterised by gently undulating landform, contrast between areas that are visually open and enclosed depending on their elevation and presence of woodland vegetation, fields enclosed by hedgerows, dispersed pattern of settlements following a liner pattern on ridgetops, the landscape is influenced by urban features.
- 8.22. The application site is typical of the Landscape Character Area, with an undulating open rural landform, hedgerow field boundaries, adjacent wooded areas and the settlement edge situated on the plateaued ridgetop. However, that being said, the site is not a 'valued landscape' for the purposes of Paragraph 170 of the NPPF. Nor has the site got any national or local designations and is not unique or remarkable for any landscape purposes.
- 8.23. The key sensitivities of this rural landscape character are considered to be woodlands, copses, trees, hedgerows and river corridors which are valuable for their recreational and ecological value as well as reinforcing historic character of irregular field patterns. The landscape strategies for this area are to support the National Forest Strategy, ensure developments are integrated within the wooded landscape and conserve the historic features of the landscape.
- 8.24. An assessment is made of the landscape value within the submitted LVIA and it is concluded that the site has an overall medium landscape value taking in to account

matters such as scenic quality, rarity, conservation interest, recreational value and landscape quality. There is no reason to disagree with this overall judgement, however, the assessment with regards to recreational value states that there is no public access or recreational uses on the site and although it is agreed there is no designated Public Right of Way there is evidence that the site is accessed by the public and used for walking, this route is also identified on OS maps. However, the access rights over this are unknown and this does not alter the overall landscape value given.

- 8.25. The landscape harm identified to the local landscape area is moderate adverse at year 15. However, the impacts on the wider landscape character area are identified as minor adverse. This is attributed to the development being contained within the retained and strengthened landscape framework and with a layout designed to reflect the Barlestone settlement character. The LVIA also argues that the topography of the site is largely unaltered, the existing hedgerows and trees are retained and reinforced and new planting would provide high quality landscaping which would also incorporate increased connectivity through the formalisation of footpath networks and links around the site to the wider area resulting in negligible effects on the landscape character features of the area and providing a development that has taken in to account the key sensitivities of the LCA.
- 8.26. However the LVIA fails to take account of the impact upon the fact settlements within this landscape character area sit on the ridge, which this proposal would alter. Extending the settlement edge here would weaken this character feature given that the site slopes down to the south away from the higher ground. Further to this, the LVIA does not take in to account the use of the informal footpath and the impact upon this. However, the green infrastructure provided by the proposal would still allow this route to be used and it remains in situ, although given its unknown status it would not likely lead to significant adverse harm.
- 8.27. With regard to visual impact, the LVIA states that there would be negligible effects on visual impact on surrounding public rights of way networks, with no routes traversing the site itself and views from nearby routes being filtered by topography and vegetation. No assessment is made of the informal route that follows the boundary along the watercourse, however as above, given its unknown status and its retention and improvement would mean there is unlikely to be significant adverse harm. The sensitive receptors in close proximity to the site are residential, the visual impact upon these is recorded as moderate adverse to those on Cunners Close and minor adverse to others located further away. However, it is not considered that this impact is of detriment to residential amenity. Views of the site can be gained from the highway network, however roads are considered to have low susceptibility to change, the development would be viewed from Bosworth Road this is mid range views beyond the open space and although development would project beyond the existing landscaping the impact is considered to be minor adverse. From the A447 a relatively open view is achieved of the site, within its context which would be moderate adverse when the landscaping has matured. The proposed development will be adjacent to Bosworth Road Playing Fields, the view is currently filtered by mature tree planting, however, in winter months the site is more visible. However, the impact on the recreation ground is considered by the LVIA to be minor adverse at year 15.
- 8.28. The LVIA concludes that there will be some adverse landscape and visual effects, however, these are localised and limited in their extent. Overall, the harm to landscape character of the local area is considered to be moderate, given the change from open agricultural field to housing. However, the impact upon the wider

landscape character is minor. The visual impacts of the development overall are considered to be minor.

- 8.29. The proposal would extend development beyond the settlement boundary of Barlestone and it is considered that the proposal would result in some harm to the character and appearance of the area and would therefore conflict with Policy DM4 and DM10 of the SADMP DPD.

Urban Character

- 8.30. Barlestone is a village located on the fringes of the Charnwood forest. Originally developing as an agricultural settlement, the village has lost much of its historic form due to substantial twentieth century infilling, replacement, and expansion. The Urban form is made up of a mixture of cottages, terraces and modern buildings with larger detached properties interspersed ranging from single storey to two and three storey. The Local vernacular is red brick occasionally covered by modern render, pitched slate and clay tile roofs and red brick chimney stacks are common features in the core of the settlement, with buildings that front onto the street. As the application has been submitted in Outline with matters of scale, layout and appearance reserved no assessment of the proposal in relation to the urban character is made. However, it is not considered that there is any reason that the proposal could not respond well to the features and characteristics of Barlestone and there is recognition of this within the submitted Design and Access Statement.

Historic Environment

- 8.31. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.32. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193).
- 8.33. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.34. A heritage desk-based assessment and a landscape and visual impact appraisal have been completed and submitted as part of the application. In determining applications, paragraph 189 of the National Planning Policy Framework (NPPF) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. Following the submission of these documents Leicestershire County Council Planning Archaeology has recommended that some further work is required to ensure satisfactory archaeological investigation and recording, this can be secured by a pre-commencement planning condition.
- 8.35. The heritage desk-based assessment includes a limited assessment on the direct physical and visual impact on heritage assets and their settings however the level of detail submitted as part of this application is proportionate and meets the requirements of paragraph 189. Paragraph 190 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the

setting of a heritage asset). That required assessment is below and is in part informed by the submitted heritage desk-based assessment.

- 8.36. The Historic Environment Record (HER) for Leicestershire confirms that there are no designated or non-designated heritage assets located within the application site. There are four grade II listed buildings located within Barlestone (The Manor House, The White House, Church Farmhouse and the Church of St Giles), the closest of those being the Manor House which is located approximately 350m north of the eastern boundary of the application site. There are two listed buildings located to the south within the Osbaston Conservation Area which covers the historic core of the village. The grade II* listed Osbaston Hall is approximately 600m from the application site, with the grade II listed stable block and cottage at the Hall being located further to the south. There are also limited views from the centre of the site of the upper parts of the church spire of the grade II* listed Church of St Peter at Market Bosworth, circa 2.5km south-west of the application site.
- 8.37. As identified above there are designated heritage assets located within a proportionate search area around the application site, therefore it must be assessed if the site falls within the setting of these assets. The NPPF (Annex 2) defines the setting of a heritage asset as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” Historic England provide advice on the setting of heritage assets in their Good Practice in Planning Note 3 (2015), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.
- 8.38. Historic England recommends undertaking a five step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings are affected by the proposal. There is intervening built form between the application site and the grade II listed buildings in Barlestone, so these buildings are not visible from within the site nor is there any known key historic or other association. Views toward Osbaston from within the site are screened by a rise in slope which leads up towards Hut Spinney. There is no visual relationship or any known key historic or other association between the application site and the Osbaston Conservation Area and the two listed buildings located within it. There are also limited views from the centre of the site of the upper parts of the church spire of the grade II* listed Church of St Peter at Market Bosworth. As a result it is considered that the application site is located within the setting of the church and consequently the development proposal will affect this heritage asset only.
- 8.39. Step 2 is to assess the degree to which these settings make a contribution to the significance of the heritage asset or allow significance to be appreciated. The exterior of the Church of St. Peter largely dates from the early-14th century but with some earlier internal features. It has a west tower and recessed spire and is constructed of coursed and squared limestone with ashlar dressings. The overall significance of the church is principally derived from the architectural and historic

interest of the asset, which is embodied within the fabric of the church both internally and externally. The building demonstrates a high level of illustrative value, with the architecture demonstrating church building techniques and styles from the 14th century onwards. The clear aesthetic value of the church is apparent from both immediately adjacent within the church yard, but also within the wider landscape. This, in particular, contributes to its significance, with the scale, architectural features and materials all contributing to its aesthetics. There is also communal value which contributes to the overall significance of the church, derived from the role that the church has continuously played as a religious centre for the community from at least the 14th century through to the present day.

- 8.40. The immediate setting of the church is made up of the moderately sized church yard which surrounds it. The extended setting is relatively wide owing to the tall and visually prominent tower and spire and its ridge top location with the church spire being noticeable on the skyline from points within the surrounding landscape. This demonstrates the importance and influence of the church and therefore contributes to its value. The application site falls within the wider setting of the church. The relevant assessments provide evidence that the application site has been in agricultural use since the Early Medieval period so there is no apparent direct functional or historic connection between the site and the church. As identified above, however, due to the topography of the land and the scale of the church building with prominent spire, there is a limited visual connection between the church and the application site with the upper parts of the spire being visible when looking south-westwards from within and over the site. This glimpse demonstrates the importance of the church within the wider landscape, although due to the limited extent of the view the significance of the church can barely be appreciated. The application site is therefore only considered to allow for a negligible appreciation of the significance of the Church of St Peter. In addition the application site only form a small part of the wider landscape which surrounds the church, with this landscape allowing for views and an appreciation of the significance of the church from numerous vantage points.
- 8.41. Step 3 is to assess the effects of the proposed development, whether beneficial or harmful, on the significance of the church or on the ability to appreciate that significance. Access is the only matter for consideration as part of this application with all other matters reserved (appearance, landscaping, layout and scale). Details on these reserved matters are yet to be provided but it is likely that any current glimpses of the spire would be partially or completely lost by the proposed development. However, given that the application site only allows for a negligible appreciation of the significance of the church it is not considered that any reduction in these views from the site as a result of the proposed development would have an adverse impact on the church's significance.
- 8.42. The application site is considered to be located within the setting of the grade II* Church of St Peter in Market Bosworth only. Any reduction of views from the site to the church caused by the proposed development would not have an adverse impact on the significance of the church and the current negligible appreciation of its significance offered by the undeveloped nature of the application site. Therefore the proposal would be compatible with the significance of the listed building and its setting so it would comply with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.43. Step 4 in the Historic England assessment approach is to explore ways to maximise enhancement and avoid or minimise harm. Currently it is considered that the proposal will have no adverse impact on the significance of the church but at

reserved matters stage the applicant could give consideration to maintaining long distance views of the church from the application site by virtue of an appropriate layout. Step 5 relates to making and documenting the decision and monitoring outcomes. Such recommended good practice has been achieved by setting out the assessment stage of the decision-making process in an accessible way in the body of this report.

- 8.44. The proposal would therefore have a neutral impact upon the historic environment of Barlestone and therefore accords with DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraphs 189 and 190 of the NPPF.

Affordable Housing, Housing Mix and Density

- 8.45. Policy 15 of the Core Strategy requires residential development in rural areas to provide 40% Affordable Housing with a tenure split of 75% affordable rented and 25% intermediate housing. The details submitted with this application would suggest that based upon the delivery of 176 dwellings were to be provided this would result in 105 market dwellings and 71 dwellings would be affordable, with a mix of 53 dwellings for social rent and 18 intermediate dwellings for shared ownership.
- 8.46. Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum net density of a least 30 dwellings per hectare within key rural centres such as Barlestone. The Design and Access Statement confirms that the density of the housing contained within the development framework parameters is on average 35 dwellings per hectare. However, lower densities will occur on the edges, of the site, whilst higher densities will be located along the primary vehicular route and towards the existing settlement edge. This is considered an acceptable design approach to achieve a balance between efficient use of land, whilst assimilating with the character of the area.
- 8.47. The density of the site area overall would see a net density much lower than the anticipated 35dpa. However, this is considered acceptable, when the site provides for an extensive amount of accessible informal open space to the edges of the site, and also offsets the boundaries of the development from the surrounding hedgerows, hedgerow trees and surrounding countryside. The density of the area identified for built development is policy compliant.
- 8.48. Currently there are approximately 120 units of social rented housing in Barlestone, 63 of which belong to Hinckley and Bosworth Borough Council. These units consist of:
- 17 x 2 bedroomed bungalows
 - 4 x 1 bedroomed bungalows
 - 36 x 2 bedroomed houses
 - 35 x 3 bedroomed houses
 - 2 x 4 bedroomed houses and
 - 26 units of warden assisted accommodation.
- 8.49. On 3.10.19 the Council's Housing Register has 1088 applicants for Barlestone for the following property sizes:
- For 1 bedroomed properties 491 applicants
 - For 2 bedroomed properties 383 applicants
 - For 3 bedroomed properties 168 applicants
 - For 4 or more bedroomed properties 46 applicants.

- 8.50. There are 32 applicants on the housing register who indicate they have a connection to the parish of Barlestone. Of this number, 18 are waiting for 1 bed properties, 10 for 2 beds, and 4 for 3 beds. A housing mix condition shall be applied to the proposal so that the mix proposed at Reserved Matters is in accordance with the most up to date housing need assessment. The affordable housing should be spread evenly throughout the site in small clusters as set out in Key Policy Principle AH 3: Design and Layout in the Affordable Housing Supplementary Planning Document.
- 8.51. As this site is in the rural area, the section 106 agreement should contain a requirement for applicants in the first instance to have a local connection to Barlestone, with a cascade in the second instance for a connection to the Borough of Hinckley and Bosworth.
- 8.52. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Impact upon neighbouring residential amenity

- 8.53. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.54. Objections have been received from local residents with regard to residential amenity by way of additional noise and traffic as well as loss of privacy and a view. The loss of view is not a material planning consideration, unless this amounts to visual harm that is of a magnitude warranting public rather than personal interest. However, in this instances it is not considered that this is likely, subject to appropriate scale and layout, this is also the case with regards to loss or privacy. Harm arising from pollution (including noise, dust and air quality is considered separately further in the report).
- 8.55. By virtue of the size of the site and subject to satisfactory layout, scale, design and landscaping which are matters reserved for future consideration, the indicative layout submitted demonstrates that the site could be developed for up to 176 dwellings with satisfactory separation distances without resulting in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties. Residential amenity for the future occupiers of the development is a matter that will be established through the submission of detail, however, there is no reason that this can not be achieved.
- 8.56. The proposal is therefore considered to be in accordance with Policy DM10 as the amenity of neighbouring occupiers of the proposed development would not be adversely affected to warrant refusal of the application.

Impact upon highway safety

- 8.57. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.58. Access is a matter for determination by this application and a detailed access plan has been provided. In addition to this, the proposal has been supported by the

submission of a Transport Assessment and Travel Plan that conclude the proposal would not have adverse impact upon the safe operation of the local highway network.

- 8.59. The detailed access plan illustrates a 5.5m carriageway extending into the site and that the existing 2m wide footway on the eastern side of Cunnery Close, to the northeast of the proposed access, will extend into the site to allow for pedestrian access. At its junction with Cunnery Close, an uncontrolled crossing, comprising dropped kerbs and tactile paving, will be provided. The access plan illustrates visibility splays of 2.4m x 43m, these being compliant with LHDG standards.
- 8.60. The dimensions suggested for the site access also ensure an allowance is made for the largest vehicles expected to regularly access the site, such as refuse collection vehicles, to do so in a safe manner without disruption to other road users and without over-designing. A swept path analysis has been carried out of the site access and is provided and an appendix to the Transport Assessment. LCC Highways have confirmed that they are satisfied with the design of the proposed access, including the footways, visibility splays and the demonstrated swept paths for larger vehicles.
- 8.61. Reserved Matters applications will specify sufficient parking, both in terms of numbers and dimensions, to comply with the relevant standards at the time of submission, as will the internal road layout.
- 8.62. A number of off-site highway improvements are detailed on a plan including additional parking spaces, formalisation of parking lay-bys, junction and footway protection and parking restrictions. These off site works were formed from discussions with the Parish Council. However, LCC Highways advise that it can only consider measures that are considered necessary to mitigate the direct impact of the development and that it cannot accept measures aimed at resolving existing or perceived situations within the village.

Transport Assessment

- 8.63. The submitted transport Assessment sets out that traffic counts were undertaken between 07:00 and 10:00 and 15:30 and 18:30 to ensure peak periods were observed, a survey of queue lengths at identified junctions was also undertaken. These surveys are used to ascertain the capacity of the access and surrounding junctions. Speed surveys were also undertaken, with the average speed along Cunnery Close found to be 21mph.
- 8.64. Accident Data was purchased from LCC for a 5km study area for a period of five years in total there were 17 accidents within the study area, 12 of which were slight injury accidents, 3 of which were serious and 2 fatal. The two fatal accidents occurring on the A447. LCC Highways have reviewed this data and would not seek to resist the proposals on the grounds of highway safety.
- 8.65. The Transport Assessment uses the TRICS database to determine traffic generation from the proposed development. The assessment identifies 91 trips in the AM peak and 96 trips in the PM peak. The trips have also been considered in a distribution summary, of how these will be distributed across the local highway network, considering the most likely trip destinations using previous census data. The greatest impact identified with regards to additional trips is upon the Cunnery Close/ Manor Road junction, with a 113.8% increase in trips in the am peak. Despite this increase, the junction capacity assessments with this trip generation considered show that the junction with development will still operate with a considerable amount of remaining capacity.

- 8.66. The most notable impact on capacity is upon the Barton Road arm of the A447/Barton Road/Lount Road junction, during the AM peak. LCC has noted however that the applicant has modelled Barton and Lount Roads as a single lane, but in reality there is a short flare which could accommodate at least one vehicle. When considering this in the modelling, the LHA consider that the junction would be operating within its capacity. As such, the LHA consider it could not justify requesting mitigation measures for this junction. All other junctions continue to operate with spare capacity. Therefore it is considered that the proposal would have a negligible impact upon the capacity of the local highway network and LCC are satisfied with the Applicant's junction capacity assessments and that junctions within the vicinity of the site will not be severely affected by the additional development traffic in accordance with National Planning Policy Framework (NPPF).
- 8.67. The Transport Assessment takes in to account the preferred maximum walking distances to services of 1200m, table 5.2 of the assessment shows that the site is within the maximum walking distance of most of the services available in Barlestone, including bus stops meaning walking is a realistic method of traveling indicating the sites location is accessible via this sustainable mode. The assessment also takes account of acceptable cycle distances and the services that are available within those distances. It is demonstrated that there are a number of areas accessible by bike providing additional services, including Market Bosworth and Ibstock.
- 8.68. The 153 and 159 bus services both provide an hourly service from Monday to Saturday and enable passengers to commute to and from various destinations including Leicester, Hinckley, Barwell, Market Bosworth, Coalville, Ellistown and Desford. The first services to Leicester which takes 45mins, leaves Barlestone at 06:08am, the first service to Hinckley which takes 35mins leaves at 6:45.

Travel Plan

- 8.69. A Travel Plan has been submitted with the application that Sets targets for the reduction of car or van driver trips by between 5 and 10%, Indicates potential measures that can be implemented to achieve these targets; and provides details of how the TP will be managed, monitored and reviewed, LCC confirm that the Travel Plan is acceptable.
- 8.70. Therefore, the Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with Policy DM17 of the SADMP or paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and planning obligations outlined in this report.

Flooding and Drainage

- 8.71. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.72. The site is located within Flood Zone 1 being at low risk of fluvial flooding and therefore passes the Sequential Test and does not require the Exception Test to be undertaken. However, the western and eastern parts of the site are at low risk of surface water flooding, there is a watercourse along this boundary, this watercourse flows from north-west to south-east, it is culverted under Bosworth Road. The

watercourse is not designated as an Environment Agency Main River and so is classified as an Ordinary Watercourse.

- 8.73. A number of objections note that some surface water flooding occurs around once a year along Bosworth Road. The FRA notes this area of pluvial flooding located along the eastern boundary of the site, stating that this flow path originates on site and as such any precipitation falling on the development area will be captured and managed within the surface water drainage system as to not exacerbate this issue. However, the FRA also notes that water is stagnated in this area and that it may be that the culvert is blocked.
- 8.74. The SuDS strategy proposed for this site includes the use of an attenuation basin to which surface water runoff from the site will be conveyed towards in surface water pipes and swales. This strategy shows feasibility that the site can be drained; however, at detailed design, inclusion of further SuDS elements could be considered. Albeit, underlying geology has been shown to not be suitable for a drainage strategy based solely on infiltration based SuDS. Discharge from the site is proposed to be restricted to pre-development Greenfield runoff rates as not to increase the flood risk to the surrounding area or to exacerbate flooding downstream from the development. Discharge will be into an existing ditch along the southern boundary ditch to provide connectivity to the watercourse to the south of the site. This is considered as the most appropriate surface water drainage solution.
- 8.75. The Lead Local Flood Authority notes that the Indicative Surface Water Drainage Strategy drawing shows the proposed attenuation basin to be within close proximity to the assumed line of a Severn Trent Water surface water sewer. The LLFA raise no objection to the proposal subject to conditions requiring the submission of a surface water drainage strategy which will require full construction detail. It is recommended in the FRA that finished floor levels should be set at or above the existing ground levels to not increase the risk of flooding to the properties. This can be conditioned.
- 8.76. Severn Trent Water commented on the proposal with regards to the proposed strategy for dealing with foul water. The proposal is a pumped solution which STW suggested would need a modelling assessment to determine the impact of flows from the site on the network. However, they have suggested a note to applicant is sufficient as the developer is required under separate legislation to provide suitable connections for foul water. Severn Trent Water has no comment to make on the discharge of surface water to the water course.
- 8.77. The Lead Local Flood Authority and HBBC Drainage have no objection to the proposals put forward for dealing with surface water drainage, subject to conditions. Therefore the proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

Ecology

- 8.78. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.79. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.

- 8.80. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.81. An Ecology Appraisal (FPCR, June 2019) was submitted in support of the application and was found to be satisfactory by LCC (Ecology). The site itself is of low ecological value being an arable field with no evidence of protected species noted on site and the site was generally considered to have a low potential to support protected species. However it was noted that some of the boundary trees and hedgerows are of more interest and had the potential for bat roosting, therefore a Bat Survey was submitted in support of the application. LCC Ecology, recommend that the development is carried out in accordance with the recommendations contained within the survey and lighting conditions will be added to minimise disruption to foraging areas. Further to this ponds are present nearby that could be potential habitat for Great Crested Newts, although these were not surveyed a working methodology was provided within the ecological report at section 5.45 to 5.56 to minimise any potential impact upon GCN, compliance with this working method should be conditioned. LCC Ecology also requests a buffer between the existing ecological features, including the hedgerows woodland and stream and the proposed development in the interest of ecological preservation.
- 8.82. The proposal does include areas of opportunity for net gain in biodiversity, of particular note is the SUDs features that should be designed for biodiversity and there is opportunity to the south of the site for species-rich grassland to be created. It should also be noted that only native species should be used in the landscaping scheme.
- 8.83. The tree survey and retention plan provided with the application show that the existing hedgerows and trees are to be retained.
- 8.84. Overall, the impact of the proposed development on protected species is accordance with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

Pollution

- 8.85. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.86. An air quality Assessment was provided with the application, this was based on the figures from the Transport Assessment. These figures were amended at the request of LCC Highways. The Air Quality Assessment was not amended, however, given the overall air quality found in the area, the changes were not so significant that this is considered necessary. There are not necessary air quality conditions or mitigation required.
- 8.87. Given the previous agricultural use of the land contaminated land conditions are suggested by HBBC EHO, it is considered that these conditions meet the six tests and are therefore appropriate.
- 8.88. The initial noise survey that was submitted did not take in to account the impact upon No.2 Cunnery Close, the closest neighbour to the proposed access. Further to this, concern was raised for both the internal and external noise levels and it was suggested that if this was not demonstrated mitigation via condition would be required, such as the use of mechanical ventilation. The noise consultant prepared

a response to EHO, providing further detail. This set out that impact upon No.2 was taken in to account and noise exposure to this property from road traffic noise (resulting from additional traffic generated by the development) met British Standards and overall noise impacts are not overly onerous and mitigation is not likely to therefore be required. However, the response confirms that as the final layout is unknown it can not be demonstrated that internal and external 'desirable' noise levels are achieved to all plots. Thus a condition will be required that further noise surveys are submitted with the layout reserved matters application. HBBC EHO do not object to this approach and suggested relevant conditions that are considered to meet the six tests of conditions.

- 8.89. A number of objections raised noise, dust and vibration concerns for during the construction phase. However, HBBC EHO have requested a condition to control the hours of construction to hours that are considered acceptable and the external noise levels that shall not be exceeded during those hours. Further to this a construction environmental plan is requested to detail how impact from dust, odour, noise, smoke, light and land contamination will be managed during the construction phase.

Archaeology

- 8.90. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.91. LCC (Archaeology) state that the Leicestershire and Rutland Historic Environment Record indicate that the proposed developed site has a potential for the presence of archaeological remains. A desk based assessment has been submitted with the application, however, the conclusions are not supported by LCC. The preliminary methodology is agreed to however further trial trenching is required. The low level of trial trenching carried out in relation to previous schemes is not a satisfactory assessment of the archaeological potential of the development area proposed. Therefore, a condition is required to ensure satisfactory investigation is carried out.
- 8.92. The Geophysical survey failed to pick up a number of modern feature on the site, it is therefore highly unlikely to have picked up shallow features of geological interest. Trial trenching previously conducted around the site (for previous applications) found additional remains not picked up by the survey completed at that time, and subsequently re-submitted with this application.
- 8.93. The pre-commencement conditions are therefore considered to meet the six tests of conditions and should be applied as requested. With the application of such conditions it is considered that the proposal would comply with the requirements of DM13 of the SADMP.

Infrastructure Contributions

- 8.94. 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.
- 8.95. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (As Amended) (CIL) and paragraph 56 of the Framework. The CIL Regulations and NPPF confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

- 8.96. The developer will be obligated to provide 40% affordable housing, with a tenure split of 75% affordable rented and 25% intermediate (shared ownership).
- 8.97. This obligation is considered necessary as the provision of affordable housing is required for compliance with Policy 15 of the Core Strategy. This policy is consistent with Section 5 of the NPPF which seeks to deliver a sufficient supply of homes, to meet the needs of different groups within the community including those requiring affordable housing. Policy 15 seeks to provide affordable housing as a percentage of dwellings provided on site, therefore the obligation directly relates to the proposed development. The level of affordable housing represents the policy compliant position. The required (by condition) affordable housing mix is based on the most recent housing need assessment for Barlestone, and will be required to be delivered on a cascade approach with residents with a connection to Barlestone. Therefore the obligation is directly related to the proposed development. The extent of the affordable housing obligation is directly related in scale and kind to the development as it represents a policy compliant position, expected by all development of this typology. No issues of viability have been raised with this scheme.

Play and Open Space

- 8.98. 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. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space, which is provided on site and what would be the requirements off site.

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 176 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	633.6	0	633.6
Casual/Informal Play Spaces	16.8	2956.8	24,400	0
Outdoor Sports Provision	38.4	6758.4	0	6758.4
Accessibility Natural Green Space	40	7040	0	7040

- 8.99. The nearest existing off site public open space is located off Bosworth Road BARL10 with a quality score of 78% and Cunnery Close BARL04 with a score of 69%. Bosworth Road Park provides Children's play equipment, Outdoor Sport Facilities and provisions for young people. The open space off Cunnery Close is

incidental amenity green space, providing no formal equipment or provision, it is laid to grass.

- 8.100. In accordance with the Open Space and Recreation Study (2016) the number of dwellings proposed requires a Local Area of Play (LAP) to be provided on site. The submitted Development Framework indicates the provision of a LAP centrally located within the site, this has been confirmed as being 0.16ha in size, which is appropriate for a LAP, however a 5m buffer to residential properties will be required. The study also requires the provision of a Locally Equipped Area for Play (LEAP) on site, however, given the proximity of the development to BARL10, it is not considered appropriate or necessary to provide more equipped play on site. However, a contribution towards this POS will be requested to address the quality score deficit of this open space, the target for which is 80%. Furthermore, the recommended walking distances from dwellings to LEAPs is 400m, which all of the proposed dwellings would be within of BARL10. However, not all of the properties, specifically those within the south west corner will be within 100m of a LAP, therefore the proposal on site is acceptable in addressing the local needs of the area.
- 8.101. The site is providing substantially more casual informal play space around the edges of the site and to the east, than is required by policy. This provision contains a footpath network connecting to existing footpath routes and potentially through to the adjacent playing fields off Bosworth Road. The area to the east does also include a SUDs feature, although despite this, there is still a large amount of accessible usable space.
- 8.102. To ensure this development provides sufficient open space in accordance with Policy 19 of the Core Strategy this contribution is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests. The monetary contributions are set out below.

	On site maintenance (20 years)	Off site provision	Off site maintenance (10 years)	Total
Equipped Children's Play Space	/	£115,270.85	£55,630.08	£170,900.93
Casual/Informal Play Spaces	£263,520.00	/	/	£263,520.00
Outdoor Sports Provision	/	£61,163.52	£29,061.12	£90,224.64
Accessibility Natural Green Space	/	£28,793.60	£49,984.00	£78,777.6
			Overall Total	£603,423.17

- 8.103. As the application is submitted in outline format the formula in The Open Space and Recreation Study (2016) can be used to calculate the contribution required as a percentage for each unit provided.
- 8.104. The developer will also be obligated to provide and then transfer the on-site open space area to a management company, together with a maintenance contribution or, in the alternative, requesting that either the Borough Council or the Parish Council maintain it. In the latter eventuality, the open space area would be transferred to the relevant authority together with a maintenance contribution.

- 8.105. The provision of Play and Open Space is required for compliance with Policies 11 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 11 requires development in Barlestone to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative only layout of the proposed development suggests the provision of open space around the site to include a LAP and informal space. Using the adopted Open Space and Recreation Study (2016) the closest public open spaces to the proposed site fall below the quality scores set by the Open Space and Recreation Study and therefore the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

Highways

- 8.106. LCC (Highways) have requested a number of contributions to promote and encourage sustainable travel these include; Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass. It is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate. A sustainable transport scheme monitoring fee of £6,000.
- 8.107. There are services in Barlestone creating a sustainable community such as early years provision, primary school, shop, doctors, post office, community centre, public house and sports pitches and play areas which are within walking distance of the proposal and do meet the day to day needs of residents. However, given the lack of employment, secondary school, library and other services residents are likely to access (supermarket etc.) it is considered the bus pass and travel pack contributions are necessary. The bus passes and travel packs will be provided to the residents of the development and therefore they directly relate to the mitigating impact of new residents. The travel pack contribution covers the cost of the preparation and distribution of the packs and the buss pass is an optional service that there may not be a 100% take up of, therefore the contributions are reasonable and fair in scale and kind. The changes to the CIL regulations in 2019 provide for monitoring fees under regulation 122(a) as long as it reasonably relates in scale and kind, the sum of £6,000 is considered reasonable to monitor the sustainable transport scheme for the lifetime of the development, given the scale of the development it is reasonable to expect monitoring of this to expand over a number of years.

NHS West Leicestershire CCG - Health Care

- 8.108. The West Leicestershire CCG has requested a contribution of £89,127.72 towards addressing the deficiencies in services at Newbold and Desford Surgeries, which are the closest available GP practices to the development. The practices have seen significant growth due to housing development within their practice areas over the past 5 years, which is impacting on their capacity and resilience. An increase of 426 patients will significantly impact on patient demand in the area.
- 8.109. The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local Desford and Newbold Surgeries, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.
- 8.110. This request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was insufficient evidence to support the contributions being sought.

Education

- 8.111. LCC Children and Family Services have requested a contribution towards education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution is £1,408,133.34.
- 8.112. The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

Civic Amenity

- 8.113. LCC Waste Management requested a contribution of £8,717.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate an additional 1.054 tonnes per annum of waste and the contribution

is to maintain level of services and capacity for the residents of the proposed development.

- 8.114. This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

Libraries

- 8.115. LCC Library services have requested a sum of £5,310 towards provision of additional recourses at Market Bosworth and Newbold Verdon Libraries, which are the nearest libraries to the development. However, there is question over the use of Market Bosworth library which is located within the grounds of a school. Newbold Verdon Library is a purpose built library and therefore it is considered that residents of the development are more likely to access this service, especially given its proximity to Barlestone. Therefore the s.106 should direct the contribution towards this service.

University Hospital Leicester (UHL)

- 8.116. UHL have requested a contribution to address NHS revenue shortfalls for acute and planned treatment. This is by way of a monetary contribution of £62,483.00 towards the 12 month gap in the funding in respect of A &E and planned care at the University Hospital, Leicester.
- 8.117. It is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid S106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by UHL to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. UHL is unable to demonstrate that the burden on services arises directly from the development proposed, opposed to a failure in the funding mechanisms for care and treatment. The request made is to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. UHL has not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Further to this there are issues with the data and methodology used by UHL for example the inflated population projections compared to those used by Leicestershire Authorities when calculating housing need, or the failure to address funding needs from housing projections set out in the Joint Strategic Needs Assessment and Joint Health Wellbeing Strategy referred to in their request, therefor it has not been demonstrated that the request fairly and reasonable relates in scale and kind to the development proposed.
- 8.118. This request is therefore not considered to meet the test of the CIL Regulations.

Other Matters

- 8.119. Some of the objections raise concern with a lack of minerals survey of the site. However, LCC (Minerals) have confirmed that they do not object to the proposal and a minerals assessment is not required.
- 8.120. HBBC (Street Scene Services) have requested a condition to detail the waste collection and recycling strategy of the site, it is considered that this is an appropriate condition that meets the tests.
- 8.121. There are no formal Public Rights of Way that require diversion as a result of the proposed development.
- 8.122. The site does not fall within a development high risk reporting zone and therefore a coal mining report is not required.

9. Planning Balance

- 9.1 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.
- 9.2. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 9.3. The proposal would be in conflict with Core Strategy Policy 7 and 11 and Policy DM4 and DM10 of the SADMP. These policies are consistent with the Framework and are afforded significant weight. The proposal, whilst involving development on open land, has been found to have a moderate impact on the landscape character of the area and minor impact on the wider landscape character. There are also some minor adverse visual impacts identified, so there is some conflict with Policy DM4 and DM10 of the SADMP.
- 9.4 Weighed against this conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 176 houses (including up to 71 affordable homes). These additional houses and affordable houses have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 9.5 The proposal would result in the loss of agricultural land, using mapping available the land is identified as grade 3 Best and Most Versatile Land. Therefore, this does add to the value of the landscape, although given that the land is grade 3 and not 2 or greater and there is other agricultural land around Barlestone, it is not considered this has significant weight in the planning balance.
- 9.6 Barlestone is an identified Neighbourhood Plan Area; however, given the early stages that the preparation of the plan is at, this has very limited weight in the planning balance.
- 9.7 There is a previous refusal of planning permission issued by the Council that incorporates the application site. The reason for refusal identified conflict with the strategic development plan policies Core Strategy 7 and 11 and SADMP Policy DM4. Conflict with the spatial distribution of growth has been identified with this

current application. Further to this, harm has also been identified to the character of the countryside, consistent with the previous reason for refusal. However, unlike the previous refusal, this application is being considered under a tilted balance, and regard is given to the fact the Council can not currently demonstrate a 5 year land supply. This is a material consideration that tilts the balance with regards to the presumption in favour of development. In addition to this, the development parameters have been significantly reduced from those previously considered.

- 9.8 Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably out weigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 9.9 The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.10 As discussed the proposal could deliver up to 176 dwellings, of which 40% would be affordable. This would result in a significant social benefit to the area and also to the borough. The proposal would also involve the provision of an area of public open space (POS), which is greater in size than the policy compliant position. The POS would be connected to existing pedestrian footpaths and potentially the adjacent playing fields, providing a benefit to the wider area.
- 9.11 Some environmental benefits would be provided such as additional planting through landscaping in the provision of open space. Additionally there would be some benefit for biodiversity associated with the reinforcement and new planting of hedgerow and trees around the site and the provision of SUDS which can be designed to include benefits to biodiversity, secured via condition.
- 9.12 It has been concluded that there would be minor to moderate harm to the character of the area caused by the landscape and visual impact built development in this location would have on the open character of the countryside which provides a rural setting to Barlestone. The proposal would extend development beyond the settlement boundary of Barlestone and it is considered that the proposal would result in harm to the character and appearance of the area in conflict with Policy DM4 and DM10 of the SADMP DPD.
- 9.13 Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm has been identified, it is considered on balance that the harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

10. Equality Implications

- 10.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) 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. The Committee must also ensure the same when determining this planning 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. Conclusion

- 11.1. 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.
- 11.2. The proposal, subject to conditions, is in accordance with Core Strategy Policies 15, 16 and 19 and Policies DM3, DM6, DM7, DM13, DM17 and DM18 of the SADMP.
- 11.3. An assessment against the historic assets within the vicinity finds that the proposal would have a neutral impact upon the historic environment of Barlestone and therefore accords with DM11 and DM12 of the SADMP and paragraphs 189 and 190 of the NPPF.
- 11.4. The housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date and the Council cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.5. The proposal would be in conflict with Policy 7 and 11 of the Core Strategy, DM4 and DM10 of the SADMP. These policies are in accordance with the Framework and have significant weight. The proposal, whilst involving development on open land, has been found to have a moderate adverse localised impact on the character of the area and so there is some conflict with Policy DM4 and DM10 of the SADMP.
- 11.6. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 176 houses (including up to 70 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area.
- 11.7. As such, although there is clear conflict with strategic Policies 7 and 11 of the Core Strategy and DM4 and DM10 of the adopted SADMP, there has only been moderate harm found.
- 11.8. On balance it is considered that the harm identified to the character and appearance of the countryside from new residential development would not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour

of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan. The application is therefore recommended for approval subject to the conditions and planning obligations listed above.

12. Recommendation

12.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing, 75% affordable rented and 25% shared ownership
 - £603,423.17 Play and Open Space
 - 0.16ha Local Area of Play
 - Travel packs (£52.85 per pack)
 - Bus Passes (£360.00 per pass)
 - £6000 Sustainable Travel monitoring fee
 - £1,408,133.34 Education
 - £5,310 Libraries
 - £8,717.00 Civic Amenities
 - £89,127.72 Health Care Provision (GP Practices)
- Planning conditions outlined at the end of this report.

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

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

12.4. Conditions and Reasons

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

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

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c) layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.

d) scale of each building proposed in relation to its surroundings

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. Prior to the commencement of development a scheme which details the proposed market housing mix for the development, this should be in accordance with the Council's adopted Development Plan. The development shall then be completed in accordance with the approved details.

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

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

a) Site Location Plan 8867-L-01 received 10 September 2019

b) Proposed Access Strategy P19021-001B received 10 September 2019

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).

5. The development hereby permitted shall be implemented in general accordance with the Development Framework Plan 8867-L-03G received by the Council 10th September 2019.

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

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Prime drawing number P19021-001B 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 the National Planning Policy Framework (2019).

7. The Travel Plan reference P19021 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 the National Planning Policy Framework and Policy DM17 of the SADMP

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016)

9. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

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

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

11. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the guideline values for indoor ambient noise levels identified by BS 8233 2014 – Guidance on Sound insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. 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.

Reason: To ensure that the proposed use does not become a course of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016)

13. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at no time on Sundays and Public Holidays unless otherwise agreed in writing.

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

14. No development shall take place until details on an acoustic fence to the boundary of the access and No.2 Cunnery Close, on land within the application boundary, has been submitted to and approved in writing by the Local Planning Authority. The dwelling hereby approved shall be occupied until the acoustic fence has been erected in accordance with the approved details.

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

15. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted 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 Site Allocations and Development Management Policies Development Plan Document (2016).

16. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination 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 Site Allocations and Development Management Policies Development Plan Document (2016).

17. No development shall commence until drainage details for the disposal of surface water have been submitted in writing to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

18. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

19. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

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 sustainable drainage system within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

20. No development shall take place/commence until a programme of archaeological work, comprising further post-determination trial trenching, specific metal-detecting and as necessary targeted archaeological investigation. The full programme and timetable will be detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

- The programme and methodology of site survey, investigation and recording (including assessment of results and preparation of an appropriate mitigation scheme)
- The programme for post-investigation assessment
- Provision to be made for analysis of the site investigation and recording
- Provision to be made for publication and dissemination of the analysis, interpretation and presentation of the site investigation
- Provision to be made for archive deposition of the analysis and records of the site investigation
- Nomination of a competent person or persons/organisation to undertake the works, with particular reference to the metal detecting survey, as set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved through condition.

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

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

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

22. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted 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).

23. All landscape planting used within the informal/semi-natural open space and adjacent to the boundaries of the site shall be locally native species only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

24. The layout submitted at Reserved Matters shall provide a natural vegetation buffer zone of at least 5m alongside all retained hedgerows and at least 10m alongside the woodland and stream adjacent to the side boundaries.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

25. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats including SUDs and all landscaping to informal play space and natural open space should be comprised of native species wildflower grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP

26. Prior to the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). Light spill onto retained hedgerows and the brook corridor shall be minimised to a value of 1lux or lower at the edge of habitats. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

27. The development shall be carried out in full accordance with the working methodology, specified in the ecological appraisal (FPCR, June 2019) received 10 September 2019.

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

28. Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:

- Measures to prevent waste generation
- Information on local services in relation to the reuse of domestic items
- Information on home composting, incentivising the use of a compost bin and/or food waste digester
- Household Waste Recycling Centre location, opening hours and facilities available
- Collection days for recycling services
- Information on items that can be recycled

Reason: In accordance with the National Planning Policy for Waste (2014).

12.5. Notes to Applicant

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to

the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

2. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>. If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
3. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
5. In relation to condition 16 and 17; advice from Health and Environment Services can be viewed via the following web address:- https://www.hinckley-bosworth.gov.uk/info/200075/pollution/177/contaminated_land site which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
6. With reference to condition 18 The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pervious paving details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
7. With reference to condition 19 Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
8. With reference to condition 20 details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be

adopted by a third party and will remain outside of individual householder ownership.

9. With reference to condition 21 the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

10. Attention is drawn to the contents of the attached advice note provided by The Coal Authority.
11. Severn Trent Water advises that there is a public sewer located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not built close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. Should you require any further information please contact us on 02477716843 or Planning.APEast@severntrent.co.uk.
12. It is necessary, when carrying out works to tree(s) to be aware of the Wildlife and Countryside Act, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.