

Planning Committee 25 May 2021
Report of the Planning Manager

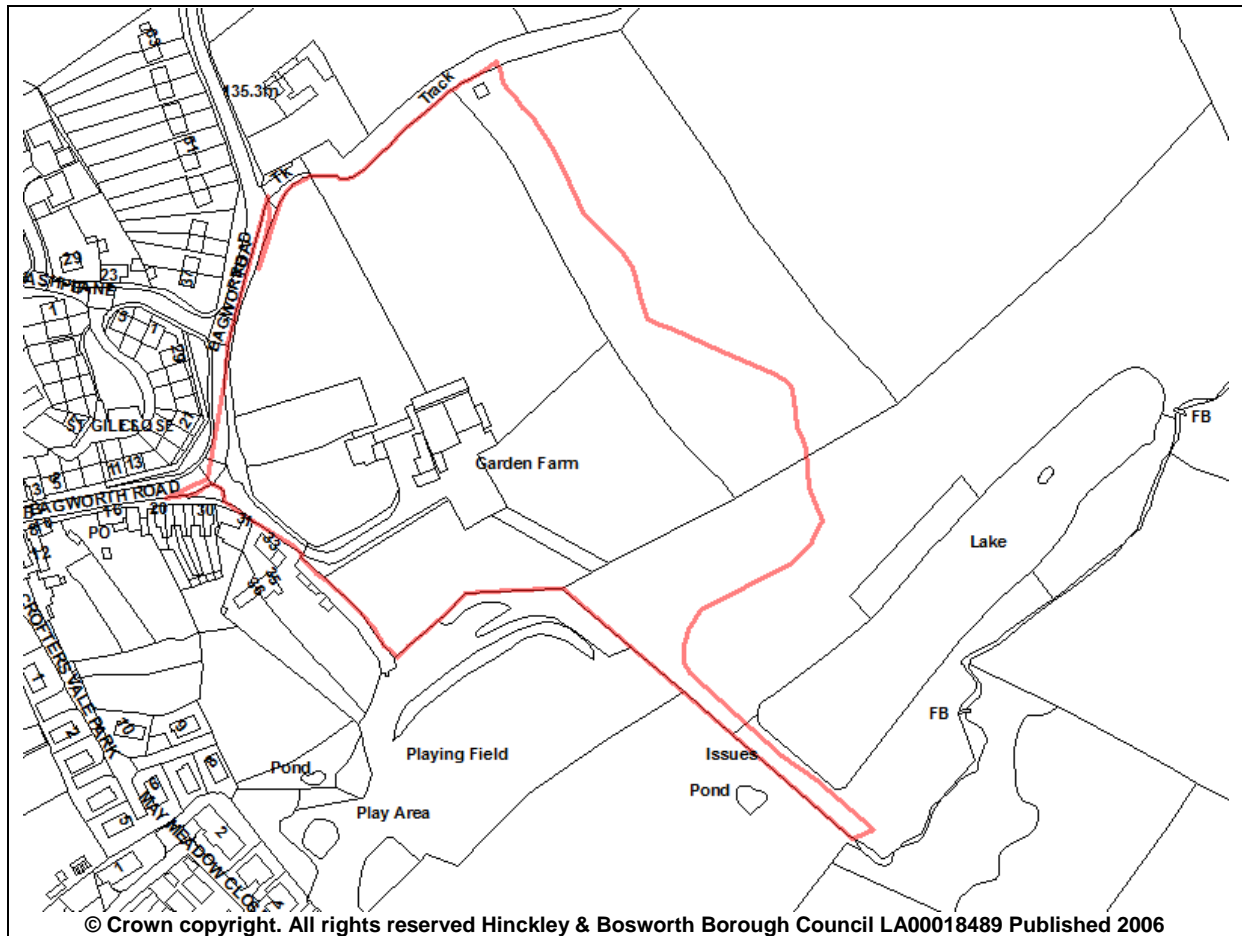
Planning Ref: 20/00470/FUL
Applicant: Owl Partnerships LTD
Ward: Barlestone Nailstone and Osbaston



Hinckley & Bosworth
Borough Council

Site: Garden Farm Bagworth Road Barlestone

Proposal: Residential development of 99 dwellings with associated infrastructure, vehicular accesses and areas of open space



1. This application was taken to the previous Planning Committee on 30 March 2021. The previous report and accompanying late items are attached to this report as Appendix A and B.
2. Notwithstanding the officer's recommendation that permission be granted, it was resolved that a decision on the application be deferred to give members the opportunity to visit the site.
3. **Recommendation:**
 - 3.1. The recommendations to Planning Committee do not alter from those identified in the previous reports to committee and the proposal is considered acceptable in planning terms and recommended for approval subject to the obligations and conditions contained in the previous reports.

3.2. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report
- The completion within six months of this resolution a S106 agreement to secure the following obligations:
 - 100% Affordable Housing with a split of 50 units as affordable rented and 49 units as shared ownership
 - £3,170.00 for library facilities at Newbold Verdon Library
 - £4,903.00 towards improving existing waste facilities at Barwell HWRC
 - £50,124.93 towards Health Care Provision (GP Practices)
 - On-site Open Space requirement of 356.4m² of equipped play area with equipment to a minimum value of £64,839;85; 1663.2² of Casual/Informal Play Space and 8965m² of natural green space along with maintenance costs.
 - £184,412.07 towards secondary school education at The Market Bosworth School.
 - Travel Packs – one per dwelling (can be supplied by LCC at £52.85 per pack)
 - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass.
 - Travel Plan monitoring fee of £6,000.
 - Traffic Regulation Order cost of £7,500
- That the Planning Manager be given powers to determine the final detail of planning conditions.
- That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

3.3. **Conditions and Reasons**

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - a) Drg No: c-1757-03 (Tree Removal Plan) received by the local planning authority on 15 May 2020
 - b) Drg No: 100-634/(P) 023D (Site Location Plan) received by the local planning authority on 1 June 2020
 - c) House Types Drgs No: 100-634/(P) 042; 043; 01 3D; 01 2D; 01 1D; 00 9D; 00 8C; 00 7D; 00 5C; 00 4C; 03 0B; 02 8B; 02 6B; 02 0D; 01 6D; 01 5D; 01 4D; 01 8F received on 20 October 2020
 - d) Drgs No: T20025 SK01 Rev B and SK02 Rev B; all received on 25 January 2021
 - e) Drg No: C1757-04 (Tree Removal Plan) received on 26 January 2021
 - f) Drgs No: c1757 01 Rev D and c1757-02 Rev D (Detailed Landscaping Proposals) received on 24 February 2021
 - g) Drg No: 20025 1 Rev K (Drainage); 2 Rev K (Drainage); 3 Rev H (Drainage) all received on 3 March 2021
 - h) Drgs No: 022H (Street Scenes) received on 8 March 2021

- i) Drgs No: 100-634/(P) 001 W (Site Layout); 002 (O) (Boundary Treatment); 003R (Materials Plan) 038K (Tenure Plan); 039J (Maintenance Areas Plan); 040K (Maintenance and Tenure Plan); T20025 SK03 Rev I; SK04 Rev I; SK05 Rev I; SK08 Rev G and SK09 Rev G all received on 25 March 2021

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to the 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.

Site preparation and construction shall be limited to the following hours:-

07:30 – 18:00 Monday – Friday

08:00 – 13:00 Saturday

No working on Sundays and Bank Holidays.

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)

4. 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 in accordance with Policies DM17 and DM18 of the SADMP (2016).

5. Notwithstanding the recommendations in the submitted Ground Investigation Report ref: 18-0227/D1/2 dated August 2018 and the Geo-technical Assessment Report ref: 18-0227/J700A/D1/1 dated 9 December 2019, no development approved by this permission shall be commenced until a scheme for the remediation 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)

6. 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).

7. No development shall commence on site 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 submitted details shall include infiltration testing and details which prove that surface water will not discharge onto the public highway. 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).

8. Prior to the 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.

9. Prior to the 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.

10. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance

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

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

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

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).

11. 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 within the red line of the approved Site Location Plan 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.

12. No works shall commence on site until full details of the finished floor levels for each of the approved dwellings has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance in accordance with Policies DM4 and DM10 of the SADMP (2016).

13. Prior to the commencement of development a scheme for the treatment of the Public Rights of Ways shall be submitted and approved in writing by the local planning authority. Such a scheme shall include provision for their management during construction, fencing, surfacing, width, structures, signing, street furniture (including improvement or removal if appropriate), boundary treatment and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. For the avoidance of doubt, the Public Footpaths shall comprise of a tarmac surface 2 metres wide. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: To protect, enhance and provide all weather Public Rights of Ways and access in accordance with the NPPF.

14. Prior to the commencement of development, full details of the proposed pumping station including elevation drawings and materials to be used shall be submitted to the local planning authority for their approval in writing. The development shall be carried out in accordance with the approved scheme.
Reason: To ensure that the development has a satisfactory appearance in accordance with Policies DM4 and DM10 of the SADMP (2016).
15. Prior to the commencement of development, a scheme for the delivery of full fibre broadband connections to serve each dwelling on the application site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full.
Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2019).
16. None of the dwellings hereby approved shall be occupied until such time as the northern and southern access arrangements shown on approved Drg No: SK02 Rev B have been implemented in full.
Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to ensure pedestrian safety in accordance with Policy DM17 of the SADMP (2016).
17. None of the dwellings hereby approved shall be occupied until such time as vehicular visibility splays of 2.4 metres by 32.2 metres to the north and 2.4 x 28.8 metres to the south have been provided at both site accesses. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in accordance with Policy DM17 of the SADMP (2016).
18. Each dwelling hereby permitted shall not be occupied until such time as the parking and turning facilities for that dwelling have been implemented in accordance with Drg No:100-634/(P)001 Rev W. Thereafter the onsite parking provision shall be so maintained in perpetuity.
Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).
19. Any dwellings that are served by private access drives including any turning spaces shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance Figure DG20 of the Leicestershire Highways Design Guide. The private access drives shall be surfaced with hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and once provided shall be so maintained in perpetuity.
Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).
20. Each dwelling with a private vehicular access hereby permitted shall not be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays

has been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, and once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the SADMP (2016).

21. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the SADMP (2016).

22. The Travel Plan shall be implemented in accordance with the details contained within ref: T20025/RTP/01 dated 19 October 2020. A Travel Plan Co-ordinator shall be appointed from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.

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 NPPF.

23. None of the dwellings hereby approved shall be occupied until full details of the play equipment, street furniture and boundary treatment around and within the locally equipped play area has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the occupation of the 70th dwelling on the site.

Reason: To ensure that the development has a satisfactory level of equipment provided which respects the National Forest in accordance with Policies DM4 and DM10 of the SADMP (2016).

24. The approved detailed landscaping schemes as shown on Drgs No: c1757 01 Rev D and c1757 02 Rev D shall be completed prior to the occupation of the plot to which it relates. The non-residential landscaping areas shall be completed upon occupation of the 70th dwelling. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

25. The dwellings hereby approved shall be implemented in accordance with the approved materials contained in Drg No: 100-634/(P) 003Q.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the SADMP (2016).

26. The development shall be carried out in full accordance with the recommendations specified in the Preliminary Ecological Appraisal dated March 2020.

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

27. 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).

3.4 Notes to Applicant

1. In relation to conditions 5 and 6; 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.
2. With reference to condition 7 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.
3. With reference to condition 8 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.
4. With reference to condition 9 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.

5. With reference to condition 10 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.

6. 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.
7. 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>.
8. 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.
9. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
10. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.

11. 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>.
12. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with the construction works.
13. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highway Act 1980.
14. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
15. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the lpa. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
16. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
17. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
18. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

APPENDIX A

Planning Committee 30 March 2021
Report of the Planning Manager

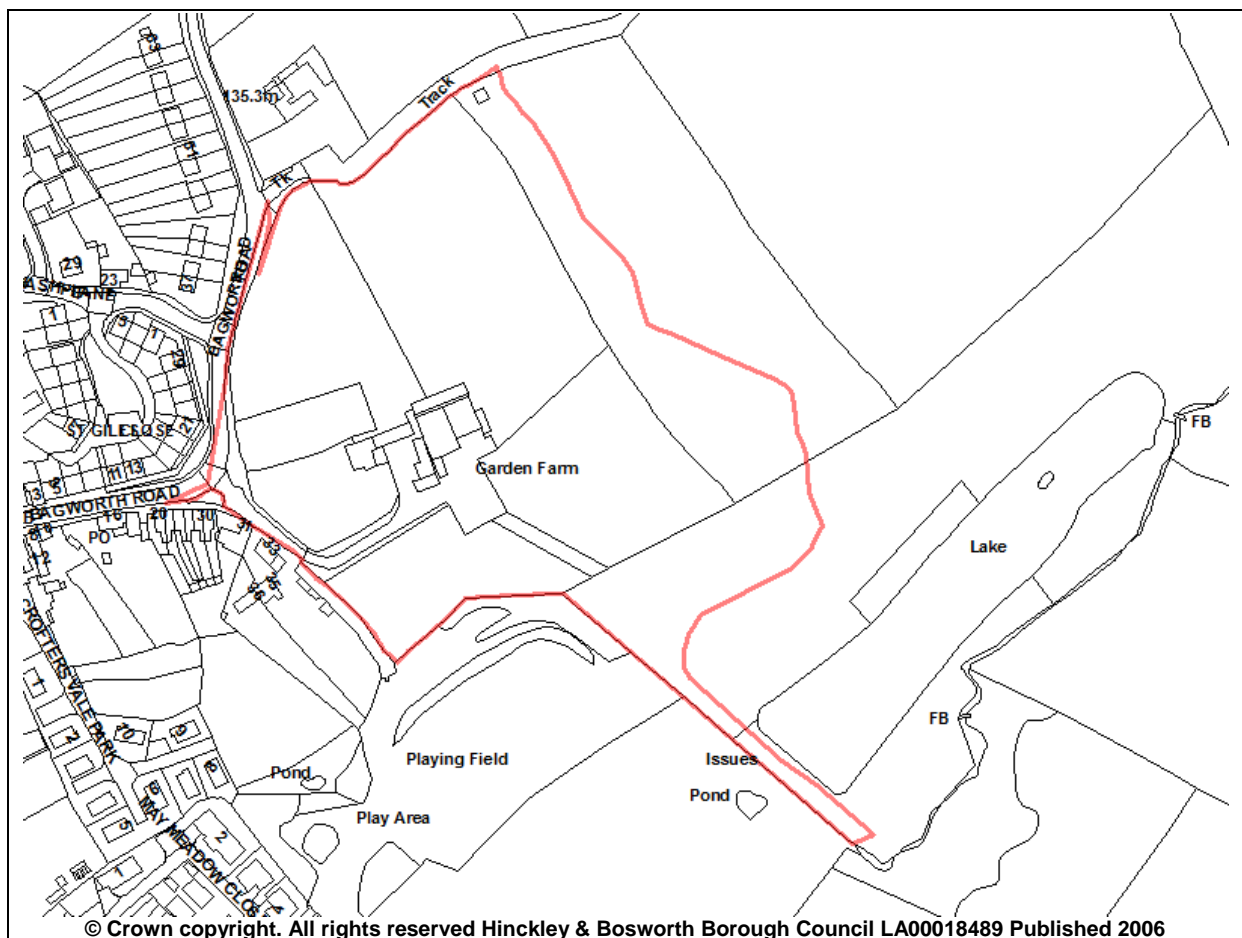
Planning Ref: 20/00470/FUL
Applicant: Owl Partnerships Ltd
Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: Garden Farm Bagworth Road Barlestone

Proposal: Residential development of 99 dwellings with associated infrastructure, vehicular accesses and areas of open space



1. Recommendations

1.1. Grant planning permission subject to

- The completion within six months of this resolution a S106 agreement to secure the following obligations:
 - 100% Affordable Housing with a split of 50 units as affordable rented and 49 units as shared ownership
 - £3,170.00 for library facilities at Newbold Verdon Library
 - £4,903.00 towards improving existing waste facilities at Barwell HWRC
 - £50,124.93 towards Health Care Provision (GP Practices)

- On-site Open Space requirement of 356.4m² of equipped play area with equipment to a minimum value of £64,839;85; 1663.2² of Casual/Informal Play Space and 8965m² of natural green space along with maintenance costs.
 - £48,302.07 towards secondary school education at The Market Bosworth School.
 - Travel Packs – one per dwelling (can be supplied by LCC at £52.85 per pack)
 - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass.
 - Travel Plan monitoring fee of £6,000.
 - Traffic Regulation Order cost of £7,500.
- 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. The proposal has been amended from the original proposal of 110 dwellings and now seeks full planning permission for the construction of 99 dwellings with associated accesses, public open space, landscaping and infrastructure. The site has an area of approximately 3.58 hectares. A detailed access plan has been submitted which shows a new road leading into the site from Bagworth Road along with a secondary access serving 7 units off an unadopted road.
- 2.2. The housing mix proposed comprises 50 affordable rented units and 49 shared ownership units. The properties proposed are a mix of 10 x one bed maisonettes, 43 x 2 bed houses, 40 x 3 bed houses and 6 x 4 bed houses. The properties proposed are of traditional construction comprising predominantly facing bricks with roofing tiles. All of the properties would be built to a height of two-storeys.
- 2.3. The site layout plan shows the development would be predominantly arranged into five perimeter blocks along with ribbon development along Bagworth Road and backing onto the attenuation pond properties along The Poplars and Ash Close. All of the properties would either face onto roads or parking forecourts. Some of the properties would have small front gardens whereas others would have parking along the frontage. All of the properties would have rear gardens of at least 9 metres in length with the exception of the maisonettes which would have a communal rear garden.
- 2.4. Areas of open space are proposed across the site. Along the eastern boundary of the site a large area of land would remain undeveloped. In this open space area would be a Locally Equipped Area for Play (LEAP) along with a kick about area. This area contains public footpaths R64 and S32. Areas of open space are also proposed to the south and south east of the site. This area contains public footpaths S15 and S35 along with an existing watercourse. An attenuation pond is proposed in the area of open space to the south east of the site. These areas of open space would link to May Meadow and Football Pitch open space (BARL16).
- 2.5. The proposal includes the widening of Bagworth Road to 5.5 metres along the site frontage and the provision of a 2.0 metre wide footway from the site access to the existing public right of way to the north.

2.6. Planning permission was granted in 2015 for the demolition of buildings and the construction of up to 64 dwellings (outline – access only) (ref: 14/00596/OUT) on the majority of the site (2.5 hectares).

2.7. The application is supported by the following technical documents:-

Design and Access Statement
Existing Site Sections
Topographical Survey
Transport Assessment
Residential Travel Plan
Geotechnical Report
Land Transfer Plan
Tree Removal Plan
Bat Survey
Water Vole Survey
Protected Species and Habitat Surveys
Construction Environmental Management Plan
Stage 1 Road Safety Audit
Tree Survey
Planning Statement
Ground Investigation
Archaeological Desk Based Assessment
Geophysical Survey
Historic Building Recording
Assessment of Scheme Viability
Surface Water Management Scheme
Preliminary Ecological Appraisal
Building for Life Informal Assessment
Flood Risk Assessment

3. Description of the site and surrounding area

3.1. The application site is an allocated housing site BARL02 in the Site Allocations and Development Management Policies DPD.

3.2. The application site is located on the north-eastern side of the village of Barlestone and to the east of Bagworth Road. Comprising of a farmhouse, associated buildings and an area of paddock land, the site forms part of a wider area of open countryside. The majority of the site lies within the settlement boundary for Barlestone. A track with open fields beyond forms the northern boundary of the site with open fields forming the eastern boundary. Located along the southern boundary is an area of public open space with Bagworth Road forming the western boundary and the residential area of Barlestone. The presence of this built development along with the adjoining open fields gives the area its semi-rural character.

3.3. The north eastern corner of the site along with a section along the eastern boundary is located within Landscape Character Area B - Charnwood Fringe Landscape Character Area (LCA – B) in the Landscape Character Assessment (2017). This is characterised by a dispersed pattern of former mining villages following a linear pattern on ridgetops, either located close to a colliery or providing housing for mine workers. The area has good public access and footpath networks throughout. The majority of the site lies within Urban Character Area 14 – Barlestone.

3.4. The core of Barlestone is located to the west of the site and contains a range of services and facilities including a primary school, doctor's surgery, community hall, pre-school, places of worship, public houses, shops, post office and car repairs.

The nearest bus stop is within walking distance of the site being located on Newbold Road. Bus services provide access to and from Leicester, Hinckley, Coalville and Market Bosworth.

- 3.5. The application site is currently used as grazing land bound by hedgerows along its boundaries with Bagworth Road. The site is mostly flat and level, however, the land does fall away gradually from north east to south from 135.99m AOD along the public footpath to a low point of 130.80m AOD where the attenuation basin is proposed.

4. Relevant planning history

14/00596/OUT

- Demolition of existing farmhouse, stables and outbuildings for the erection of up to 64 dwellings (outline - access only)
Planning Permission
17.12.2015

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. 156 letters of objection have been received (some residential addresses have submitted more than one letter) raising the following concerns:

- 1) Question whether this residential scheme is in addition to the 64 dwellings already approved on the site (some make reference to 84 dwellings already approved on the site)
- 2) The proposal would increase the volume of traffic around the site on roads which are already too narrow, full of parked cars and unsafe – photographs and videos have been submitted of on street parking along Bagworth Road and Main Street
- 3) Vehicles from the proposed site would use the already congested A447 junction where there have been a number of crashes over the last 10+ years including fatalities
- 4) The road leading to Desford already exceeds its capacity and cannot cope with this proposed increase in traffic
- 5) A lot of elderly people and young children cross the road near to the proposed site entrance to access May Meadows and the footpaths in the area are narrow
- 6) Horse riders also use these roads and footpaths and so there will be highway safety issues
- 7) There would be highway safety issues from construction traffic using surrounding roads
- 8) The vehicular access would involve the removal of mature hedgerow
- 9) The application site is close to Churches, takeaways, hairdressers, a funeral undertakers and a Children's Nursery which all generate a lot of traffic
- 10) The existing residents occupying properties near to the site will be subjected to noise and disturbance
- 11) Public transport services have been affected by COVID-19
- 12) There is a need for additional parking in the centre of Barlestone
- 13) Parking restrictions should not be placed on Bagworth Road as residents will have nowhere to park
- 14) The Neighbourhood Plan does not identify a need for further housing
- 15) The site lies within a flood risk area and this proposal would increase this risk of flooding

- 16) Additional housing should be provided on the green fields opposite the housing on Barton Road
- 17) The utilities in the area cannot cope with additional housing
- 18) The services and facilities in Barlestone such as the doctor's surgery, the dentist, the CO-OP, the post office and primary school cannot cope with this additional housing
- 19) There is not a need for additional housing in Barlestone as shown in the Council's Development Plan and the draft Neighbourhood Plan for Barlestone
- 20) There is not a need for social housing in Barlestone especially one-bedroom units
- 21) The farm house and farm buildings are heritage buildings which would be demolished
- 22) The proposal would interfere with public footpaths within the site
- 23) The proposal does not provide for a good mix of house sizes and tenures
- 24) The high density of the proposal would not compliment the character of the area which is the oldest part of Barlestone and on the edge of countryside
- 25) It is understood that there are a further 450 houses planned for the other side of Barlestone
- 26) The proposal adjoins an area of natural beauty and a wildlife site. Building so close to this area would destroy the wildlife
- 27) The residents of 31 and 33 Bagworth Road own some of the private unadopted road shown within the red line
- 28) There will be anti-social behaviour around the parking areas off Bagworth Road
- 29) This proposal would increase the population of Barlestone by 10-14%
- 30) There are no employment opportunities in Barlestone for these new residents
- 31) The proposal does not include any Section 106 monies

5.3. Four letters of support have been received for the following reasons:

- 1) There is a need for additional housing in Barlestone and this scheme would benefit the area
- 2) Residents do not want to accept change in the village
- 3) Barlestone does have the facilities to withstand this additional housing
- 4) The road can easily be engineered to cope with the additional traffic
- 5) There is certainly a need for 2-bed affordable properties for young families in Barlestone

5.4 One letter of comment has been received stating that whilst they do not object to 110 houses being built on the application site they are concerned about the impact on the surrounding road network.

6. Consultation

6.1. Barlestone Parish Council object to the proposal for the following reasons:

- 1) The increase in houses from 64 to 110 will cause significant access issues and increase in traffic in the historic part of the village which is not designed for traffic
- 2) The scale and location of the development would be an incongruous and disproportionate amount of growth in an unsustainable location
- 3) The proposal would have a detrimental impact on the character of the countryside and surrounding landscape
- 4) There are no Section 106 monies proposed. The local primary school cannot cope with an increase in children. There is also a need for money to contribute to other services and facilities in the village

- 5) A previous affordable housing assessment only showed a need for 10 affordable units in the village
 - 6) The sewerage system in the village cannot cope
- 6.2. LCC as Local Lead Flood Authority require further information on the total impermeable area of the revised plans. Additional SUDs treatment on site are also required. Their comments on the additional information provided is awaited.
 - 6.3. LCC Ecology requires further information on the Biodiversity Calculations for the proposal. Their comments on the additional information provided is awaited.
 - 6.4. No objections have been received from:
 - HBBC Environmental Services (Pollution) – subject to conditions
 - LCC as Highway Authority
 - HBBC Drainage Services – subject to a condition
 - HBBC Waste Services – subject to a condition
 - HBBC Drainage – subject to conditions
 - Leicestershire Police
 - LCC Archaeology – subject to pre-commencement conditions
 - 6.5. No comments have been received from:
 - Severn Trent Water Ltd
 - 6.6. HBBC Affordable Housing Officer agrees with the housing mix proposed for this 100% affordable housing scheme and the split of 51% affordable rented and 49% shared ownership.
 - 6.7. Council's S106 Monitoring Officer – welcomes the provision of a LEAP on site which should be at least 396m². The total on-site open space shown is 10,984m² which is in excess of the 5,979m² required (excluding outdoor sports) for 99 dwellings.
 - 6.8. Contributions are sought from:
 - NHS West Leics CCG - £50,124.93 towards the cost of providing additional accommodation for 266 patients at surgeries in Newbold Verdon, Desford and Ibstock and Barlestone (via their branch surgery)
 - LCC Civic Amenity - £4903.00 towards improving existing waste facilities at Barwell HWRC (based on 99 dwellings)
 - LCC Libraries - £2,840 towards improving the existing library facility at Newbold Verdon library (based on 99 dwellings)
 - LCC Education - £262,705.70 towards secondary school education at The Market Bosworth School
 - LCC Early Years Provision – confirm that provision of Early Years places is not required for housing proposals below 100 dwellings.
 - George Eliot Hospital NHS Trust - £163,890.00 towards additional health care services
 - University Hospitals of Leicester NHS Trust - £29,546.00 towards additional health care services

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 7: Key Rural Centres
 - Policy 11: Key Rural Areas Stand Alone

- 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) (SADMP)

- 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. Barlestone Neighbourhood Plan – Consultation Document 2020

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- HBBC Landscape Character Assessment (2017)
- HBBC Landscape Character Sensitivity Study (2017)
- Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA)
- Affordable Housing SPD (2011)
- Open Space and Recreation Study (2016)
- Leicestershire Highways Design Guide
- Agricultural Quality of Land Surrounding Settlements in the Hinckley and Bosworth District Report (2020)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology
- Archaeology
- Flooding & Drainage
- Housing Needs
- 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 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. Policy 7 of the Core Strategy identifies Barlestone as a key rural centre which supports local services. The majority of the site lies within the settlement boundary for Barlestone where the principle of residential development is supported. Policy 11 of the Core Strategy supports the allocation of land for the development of a minimum of 40 new homes within Barlestone.
- 8.5 Whilst a formal consultation has taken place on the draft Barlestone Neighbourhood Plan, the plan is still in the early stages of its development. Therefore, as consultation on the draft Neighbourhood plan is ongoing and an examination has yet to take place the neighbourhood plan carries limited weight.
- 8.6 Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is unable to demonstrate five years of deliverable housing on 1 March 2021. Due to the change in the housing figures required for the borough, the housing policies in the plan are out of date. As such paragraph 11(d) of the NPPF is triggered. 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. This is weighed in the balance of the merits of the application when 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. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.7 The majority of the application site (2.5 hectares) forms part of the residential site allocation BARL02 as contained within the SADMP. This residential site allocation is located within the settlement boundary for Barlestone. Outline planning permission has been approved for a residential scheme of up to 64 dwellings on the proportion of the site within the settlement boundary. Therefore, the principle of residential development is accepted on this part of the site.
- 8.8 The SADMP sets out that sites that have been allocated should be safeguarded as they have an essential role in the delivery of housing requirements. It goes on to state that *“it is essential that these designations are safeguarded and delivered over the plan period to ensure that these requirements are met.”*
- 8.9 One hectare of the application site to the north east and along the eastern boundary of the site is situated outside of the defined settlement boundary of Barlestone. The land is identified as countryside within the Borough Wide Policies Map. Policy DM4

of the SADMP is therefore applicable and states that the countryside will first and foremost be safeguarded from unsustainable development.

- 8.10 The proposed layout submitted with the application shows that the residential site would follow the existing hedgerow boundary of the paddock. This would involve appropriately 8 proposed dwellings located outside of the settlement boundary and within the countryside which would 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.
- 8.11 The majority of the land located within the countryside would be used as public open space including a LEAP area, a kick about area and the siting of an attenuation pond. One of the criteria in Policy DM4 where development in the countryside will be considered sustainable is 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.
- 8.12 The area of open space proposed would exceed the policy compliant area required and this additional open space would be adjacent to the settlement boundary. Therefore, such a use is in accordance with the above requirements of Policy DM4.
- 8.13 In conclusion, the majority of the housing proposal lies within the settlement boundary of Barlestone and within housing allocation BARL02 where the principle of residential development is accepted. Appropriately 8 of the proposed dwellings would be located outside of the settlement boundary along with areas of open space and an attenuation pond. This would 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.

Design and impact upon the character of the area

- 8.14 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.
- 8.15 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.
- 8.16 The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.
- 8.17 The majority of the application site lies within the urban area of Barlestone which is identified as Urban Character Area 14 (UCA-14) within the Landscape Character Assessment. The key sensitives of Barlestone as relating to the application site are its rural setting including the undeveloped gap between Newbold Verdon to the east and its cultural associations with framework knitting and mining which are an important part of Barlestone's identity.
- 8.18 The relevant townscape strategies for Barlestone as relating to the application site are the encouragement of legible layouts for larger developments, the reinforcement of the rural setting by maintaining and enhancing important trees and

open spaces and maintenance and promotion of recreational links to surrounding open spaces and woodland.

- 8.19 The application site lies within the Charnwood Fringe Settled Forest Hills Landscape Character Area (LCA – B). This is characterised by a gently undulating landform with small plateaus on higher ground and rising to the adjacent Charnwood Forest area to the east; of a large scale irregular field pattern of mainly arable and some pasture, with smaller fields around settlements with fields enclosed by hedgerows with scattered trees; and, a dispersed pattern of former mining villages following a linear pattern on ridgetops with a good public access and footpath network throughout, especially within the National Forest area. The site is not a 'valued landscape' for the purposes of Paragraph 170 of the NPPF, does not have any national or local designations and is not unique or remarkable for any landscape purposes.
- 8.20 Due to gently sloping topography, the application site is not prominent in the local landscape, nor does it affect the skyline. The landscape character can thus be described as transitional and urban fringe. The landscape strategies for this area are to ensure new development should complement the existing settlement pattern. New developments should be of appropriate materials, scale, massing and location within their plot to the rural context of the area.
- 8.21 The Agricultural Land Quality Report for HBBC classifies the land as provisional Grade 3. It is Grades 1, 2 and subgrade 3a which are of high agricultural quality and so are protected under the NPPF. Subgrade 3a land lies to the south of the village and does not include the application site. As such the land is not protected under the NPPF.
- 8.22 The application proposal would replace paddock land along with a farmhouse and associated outbuildings. This built development would cause harm to the landscape setting of the site. There are a number of public rights of way which run through the site which are public footpath numbers R64, S15, S32 and S36. The walkers along these footpaths would be slow moving receptors and are considered to be of high sensitivity. A number of properties also have direct views across the application site from Bagworth Road where views from habitable rooms would be achieved, however, these views would be largely concealed by the intervening vegetation.
- 8.23 Mitigation measures have been incorporated into the proposal which include the retention and enhancement of existing boundary vegetation, replanting of the eastern boundary hedgerow and large areas to the south which would remain undeveloped to link in with the open space to the south. These mitigation measures would reduce the landscape harm of the proposal on the local landscape. The roadside hedgerow planting proposed along with the setting back of the built development from the main road would also shield some views of the housing development from the existing residential properties whilst retaining the landscaped character of this side of Bagworth Road.
- 8.24 Detailed landscape proposals and a boundary treatment plan have been submitted with the application which include a new planted boundary along the eastern boundary of the site with the open fields beyond. Whilst the existing hedgerow along Bagworth Road would be removed, the proposal includes significant hedgerow planting around the site in the soft landscaping scheme submitted which would form part of an appropriately worded condition. With regards to LCA B, as the magnitude of the impact of the proposed development would be negligible due to the gently sloping nature of the application site and its containment from the wider landscape to the north and east, its open links to the south and the soft landscaping scheme proposed, the overall effect on the character of the LCA would be of minor significance.

- 8.25 The route of public footpaths R64, S36 and S15 are unaffected by the proposal and would remain in areas of open space. These footpaths would continue to link to the open fields beyond the application site boundary and so whilst the experience of users of the footpath would alter when walking near to the proposed built development, they would soon reach the open countryside beyond.
- 8.26 Footpath S32 goes through the development site and would need to be re-routed. The proposal is for the footpath to use the new footpaths alongside the estate access roads. The realigned section of the footpath would then link in to the existing footpath in an area of open space. Users of this footpath would experience the greatest degree of harm which would alter from walking through open fields to walking for some of its length through a housing estate. However, this part of the footpath lies within the allocated housing site which is located within the settlement boundary for Barlestone and there is already built development on the site. The proposal would not diminish the benefit of the existing valued public right of way compared to the 2014 approved scheme.
- 8.27 A number of the objections received refer to this residential proposal being of a greater density than the previous approval under ref: 14/00596/OUT and so out of character with the surrounding area. As discussed in paragraph 2.6, the application site is greater in size by approximately 1 hectare compared to the 2014 approval. The overall density of the development would be 36 dwellings per hectare. Policy 16 of the Core Strategy states that proposals for new residential development within and adjoining Key Rural Centres (Barlestone), should be of a minimum net density of at least 30 dwellings per hectare. The character of existing properties around the site is of higher density with semi-detached and terraced properties with limited or no front gardens on small plots. As such, the density proposed for this residential scheme would be lower than the surrounding built form and therefore it would not be out of character with the existing residential development in the locality.
- 8.28 The application site does have a varied topography. The details of all finished floor levels should be submitted and agreed in writing by the Council as part of a pre-commencement condition. This should include cross sections including properties along Bagworth Road to ensure that the proposal would not have an overbearing impact on the existing surrounding properties.
- 8.29 The properties proposed are of a traditional design comprising predominantly facing brickwork with roofing tiles to reflect the design of the adjoining residential properties. Some of the plots would have rendering at first floor level on their front elevations. There would be a variation in roof styles which would comprise predominantly front facing pitched roofs with some plots having side facing pitched gable roofs at first floor level. Open porches are proposed to the majority of the plots. The corner plots have been designed so that windows and/or the front door is located on the side elevation to give these plots dual-frontages as required by the Council's Good Design Guide SPD to create variety and rhythm within the street scene. Where possible, parking areas are set between dwellings in order to reduce the visual impact of cars on the street scene. Landscaping is proposed along parts of the internal roads to soften the built development. Dwellings are orientated to maximise views over the landscaped buffer and the public open space to improve natural surveillance of these areas.
- 8.30 The housing mix proposed comprises 50 affordable rented units and 49 shared ownership units. The properties proposed are a mix of 10 x one bed maisonettes, 43 x 2 bed houses, 40 x 3 bed houses and 6 x 4 bed houses. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of a minimum of 40% affordable housing on all

sites in rural areas and this proposal would exceed this minimum amount by providing 100% affordable housing. Whilst the development would not provide a split of 75% affordable rented and 25% shared ownership as required by Policy 15, a split of 50/50 as agreed with HBBC's Affordable Housing Officer would generate more affordable rented units than if the proposal was for 40% affordable housing. Therefore, it is considered that the mix of housing types and tenures would be in general compliance with the requirements of Policy 16 of the Core Strategy.

- 8.31 Whilst the proposal would involve 1 hectare of land located beyond the settlement boundary of Barlestone, the majority of this land would remain open and would be used as public open space and for the construction of an attenuation pond. It is considered that the proposal would result in a limited degree of harm to the character and appearance of the area which would conflict with Policy DM4 of the SADMP. Mitigation measures have been incorporated into the proposed layout of the scheme to minimise this harm. The mitigation measures include the retention, enhancement and in some cases replacement of all of the existing boundary vegetation. New tree and hedgerow planting would be provided both within the site to provide landscaping taking into account the key sensitivities of the LCA.
- 8.32 It is therefore considered that the design, layout, design and landscaping details as submitted along with the improvements to landscaping would result in the development not being unduly intrusive to the wider countryside. Whilst there would be some conflict with Policy DM4 of the SADMP (2016), the mitigation measures submitted with the scheme would ensure that the development complemented the character of the surrounding area as required by Policy DM10 of the SADMP (2016) and advice in the Council's Good Design Guide SPD.
- Impact upon neighbouring residential amenity
- 8.33 Policy DM10 of the adopted SADMP seeks to ensure that development does not adversely affect the amenity of occupiers of neighbouring properties.
- 8.34 Whilst there are existing dwellings near two of the site's boundaries, these properties are separated from the site by Bagworth Road. The layout has been designed so that all of the properties fronting onto Bagworth Road have an intervening distance of at least 15 metres from existing properties along the unadopted section of Bagworth Road. These existing properties do not have front gardens and so the proposed properties would be set behind parking forecourts to ensure that an adequate separation distance between these properties can be achieved. Greater distances of at least 38 metres are proposed from existing properties to the west of Bagworth Road. As such whilst there would be overlooking between the principal windows of the proposed units and the existing residential properties on Wood Street, the Council's Good Design Guide (2020) states that the minimum distances laid out in this document are not applicable where principal windows are separated across a road as these windows are already overlooked within the public realm. Examples are given in the Good Design Guide of similar street scenes in order to create enclosure of streets and spaces.
- 8.35 The internal layout of the proposal has been designed to comply with the minimum standards laid out in the Council's Good Design Guide SPD. This includes rear gardens with a minimum depth of 10 metres which exceeds the guide's recommendation of 7 metres. The majority of the proposed properties have a separation distance of at least 21 metres between habitable rooms on the rear elevation. This is in accordance with the separation standards laid out in the Good Design Guide SPD. The exception to this is a block of 7 properties where the distance is 20 metres. The rear gardens proposed for these plots would be a minimum of 10 metres in length. Whilst the measurements do not meet the standard as laid out in the Council's Good Design Guide SPD, in this instance, the

proposed layout would not have an overbearing impact on the outlook or a loss of privacy between these properties.

- 8.36 The majority of the proposed properties would have a separation distance of at least 14 metres between first floor habitable rooms on the rear elevation and blank gable walls. The exception to this would be 4 units where the distance would be some 11 metres. The rear gardens proposed for these plots would be a minimum of 11 metres in length. Whilst the measurements do not meet the standard as laid out in the Council's Good Design Guide SPD, in this instance, the proposed layout would not have an overbearing impact on the outlook between these properties.
- 8.37 The use of perimeter blocks ensures that each plot has been designed to minimise the impact of overlooking whilst providing some surveillance over rear gardens, parking forecourts and areas of open space. Indeed, the layout proposed would assist in providing security and so designing out crime in these areas in accordance with the advice in the Good Design Guide SPD.
- 8.38 The construction of the development would be temporary and would not result in any long term impacts on amenity. However, by virtue of the scale of development, the proximity to existing residential properties and potential duration of the construction phase, as recommended by the Council's Environmental Health (Pollution) a condition can be included on any consent granted to secure the submission of a Construction Environmental Management Plan for approval by the local planning authority prior to any construction work taking place to protect the amenities of neighbouring properties and minimise any adverse impacts. A condition can also be imposed requiring for the submission and approval of a construction traffic management plan to protect the amenity of neighbouring properties.
- 8.39 Based on the above, the proposal would not have a significant adverse impact on the residential amenity of either nearby residential properties or on the future occupiers of the site. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

Impact upon highway safety

- 8.40 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.

Site Access

- 8.41 A Transport Assessment and Travel Plan have been submitted with the application. Both of these documents conclude that the proposal would not have adverse impact upon the safe operation of the local highway network. Following concerns raised by LCC as Highway Authority (LHA), additional information has been submitted to support the application. This includes a Technical Note, a revised site access drawing, revised internal layout drawings and a proposed Traffic Regulation order scheme. A Stage 1 Road Safety Audit has also been submitted to support the revised access.
- 8.42 The revised detailed access plan shows a new access into the site to serve 94 dwellings, the existing Garden Farm vehicular access serving five dwellings and the deletion of a previous proposal for an access to the northernmost section of the site. The new access gradient would be 1:30 for the first 10 metres then 1:20 thereafter.

This would be a similar arrangement to the access accepted as part of permission ref: 14/00596/OUT.

- 8.43 The application also proposes to widen Bagworth Road to 5.5 metres wide along the site frontage and provide a 2.0 metre wide footway from the site access to the existing public right of way to the north along with a footway link to the south of the site access. LHA has confirmed that the site access proposals are acceptable.

Trip Generation

- 8.44 In order to reflect the reduction in the quantum of development proposed, a revised trip rate calculation for 99 dwellings has been submitted. A total number of 65 trips are estimated to arrive and leave the site between 08:00-09:00 and 64 trips between 17:00-18:00. This trip distribution is accepted by the LHA.

Junction Capacity Assessments

- 8.45 Concerns have been raised by residents about the capacity of the junctions around the site and their inability to accommodate any additional traffic. Capacity assessments have been undertaken for the following junctions:

1. Main Street/Newbold Road/West End priority junction
2. West End/Bosworth Road/Barton Road/Westfields crossroads junction
3. A447/Barton Road/Lount Road crossroads junction
4. Main site access junction

- 8.46 Ratio to Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically a value of 0.85 is seen as the practical capacity, with results higher than this more likely to experience queuing or delay. The RFC of all junctions is not predicted to exceed 0.85 with the development in place in 2026. Therefore, the LHA confirms that they are satisfied that all of these junctions would operate within capacity.

Off-Site Implications

- 8.47 Concerns have been raised by local residents about the safety of the surrounding road network to accommodate the additional traffic generated from this proposal. Video footage of vehicles attempting to pass each other whilst negotiating on street parking along Bagworth Road and Main Street have been submitted to the planning department and directly to the LHA as evidence. Part of this evidence includes a car owner washing their motor vehicle on the road and so stood within the path of oncoming vehicles.

- 8.48 The applicant has submitted a drawing detailing a proposed Traffic Regulation Scheme (TRO) as advised by the LHA. This scheme shows double yellow lines around the junction of Main Street/Newbold Road/West End and Bagworth Road with its junction with Crofters Vale Park. H bar markings would also be added over existing vehicular access drives onto Bagworth Road and Main Street to both prevent these drives being blocked by parked cars and to act as vehicle passing bays.

- 8.49 The LHA has confirmed that in 2014 they requested areas of parking restrictions at the junction of Newbold Road/West End/Main Street, Main Street/Croftersvale Park, a short length on Newbold Road just south of the bus stop and on Bagworth Road around the site access to improve traffic flow. As the proposals at Newbold Road/West End, West End/Main Street junctions were not implemented by LCC then the LHA agrees that a scheme should focus specifically on Main Street and Bagworth Road whereby if opposing vehicles were to meet at the bends in the road

there would be sufficient space for one to easily pull in, allowing the other to pass. Having studied the TRO scheme submitted by the applicant they advise that additional measures may be required to the northern side of Main Street in the vicinity of the Crofters Vale Park junction. Nevertheless, the LHA is satisfied for the applicant to enter into a S278 agreement to deliver the works and make amendments prior to the public consultation. The LHA advise a minimum of 6 months is required to process a TRO, therefore, the applicant would be required to progress the TRO scheme at the earliest opportunity. A suitable TRO scheme would need to be secured as part of a Section 106 Agreement and a contribution of £7,500 would be required in order for LCC to process the TRO.

Internal Layout

- 8.50 With regards to the internal layout of the road network proposed and the parking plan, the Highway Authority has confirmed that the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. However, whilst the internal layout of the road network is not considered unsafe, it would not be suitable for adoption. Amendments are required should the applicant wish for the internal layout to be adopted. These amendments would include the removal of a raised table, relocation of raised table ramps where they conflict with the driveways of the proposed dwellings, the inclusion of a bituminous footway on both sides and reduction in the width of part of the internal road. Amended plans have been submitted by the applicant which attempt to address the concerns raised by the LHA. Comments from the LHA on these amended plans are awaited.

Parking Provision

- 8.51 The parking plan shows that the 10 x one bed maisonettes would have one car parking space, 43 x 2 bed houses, 40 x 3 bed houses and 3 x 4 bed houses would have two car parking spaces along with an additional two visitor spaces near to the public open space and 3 x 4 bed houses would have three car parking spaces. The LHA has confirmed that the parking levels are acceptable provided each space has a minimum length of 5.5 metres.

Conclusion on Highways

- 8.52 Overall the impacts on the road network would not be severe and the junctions within the vicinity of the site would not be severely affected by the additional development traffic in accordance with Policy DM17 of the SADMP (2016) and the National Planning Policy Framework (NPPF). The parking provision proposed would be in accordance with Policy DM18 of the SADMP.

Ecology

- 8.53 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.
- 8.54 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.55 A Preliminary Ecological Appraisal (Worcestershire Wildlife Consultancy) has been submitted with the application along with an update on the Bat Survey. LCC Ecology has commented on the proposal and found the Appraisal to be satisfactory. However, they do have concerns that the survey was undertaken at a very early date, in very poor weather conditions and so an adequate assessment of grassland quality may not have been made. In addition to this, there are concerns that the Hedgerow Surveys were not carried out in accordance with Hedgerow Regulations

Standards. As many of the hedgerows are proposed to be removed, there is a requirement for these surveys to be undertaken.

- 8.56 In response to the comments made by LCC Ecology, updated habitat, hedgerow, water vole and bat surveys have been submitted by the applicant. LCC (Ecology) has commented that the surveys are satisfactory. They confirm that no recent evidence of water voles have been found in the fishing pool and watercourse. Therefore, no mitigation or further survey work is required. Bats are not present in the farm buildings, however, there was evidence of a moderate level of bat foraging along hedgerows and the watercourse.
- 8.57 The area of land allocated for SUDs is species-poor grassland. Although the northern/eastern low-lying part of the field in which this is sited is relatively species-rich rush pasture which is likely to meet the Local Wildlife site criteria, this area of grassland is not impacted upon by the siting of the SUDs features.
- 8.58 With regards to the hedgerow surveys submitted these show that the northern hedge, which is to be retained does meet the Hedgerow Regulations. The hedgerow would be retained with an appropriate protective buffer zone alongside and would be located outside private gardens. As such, a planning condition should seek to protect this hedgerow as included in the proposal. Whilst the roadside hedge would need to be removed, LCC Ecology has confirmed that whilst the hedge has been identified as a potential Local Wildlife Site, this hedgerow does not meet Hedgerow Regulation Standards as an "important" hedge.
- 8.59 However, LCC Ecology has voiced concern that the issue of biodiversity net-gain has not been addressed in the additional surveys submitted. The amount of hedgerow loss is high and no compensation is shown. Whilst none of these hedges meet the criteria laid out in the Hedgerow Regulations, they are principal habitats of importance and as such compensatory planting of an equivalent amount is required.
- 8.60 An amended landscaping scheme has been submitted in response to the observations made by LCC Ecology. The amended scheme includes:
- Additional native hedge planting to the northern and eastern boundaries of the open space areas.
 - Woodland planting area near to the pumping station.
 - Native scrub planting to the embankment above the attenuation pond.
 - Marginal planting to the (assumed) edge of permanent water in the attenuation pond.
 - Orchard planting to the southern and northern-most POS areas with plug plants within the ground beneath each tree.
- 8.61 Whilst the proposal would result in the loss of 450 metres of hedgerow, the amended landscaping scheme would provide 625 metres of new native hedge planting which exceeds the 370 metres originally proposed. In addition to this, 811 square metres of native woodland/scrub planting would be included in the scheme along with the proposed orchard area. LCC Ecology has been consulted on these amended plans and any further comments made by them will be reported to the planning committee as a late item.
- 8.62 A pre-commencement planning condition can be imposed on any consent granted requiring that no development shall commence on site until a Biodiversity Management Plan for the site has been submitted and agreed. A condition can also be imposed to ensure that the approved landscaping scheme is implemented in full on site.
- 8.63 Based on the above and subject to the imposition of conditions recommended, it is considered that the proposed development would not impact on protected species

and would provide biodiversity enhancements in accordance with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

Archaeology

- 8.64 Policy DM13 states that where a proposal has the potential to impact on 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.
- 8.65 LCC (Archaeology) state that the Leicestershire and Rutland Historic Environment Record shows that the application site lies partially within the historic medieval and post-medieval settlement core of Barlestone village (MLE2703) and incorporates Garden Farm, an undesignated but historic farmstead of local significance (MLE2703).
- 8.66 The application is accompanied by an archaeological desk-based assessment of the proposed development area which confirms the local significance of the farmstead. Historic mapping indicates that the farmhouse and barn were established by 1835. Whilst LCC Archaeology confirm that they would prefer to see the scheme retain the farmhouse and farm buildings, if approval is given for their demolition then they recommend that the buildings are subject to an appropriate level of historic building recording, to record and advance the understanding of the significance of the heritage assets to be lost. This should be secured by condition on any approved planning application.
- 8.67 Planning permission was granted in December 2015 for the demolition of the existing farmhouse, stables and outbuildings for the erection of up to 64 dwellings. The site is also allocated in the Development Plan as a development site for 64 dwellings based on this previous planning approval. The demolition of the buildings on the site is regrettable, however, the principle of their loss has already been established under the previous planning permission and the site's allocation as a housing site.
- 8.68 The application is also accompanied by a desk-based assessment of the buried archaeological potential of the proposed development area. LCC Archaeology has concerns that this report may not have fully considered the site's archaeological potential as it is partially within the settlement core of the village and is only 150m to the west of the medieval church. Roman artefacts including coins and pottery have been found to the east and north of the application area and although no prehistoric sites are recorded nearby, they state that the true archaeological potential of this site remains unknown. As there appears to be a lack of previous ground disturbance, any archaeological remains that are present are likely to be relatively well-preserved and close to the ground surface.
- 8.69 LCC Archaeology recommends that further archaeological evaluation of the site and any subsequent mitigation arising from this can be secured through a pre-commencement condition. The findings of these further studies would then inform an appropriate programme of archaeological mitigation including as necessary intrusive and non-intrusive investigation and recording. The pre-commencement condition is considered to meet the tests as laid out in the NPPF and should be applied as requested to ensure that the proposal complies with the requirements of Policy DM13 of the SADMP.

Flooding and Drainage

- 8.70 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. A Flood Risk Assessment (FRA) has been submitted with the application in accordance with paragraph 163 of the NPPF.

- 8.71 The site is located within Flood Zone 1 being at low risk of fluvial flooding and therefore in accordance with the Sequential Test, an Exception Test is not required to be undertaken. The site is at low risk of surface water flooding.
- 8.72 The proposal is for surface water from the proposed development to be discharged to an onsite attenuation basin before being discharged at a QBar discharge of 9.4l/s to an existing ditch on-site.
- 8.73 HBBC Drainage raise no objections to the proposal and recommend the imposition of drainage conditions with details to be submitted and agreed prior to the commencement of development. LCC as Local Lead Flood Authority (LLFA) has assessed the Surface Water Drainage Scheme submitted and recommended that further details on the implementation of additional SuDS treatments such as pervious paving, swales etc. are submitted. With regards to the proposal for a single attenuation basin for all of the surface water drainage, additional information is required that the basin proposed would provide sufficient surface water treatment prior to discharging to the environment.
- 8.74 An Amended Surface Water Drainage Strategy has been submitted on 3 March 2021 and a re-consultation exercise is currently being undertaken with the LLFA. The Amended Strategy includes a swale located on the outfall to address the concerns of the LLFA. The applicant has also submitted details of a deed of transfer to allow them the right to connect the proposed surface drainage with the point of outfall (unnamed ordinary watercourse).
- 8.75 Whilst comments are awaited from the LLFA following the re-consultation exercise, the submission of a Surface Water Drainage Scheme for approval could form part of a suitability worded pre-commencement condition as recommended by the Council's Drainage Officer. Any scheme approved under this condition would need to accord with Policy DM7 of the SADMP to ensure that the proposed development did not create or exacerbate flooding in the local area.

Housing Needs

- 8.76 HBBC's Affordable Housing Officer has advised that the Housing Register was reviewed at the end of 2019 and all applicants had to reapply. As such the numbers are still growing. However, on 30 October 2020 there were 113 households applying for properties in Barlestone with 13 stating that they had a local connection. 59 of these households required 1-bed properties; 29 required 2-bed properties; 17 required 3-bed properties and 8 required 4-bed+ properties.
- 8.77 The last housing needs survey in Barlestone was undertaken in 2018. This supports a significant level of local need for affordable rented units and shared ownership. Nine households were assessed as being in need of affordable rented housing and 10 were assessed as being in need of affordable housing on a Shared Ownership basis.
- 8.78 The Affordable Housing Officer confirms that the mix of dwelling types and tenures on the site is agreed as 51% affordable rented properties and 49% shared ownership properties on the site. Whilst they acknowledge that this split moves from the policy position of the requirement for 75% of the properties to be rented properties, as the proposal is for 100% affordable housing then the policy compliance figure of 33 units for rent would be exceeded by this proposal (50 rented properties would be provided on the site).
- 8.79 The property types for affordable rent have been agreed as a mix of 1 bed maisonettes, 2 bed units, 3 bed units and 4 bed units. The shared ownership properties have been agreed as a mix of 2 bed and 3 bed properties.

8.80 There is 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. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Infrastructure Contributions

8.81 Policy DM3 of the 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.

8.82 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.

Play and Open Space

8.83 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. There would also be a requirement for the maintenance of on-site open space provision for a 20 year period and for the maintenance of off-site open space provision for a 10 year period.

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 99 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	356.4	356.4	None. Equipment to be provided on site to a minimum value of £64,839.85 (based on 356.4 m ² required)
Casual/Informal Play Spaces	16.8	1663.2	1663.2	None
Outdoor Sports Provision	38.4	3801	N/A	None
Accessibility Natural Green Space	40	3960	8965.0 (balancing pond not included)	None

- 8.84 In accordance with the Open Space and Recreation Study (2016) the number of dwellings proposed requires a Locally Equipped Area for Play (LEAP) to be provided on site. The submitted Site Plan does include the provision of an equipped area for play to the east of the site.
- 8.85 The developer would be obligated to provide and then transfer the on-site open space area to a management company, together with a maintenance contribution or, request that either the Borough Council or the Parish Council maintain the land. If the land is to be transferred to an authority, the area of open space would include a maintenance contribution.
- 8.86 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.
- 8.87 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.

NHS West Leicestershire CCG – Health Care

- 8.88 The West Leicestershire CCG has requested a contribution of £50,124.93 towards addressing the deficiencies in services at Ibstock and Barlestone Surgeries (via their Barlestone branch surgery) Surgery, which is the closest available GP practice to the development. The practice is already experiencing capacity issues in relation to their premises and would need to make improvements to enable them to register new patients' resultant of this development. An increase of 240 patients from the proposal would significantly impact on patient demand in the area.
- 8.89 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 branch surgery at Barlestone, 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.

Libraries

- 8.90 LCC Library services have requested a sum of £3,170.00 towards provision of additional resources for library facilities at Newbold Verdon Library which is the nearest library to the development. The development would be within 2.8km of Newbold Verdon Library. The contribution is calculated using a methodology that is attributed to all developments of this typology and has only been requested where there is a deficiency in stock level. Therefore the contribution relates fairly and reasonably in scale and kind.

Civic Amenity

- 8.91 The Director of Environment and Transport requests a contribution of £4,903.00 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. The contribution is calculated using a methodology that is attributed to all developments of this typology and has only been requested where there is a deficiency in stock level. Therefore the contribution relates fairly and reasonably in scale and kind.

Education

- 8.92 LCC Children and Family Services has requested a contribution towards secondary school 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 £262,705.70 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at The Market Bosworth School or any other school within the catchment of the development.

- 8.93 The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and would address 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.

University Hospital Leicester (UHL) and George Eliot Hospital (GEH) NHS Trusts

- 8.94 UHL and GEH have requested contributions to address NHS revenue shortfalls for acute and planned treatment. This is by way of a monetary contribution of £29,546.00 and £163,890.00 respectively towards the 12 month gap in the funding in respect of A & E and planned care at the Hospitals in Leicester and Nuneaton.
- 8.95 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 and GEH to date. The contribution is not necessary,

when funding for this type of NHS care is intended to be provided through national taxation. UHL and GEH are unable to demonstrate that the burden on services arises directly from the development proposed, as opposed to a failure in the funding mechanisms for care and treatment. The requests made are 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 and GEH have 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 and GEH 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. Therefore, it has not been demonstrated that these requests fairly and reasonably relates in scale and kind to the development proposed.

- 8.96 A similar request was considered by a Planning Inspector during the determination of appeal ref: APP/K2420/W/19/3235401, where it was found that there was insufficient evidence to support the contributions being sought. These requests are therefore not considered to meet the test of the CIL Regulations.

Conclusion on Infrastructure Contributions

- 8.97 A Viability Appraisal has been submitted by the applicant confirming that due to the proposal delivering 100% affordable housing on site then the scheme has limited resources available to contribute towards other S106 obligations. Based on the viability of the scheme, a figure of £120,000 has been agreed between the local planning authority (lpa) and the applicant that can be paid towards contributions. All of the requests received by the lpa during the statutory consultation period were within this figure. However, 8 months after being consulted on the planning application, LCC Education has requested a late contribution of £262,705.70 towards The Market Bosworth School. This contribution was not included in their original responses received in July and November 2020.
- 8.98 The applicant has confirmed that the proposal cannot support contributions in excess of the £120,000 threshold. They agree to the wording in a Section 106 Agreement requiring applicants allocated to the proposed housing, in the first instance, to have a local connection to Barlestone. Many of these applicants will have children already enrolled at the local schools and so the applicant raises the case that the need for additional places as a result of the proposal will be limited. The application scheme can fund a contribution of £48,302.07 towards education to fund any additional secondary school places required from children occupying the site who do not have a local connection to Barlestone.
- 8.99 LCC Education Services has been advised that the application submission is accompanied by a viability appraisal and that the viability of the scheme cannot fund the full amount requested by LCC towards The Market Bosworth School. Therefore, a contribution of £48,302.07 towards secondary school education is proposed to be included in the S106 Agreement in addition to the contributions towards improvements to the GP surgery in Barlestone, highway safety works and sustainable transport, on-site open space and play equipment, library services and civic amenity services.

Other Matters

- 8.100 HBBC (Street Scene Services) has requested a condition to detail the waste collection and recycling strategy of the site. The proposed site layout plan does include details of bin collection points for all dwellings which are located along a private driveway. Therefore, a condition is not required.
- 8.101 HBBC Environmental Services (Pollution) has requested that a condition is imposed to undertake a scheme of remediation into land contamination that may be present on the site. It is considered that this pre-commencement condition is reasonable and necessary considering the sensitive receptors who will be occupying the site.

9. Planning Balance

- 9.1 The Council cannot demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF 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.
- 9.2 The majority of the application site is located within the Settlement Boundary for Barlestone and within the boundaries of housing allocation BARL02 in the SADMP. Here, the principle of residential development is accepted under Core Policy 11. Whilst the proposal would involve 1 hectare of land located beyond the settlement boundary of Barlestone, the majority of this land would remain open being public open space and an attenuation pond. This public open space would link with May Meadow and with the definitive rights of way in the locality. Whilst there would be conflict with Policy DM4 of the SADMP, it is considered that the predominantly open nature of this land use would result in a limited degree of harm to the character and appearance of the area.
- 9.3 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 99 houses (all affordable homes). These additional affordable homes have significant weight in the planning balance.
- 9.4 Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh 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.
- 9.5 The proposal would result in economic benefits through the construction of the scheme albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.6 As discussed above, the proposal would deliver 99 dwellings, all of which would be affordable. This would result in a very significant social benefit to the area and also to the borough. The proposal would also involve the provision of areas of public open space (POS). The POS would be connected to existing public rights of way and the wider network providing a benefit to the wider area. The areas of public open space provided would exceed the area required under the Development Plan.
- 9.7 Some environmental benefits would be provided such as additional planting to be provided in the 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.
- 9.8 There would be harm to the character of the countryside due to the visual impact of built development in this location which would harm its open character. Whilst there

is conflict with the strategic policies of the Development Plan only limited localised landscape harm has been identified. It is considered on balance that this level of 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 Council cannot demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF 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.

11.3 The majority of the application site is located within the Settlement Boundary for Barlestone and within the boundaries of housing allocation BARL02 in the SADMP. Therefore the principle of residential development is already established under Core Policy 11.

11.4 Whilst the proposal would involve 1 hectare of land located beyond the settlement boundary of Barlestone, the majority of this land would remain open being public open space and an attenuation pond. This public open space would link with May

Meadow and with the definitive rights of way in the locality. Whilst there would be conflict with Policy DM4 of the SADMP, it is considered that the predominantly open nature of this land use would result in a limited degree of harm to the character and appearance of the area.

- 11.5 Whilst there is conflict with the strategic policies of the Development Plan only limited localised landscape harm has been identified. It is considered on balance that this level of harm does not significantly and demonstrably outweigh the identified benefits of the scheme in delivering 99 affordable houses 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.
- 11.6 Subject to conditions the proposal would not have any significant adverse impacts on residential amenity, vehicular or pedestrian safety, Ecology, Archaeology, Drainage and Land Contamination. It is considered that the proposed development is in accordance with Core Policies 7, 11 and 19 of the Core Strategy and Policies DM6, DM7, DM10, DM11, DM13, DM17 and DM18 of the SADMP (2016) and is therefore recommended for approval subject to the conditions and planning obligations listed below.

12. Recommendation

12.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- The completion within six months of this resolution a S106 agreement to secure the following obligations:
 - 100% Affordable Housing with a split of 50 units as affordable rented and 49 units as shared ownership
 - £3,170.00 for library facilities at Newbold Verdon Library
 - £4,903.00 towards improving existing waste facilities at Barwell HWRC
 - £50,124.93 towards Health Care Provision (GP Practices)
 - On-site Open Space requirement of 356.4m² of equipped play area with equipment to a minimum value of £64,839;85; 1663.2² of Casual/Informal Play Space and 8965m² of natural green space along with maintenance costs.
 - £48,302.07 towards secondary school education at The Market Bosworth School.
 - Travel Packs – one per dwelling (can be supplied by LCC at £52.85 per pack)
 - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass.
 - Travel Plan monitoring fee of £6,000.
 - Traffic Regulation Order cost of £7,500

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

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

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

Drg No: c-1757-03 (Tree Removal Plan) received by the local planning authority on 15 May 2020.

Drg No: 100-634/(P) 023D (Site Location Plan) received by the local planning authority on 1 June 2020.

House Types Drgs No: 100-634/(P) 042; 043; 01 3D; 01 2D; 01 1D; 00 9D; 00 8C; 00 7D; 00 5C; 00 4C; 03 0B; 02 8B; 02 6B; 02 0D; 01 6D; 01 5D; 01 4D; 01 8F received on 20 October 2020.

Drgs No: T20025 SK01 Rev B; SK02 Rev B; SK03 Rev F; SK04 Rev F; SK05 Rev F; SK08 Rev D and SK09 Rev D all received on 25 January 2021.

Drg No: C1757-04 (Tree Removal Plan) received on 26 January 2021.

Drgs No: c1757 01 Rev D and c1757-02 Rev D (Detailed Landscaping Proposals) received on 24 February 2021.

Drg No: 20025 1 Rev K (Drainage); 2 Rev K (Drainage); 3 Rev H (Drainage) all received on 3 March 2021.

Drgs No: 100-634/(P) 001 V (Site Layout); 002 N (Boundary Treatment); 003 Q (Materials Plan); 022H (Street Scenes); 038J (Tenure Plan); 039I (Maintenance Areas Plan); 040J (Maintenance and Tenure Plan all received on 8 March 2021.

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to the 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.

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

Monday – Friday 07:30 – 18:00

Saturday 08:00 – 13:00

No working on Sundays and Bank Holidays.

Reason: To 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)

4. 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 in accordance with Policies DM17 and DM18 of the SADMP (2016).

5. Notwithstanding the recommendations in the submitted Ground Investigation Report ref: 18-0227/D1/2 dated August 2018 and the Geo-technical Assessment Report ref: 18-0227/J700A/D1/1 dated 9 December 2019, no development approved by this permission shall be commenced until a scheme for the remediation 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)

6. 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).

7. No development shall commence on site 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 submitted details shall include infiltration testing and details which prove that surface water will not discharge onto the public highway. 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).

8. Prior to the 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.

9. Prior to the 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.

10. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

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

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

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).

11. 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 within the red line of the approved Site Location Plan 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.

12. No works shall commence on site until full details of the finished floor levels for each of the approved dwellings has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance in accordance with Policies DM4 and DM10 of the SADMP (2016).

13. Prior to the commencement of development a scheme for the treatment of the Public Rights of Ways shall be submitted and approved in writing by the local planning authority. Such a scheme shall include provision for their management during construction, fencing, surfacing, width, structures, signing, street furniture (including improvement or removal if appropriate), boundary treatment and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. For the avoidance of doubt, the Public Footpaths shall comprise of a tarmac surface 2 metres wide. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: To protect, enhance and provide all weather Public Rights of Ways and access in accordance with the NPPF.

14. Prior to the commencement of development, full details of the proposed pumping station including elevation drawings and materials to be used shall be submitted to the local planning authority for their approval in writing. The development shall be carried out in accordance with the approved scheme.

Reason: To ensure that the development has a satisfactory appearance in accordance with Policies DM4 and DM10 of the SADMP (2016).

15. Prior to the commencement of development, a scheme for the delivery of full fibre broadband connections to serve each dwelling on the application site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2019).

16. None of the dwellings hereby approved shall be occupied until such time as the northern and southern access arrangements shown on approved Drg No: SK02 Rev B have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to ensure pedestrian safety in accordance with Policy DM17 of the SADMP (2016).

17. None of the dwellings hereby approved shall be occupied until such time as vehicular visibility splays of 2.4 metres by 32.2 metres to the north and 2.4 x 28.8 metres to the south have been provided at both site accesses. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in accordance with Policy DM17 of the SADMP (2016).

18. Each dwelling hereby permitted shall not be occupied until such time as the parking and turning facilities for that dwelling have been implemented in accordance with Drg No:100-634/(P)001 Rev V. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

19. Any dwellings that are served by private access drives including any turning spaces shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance Figure DG20 of the Leicestershire Highways Design Guide. The private access drives shall be surfaced with hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and once provided shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

20. Each dwelling with a private vehicular access hereby permitted shall not be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays has been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, and once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety and in accordance with Policy DM17 of the SADMP (2016).

21. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the SADMP (2016).

22. The Travel Plan shall be implemented in accordance with the details contained within ref: T20025/RTP/01 dated 19 October 2020. A Travel Plan Co-ordinator shall be appointed from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.

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 NPPF.

23. None of the dwellings hereby approved shall be occupied until full details of the play equipment, street furniture and boundary treatment around and within

the locally equipped play area has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the occupation of the 70th dwelling on the site.

Reason: To ensure that the development has a satisfactory level of equipment provided which respects the National Forest in accordance with Policies DM4 and DM10 of the SADMP (2016).

24. The approved detailed landscaping schemes as shown on Drgs No: c1757 01 Rev D and c1757 02 Rev D shall be completed prior to the occupation of the plot to which it relates. The non-residential landscaping areas shall be completed upon occupation of the 70th dwelling. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

25. The dwellings hereby approved shall be implemented in accordance with the approved materials contained in Drg No: 100-634/(P) 003Q.

Reason: To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the SADMP (2016).

26. The development shall be carried out in full accordance with the recommendations specified in the Preliminary Ecological Appraisal dated March 2020.

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

27. 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. In relation to conditions 5 and 6; 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.

2. With reference to condition 7 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.
3. With reference to condition 8 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.
4. With reference to condition 9 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.
5. With reference to condition 10 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.

6. 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.
7. 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>.

8. 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.
9. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
10. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.
11. 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>.
12. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with the construction works.
13. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highway Act 1980.
14. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
15. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the lpa. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
16. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

17. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
18. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

APPENDIX B

ITEM 09

20/00470/FUL

Owl Partnerships LTD

Site:- Garden Farm, Bagworth Road, Barlestone

Proposal:- Residential development of 99 dwellings with associated infrastructure, vehicular accesses and areas of open space

Introduction:-

Following the publication of the committee report, an amended Site Layout Drawing (ref: 100-634/(P)001 Rev W) has been received altering the internal road network along with amended Vehicle Swept Path plans, boundary treatment plan, materials plan and maintenance and tenure plans.

An amended Financial Viability Review has also been received from the Council's Viability Appraiser reappraising the revised scheme of 99 dwellings. A consultation response has been received from LCC Planning Obligations.

Appraisal:-

Internal Road Network

The Highway Authority (LHA) previously commented that the internal road network was unsuitable for adoption. In response to their concerns raised, the applicant has submitted a revised internal layout with a view to addressing the outstanding concerns raised by the LHA. The LHA has confirmed that based on the amended plan the internal road network is now considered suitable for adoption and updated conditions and informatives are recommended.

Due to the alterations made to the internal road network, other plans using this layout have also been altered. Minor amendments are shown on the boundary treatment plan, the materials plan, the tenure and maintenance plans and the vehicle swept path plans. These amendments do not alter the previous comments in the committee report on the design and impact on the character of the area of the proposal.

Amended Financial Viability Review

Following receipt of a late contribution request for secondary school education received from LCC (as discussed in paragraph 8.97 of the committee report), the Council has sought to update the Financial Viability Review based on the amended scheme of 99 dwellings. A Sense Test Appraisal has been produced by the Council's Consultant based on the delivery of affordable housing and the timely progression of the scheme.

The Sense Test Appraisal confirms that the proposal can support an additional £136,110 of contributions which in this case would be towards secondary school education at The Market Bosworth School. The applicant has agreed to this additional contribution. Therefore, the total education contribution funded by the proposal would be £184,412.07.

The education contribution would provide a shortfall of £78,293.63. Whilst the viability of the proposal can only support 70% of the education contribution requested, as discussed in paragraph 8.98 of the committee report, the wording in the Section 106 Agreement would require applicants allocated to the proposed housing, in the first instance, to have a local connection to Barlestone. Many of these applicants will have children already enrolled at the local schools.

A consultation response has been received from LCC Planning Obligations confirming that a contribution of £184,412.07 is acceptable. They have asked if the contribution could cater for secondary needs in one of the following academies: Market Bosworth, Bosworth and South Charnwood academies. The contribution is for The Market Bosworth School academy. It is therefore recommended that the education contribution is acceptable and does comply with the CIL Regulations.

Planning Balance

Housing Land Supply

On 25 March 2021, ONS published the latest median house price to median gross annual workplace based earnings ratios used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for Hinckley and Bosworth is now 450 dwellings per annum (rather than 452 dwellings per annum using the previous ratio). Using this updated figure the Council can now demonstrate a 5.01 year housing land supply.

The housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The tilted balance of Paragraph 11d) of the NPPF is engaged, irrespective of the housing land supply figure. This is a product of the age of the plan and the out-of-date evidence base it relies upon. The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 450 dwellings per annum. This figure was derived from the East Midlands Regional Plan and was considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 450 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2019-2039.

The Planning Balance undertaken in section 9 of the committee report remains unaltered in that, on balance, the level of harm from the proposal 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.

Recommendation:-

The recommendation contained in the Committee Report remains unaltered. However, the S106 agreement should be amended to secure the amended education contribution of £184,412.07.

Conditions 2 and 18 should be amended to read:

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

Drg No: c-1757-03 (Tree Removal Plan) received by the local planning authority on 15 May 2020

Drg No: 100-634/(P) 023D (Site Location Plan) received by the local planning authority on 1 June 2020

House Types Drgs No: 100-634/(P) 042; 043; 01 3D; 01 2D; 01 1D; 00 9D; 00 8C; 00 7D; 00 5C; 00 4C; 03 0B; 02 8B; 02 6B; 02 0D; 01 6D; 01 5D; 01 4D; 01 8F received on 20 October 2020

Drgs No: T20025 SK01 Rev B and SK02 Rev B; all received on 25 January 2021

Drg No: C1757-04 (Tree Removal Plan) received on 26 January 2021

Drgs No: c1757 01 Rev D and c1757-02 Rev D (Detailed Landscaping Proposals) received on 24 February 2021

Drg No: 20025 1 Rev K (Drainage); 2 Rev K (Drainage); 3 Rev H (Drainage) all received on 3 March 2021

Drgs No: 022H (Street Scenes) received on 8 March 2021

Drgs No: 100-634/(P) 001 W (Site Layout); 002 (O) (Boundary Treatment); 003R (Materials Plan) 038K (Tenure Plan); 039J (Maintenance Areas Plan); 040K (Maintenance and Tenure Plan; T20025 SK03 Rev I; SK04 Rev I; SK05 Rev I; SK08 Rev G and SK09 Rev G all received on 25 March 2021

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

18. Each dwelling hereby permitted shall not be occupied until such time as the parking and turning facilities for that dwelling have been implemented in accordance with Drg No:100-634/(P)001 Rev W. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).