

Planning Committee 14 December 2021
Report of the Director Environment and Planning

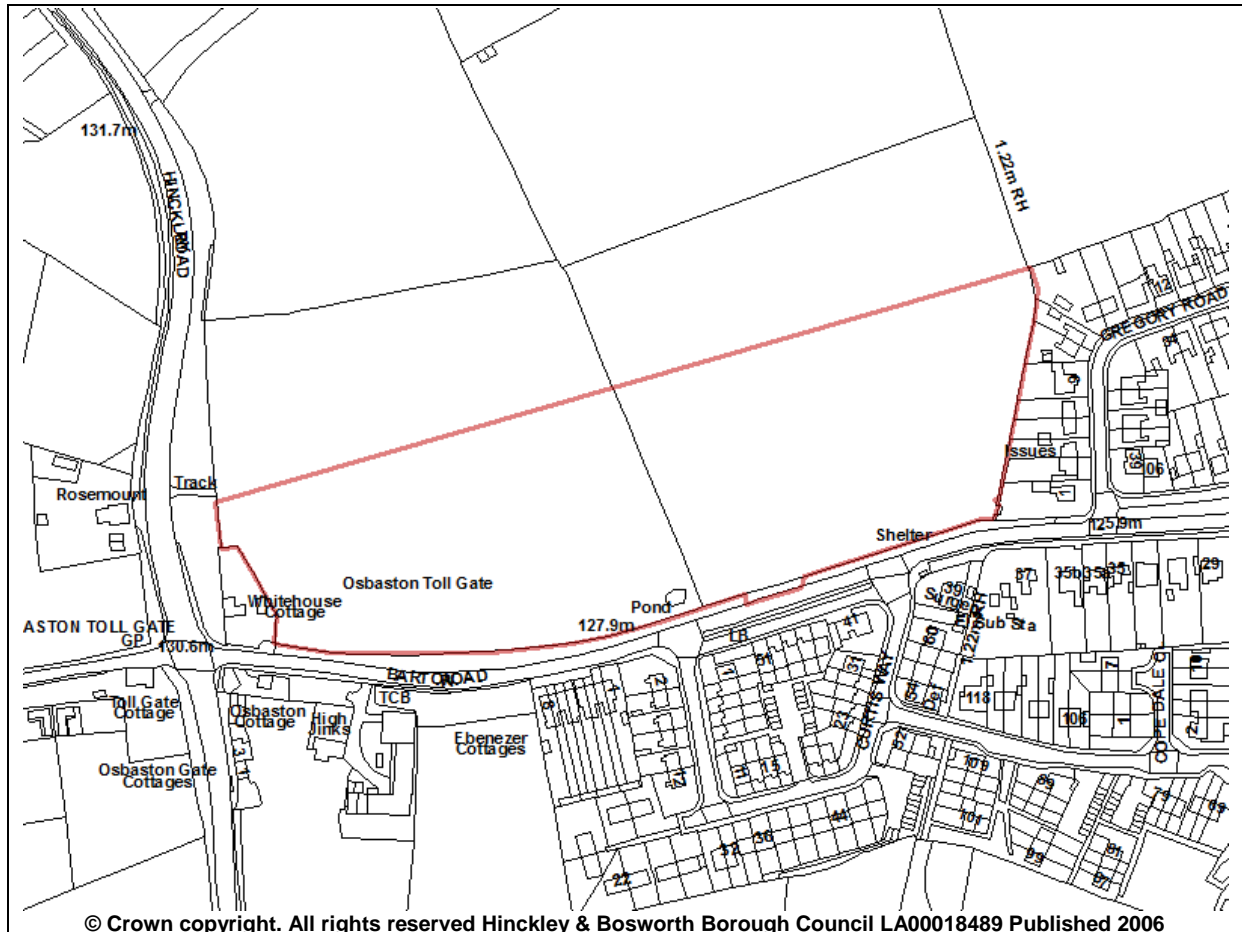
Planning Ref: 21/00096/OUT
Applicant: Leicestershire County Council
Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: Land North Barton Road Barlestone

Proposal: Residential development for up to 55 dwellings (Outline- access only)



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - Affordable housing at 40% (22 Units) with a split of 75% of the units as social/affordable rented and 25% of the units as intermediate tenure (shared ownership) and meet Nationally Described Space Standards (NDSS).
 - Location connection requirement for the affordable housing for rent and cascade mechanism.
 - On-site open space minimum requirement of 400sqm LEAP (Local Equipped Area of Play) and a 20 year maintenance cost (minimum of £70,240.00)

- On-site open space minimum requirement of 924sqm of casual/informal play space along with a 20 year maintenance cost (minimum of £9,979.20)
 - Off-site outdoor sports provision contribution of £19,113.60 towards site BARL10 and 10 year maintenance of £9,081.60
 - On-site open space minimum requirement of 2200sqm of accessibility natural green space along with a 20 year maintenance cost (minimum of £31,240.00)
 - Civic Amenity contribution of £2,724.00 towards Barwell Household Waste Recycling Centre
 - Library services contribution of £1,660.00 towards provision of additional resources at Market Bosworth Library, Station Road, Market Bosworth
 - Education contribution of £404,959.06 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Barlestone Church of England Primary School or any other school within the locality of the development (£240,768.00) and The Market Bosworth School (£164,191.06)
 - NHS Health care contribution of £27,847.18 for improvements to Barlestone Branch Surgery
 - Travel Packs (1 per dwelling)
 - 6 month travel passes (2 per dwelling)
 - Planning conditions outlined at the end of this report
- 1.2. That the Planning Director be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Director be given delegated powers to determine the final terms of the S106 agreement including trigger points and claw back periods.
- 2. Planning application description**
- 2.1. This application seeks outline planning permission for up to 55 dwellings. The matter of access is the only matter to be determined at this stage.
- 2.2. The application is supported by:
- Illustrative Masterplan
 - Design and Access Statement
 - Planning Statement
 - Soils and Agricultural Report
 - Sustainable Drainage Strategy
 - Ecological Appraisal
 - Transport Statement
 - Statement of Community Involvement
 - Heritage Statement
 - Arboricultural Assessment
 - Flood Risk Assessment
 - Topographical Survey
 - Landscape and Visual Impact Assessment
 - Phase 1 Site Appraisal Desk Study
- 2.3. During the course of the application the applicant has responded to consultee comments and submitted a revised Illustrative Masterplan, revised Landscape Masterplan, revised Arboricultural Assessment, Transport Statement addendum,

Mineral Resource Assessment, Geophysical Survey Report and an Archaeological Evaluation Report.

3. Description of the site and surrounding area

- 3.1. The application site is located within Osbaston Parish and adjacent to the parish of Barlestone to the east. The site is approximately 3.3 hectares in size and roughly rectangular in shape and consists of the southern part of two adjacent arable fields. The site is adjacent to Barton Road to the south, the rear gardens of dwellings on Gregory Road to the east, arable fields to the north and the A447 and White Tollgate Cottage to the west.
- 3.2. The site is adjacent to existing built development on two sides; to the east are dwellings on Gregory Road and to the south are dwellings along the southern side of Barton Road and Tollgate Farm. The site is outside of but adjacent to the defined settlement boundary of Barlestone and as such is located within open countryside.
- 3.3. The site boundaries are defined by hedgerows to the west, south and east and there is no boundary defining the northern edge of the site. There is a mature hedgerow within the site that bisects the two fields. There are mature trees within the hedgerows. Within the site are ditches along the eastern boundary and within the site both running north/south. There is an existing pond within the site adjacent to the southern boundary.
- 3.4. The site is relatively flat in profile. The submitted topographical survey shows the site slightly falls from north-west to south-east from 130m AOD to 126m AOD. There are two existing field gate access points to the site from Barton Road and a field gate from the grass verge adjacent the A447 on the western boundary.

4. Relevant planning history

97/00631/OUT

- RELOCATION OF BARLESTONE ST GILES F.C.
Withdrawn
01.02.1999

16/00343/FUL

- Erection of 10 No. affordable dwellings
Not Proceeded With
04.04.2018

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. 12 letters of objection have been received at 24/11/21 from local residents, and a further 2 from addresses in Loughborough, raising the following matters:
 - 1) Access onto a busy road in 40mph limit 300m from existing junctions
 - 2) Increase traffic, Barlestone already congested and busses have difficulty passing through
 - 3) No pedestrian crossing
 - 4) No facilities, parks or play areas in Osbaston
 - 5) Facilities at Barlestone are full – school, doctors, sewage works
 - 6) Too many homes for Osbaston hamlet
 - 7) Outside the settlement boundary
 - 8) Badgers and bats will be disturbed

- 9) Site is Osbaston not Barlestone
- 10) Development would set a precedent for other hamlets
- 11) Would destroy the small rural community of Osbaston
- 12) Species rich ponds on site
- 13) Green belt land
- 14) Impact on views from Gregory Road
- 15) Layout shows that developers wish to develop further
- 16) Loss of agricultural land
- 17) Noise and pollution
- 18) Will make existing problems exiting driveways of Ebenezer Cottages worse
- 19) No jobs in the village so not a good location for homes
- 20) Impact on change of character to Osbaston
- 21) Loss of trees and hedge line and wildlife
- 22) Existing flooding problems to the south-east of the site will be worsened
- 23) Construction traffic should be from A447 not Barton Road
- 24) What is a LEAP and how can this be secured
- 25) Need to confirm biodiversity net gain
- 26) Barton Road/A447 junction dangerous already – danger to White Tollgate Cottage
- 27) Drainage system cannot cope
- 28) Neighbouring dwelling will be overlooked and darkened
- 29) Neighbourhood Plan identifies better locations for building

5.3. Ivan Ould OBE (County Councillor Market Bosworth) objects for the following reasons:

- 1) Osbaston is a rural hamlet and the development is not appropriate as it is not infill or a barn conversion
- 2) The scale is not appropriate as there are only 114 dwellings in the Parish and this would be a near 50% increase
- 3) Rural setting would be urbanised
- 4) The site description should be Osbaston not Barlestone
- 5) The site is not allocated for development and so should be refused
- 6) The pre-application public consultation sent 1250 leaflets but this was not restricted to Osbaston residents
- 7) The application is focused upon benefits to Barlestone not the effects on Osbaston residents

6. Consultation

6.1. The following consultees rise no objection, some subject to conditions/S106 contributions:

- LCC Highways (S106 contributions and conditions)
- LCC Minerals
- LCC Ecology (conditions)
- LCC Archaeology
- Street Scene Services Waste (condition)
- LCC Drainage (conditions)
- Environmental Health Drainage (conditions)
- Leicestershire Police
- Coal Authority (informative)
- Environmental Services (Pollution) (Conditions)
- HBBC Affordable Housing (S106)
- NHS West Leicestershire CCG (S106)

- 6.2. LCC Developer Contributions – Education, Libraries and Civic amenity contributions requested.
- 6.3. HBBC Planning Policy (23/2/21) – No objection in principle, need for formal park space.
- 6.4. Osbaston Parish Council – objections for the following reasons:
- 1) Significant addition of dwellings to a rural hamlet
 - 2) Address should be Osbaston not Barlestone so the application is not valid
 - 3) A recent Parish survey did not support further houses – only 11% supported housing
 - 4) The site could be further extended given the junctions on the site.
 - 5) Concern about current drainage capacity and main sewer is at capacity
- 6.5. Barlestone Parish Council – Objection for the following reasons:
- 1) The application is for the hamlet of Osbaston not Barlestone
 - 2) Pictures in the statement are all of Barlestone
 - 3) Balancing pond required on site
 - 4) Badgers on the land
 - 5) Bats in the barns in the field
 - 6) An independent survey should be taken by another Council before any decision is reached as the site is owned by the County Council
- 6.6. Twycross Parish Council - Objection for the following reasons;
- 1) Agricultural land,
 - 2) Outside the settlement boundary,
 - 3) Site not allocated for development
 - 4) Completely inappropriate for a rural hamlet.
- 6.7. Sheepy Parish Council – objection for the following reasons:
- 1) Outside the settlement boundary
- 6.8. Cadeby Parish Council - objection for the following reasons:
- 1) Osbaston is a rural hamlet
- 6.9. Market Bosworth Parish council – objection for the following reasons:
- 1) The site is in Osbaston
 - 2) Osbaston is a rural hamlet in the Core Strategy
- 6.10. Carlton Parish Council – objection for the following reasons:
- 1) The site is not allocated for development.
- 6.11. HBBC Compliance and Monitoring Officer (5/2/21) – Comment that the on-site equipped play and informal on site open space should be checked to ensure it is sufficient for the number of dwellings proposed. Off-site provision may also be required.

7. Policy

- 7.1. Barlestone Neighbourhood Plan 2020-2039 (submission draft) June 2021
- The site is adjacent to the plan area but outside of it.
 - Three site allocations are made in policy H2 to meet the minimum need of 57 new units by 2039 identified by policy H1
- 7.2. Core Strategy (2009)
- Policy 7: Key Rural Centres

- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of biodiversity and geological interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5. Other relevant guidance/documents

- Good Design Guide (2020)
- Landscape Institute Technical Guidance Note 'Reviewing Landscape and Visual Impact Assessments and Landscape and Visual Appraisals' January 2020.
- Hinckley and Bosworth Landscape Character Assessment 2017.

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
- Drainage

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009)

(CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP). The Barlestone Neighbourhood Plan is not yet part of the Development Plan as it has not been made.

- 8.4 The Emerging Local Plan for 2020-39 has reached Regulation 18 draft stage (June-August 2021) and thus can be given only limited weight at this stage as it will be further revised before submission. The Emerging Local Plan sets out a presumption that each key rural centre (including Barlestone) will provide for a minimum of 200 dwellings (paragraph 4.9). The draft requirement can be given limited weight at this stage. The next stage of the Local Plan is the pre-submission consultation stage. On the 18/11/21 the Council's Scrutiny Commission considered a report regarding the next steps for the Local Plan, and the Pre-Submission consultation is expected to take place January-February 2022. The Scrutiny Commission report included the list of proposed allocations for the Pre-Submission Local Plan in the annex. In Barlestone, the application site is proposed to be allocated for 83 dwellings. This indicates the site is an emerging housing allocation, but given that the Pre-Submission Plan is not yet published, the weight that can be given to this draft allocation is limited.
- 8.5 The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The urban area is the focus for development and within the rural area the hierarchy of settlements is as follows; Key Rural Centres, Rural Villages and Rural Hamlets. Policy 11 of CS identifies Barlestone as a Key Rural Centre. To support local services and maintain rural population levels, the policy states that the Council will allocate land for at least 40 new homes. Developers will be required to demonstrate that the number, type and mix proposed will meet the needs of the village, taking account of the latest evidence, in line with policies 15 and 16 of the CS. These policies are considered in later sections of this report.
- 8.6 The SADMP explains that at 1 September 2014, the 40 dwelling requirement would be met by the sites BARL02 and BARL25.
- 8.7 The site is located outside of the settlement boundary of the village as set out in the SADMP inset map, but adjacent to it. The settlement boundary is proposed to be amended in the emerging Barlestone Neighbourhood Plan but the site would remain adjacent to the proposed settlement boundary. Policy DM4 of the SADMP states that the countryside will first and foremost be safeguarded from unsustainable development, to protect its intrinsic value, beauty, open character and landscape character. The policy sets out the circumstances (a to e) where development in the countryside will be considered sustainable and such development needs to also meet certain criteria (i to v). The proposed development does not meet any of the criteria a to e.
- 8.8 The emerging Barlestone Neighbourhood Plan (BNP) has reached submission stage and the examination commenced on 10 November 2021. Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation, (b) the extent to which there are unresolved objections to relevant policies, and (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF.
- 8.9 The Neighbourhood Plan relates to the parish of Barlestone, which does not include the site as the site is in neighbouring Osbaston parish. Therefore the emerging policies do not apply to the site but can be a material consideration. Emerging policy H3 of the BNP sets a housing requirement for the parish of 50 dwellings minimum in the period 2020 to 2039. This is proposed to be met by 3 housing allocations to achieve 57 dwellings, and windfall development within the settlement boundary in accordance with policy H4. It is considered that limited weight can be given to the BNP at this stage in its production. This is because the plan may

change further at examination stage. The Borough Council commented on the emerging BNP at the Regulation 16 stage that policy H1 is misleading and that the full housing need requirement of 214 dwellings (including the 10% uplift) should be explained and detailed as below.

Figure 1: Housing requirement and emerging Barlestone Neighbourhood Plan allocations

Minimum housing requirement for Barlestone parish 2020-39 (inc. 10% buffer)	Windfall allowance	Permissions granted and emerging allocations
214 dwellings	30 dwellings	<p>18 outstanding permissions</p> <p>Commitment at Garden Farm (99 dwellings) 20/00470/FUL approved 15/10/21</p> <p>Site 1 – North of Bagworth Road (40 dwellings)</p> <p>Site 2 – 11-19 Newbold Road (6 dwellings) (19/00228/FUL 6 dwellings approved 18/4/19)</p> <p>Site 3 – Newbold Road (11 dwellings) (19/00496/FUL approved 5/2/20 8 dwellings)</p> <p>HBBC allocation Spinney Drive (49 dwellings)</p>
TOTAL	30	223 dwellings (131 have planning permission at 25/11/21)

- 8.10 The Borough Council's comments on the emerging BNP also include that no evidence has been provided to demonstrate that the 3 proposed allocated sites are deliverable. In addition, other Regulation 16 stage comments raise concerns about the proposed housing allocations e.g. Gladman, Leicestershire County Council and AAH Planning Consultants. Given these concerns, the weight that the emerging BNP can be given is limited.
- 8.11 Public comments received have objected to the proposal on the grounds that the site is located within the hamlet of Osbaston and that Osbaston is defined as a hamlet in the Core Strategy. This is not the case. The Core Strategy identifies the area to the south of the site (south of Barton Road within Osbaston Parish), as within the settlement boundary of Barlestone village; therefore policy 11 of the Core Strategy and policy DM4 of the SADMP apply, as set out above. The built development to the south of Barton Road within Osbaston Parish is not a self-contained hamlet but an extension of Barlestone as indicated on the historical mapping within the Heritage Statement that accompanies this application.
- 8.12 The planning history of the site is a material consideration. There was an application for a rural exception site (16/00343/FUL for 10 affordable dwellings) on the south-eastern corner of the application site proposal and this was recommended for approval. The application was not approved as the S106 was not

signed. The application was therefore returned undetermined. As no decision was issued on the application, it was only part of the current site and for a very different proposal, no weight is given to that application.

The presumption in favour of sustainable development

- 8.13 The Council acknowledges that it cannot currently demonstrate a 5 year housing land supply. On 25th March 2021, ONS published the latest median housing price to median gross annual workplace based earnings ratio 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 the Borough is now 466 dwellings per annum (using the standard method and affordability ratio and with an additional 5% buffer). As at 1st April 2021, the Council can demonstrate a 4.46 year supply of housing land.

- 8.14 Footnote 8 to paragraph 11 of the 2021 NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five year supply of deliverable housing sites and therefore paragraph 11(d) of the NPPF is triggered. The NPPF is a material consideration. Paragraph 11(d) states:

“Plans and decisions should apply a presumption in favour of sustainable development.

For decision taking this means:

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

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”

- 8.15 Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly where their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.

- 8.16 Both the CS and the SADMP are over 5 years old, and paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Therefore, this report sets out the relevant CS and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

Strategic policies conclusion

- 8.17 In conclusion, the proposed development is outside the village boundary of Barlestone and the village has met the 40 dwelling minimum for 2006-26 as set out in CS policy 11. The proposal is contrary to policy DM4 of the SADMP as it does not meet any of the criteria (a to e) to be considered sustainable development in the countryside.

- 8.18 The proposal is also contrary to emerging policies H3 of the BNP as it is outside of the settlement boundary. The emerging BNP can be given limited weight at this stage, and the Development Plan is out of date. The emerging Local Plan for 2020-39 identifies the site as an emerging housing allocation but the Pre-Submission draft Local Plan is not yet published and so at this early stage of production it can be given very little weight.
- 8.19 The NPPF in paragraph 49(b) advises that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both the following are met:
- (a) “the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”
- 8.20 The current proposal for 55 dwellings is not considered to undermine the plan-making process. The site is outside of Barlestone parish and therefore cannot be allocated in the Neighbourhood Plan as it is outside the plan area. The site is a proposed allocation in the emerging Local Plan and so the consideration of this application does not pre-determine that process. The current development proposal for the site is therefore to be considered on its merits.
- 8.21 The presumption in favour of sustainable development in paragraph 11d of the NPPF ‘the tilted balance’ applies. Therefore, in principle, planning permission should be granted unless the presumption in favour of sustainable development can be displaced by any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. To achieve sustainable development, the NPPF states that the planning system has three overarching objectives; economic, social and environmental, which are interdependent. The housing delivery position as set out in table 1 above is a material consideration in the planning balance discussed at the end of this report.

Housing mix and density

- 8.22 Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a ‘very good’ rating against Building for Life, unless unviable. A minimum density of 30 dwellings per hectare is required in rural areas, a lower density may be required where individual site circumstances dictate and are justified.
- 8.23 The Good Design Guide SPD advocates the use of the Building for Life assessment.
- 8.24 Emerging policy H5 of the BNP is not relevant as the site is outside of the Neighbourhood Plan area.
- 8.25 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The above policy allows for the most recent evidence to be taken into account in decisions and thus policy 16 is considered up to date in this regard.
- 8.26 The Design and Access Statement states that the site will achieve a net density of 32 dwellings per hectare (based upon a developed area of 1.75ha on the 3.33ha site), although density will vary across the site. Final number and mix of dwellings

will be determined at reserved matters stage, but the Illustrative Layout shows a mix of types and sizes can be accommodated. The density is above the 30dph policy requirement and similar to the local context adjacent the site at Gregory Drive, Barton Road and Curtis Way. The development is for up to 55 dwellings and the appropriate density and layout will be determined at reserved matters stage. The northern and western edge of the development will be the village edge and will be a key consideration at detailed design stage and should be softened by landscaping, and less dense and with a varied building line.

- 8.27 The applicant has not undertaken a Building for Healthy Life Assessment (the replacement for Building for Life). A detailed assessment should be provided at reserved matters stage.
- 8.28 In conclusion, the illustrative layout shows that a mix of dwellings can be provided on site and a detailed scheme for housing mix can be secured by condition to be submitted at reserved matters stage, to secure compliance with policy 16 of the CS.

Affordable Housing provision

- 8.29 Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%.
- 8.30 Emerging policy H6 of the BNP is not relevant as the site is outside of the Neighbourhood Plan area.
- 8.31 The Borough has an unmet affordable housing need and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.
- 8.32 The development will meet the 40% requirement (22 homes) and the affordable housing officer has no objection to the proposal. The housing officer requires 75% social or affordable rent and 25% intermediate tenure (shared ownership). Properties for affordable housing should meet the larger property type for the bedroom size, so 1 bedroom 2 person properties, 2 bedroom 4 bedrooms, 3 bedroom 5 person and 4 bedroom 6 person. The homes should meet Nationally Described Space Standards (NDSS).
- 8.33 The application will deliver 40% affordable housing and therefore meets the requirements of policy 15 of the CS. The affordable housing provision will be secured by the S106 agreement. As this site is in the rural area, the section 106 agreement will contain a cascade that the affordable housing for rent is offered firstly to people with a connection to the parish, and secondly to people with a connection to the Borough of Hinckley and Bosworth.

Design and impact upon the character of the area (including landscape)

- 8.34 Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.35 The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD

advocates the use of a Building for Life Assessment. The SPD sets out minimum separation distances between dwellings and a general guideline for garden sizes of 7.0m minimum length and size of 60sqm for a 2 bed house, and 80sqm for a 3 bed house. The SPD states the design objectives for Barlestone are to protect the main approaches to the village with the visual links to the countryside, protect the landscape setting of the Church, avoid ribbon development along Newbold Road and reintroduce traditional built form into the village core.

- 8.36 Emerging policy H7 of the BNP is not relevant as the site is not located within the Neighbourhood Plan area. Figure 15 and policy ENV12 of the emerging BNP shows important views and none relate to the application site.
- 8.37 Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.38 The site is located in open countryside. The site is to the north of Barton Road and consists of the southern parts of two adjacent fields in arable use. The two fields are split into east and west parcels by a mature hedgerow running north/south. The site is adjacent to existing housing development and a farm to the south, housing to the east and open countryside to the north. To the west the site is adjacent to a single dwelling and Hinckley Road (A427).
- 8.39 The application is supported by a Design and Access Statement (DAS) and a Landscape and Visual Impact Assessment (LVIA). The DAS identifies the constraints of the site as being the existing trees and hedgerows and the adjacent housing. Opportunities include development to enhance the area by providing an outward looking softer edge to the village, the provision of open space and a LEAP (Local Equipped Area of Play), the use of vacant land and views to the north. The illustrative layout shows open space to the west, meaning that built development does not extend further west than the existing village boundary on the south side of Barton Road. Dwellings will face the open spaces/flood attenuation and the open countryside to the north, and also face Barton Road. The layout provides a landscaped edge to all site boundaries and the existing trees and the central hedgerow are retained. The single road into the site leads to secondary roads towards the site edges. The site layout shows public footpath connections within the open space to Barton Road and the existing bus stop. Car parking is to be provided on plot to the side of dwellings. The scale of the dwellings is likely to be two storey to reflect the existing context. The layout shows consideration of crime prevention measures to private areas such as back gardens and natural surveillance of public areas.
- 8.40 The Landscape and Visual Impact Assessment (LVIA) has been assessed using the Landscape Institute Technical Guidance Note 'Reviewing Landscape and Visual Impact Assessments and Landscape and Visual Appraisals' January 2020.
- 8.41 The LVIA sets out that the site is not subject to any landscape designations and the site is not currently publicly accessible. There are public rights of way within 1km of the site, but none in close proximity such as adjacent fields. The site is within the national landscape character area 'Leicestershire and South Derbyshire Coalfield', the county 'The Coalfield' landscape character areas and the district 'Charnwood Fringe' landscape character area. The west of the site also borders the Leicestershire Vales national character area and the Barton Village Farmlands district character area. The LVIA notes that the key characteristics of these character areas include fields enclosed by hedgerows with mature trees and field ponds. An appropriate landscape strategy is to ensure that the siting and design of new development should complement the existing settlement pattern, to support the

vision of the National Forest and maintain rural views including to Church spires and the agricultural rural setting. The Hinckley and Bosworth Landscape Character Assessment also includes a townscape character assessment (TCA) for Barlestone. This notes that a key sensitivity of the village is the rural setting, including the undeveloped gap between Newbold Verdon to the east and Hinckley Road to the west.

- 8.42 The submitted LVIA landscape analysis has determined the site and its immediate context to be of medium value and medium susceptibility. Consequently, the landscape character of the site and its immediate context is considered to be of medium sensitivity in landscape terms. For the overall Charnwood Fringe and adjacent Barton Village Farmlands LCAs and the Barlestone TCA, and the landscape character of the site and its immediate context, the effects of the proposed development would be limited and localised due to the scale of the proposed development, the context provided by the existing built form of Barlestone, and the relatively limited inter-visibility within the local area. This would result in a minor adverse effect on the wider landscape and a moderate adverse effect on the landscape character of the site.
- 8.43 The LVIA visual assessment has identified 15 viewpoints to represent visual receptors in the area, including recreational users of public footpaths, nearby residential properties and road users. Of the 15 viewpoints, some have nil magnitude and nil effect from the development. The other viewpoints are summarised below.

Table 2: Summary of assessment of visual effects (from LVIA table 4)

Viewpoint (receptor)	Sensitivity	Change and nature of effect	Magnitude and scale of effects at completion	Magnitude and scale of effects year 15
1.Barton Road SE corner of site (road users/residents)	Medium/High	View of hedgerow and All Saints Church in distance. Development would be clearly visible, views would be softened by existing hedgerow	High mag. Sig. Moderate adverse effects on road users Sig. major adverse effect on residents	Mag. Medium/High Sig. moderate adverse effects on road users Sig. major adverse effect on residents
2.Barton Road southern edge of site (road users/residents)	Medium/High	View of hedgerow and All Saints Church in distance. Development would be clearly visible, views would be softened by existing hedgerow	High mag. Sig. Moderate adverse effects on road users Sig. major adverse effect on residents	Mag. Medium/High Sig. moderate adverse effects on road users Sig. major adverse effect on residents
3.Barton Road junction with A447 (road users/residents)	Medium/High	View through roadside vegetation to edge of village and existing residential properties. New built development would be visible beyond the proposed open space. Views would become softened by the planting with the open space	Medium mag. Sig. Minor adverse effects on road users Sig. moderate adverse effect on residents	Low-Medium mag. Sig. Minor adverse effects on road users Sig. moderate adverse effect on residents

Viewpoint (receptor)	Sensitivity	Change and nature of effect	Magnitude and scale of effects at completion	Magnitude and scale of effects year 15
4.A447 at NW corner of the site (road users/residents)	Medium/High	View towards existing hedgerow on the western site boundary, site partially hidden. New development would be visible beyond the proposed open space. Views would become softened by the planting with the open space	Mag. Low for road users (due to fleeting nature of view) Mag. Medium for residents Sig. Minor adverse effect for road users Sig. Moderate adverse effect for residents	Mag. Negligible for road users (due to fleeting nature of view) Mag. Low for residents Sig. Negligible adverse effect for road users Sig. Minor adverse effect for residents
5.A447 NW of the site looking SW (road users)	Medium	Filtered views may be possible in winter through layers of vegetation. Development unlikely to be visible in summer and in winter the dwellings would be seen in context of existing properties on the edge of Barlestone	Mag. Negligible Sig. Neutral to Negligible adverse effect	Mag. Negligible Sig. Neutral to Negligible adverse effect
6.Gregory Road looking west (road users/residents)	Medium/High	Views restricted by existing dwellings. Development would be partially visible from road and clearly visible from dwellings but over time would be softened by boundary vegetation	Mag. Medium to High Sig. Minor adverse effect for road users Sig. Moderate adverse effect for residents	Mag. Medium Sig. Minor adverse effect for road users Sig. Moderate adverse effect for residents
7.Layby of A447 south of site looking north (road users)	Medium	Views over farmland towards the village and All Saints Church in background Partial view of the western part of the site and western dwellings. Views would be reduced by planting on the western open space on the site	Mag. Low Sig. Minor adverse effect	Mag. Negligible Sig. Negligible adverse effect
9.Footpath S49 south of Nailstone looking south (recreational users)	High	Limited views due to field boundaries. Very limited visibility and development would be seen in the context of the existing built edge of the village. Northern	Mag. Negligible Sig. Neutral to Negligible adverse effect	Mag. Negligible Sig. Neutral Negligible adverse effect

Viewpoint (receptor)	Sensitivity	Change and nature of effect	Magnitude and scale of effects at completion	Magnitude and scale of effects year 15
		boundary planting would reduce visibility.		
10. Footpath R66 east of Nailstone looking SW (recreational users)	High	Limited views due to field boundaries. Very limited visibility and development would be seen in the context of the existing built edge of the village. Northern boundary planting would reduce visibility.	Mag. Negligible Sig. Neutral to Negligible adverse effect	Mag. Negligible Sig. Neutral Negligible adverse effect
11. Footpath S29 NE of site looking SW (recreational users)	High	Field boundary hedgerows offer some screening of the site. Development will extend existing rooflines further across against a backdrop of vegetation. Development will be visible in the context of the village edge, the northern hedgerow will reduce visibility of the built form over time.	Mag. Low to Medium Sig. Minor to Moderate adverse effect	Mag. Low Sig. Minor adverse effect
15. Nailstone Road NW of site (road users)	Medium	Intervening vegetation limits view. Some very limited visibility of the development, but seen in the context of the village edge and would be softened by the northern boundary hedgerow.	Mag. Negligible Sig. Negligible adverse effect	Mag. Negligible Sig. Negligible adverse effect

- 8.44 The LVIA concludes that in terms of visual effect of the development, the impact on users of public footpaths will be limited and that the most notable effects would be limited to the receptors closest to the site (significant major to moderate adverse effect on residents). Views from nearby settlements would result in a neutral to negligible adverse effect at worst. The LVIA concludes that the considered design of the proposed development, including the retention and enhancement of existing boundary vegetation and the creation of new landscape buffers and the creation of extensive areas of high-quality open space across the site would help to soften the appearance of the development.
- 8.45 From the site visit, it is considered that the key views of the site have been assessed. As shown in table 2 above, the greatest impacts (a moderate adverse impact) will be on road users and residents closest to the site.
- 8.46 The LVIA considers that there is no cumulative impact from other developments in the area and officers agree with this conclusion. The LVIA notes that the site is currently unlit but that the surrounding roads and dwellings are. As such, the

impact from lighting should be considered. A condition can secure full lighting details at reserved matters stage.

- 8.47 The final design of the development is not to be determined at this stage, as all matters except access are reserved matters and would be subject to a further application. It is considered that the illustrative layout shows an appropriate layout to the scheme and as such it is recommended that broad compliance with the illustrative layout is secured at this stage. Key elements of the layout are considered to be:

- Locating the large area of open space to the west to retain a gap between the A447 and the built part of the village
- New northern hedgerow boundary to soften the edge of the development
- The new LEAP to be accessible via public footpaths from Barton Road
- Footpath connections to the bus stops on Barton Road
- Primary and secondary streets within the site to aid legibility and soften the northern and western edges of the development
- Retention of existing trees and hedgerows and further planting on boundaries and in the open spaces
- Maximum height of 2 storey to reflect the local context unless fully justified.
- Built development away from hedgerow boundaries and trees to minimise light impact

- 8.48 In conclusion, the proposal will have a minor adverse effect on the wider landscape and a moderate adverse effect on the landscape character of the site. The visual effects of the development on public footpath users will be limited and the most notable effects would be limited to the road users and residents closest to the site (significant major to moderate adverse effect). The impacts can be minimised and mitigated by the recommended measures as set out in the Landscape and Visual Appraisal and shown on the Illustrative Layout. Therefore, subject to a condition to secure the compliance with the Illustrative Layout the proposal is considered to comply with policy DM10 (c, d & e), the Good Design Guide SPD and the NPPF.

Impact upon heritage assets

- 8.49 Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications to pay special attention to the desirability of preserving or enhancing the character or appearance of any Conservation Area. Section 66 of the same Act places a duty on the local planning authority when determining applications that affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy DM11 states that the Council will protect, conserve and enhance the historic environment throughout the Borough. Development with the potential to affect a heritage asset or its setting will be required to demonstrate an understanding of the significance of the asset and its setting, the impact of the proposal on the asset and its setting, how benefits of the proposal may outweigh any harm caused and any impact on archaeology in accordance with policy DM13.
- 8.50 Policy DM12 states that development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.51 Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.

- 8.52 Emerging policies ENV5 and ENV6 of the BNP identify local heritage assets in Barlestone and ridge and furrow land in the parish. The site is not ridge and furrow and the impact on heritage assets is considered below.
- 8.53 The NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The NPPF states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater weight should be given to the asset's conservation). The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
- 8.54 There are no designated heritage assets within the site or in the immediate vicinity. The nearest designated assets are within Barlestone (Grade II Listed The White House, located c. 485m east of the site, in the centre of Barlestone. Three other Grade II Listed Buildings lie within Barlestone (The Manor House c. 560m east of the site, the Church of St Giles c. 695m east of the site and Church Farmhouse c. 720m east of the site). Osbaston Conservation Area lies over 1km south of the site and includes the Grade II* Listed Osbaston Hall and the Grade II Listed Stable Block and Cottage at Osbaston Hall. The Nailstone Conservation lies over 1km north of the site and includes the Grade II* Listed Church of All Saints and five Grade II Listed Buildings.
- 8.55 The application is accompanied by a Heritage Statement (Dec 2020), Geophysical Survey Report (June 2021) and Archaeological Investigation (Rev 2, October 2021).
- 8.56 The Heritage Statement concludes that all of the above designated heritage assets will not be affected by the proposal, other than potentially the Grade II* Listed Church of All Saints. The impact on this asset was therefore further assessed. The Statement notes that the site does have views towards the Grade II* Listed Church of All Saints in Nailstone to the north. The views from within the site towards the Church spire are not considered to be key views, and there is a large amount of intervening agricultural land and vegetation between the two. The land within the site is not considered to contribute to the heritage significance of the Church. There is no historical functional association between the site and the Church. Therefore the proposed development within the site will result in no harm to the heritage significance of the Grade II* Listed Church of All Saints.
- 8.57 The Conservation Officer advises that this proposal affects the significance of one designated heritage asset, this being the grade II* listed building the Church of All Saints in Nailstone, by virtue of its location within its wider setting. Overall the proposal is considered to have a neutral impact causing no harm to its significance. Consequently the proposal accords with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.58 In relation to archaeology, the County Archaeologist advises that the site is within an area of significant archaeological potential, on the boundary of Osbaston parish with Barlestone. The submitted Heritage Statement notes that the surrounding landscape is rich in archaeological remains dating from the prehistoric, Roman and medieval periods and County records show that trial trenching carried out to the south of the area in 2014 revealed evidence for Roman and medieval activity, including possible occupation. The development site itself does not appear to have undergone significant previous development and appears to have existed as undeveloped agricultural land during the post-medieval periods and any archaeological deposits that may be present on site would be relatively well-preserved and close to the ground surface. The County Archaeologist therefore requested trial trenching of the site, and this has been undertaken and the details

submitted. The County Archaeologist advises that the submitted information provides a sufficient assessment of the application area and reveals no significant archaeological remains. Therefore, the County Archaeologist recommends that the proposal will not result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. No further archaeological action is warranted in accordance with the NPPF paragraphs 194-195...

- 8.59 Subject to the County Archaeologist raising no objection to the proposal, the application is considered to meet policies DM11, DM12 and DM13 and national policy in the NPPF.

Impact upon neighbouring residential amenity

- 8.60 Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.61 The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.62 Emerging policy H7 of the BNP is not relevant as the site is outside of the Neighbourhood Plan area.
- 8.63 Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.64 Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.65 The nearest residential properties to the site are the dwellings on the southern side of Barton Road to the south, Whitehouse Cottage to the west and the rear of properties on Gregory Road to the east. The Illustrative layout demonstrates that 55 dwellings can be accommodated on the site and that the minimum standards in the SPD can be achieved.
- 8.66 The site is adjacent to Tollgate Farm to the south-west. The farm is on the other side of Barton Road and the illustrative layout shows no dwellings are proposed on the western part of the site, closest to the farm. Therefore, due to the distance from the farm, the proposed dwellings are unlikely to be impacted by noise from that use.
- 8.67 The Environmental Health officer raises no objection to the proposal, subject to a condition to secure a Construction Environment Management Plan and specified working hours.
- 8.68 With the imposition of conditions, the proposal is considered to meet policies DM10(a) and (b) of the SADMP, the Good Design Guide SPD and national policy in the NPPF.

Impact upon ecology and trees

- 8.69 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.
- 8.70 The emerging BNP identifies local green spaces, sites of environmental significance and important open spaces (policies ENV1-4). None of these are adjacent to the application site.
- 8.71 Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.72 The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.73 Public comments have raised concerns regarding the development of greenfield farm land, the loss of countryside, the impact on habitats and species and the potential loss of mature trees and hedgerows.
- 8.74 The applicant has submitted a Landscape Masterplan, Ecological Appraisal (FPCR, Dec 2020) and Arboricultural Assessment. The Ecological Appraisal states that site contains arable land, with thin semi-improved field margins, hedgerows, scrub, trees and a pond in the south-eastern corner of the western field. The site itself is not designated for its ecological value. The Appraisal concludes that hedgerows H1 to H5 qualify as habitats of principal importance under the Natural Environment and Rural Communities Act (NERC) Act 2006 as they contain at least 80% native species. H2 is the southern boundary, H3 is the central hedgerow within the site H4/5 is the south-eastern boundary. H1 and H2 are of 'moderate' ecological value and H3 and H4 are 'moderately high to high' value. The pond and the majority of hedgerows are to be retained by the development. Small sections of H3 and H4 will be lost to facilitate access and mitigation through new planting is proposed. The development will include hedgerow planting, wildflower grassland, tree/shrub planting and open space and attenuation features. Recommendations are made to mitigate potential impacts upon badgers, bats and birds. An updated badger survey is required prior to commencement and the single oak tree in the southern boundary is to be retained and hedgerow boundaries protected by sensitive lighting during/post construction.
- 8.75 The Arboricultural Assessment (Dec 2020) shows that 11 trees, 4 tree groups and 8 hedgerows were assessed. Two oak trees are of high arboricultural value (T1 and T11 in the southern boundary). To facilitate the point of access the removal of tree cover from the southern boundary is required (G3 and H5) consisting of outgrown sycamore and hedgerow material and its loss is not considered to be detrimental. A small section of H3 will be lost to connect the two field parcels of the site. The root protection areas of retained trees should be considered when the layout is finalised at reserved matters stage and 'no-dig' construction will be required. Retained trees should be protected during construction and this can be secured by condition.
- 8.76 County Ecology advise that the Ecological Appraisal is acceptable subject to conditions to secure an updated badger survey, precautionary working methods for

badgers, a sensitive lighting strategy and an ecological management plan to secure native tree and hedgerow planting, wildflower grassland creation and provision of bird and bat boxes. This will result in a net gain in biodiversity at the site.

- 8.77 In conclusion, subject to the conditions, the proposal is considered to satisfy policy DM6 of the SADMP and paragraph 174 of the NPPF.

Impact upon highways safety

- 8.78 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.79 Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible. This would be assessed and secured at reserved matters stage.
- 8.80 Emerging policy TR1 of the BNP relates to development within the parish and thus does not include the site, however it is noted that the policy seeks to minimise additional traffic generation/movement, not compromise existing off-road parking, provide necessary highway improvements and improve footways/cycleways to key village services where appropriate
- 8.81 Paragraph 111 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

Sustainability of the location

- 8.82 Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.83 The location of the site is adjacent to the existing settlement boundary and the design and access statement shows that the site is close to local facilities, for example the site is adjacent to a local shop to the south and approximately 600m from the primary school and 900m to the larger Co-Op convenience store. The site layout shows that the site would include open space and a LEAP and pedestrian connections to the existing adjacent bus stops and the services in the village.
- 8.84 The recent appeal decision for a development of up to 176 dwellings on Land to the South of Cunnery Close, Barlestone (Council reference 20/00102/OUT – dated 6/7/21) considered the sustainability of the site. That site was located to the south-west of Barlestone, adjacent to the recreation ground. The Inspector concluded that the site had limited permeability and connectivity to the village but that it would be highly convenient for village facilities and journeys to local amenities. The Inspector noted that Barlestone has a deficit of local employment and that the bus service does not run before 9am and therefore residents would be heavily reliant upon private cars to access most services.
- 8.85 The current application site is located adjacent to bus stops on Barton Road, served by the Arriva 152 and 153 service from Market Bosworth to Leicester (currently there are hourly services Monday to Saturday 06:03 to 20:37) and Roberts 159 service from Coalville to Hinckley (currently there are approximately hourly services

Monday to Friday 06:35 to 19:18). These services would allow commuting to these larger centres. Overall, the site is considered to be within a sustainable village and the location and scale of the development proposed will support local services and future residents will be able to utilise sustainable transport choices.

Highways impact

- 8.86 The objections to the application also raise concerns about the increase in traffic, impact on the A447/Barton road junction, impact of construction traffic and the lack of a pedestrian crossing.
- 8.87 The applicant has submitted a Transport Statement (Dec 2020) and Addendum (May 2021) in support of the proposal. A 5.5m wide site access is proposed from Barton Road opposite numbers 47-49 Barton Road and a 2.0m footway is proposed from the site access to the east to connect with the existing footpath and bus stop. The access design and visibility splays (2.4m by 69m in each direction) are considered suitable by the Highways Authority. An uncontrolled pedestrian crossing point is proposed across Barton Road.
- 8.88 The Local Highways Authority (LHA) requested further information from the applicant and this was provided. The LHA advise that the 40mph limit adjacent the site should remain. The applicant had proposed to reduce the speed limit to 30mph to the start of the built up area, plus a gateway feature where the limit changes from 30mph to 40mph. However the LHA consider that it would be difficult to justify these measures from the quantum of development proposed and given the good compliance with the current 40mph limit. The LHA notes that the applicant has assessed the site access junction and the impact on the A447/Barton Road/Louth Road crossroad junction. This assessment includes the committed development at Garden Farm (21/00460/OUT). The LHA is satisfied that both junctions will operate within capacity with minimal increases in queue lengths/delays at the A447 junction.
- 8.89 The applicant has revised the footway proposals to remove the footway to the west of the access, in order to retain the existing hedgerow. A footway will be provided to the east of the site access towards Barlestone, to connect to village services and facilities. The eastern footway would narrow to 1.5m to avoid the oak tree on the site boundary. A length of hedgerow would be removed to ensure visibility can be achieved, and the hedgerow replaced within the site. An uncontrolled pedestrian crossing point is proposed to cross Barton Road close to the convenience store. The LHA advise that this is acceptable. In addition, if a footpath is provided within the open space, to connect to the bus stop to the south-west, the LHA advise that a hard surfaced link to the bus stop and an uncontrolled pedestrian crossing point such as dropped kerbs is required.
- 8.90 The applicant has considered personal injury collision (PIC) data for Barton Road from 1/1/16 to 16/7/19. The LHA has identified no accidents since that date. Based on this data, the LHA advise that there are no trends in the location or type of PICs recorded and that the proposed development is unlikely to exacerbate an existing road safety concern.
- 8.91 The LHA accept that the development would generate approximately 36 two-way vehicular trips in the AM peak and 35 two-way trips in the PM peak. After establishing the trip rates, the Applicant considered trip distribution for the development. Initially, the Applicant considered that residents within the development would likely display similar travel patterns to existing residents within Barlestone, and thus follow the existing tidal flow on Barton Road. This would generate 60% of traffic travelling westbound in the AM peak hour and returning eastbound in the PM peak hour. The Applicant has also used 2011 Census data to derive the modal split for the Hinckley & Bosworth 004 Super Output Area as a

comparison. This indicated 77% of traffic travelling to the west and 23% to the east. This approach is considered acceptable to the LHA and the proposed trip distribution is acceptable.

- 8.92 In order to encourage sustainable travel, the LHA would require the provision of a travel pack and 2 x 6 month bus passes per dwelling as part of the S106 legal agreement. The contributions are required in the interests of encouraging sustainable travel to and from the site achieving modal shift targets and reducing car use. The contributions are compliant with the County Council's Planning Obligations Policy.
- 8.93 The LHA advise that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with the NPPF, subject to the conditions to secure a construction traffic management plan, the access, off-site works (pedestrian footway link and uncontrolled crossing points), visibility splays, site drainage details and the permanent closure of the redundant access onto Barton Road and planning obligations to secure travel packs and 6 month bus passes for new residents.
- 8.94 The concerns of the local residents are noted. However, with the suggested conditions and the S106 obligations the proposal is considered to satisfy policies DM17 and DM18 of the SADMP and the NPPF.

Flood risk and Drainage

- 8.95 Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.96 Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.97 The site is located within flood zone 1 indicating a low probability of flooding. The site is predominantly at low risk of surface water flooding. The public comments have raised concerns regarding flooding and drainage implications of the development.
- 8.98 The applicant has submitted a Flood Risk Assessment (FRA) and a Sustainable Drainage Statement dated December 2020. The site generally falls from the northwest towards the southeast with a high point of 130.50m Above Ordnance Datum (AOD) and a low point of 125.12m AOD. Flood risk from sewers is low. The foul water will be discharged to the public combined sewer in Barton Road. There is an informal ditch along the central field boundary and the eastern boundary and a pond within the site. The site is predominantly at low risk of surface water flooding, although low/medium risk along the eastern boundary. The development will increase the impermeable area on the site. Mitigation is proposed in the form of sustainable drainage. The Sustainable Drainage Statement includes an Outline Surface Water Drainage Strategy and shows two attenuation basins located in the western and eastern parcels of the site close to the southern boundary. The development will discharge surface water at a restricted rate with attenuation being provided in the form of SuDS detention basins with capacity for the 1 in 100-year storm with an allowance for climate change. The existing pond may form part of the

attenuation. The final drainage strategy will be determined during the detailed design stage, as the development layout is finalised.

- 8.99 The FRA recommends that finished floor levels of dwellings should be set at 150mm above surrounding ground levels to reduce any residual flood risk. Buildings should not be located in existing topographical depressions and the ground profiled to direct flows to the attenuation basins. Built development should also be located outside of any identified pluvial flow route.
- 8.100 The LLFA notes that it records of surface water flooding to the highway along with anecdotal evidence of flooding to gardens in proximity to the junction of Barton Road and Gregory Road. As such, any proposals on-site must consider this in full as part as any future detailed design. The LLFA advise that the proposals are acceptable and conditions are recommended to secure details of a surface water drainage scheme, surface water management, long-term maintenance details and infiltration testing. The Borough Councils Drainage Officer also recommends similar conditions.
- 8.101 Therefore, subject to the conditions, the proposal is considered to accord with policy DM7 and national policy in the NPPF.

S106 Obligations

- 8.102 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.103 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

The contributions sought are detailed below.

Play and Open Space

- 8.104 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 identifies the requirements for open space, which is provided on site and what would be the requirements off site.
- 8.105 The applicant has submitted a Public Open Space Plan that shows that, based upon the illustrative masterplan, the site can accommodate approximately 7500sqm accessible natural greenspace, 6800sqm informal open space plus a 440sqm LEAP. Open space calculations should not include the hedgerow boundaries or the attenuation features where they are not part of accessible and useable open spaces.

Table 3: Open space requirements

	Policy requirement per dwelling (sqm) based upon 2.4 people per dwelling using Census average	Requirement of open space for the proposed development of 55 dwellings (sqm)	Provided on site (illustrative only at outline stage)	On site maintenance contribution (20 years)	Provision contribution	Off site maintenance (10 years)
Equipped children's play space	3.6	198	LEAP (400sqm min)	£70,240.00	0	0
Casual/ informal play spaces	16.8	924	6800	£9,979.20	0	0
Outdoor sports provision	38.4	2112	0	£0.00	£19,113.60	£9,081.60
Accessibility natural green space	40	2200	7500	£31,240.00	0	0

- 8.106 The Open Space and Recreation Study (2016) requires developments of 10-200 dwellings to provide equipped open space on site with all dwellings within 100m of a LAP and 400m of a LEAP. The Open Space and Recreation Study (2016), highlights that all existing open spaces fall below the quality standards and that improvements are required. Residents in Barlestone are outside the catchment for natural and semi-natural open space
- 8.107 The policy requirement would be for 198sqm of on-site equipped play. The illustrative site layout shows that not all residents would be within 400m of a LEAP and so an on-site LEAP is required (minimum size 400sqm). The LEAP is shown in the larger open space area to the west of the site. A maintenance contribution is required for the 400sqm area.
- 8.108 The other areas of open space on site are areas of casual/informal play and accessible green space. The Public Open Space Plan submitted shows that based upon the illustrative layout, the site can accommodate in excess of the required casual/informal and accessible natural open space.
- 8.109 The policy requirement of 924sqm of casual informal play space is all to be provided on site. An on-site maintenance contribution is applicable for the total open space that will be provided, to be determined at reserved matters stage. The £9,979.20 is a minimum figure based upon the minimum requirement of 924sqm.
- 8.110 No on-site outdoor sports provision is made and so a contribution is required towards off-site provision at Bosworth Road Park BARL10 plus maintenance, which has a quality score below the required 80%. BARL10 is approximately 345m from the site boundary.

- 8.111 The majority of the open space on site is to consist of accessible natural green space. A total of 2200sqm is required from 55 dwellings, but approximately 7500sqm could be provided. An on-site maintenance contribution is applicable for the total accessible natural green space that will be provided. The £31,240.00 is a minimum figure based upon the minimum requirement of 2200sqm. It will be determined at reserved matters stage if the attenuation features will be included or excluded from the total sqm of accessible natural green space, as this will depend upon their final design.
- 8.112 Given that the application is for outline planning permission, the sums of money above are indicative and will be dependant of final layout submissions, however, any agreed s.106 would obligate the developer to provide the minimum policy requirements.
- 8.113 The developer will also be obligated to provide and then transfer the on-site open space area to a management company, or, in the alternative, request that either the Borough Council or the Parish Council maintain it. If the land is transferred to the Borough Council or Parish Council, the open space area would be transferred to the relevant authority together with a maintenance contribution.
- 8.114 The provision of Play and Open Space is required for compliance with Policies 11 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 11 requires development in Barlestone to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative only layout of the proposed development suggests the provision of open space around the site to include a LAP, causal informal play and a large area of natural green space.
- 8.115 Using the adopted Open Space and Recreation Study (2016) the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

Civic Amenity

- 8.116 LCC Waste Management requested a contribution of £2,724.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate over 11 tonnes per annum of additional waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.
- 8.117 This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is

requested using a formula applied to developments of the scale and typology across the County.

Libraries

- 8.118 LCC Library services have requested a sum of £1,660.00 towards provision of additional resources at Market Bosworth Library, Station Road, Market Bosworth, which is the nearest local library facility to the development.
- 8.119 The contribution towards addressing the impact of the development upon library facilities is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area. The Market Bosworth Library is within 2.99km of the site, the request states that the proposed development will add 165 to the existing library's catchment population which would have a direct impact upon the local library facilities, this is accepted in this instance as the library is a reasonable distance away and bus access is available from the site boundary, 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 relates to the number of dwellings proposed, therefore the contribution relates fairly and reasonably in scale and kind.

Education

- 8.120 LCC Children and Family Services has requested a contribution towards primary and 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 £404,959.06 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Barlestone Church of England Primary School or any other school within the locality of the development (£240,768.00) to accommodate 17 pupil places, and The Market Bosworth School (£164,191.06) to accommodate 10 pupil places.
- 8.121 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.

NHS West Leicestershire CCG – Health Care

- 8.122 The development could result in an increased population of 133 patients. The likely impact on consulting room provision would be 3.50053 minutes of patient appointment time per week, and a likely impact on nurse treatment room provision of 0.933474667 minutes of patient appointment time per week. The GP service is the Barlestone Branch Surgery, provided by the Ibstock and Barlestone Surgeries and this is the surgery that will be most impacted by the additional demand. The

practice has seen a significant growth in the last 5 years, impacting upon their capacity and resilience. The practice would need to improve and increase primary care services at the practice. The cost of improvements to the premises to accommodate the additional patients is £27,847.18 and therefore this sum is requested to be secured in the S106 agreement.

- 8.123 The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local 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.

Affordable Housing

- 8.124 See details in earlier section above.

Highways

- 8.125 See details in earlier section above.

Viability issues

- 8.126 The applicant has not raised viability as an issue for this proposed development.

Other matters

- 8.127 The Environmental Health Officer recommends the imposition of contaminated land conditions.
- 8.128 HBBC's Agricultural Quality of Land Surrounding the Settlements in the Hinckley and Bosworth District Report (2020) states that the site is estimated to be grade 2 agricultural land. Grade 2 is very good quality land with minor limitations which affect crop yield, cultivations or harvesting. The applicant has submitted a Soils and Agricultural Report (Sept 2019) following a detailed site survey for the application site which concludes that the site is mainly grade 2 (41%), with some 3a (56%) and a small area of 3b (3%) soil in the north. Grade 3a and 3b land is good and moderate quality land with moderate/strong limitations that affect the crop, timing and type of cultivation/harvesting or level of yield. The grade 2 land is located to the west of the site and will largely be retained as open space. The loss of the agricultural land should be weighed in the balance of the merits of the scheme.
- 8.129 The applicant has submitted a Statement of Community Involvement, setting out details of how local residents were consulted on the proposal in August 2020. The NPPF supports pre-application local community engagement. The consultation exercise included a website and leaflets to 1250 homes and contact with Osbaston and Barlestone Parish Councils. A response rate of approximately 5% was received. Comments received related to concerns about traffic, congestion and on road parking and a further pavement on Barton Road was suggested. The applicant response is the site has a safe and suitable access, and is accessible to local

facilities by foot, bus and cycle. Comments received related to school and doctor surgery capacity and the need for more shops. The applicant response is that the S106 will make appropriate contributions. Comments were received that this site was a good development option for Barlestone and that open space and play area but less homes are needed. The applicant response is to include an equipped children's play area. Comments were received against housing development in Barlestone but also that affordable homes and bungalows would be welcomed. Comments were received about concerns for wildlife and the impact of flooding and what sustainability measures would be included. Comments were received about the capacity of the sewage plant. The applicant response is that the not increase flood risk and that biodiversity will be enhanced and trees and hedgerows retained

8.130 The applicant has submitted a Minerals Assessment and the Minerals and Waste Planning Authority do not object to the proposal.

8.131 Public comments have raised the concern that the site is owned by the County Council and that the Borough Council should not be the determining authority without independent assessment of the scheme. The Borough Council is the determining authority for this application in their Borough. The application is accompanied by independent professional reports as detailed above.

9. Equality implications

9.1 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.

9.2 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.

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

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

10. Conclusion and planning balance

10.1 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.

10.2 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 and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 10.3 In principle, the proposed housing development is outside the settlement boundary of Barlestone and is thus contrary to adopted policies 7 and 11 of the CS and DM4 of the SADMP. Although out of date, these policies are in accordance with the Framework and have significant weight in the planning balance.
- 10.4 The proposal is also contrary to emerging policy H2 of the BNP as the housing needs of the Barlestone parish are proposed to be met by commitments and site allocations and development outside the settlement boundary is not supported by emerging policy H3. The BNP is at examination stage and there are outstanding objections and so the emerging BNP can be given limited weight. The site is not within the plan area covered by the emerging BNP (as it is in the adjacent Osbaston parish) and so the policies of the emerging BNP will not directly apply to the site, although they are considered to be a material consideration.
- 10.5 The emerging Local Plan for 2020-39 (Regulation 18 draft) sets out a presumption that each key rural centre (including Barlestone) will provide for a minimum of 200 dwellings (paragraph 4.9). The application site is an emerging housing allocation that will be included in the Pre-Submission Local Plan, due for consultation in Jan/Feb 2022. However, as this plan is not yet published, the emerging allocation of the site for housing can be given little weight.
- 10.6 Weighed against the conflict with the adopted Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 55 houses (including up to 22 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in boosting the supply of housing in the Borough.
- 10.7 The proposal, whilst involving development in the countryside, could be designed to be appropriate to the area, and it would have a minor adverse impact on the wider landscape and a moderate adverse impact on the landscape character of the site. The proposal would have a limited visual impact on users of public footpaths and the most notable visual effects would be limited to the road users and residents closest to the site (significant major to moderate adverse effect). The Illustrative Layout shows that the impacts can be minimised and mitigated by the recommended measures as set out in the LVIA. This would accord with policy DM10 of the SADMP, the Good Design Guide SPD and the NPPF.
- 10.8 With the imposition of conditions and S106 contributions, the development will secure an appropriate mix and density of housing and provide 40% affordable housing. This would accord with policies 15 and 16 of the CS.
- 10.9 The proposal will have a neutral impact causing no harm to the significance of designated heritage assets. The site has been subject to trial trenching investigation which confirmed the site contains no significant archaeological remains. This proposal therefore accords with policies DM11, DM12 and DM13 of the SADMP and the NPPF.
- 10.10 The proposed development will not have an unacceptable impact upon amenity and would accord with policy DM10(a) and (b) of the SADMP, the Good Design Guide SPD and national policy in the NPPF.
- 10.11 The ecological impact of the proposal has been assessed and a net gain in biodiversity can be achieved. Existing trees and hedgerows will be retained other

than for access routes. This would accord with policy DM6 of the SADMP and paragraph 174 of the NPPF.

- 10.12 The highways impact of the proposed development and the proposed access is acceptable and this would accord with policies DM17 and DM18 of the SADMP and the NPPF.
- 10.13 The development will not have an adverse impact on flooding and surface water and foul drainage can be satisfactorily accommodated. This would accord with policy DM17 and the NPPF. The site is a mix of grade 2 and grade 3a and 3b agricultural land. The loss of this land is weighed in the balance of the merits of the scheme.
- 10.14 The proposed development will secure on-site and off-site open space provision, and contributions to civic amenity provision, libraries, local education services and highways infrastructure. This would accord with policy DM3 of the SADMP and the NPPF.
- 10.15 Therefore, although there is clear conflict with strategic policies 7 and 11 of the Core Strategy and DM4 and DM10 of the adopted SADMP, there has only been minor harm found.
- 10.16 The benefits of the development include the delivery of housing, including affordable housing, and the site will help to meet the outstanding need for housing in Barlestone for the period 2020-39 early on in the plan period. This is a significant benefit of the scheme. The development would provide employment in the construction period and this is given moderate weight as it is time limited. The development would provide open space and a LEAP to this western part of Barlestone and this is a benefit that carries moderate weight also. The biodiversity net gain of the scheme is a benefit of moderate weight. The S106 contributions mitigate the effect of the development rather than provide new or enhanced facilities and thus have a neutral effect.
- 10.17 On balance, the proposal will result in minor harm to the local landscape and harmful visual effects to users of local public footpaths, nearby road users and the residents closest to the site (significant major to moderate adverse effect). The most notable visual effects are localised to those closest to the site and can be minimised and mitigated as shown in the Illustrative Layout. In addition, the proposal will result in the loss of the small area of agricultural land. On balance, these adverse impacts are not considered to significantly and demonstrably outweigh the benefits of the development. Therefore, in accordance with paragraph 11(d) of the NPPF, it is considered that planning permission should be granted, subject to the conditions and S106 contributions set out in this report.

11. Recommendation

11.1 Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
- Affordable housing at 40% (22 Units) with a split of 75% of the units as social/affordable rented and 25% of the units as intermediate tenure (shared ownership) and meet Nationally Described Space Standards (NDSS).
- Location connection requirement for the affordable housing for rent and cascade mechanism.
- On-site open space minimum requirement of 400sqm LEAP (Local Equipped Area of Play) and a 20 year maintenance cost (minimum of £70,240.00)
- On-site open space minimum requirement of 924sqm of casual/informal play space along with a 20 year maintenance cost (minimum of £9,979.20)

- Off-site outdoor sports provision contribution of £19,113.60 towards site BARL10 and 10 year maintenance of £9,081.60
- On-site open space minimum requirement of 2200sqm of accessibility natural green space along with a 20 year maintenance cost (minimum of £31,240.00)
- Civic Amenity contribution of £2,724.00 towards Barwell Household Waste Recycling Centre
- Library services contribution of £1,660.00 towards provision of additional resources at Market Bosworth Library, Station Road, Market Bosworth
- Education contribution of £404,959.06 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Barlestone Church of England Primary School or any other school within the locality of the development (£240,768.00) and The Market Bosworth School (£164,191.06)
- NHS Health care contribution of £27,847.18 for improvements to Barlestone Branch Surgery
- Travel Packs (1 per dwelling)
- 6 month travel passes (2 per dwelling)
- Planning conditions outlined at the end of this report

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

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

11.4 **Conditions and Reasons**

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

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

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-

- a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
- b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
- c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.
- d) Scale of each building proposed in relation to its surroundings have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

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

Site Location Plan (P19-1647 002 Sheet 1 Rev A) received 26/1/21
Arboricultural Assessment (FPCR, December 2020) received 26/1/21
Proposed Access Junction and off-site facilities (ADC1996-DR-001 Rev P4 - Page 9 of Transport Statement Addendum ADC1996-RP-B-V1) received 19/7/21

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

5. The layout submitted at reserved matters shall be broadly in accordance with the Illustrative Masterplan P19-1647 001 Sheet 1 Rev E received 21/6/21.

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

6. The layout submitted at reserved matters shall provide a natural vegetation buffer zone of at least 5 metres alongside all retained hedgerows.

Reason: To retain the historic landscape features, provide a soft edge to the development and to secure a net gain in biodiversity in accordance with DM6 and DM10 of the Site Allocations and Development Management Policies DPD.

7. The existing hedges along the southern, eastern and western boundaries of the site shall be retained at a minimum height of not less than two metres. Notwithstanding the details shown on approved site access plan ADC1996-RP-B-V1 received 19/7/21, full details of hedgerow removal and re-provision along the southern boundary (east of the access point) and within the site to facilitate vehicular access shall be submitted and approved at reserved matters stage. All existing trees as specified in the Tree Retention Plan 9171-T-02 Rev A (Page 21 of the Arboricultural Assessment, FPCR, December 2020) received 26/1/21 shall be retained. Any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation.

Reason : To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with policies DM6 and DM10 of the Site Allocations and Development Management Policies DPD.

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

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

9. Any reserved matters application shall be accompanied by a Building for Healthy Life Assessment of the proposal.

Reason: To ensure the development is appropriate to the local area and meets amenity standards in accordance with policy DM10 of the Site Allocations and Development Management Policies DPD and the Good Design Guide SPD.

10. Full details of external lighting on the site, to be implemented during construction and to be incorporated within the development, shall be submitted with any reserved matters application for approval. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles) and demonstrate that the lighting will not cause harm to protected species or their habitats (bats) as outlined in paragraph 4.29 of the Ecological Appraisal (FPCR, December 2020, received 26/1/21). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

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

11. During the construction period, the existing trees and hedgerows to be retained (as identified in the Tree Retention Plan 9171-T-02 Rev A, Page 21 of the Arboricultural Assessment, FPCR, December 2020, received 26/1/21), shall be protected in accordance with a Tree Protection Plan that has been submitted to and approved in writing by the Local Planning Authority. The protection measures/barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape in accordance with policy DM6 and DM10 of the Site Allocations and Development Management Policies DPD.

12. Any reserved matters application shall be in accordance with the recommendations in the Landscape and Visual Impact Assessment (Pegasus Group, P19-1647, January 2021) received 26/1/21.

Reason: To ensure the development complements and enhances the character of the area and the local landscape and incorporates a high standards of landscaping in accordance with policy DM10 of the Site Allocations and Development Management Policies DPD and the NPPF.

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

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

14. Notwithstanding the recommendations within the Phase I Site Appraisal carried out by GRM reference P9075 dated September 2019, no development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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

15. 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 adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

17. a) Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints.
- b) The agreed details shall be implemented throughout the course of the development.
- Site preparation and construction shall be limited to the following hours;
Monday – Friday 07:30 – 18:00
Saturday 08:00 – 13:00
No working on Sundays and Bank Holidays

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

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

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

19. No part of the development shall be occupied until such time as the offsite works shown on ADC drawing number ADC1996-DR-001 Rev P4 (pedestrian footway link and uncontrolled crossing points) have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

20. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC drawing number ADC1996-DR-001 Rev P4 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with policy DM17 of the adopted

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

21. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 69 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

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

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

23. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on Barton Road that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of highway and pedestrian safety in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework 2021.

24. An Ecological Management Plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted with any reserved matters application. The management plan shall be in accordance with the Ecological Appraisal (FPCR, December 2020, received 26/1/21) and include provision of bird & bat boxes, and details of the proposed planting which must consist of locally native species only. The landscape management plan shall be carried out as per the approved details.

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

25. No development shall commence until a survey to confirm (or otherwise) the presence of badgers on the site has been submitted to and approved in writing by the Local Planning Authority. If badgers are present, the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method of protection). No development shall be undertaken except in accordance with the approved scheme of mitigation.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy DM6 of the Site

Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework.

26. No development shall commence on site unless and until precautionary working methods for badgers during construction, including heras fencing to be erected along the northern site boundary to prevent access within 20 metres of the known off-site badger sett, are implemented as set out in paragraphs 4.18 and 4.20 of the Ecological Appraisal (FPCR, December 2020, received 26/1/21). The precautionary working methods shall be retained for the duration of the construction period.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework.

27. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

29. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

31. Prior to the occupation of each dwelling/unit on site full fibre broadband connection should be available and ready for use.

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

11.5 Notes to applicant

1. This decision is conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended) The agreement runs with the land and not to any particular person having an interest therein.
2. The applicant should be aware the further approval of reserved matters should be sought before the development commences.
3. 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>
4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. 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>
6. The Applicant should be advised to contact Leicestershire County Council's Network Management team at the earliest opportunity to discuss access to the road network to carry out works. The team can be contacted at: networkmanagement@leics.gov.uk
7. The County Ecologist would like to draw the applicant's attention to the mitigation and enhancement recommendations in the ecology report.
8. Your attention is drawn to the advice of Leicestershire Police in their letter dated 23/2/21.
9. Attention is drawn to the contents of the attached advice note provided by the Coal Authority.
10. In relation to conditions X and X advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.