

**PLANNING COMMITTEE**

**23 April 2013**

**RECOMMENDATION OF DEVELOPMENT CONTROL MANAGER**

**ON APPLICATION FOR DETERMINATION BY**

**THE PLANNING COMMITTEE**

**BACKGROUND PAPERS**

**Background papers used in the preparation of this report are filed in the relevant application files, unless otherwise stated**

## Planning Application 12/00295/OUT

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### Appendix 2

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Received 15 April 2013

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## **1. INTRODUCTION**

- 1.1 This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major application.
- 1.2 This detailed report considers an application for the Sustainable Urban Extension on land west of Barwell. The report considers the proposed key elements of the development, along with supporting documentation. It sets out the range of consultation undertaken and reports on the representations received. It reviews the national and local planning policy context, within which this major growth proposal has been put forward. It reviews the key infrastructure elements, such as transport and highways, drainage and landscaping. The report highlights the key community facilities that will be provided to support the Sustainable Urban Extension, including, a neighbourhood centre, provision of school and educational facilities, sports and community pavilion facilities and enhancement of local neighbourhood policing.
- 1.3 A key feature of the application is the regeneration proposals for the centre of Barwell, including the potential for a new Doctors surgery, major public realm improvements, a new Town Centre public car park and the enhancement and improvement of existing community facilities.
- 1.4 The report sets out suggested conditions and proposed Heads of Terms requirements to secure the effective delivery of the development, along with the community infrastructure and regeneration elements.

## **2. APPLICATION PROPOSAL**

- 2.1 The application was submitted to Hinckley and Bosworth Borough Council on 10<sup>th</sup> April 2012. The application seeks outline planning permission for a Sustainable Urban Extension (SUE). Detailed proposals are included for consideration at this time as regards the means of access to the development. The remaining matters of scale, appearance, layout and landscaping are reserved for later approval.
- 2.2 The application seeks outline planning permission for;
- Demolition as necessary of any on site buildings or structures;
  - Up to 2,500 new residential dwellings (Use Class C3);
  - An employment zone for general industry (Use Class B2) and storage and distribution (Use Class B8) development providing up to 24,800 square metres;
  - Sports pitches, pavilion building and changing rooms (Use Class D2) and associated car parking area;
  - Areas of formal and informal open space, children's play areas, landscaping, allotments and new areas of public realm;
  - Provision of hydrological attenuation features and sustainable drainage systems;
  - Pedestrian cyclist connections;
  - New infrastructure and services as necessary to serve the development;
- and
- 2.3 A new community hub which shall provide:
- A new primary school (Use Class D1) and associated sports pitch;

- A local health care facility (if required) (Use Class D1) or, in the alternative, a family public house/restaurant (Use Classes A3/A4); and
- Local retail and commercial units (Use Classes A1, A2, A3, A4 and A5) up to a maximum floorspace of 1,000square metres.

<b>Proposed Land Use</b>	<b>Area (ha)</b>
Residential	73.35
Community Hub (not including Primary School)	1.21
Primary School	2.1
Employment Area	6
Outdoor Sports Provision	7
Casual Informal Play Space	4.2
Other Areas of Play	0.9
Allotments	0.71
Existing Flood Plain	3.61
New Flood Attenuation	8.44
Natural Green Space	14.44
Hedgerows	1.8
Local Wildlife Sites	2.49
Spine Road Corridor	4.40
<b>Total</b>	<b>130.66</b>

- 2.4 A total of 26.56ha will be open space which comprises the following:
- i. Equipped Children's Open Space (ECOP) – 0.9ha
    - 4 locally equipped areas of play (LEAP)
    - 1 neighbourhood equipped area of play (NEAP)
    - All within 400m walking distance
  - ii. Casual/Informal Play Space (C/IPS) – 4.20ha
  - iii. Outdoor Sports Provision (OSP) – 7ha
  - iv. Natural Open Space (NOS) – 14.46ha
    - Linear corridor along Tweed River
    - East west and northwest
    - Western and northern edges of site north of Stapleton Lane
    - To rear of existing properties along Hinckley Road
    - Linear corridor following Ashby Road to south of Stapleton Lane
- 2.5 The application has been subject to extensive pre-application discussion which has resulted in a Planning Performance Agreement (PPA). This has agreed a timetable for the submission and determination of the application following pre-application input from the major consultation bodies. The PPA has been modified to allow for a further extension of time to consider the outstanding matters. The agent also signed a project plan which sets out a timetable for determining the application in order to reach a committee meeting in March 2013. It is appreciated that the timeline for determining the application has slipped due to outstanding additional information relating to Environmental Impact Assessment requests being awaited from the developer which have now been received and considered.
- 2.6 The application has been subject to a scoping opinion under the Town and Country Planning Act (Environmental Impact Assessment) Regulations 2011.

The application is classed as a Schedule 2, EIA Development and as such an EIA has been carried out and submitted as part of the application. This assesses the likely significant impacts of the proposed development during construction and operation of the development and proposes mitigation measures where required. The methodology and EIA is contained within the Environmental Statement (ES) and addendum document to the ES which has been submitted as part of the planning application.

### **3. SITE AND SURROUNDING AREA**

- 3.1 The site comprises 132.37 hectares and is located to the west of Barwell. The site is bound by the A447 Ashby Road on the western edge, residential properties along Hinckley Road to the south, White House Farm to the north and the existing settlement of Barwell to the east. Stapleton Lane splits the site and provides a direct vehicular route into the centre of Barwell. The south eastern boundary of the site is defined by Moat Way Industrial Estate which is occupied by a number of general industrial and distribution companies. Carousel Park (the showman's park) does not form part of the application site and is located to the north of Stapleton Lane, accessed from Stapleton Lane.
- 3.2 The site is irregular in shape and comprises agricultural fields defined predominately by trees and hedgerows. There are no major built structures within the site. To the south of Stapleton Lane and adjacent to the eastern site boundary lies an area of lower marshy ground through which flows a watercourse in a northerly direction along the site boundary. This is culverted beneath the former tip and flows in a westerly direction beneath the A47 at Abrahams Bridge where it forms the River Tweed, a tributary to the River Trent. Development is not proposed on this land as it forms part of the natural flood plain.
- 3.3 The topography of the site is undulating and generally falls towards the River Tweed. An area of higher ground is located along a ridge to the north of Stapleton Lane. To the south of Stapleton Lane is a designated Local Wildlife Site known as "Little Fields Farm Meadow" which is to be protected and enhanced as part of the development proposals. Views of the site are relatively self contained from it and are assessed in the Environmental Statement.
- 3.4 The site contains a number of footpaths including the "Leicestershire Round" which predominately run east west linking Ashby Road to Barwell. These connections will be retained although some of them will need to be diverted. The site is also traversed by a number of utilities and services including a high pressure water main located in the north, electricity pylons and sewerage pipes which have all been taken account of in the detailed site analysis and have informed the scheme.
- 3.5 Barwell contains pockets of significant deprivation, particularly relating to income, education skills and training, employment and health and the centre is in need of regeneration. The most deprived part of the settlement falls within 10% of the most deprived neighbourhoods Nationally. The areas experiencing multiple deprivation are designated Local Strategic Partnership 'priority neighbourhoods' with targeted actions to improve these areas.

#### **4. TECHNICAL DOCUMENTS SUBMITTED WITH THE APPLICATION**

- 4.1 **Indicative Masterplan** A key component of this outline application is the indicative masterplan which illustrates how the different components of the development of this site would fit together.
- 4.2 The masterplan is supported by other parameters plan which include;
- PPS3 Areas Plan which shows the residential areas
  - Access and Movements Plan
  - Land Use Plan
  - Open Space Plan
  - Building Heights Plan
  - Density Plan
- 4.3 The application submission also includes a comprehensive suite of technical documents for consideration with the proposal. These include:-
- 4.4 **Design and Access Statement** sets out the design rationale and principles to realise the development vision. The document provides a tiered structure of information that begins with a broad introduction to the development proposals and is progressively more detailed and technical, whilst explaining and justifying the design rationale and proposals. The document sets out design standards that will establish;
- A framework for the development which promotes a high quality design;
  - An approach to phased development that ensure co-ordinated and coherent development; and
  - Clear standards and criteria to evaluate and assess detailed applications, supporting the development control process, ensuring a high quality and co-ordinated design as well as a clear brief for designers and others involved in the development process.
- 4.5 **Planning Statement** sets out the policy background which has led to the development of the masterplan. Further sections detail the development framework, the scope of the Environmental Statement and sets out details of pre-application community involvement.
- 4.6 **Statement of Community Involvement** sets out details of the pre-application discussion with various bodies, the key steps were:-
- i. Significant pre-application discussions with Officers at HBBC and other key consultees relevant to the future determination of the application.
  - ii. Informal presentations to HBBC Executive Committee, Scrutiny Committee and Barwell and Earl Shilton Forward Group.
  - iii. Letters to key Members, including Ward Councillors, Members of Planning Committee, Cabinet Members and Group Leaders and key stakeholders to advise them of the scheme and inviting them to view the proposals at a public exhibition preview.
  - iv. Organisation of a widely advertised public exhibition (held 13<sup>th</sup> and 14<sup>th</sup> January 2012) to provide local residents and businesses with the opportunity to view and comment on the draft development proposals. Over 4000 colour leaflets were delivered to local residents and the business community in the surrounding area inviting them to the exhibition.
  - v. The hosting of all exhibition material online, including a feedback mechanism on the HOW Planning website.

4.7 The exhibition was attended by approximately 910 people (approximately 23% of those notified directly by leaflet). The online consultation webpage was viewed a total of 636 times. This equates to 518 individual computers, which suggests that 28% of those viewing the proposals viewed them more than once. 5 completed comment forms were obtained at the end of the stakeholder preview events and 177 completed forms were obtained at the end of the exhibition. In addition, 12 comment forms were received by post, 16 people submitted their comments online and 10 emails were received. A total of 220 comments were received overall.

4.8 **Environmental Statement** considers the likely significant environmental impacts arising from the development. The statement includes chapters on;

- Landscape and visual affects;
- Ecology and nature conservation;
- Archaeology and heritage;
- Geology and land contamination;
- Drainage and flood risk;
- Transport and access;
- Air quality and dust;
- Noise and vibration; and
- Waste Management Plan.

A Non-technical summary of the Environmental Statement has also been submitted.

4.9 **Landscape and Visual Assessment** A full landscape character and visual impact assessment of the Barwell SUE has been carried out which provides an assessment of the effects of the proposal during construction and during the early operational life of the scheme (assumed to be the first 15 years following completion). The assessment confirms a number of key concluding issues:-

- In terms of sensitivity of the landscape character, the 'receiving environment' affected by these proposals is not a designated landscape.
- The Stoke Golding Vales Landscape Character Assessment (LCA) concludes that the site has 'high' sensitivity and that it is 'distinctly rural and tranquil'. However much of this LCA does not account for the urban influence of Barwell on the land immediately adjacent to it. In consideration of this, the results of the assessment concludes that it is of medium sensitivity.
- Due to the limited visual envelope of the site and the extent to which existing vegetation reduces the sense of openness within it, the physical size of the area which will experience change to its character and visual amenity is very small.
- The extent of existing perimeter vegetation retained throughout the scheme will continue to mature during construction phases of development, thereby contributing to substantial limiting effects on the visual amenity and character of the site.

4.10 **Arboricultural Assessment** A total of 174 individual trees, 59 groups of trees and 63 hedgerows, totalling 2976 items have been recorded in the survey. 40 trees/hedgerows will be lost as a direct consequence of the proposals. Of these 40 trees 3 are classed as Category A (category A are those of high quality and value) and 22 are classed as Category B (category



B are those of moderate quality and value). A further 15 should be removed for reasons of sound arboricultural management. The losses associated with the proposal are offset by a range of benefits which result from the re-development of the site, these being;

- The implementation of necessary pruning to secure good tree form and health; and
- New tree planting of appropriate, locally indigenous species in certain areas to diversify the age-class distribution on site.

- 4.11 **Ecology and Nature Conservation** An extended phase 1 habitat survey has been carried out which includes the following; a breeding bird survey, a hobby survey, a bat survey, a tree assessment, an inspection of buildings, a badger survey, a water vole survey, a reptile survey and a great crested newts survey. A number of recommendations are suggested within the report.
- 4.12 **Archaeological Assessment** The geophysical survey confirmed the low to moderate archaeological potential of the site which had been suggested by the limited known archaeological resource identified by the archaeological assessment undertaken prior to the survey. The evaluation recovered no significant evidence of pre-historic activity. It is likely that the vast majority of the site is of low archaeological potential and has been subject to agricultural exploitation from at least the Middle Ages.
- 4.13 **Heritage Assessment** has been carried out to determine the potential for the proposed development to adversely affect the setting of designated built and archaeological assets. 58 designated assets were assessed. With the exception of Barwell House, all other assets were predicted to have no or slight change. The impact of the development upon Barwell House is assessed in detail within the Archaeological Assessment section of the report. Whilst careful consideration of its setting will need to be built into the development, the report concludes that it does not represent an in principle constraint stating that 'There is no reason to believe that appropriate measures cannot be incorporated within the proposed development to ensure that the wider setting of this building is preserved or enhanced as required.'
- 4.14 **A Ground Stability and Phase1 Ground Condition Assessment (Contamination)** has been carried out to assess the potential hazards and constraints posed by existing ground conditions and past land use activities.
- 4.15 The Ground Stability and Phase1 Ground Condition report includes a section on **Mineral Reserve Related Impacts**. This states that the potential existing mineral reserves identified within the application site are of limited extent and have not been identified in the Leicestershire Minerals Development Framework or Mineral Site Allocations Development Plan Documents, as a Preferred Options Site for Sand and Gravel extraction. Due to the isolated nature, small quantities and relative abundance of the minerals available, it is considered that the extraction of minerals from the site would not be viable.
- 4.16 **Flood Risk Assessment (FRA)** advises that the principal watercourse in the area is the River Tweed which drains a catchment of approximately 4km to the western boundary (Abraham's Bridge). A tributary of the River Tweed enters the site on the eastern boundary a short distance downstream of Stapleton Lane and appears to be fed by an outfall from a surface water balancing pond and run-off from a small area of field. A further watercourse, a tributary of the Thurlaston Brook, rises on the northern boundary of the site.

The modelling analysis has shown that the vast majority of the site lies outside the 1,000 year floodplain of the River Tweed and its tributary. The most notable areas of floodplain are generally associated with Abraham's Bridge and the culvert beneath the former landfill, both of which serve to restrict flood flows, thereby raising flood levels along the reach upstream. The FRA advises that such matters can be adequately mitigated through the application of 'best practice' design principles at detailed design stage.

- 4.17 **Transport Assessment (TA)** was prepared in advance of the Leicester and Leicestershire Integrated Transport Model (LLITM) and consequently an alternative manual method was adopted to assess the transport impacts of the development. The TA states that the development of the site meets the key objectives which demonstrate consistency with national and local planning and transportation policy. This is shown through the provision of; enhancements to local public transport and improved connections to Hinckley Rail Station, improvements to the local highway network, high quality walking and cycling facilities to encourage and enable sustainable travel, and the introduction of formal traffic control at Barwell Village Centre.
- 4.18 **Framework Travel Plan** forms the first part of the Travel Plan for the development which will set out ways in which the scheme and its occupiers can reduce the number of vehicle trips by promoting more sustainable travel options. It provides a mechanism for the delivery of measures which will be secured through the planning agreement, in the form of promoting walking, cycling, use of new and existing bus services, car sharing and other smarter travel choices.
- 4.19 **Air Quality Assessment** considers that the site is acceptable for residential use and that air quality does not provide any constraints to the proposed development and concentrations of nitrogen dioxide are predicted to be below the objectives or limit values at all existing and proposed receptors. During construction it will be necessary to apply a package of measures to minimise the potential for dust annoyance however the overall impact of the development is judged to be negligible.
- 4.20 **Noise Assessment** considers the potential noise and vibration effects of the proposed development. The noise model demonstrates that the majority of the proposed dwellings fall within a category suitable for residential development provided mitigation is provided to meet internal noise levels. No other mitigation measures are required in the development. Conditions are recommended to limit noise from plant in relation to employment uses.
- 4.21 **Preliminary Site Waste Management Plan** has been submitted which sets out guidance for identification of waste streams; potential options for reuse and recycling of waste; duty of care of contractors; site and materials management; and a system for regular waste performance monitoring and reviews for all projects.
- 4.22 **Affordable Housing Statement** The requirement of 20% affordable housing will be met by an on site provision and/or an off site provision by way of a commuted sum. Details are to be agreed with the Council.
- 4.23 **Sustainability Assessment** is based on integrating sustainability into the development from the outset as a key driver for the development as a whole. The applicants have decided not to use BREEAM (Building Research

Establishment Environmental Assessment Method) and CfSH (Code for Sustainable Homes) scores to dictate the sustainability strategy for the development or as a proxy for delivering high quality sustainable development. This is because these mechanisms would limit the possibilities for achieving a more comprehensive sustainability outcome across the wide front of social, economic and environmental issues. As a result, the applicants are using *Equilibrium* approach to provide the means to capture, monitor and assess the sustainability outcomes from this development. This analysis confirms that the major focus in terms of sustainability is on economic and social sustainability, with environment, climate change and transport also key areas. Key highlights from this approach to sustainability are:

#### *Social*

- High quality communal spaces and public realm elements will create a sense of space, will attract people into the development and thus enable the local community to knit together;
- Providing the opportunity to move focus away from the car will create a safe, walkable environment with integrated open space to promote healthy, community living;
- Community facilities (e.g. new school, health centre, sports facilities) will bring people together as well as its surrounding areas.

#### *Economic*

- The creation of jobs and employment legacy and therefore local wealth is a focus;
- By maximising the opportunities for jobs and employment legacy across the construction and post construction phases these benefits will be maximised;
- By taking an innovative approach to the masterplan design and building specification, the use of natural light, airflow etc will reduce the need for heating and/or cooling.

#### *Environmental*

- Biodiversity will be enhanced using approaches to both enhance existing and create new habitats;
- Through the approach to transportation on the site, a shift away from the car will be encouraged leading to benefits in terms of air quality, noise and carbon emissions;
- The use of SUDS will contribute to improving local river quality.

4.24 **Energy Statement** recognises that emerging legislation and policy is seeking to improve building energy efficiency through the enhancements to the National Building Regulations, CfSH and BREEAM assessment for commercial buildings. The spatial layout, plot design and building design will account for the majority of carbon emissions reduction. The addition of micro generation technology will allow further carbon emission reductions over these figures. Given the current rate of change in this area, the Energy Statement states it is right that the exact approach and technology mix is selected at a more appropriate point in the development process.

## **5. SUBMISSION OF ADDITIONAL INFORMATION AND AMENDMENTS**

- 5.1 Additional information (second phase of consultation) was submitted on 27 November 2012 by the applicants further to the Council's request dated 27 September 2012 in accordance with Regulation 22 of the Town and Country Planning (Environmental Impact Assessment Regulations) 2011.
- 5.2 The Addendum to the Environmental Statement includes:-
- A review of the ecological implications of the revised green infrastructure proposals which were developed in consultation with Leicestershire County Council.
- 5.3 In addition to the Addendum Environmental Statement the following information has been submitted to the Council:
- i. Addendum Supporting Planning statement to address publication of the National Planning Policy Framework
  - ii. Addendum Design and Access Statement (Section 08, Landscape and Green Infrastructure)
  - iii. Updated parameter plans and scheme masterplan drawing
- 5.4 A further Addendum (third phase of consultation) to the Environmental Statement was submitted on 1 February 2013 by the applicants further to the Council's request dated 31 January 2013 in accordance with Regulation 22 of the Town and Country Planning (Environmental Impact Assessment Regulations) 2011.
- 5.5 The Addendum to the Environmental Statement includes:-
- An assessment of the impacts of the proposed development upon mineral reserves following further investigation
  - An update to the Transport Assessment including: framework travel plan and updated highways drawings
- 5.6 Other information which has been submitted includes:
- Updated vehicular site access drawings
- 5.7 Further highway information (fourth phase of consultation) was submitted on 1 March 2013 by the applicants further to the Council's request dated 31 January 2013 in accordance with Regulation 22 of the Town and Country Planning (Environmental Impact Assessment Regulations) 2011.
- 5.8 3 additional highway drawings were submitted:-
- 25287/012/010A – Strategic Road Network – A5 Potential Highway Improvements AAP
  - 25287/012/011A – STA Barwell West Strategic Road Network – A5 Potential Highway Improvements
  - 25287/012/012A – Strategic Road Network – A5/A47
- 5.9 Further highway information (fifth phase of consultation) was submitted on 28 March by the applicants updating the relevant highway drawings. The following drawings were submitted:
- 25287-012-001 F, 25287-012-002 C, 25287-012-003 C, 25287-003-SK08, 25287-012-004 D, 25287-012-006 B, 25287-012-007 A, 25287-012-008 A, 25287-012-009 A, 25287-012-011 B, 25287-012-013 and 25287-012-014

## 6. RELEVANT PLANNING HISTORY

6.1	88/00915/4	Outline application for residential development	Approved	23.08.1988
6.2	12/00219/OUT	Erection of 2 No. dwellings decision	Approved	Pending

## 7. CONSULTATIONS

7.1 Formal consultation on the application proposal has been carried out as detailed below. It is also important to highlight the consultation which has been carried out on the emerging Area Action Plan (AAP) for Barwell and Earl Shilton. The details of this consultation are contained within Appendix 2 of this report and highlight that initial public consultation on the issues papers relating to the AAP began in November 2003 and have continued until the submission of the application.

7.2 Monthly meetings have taken place with Barwell and Earl Shilton Scrutiny Group and HBBC officers. The Scrutiny Group have been kept up to date with progress on the Barwell SUE application and have heard presentations by Leicestershire County Council Highways and Severn Trent. The Working Group will report their findings on the process and lessons learnt to Scrutiny Commission.

## 8. FIRST PHASE OF CONSULTATION ON THE APPLICATION

The following consultations were submitted as a result of the first phase of consultation:

8.1 **Highways Agency** directs that planning permission not be granted for 3 months. Insufficient information has been provided in support of the planning application to ensure that the A5 Trunk Road continues to serve its purpose as part of a national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 by minimising disruption on the trunk road resulting from vehicles entering and exiting the application site, in the interests of road safety.

8.2 **The Directorate of Chief Executive, LCC (Ecology)** wants to ensure that the full extent of the Local Wildlife Site is recognised, protected and conserved. Maintain an objection until this has been addressed.

8.3 **Environment Agency** advise that the development will only meet the requirements of NPPF if the measures as detailed in the EIA and Flood Risk Assessment submitted with this application are implemented and secured by way of conditions

8.4 **English Heritage** considers that amendments to the masterplan restrict employment to the north east of Barwell house and proposes residential use directly to the north of this asset which is an improvement to the AAP proposals, subject to detailed design considerations being taken into account at full planning application stage. Also note, however, that the revised proposals now reduce the depth of the landscape buffer zone and level of new screening. This should be carefully considered in relation to the impact of this on the setting of the listed building. In order to address these issues,

advise that consult with HBBC Conservation Officer. Advised that conditions should be attached to ensure the retention of historic hedgerows and extant ridge and furrow earthworks as well as mitigation by design of the setting of Barwell House. Conditions should also be attached regarding further archaeological investigation and recording.

- 8.5 **The Primary Care Trust** requests a contribution of £1,778,400 towards the provision of health care facilities for the additional patients to be accommodated from the development.
- 8.6 **Sport England (SE)** request a significant contribution towards sports facilities. The SE indicates that a population increase of 6000 in Barwell will generate a demand for 0.30 of a pool, 0.45 of a sports hall, 0.17 of an artificial grass pitch and 0.08 of an indoor bowls centre. The absence of an objection is on the understanding that any forthcoming planning permission will secure the following points by way of legal agreement or condition. If any of the points will not be secured then Sport England would wish to further consider the need to raise an objection to the application:-
- a. Appropriate provision and/or financial contribution(s) towards outdoor and/or indoor sporting provision;
  - b. That all sporting provision will be designed and constructed in accordance with the design guidance of Sport England and the relevant National Governing Bodies of Sport;
  - c. That where required (e.g. for playing field land) a detailed assessment of ground conditions of the land proposed for sporting use shall be undertaken to identify constraints which could affect the quality of the sporting provision;
  - d. The appropriate phasing of the development to ensure the timely delivery of the proposed sporting provisions;
  - e. The long term management and maintenance of all sporting provision.
- 8.7 **Natural England** has no objection to the development however comment on protected species and Local Wildlife Site. Suggest appropriate conditions to be attached to the permission.
- 8.8 **Severn Trent** has no objection to the application subject to imposition of conditions regarding surface water and foul water drainage.
- 8.9 **Wildlife Trust** has no objection to the application however raise a number of questions which need to be answered.
- 8.10 **Homes and Communities Agency** advises that the Design and Access Statement is well written, well structured, graphically clear and provides a comprehensive amount of information. The key issue for the Council is ensuring that the quality of development proposed is what gets built.
- 8.11 **The Directorate of Chief Executive, LCC (Minerals and Policy)** advises that the site lies within the Mineral Consultation Area because of the potential presence of valuable deposits of sand and gravel. The applicant needs to provide further information on the quality and extent of the mineral resource and or a more reasoned explanation as to why it believes the extraction of that resource is not viable. In particular the application needs to explain how the requirements of policy MDC8 of the Leicestershire Mineral Core Strategy and Development Control Policies DPD have been met. It is considered that without this further information the presumption must be that the development

could result in sterilisation of valuable mineral resource and the ES is therefore incorrect in assigning a minor adverse impact in respect of mineral sterilisation.

- 8.12 **The Head of Community Services HBBC (Drainage)** states that the development will increase threefold the urbanised area of Barwell draining to the Tweed River. It is therefore of greatest importance that sustainable drainage systems, installed to manage surface water runoff are designed to mimic the discharge characteristics of the un-developed site. Advise that conditions be attached regarding sustainable urban drainage principles.
- 8.13 **The Head of Community Services HBBC (Affordable Housing)** advises that over the last three years, from 1.04.2009 to 31.01.2012, there have been a total of 145 vacancies in Council owned properties. Of these, 58 vacancies were for houses, 62 for flats, 10 bungalows and 15 warden assisted accommodation. Therefore, although there are more houses than flats in Barwell, turnover of houses is much lower and therefore a mix of different types of accommodation would be welcome, the request to prioritise family housing, particularly 2 bed roomed houses for social rent.
- 8.14 **The Head of Community Services HBBC (Pollution)** states that conditions should be attached regarding construction, land contamination, air quality, noise, light and ventilation.
- 8.15 **Head of Corporate and Scrutiny Services HBBC (Green Spaces)** advises that management plans need to be produced for the areas of natural and semi natural green spaces, the connectivity through the existing Barwell Park needs to be improved, design of NEAPS and LEAPS should be overlooked by adjacent housing to ensure the play spaces are safe for children to use, attenuation should be designed to meet ROSPA's safety at inland waterways guidance, the provision of allotments is welcomed, discussions should be held with local football clubs to determine demand, times and level of use and dual use of open space school facilities need to be clarified.
- 8.16 **Head of Development Control Services at North Warwickshire Borough Council** has no objection but requests that the Highway Agency be consulted because of the recognised capacity issues on the A5.
- 8.17 **Police Architectural Liaison Officer** raises an objection to the application as no consideration has been given to Policing. The development will significantly impact the delivery of Policing in the District and will be unsustainable if this is not appropriately mitigated. The development could be carried out without Police infrastructure but it would nevertheless be unacceptable and permission should not be granted. A total contribution of £837,875 is required. Issues are also raised with regard to urban design and how the site could be potentially laid out.
- 8.18 **As a result of the Developer Contributions consultation, Leicestershire County Council** has the following comments:-
- a) Director of Children and Young Peoples Services (Education) states that the development would provide a pupil yield of 600 primary places which would require a site of 1.93hectares and the construction of a 1x new primary school 1x 2FE (420 places). This would leave a remaining pupil yield from the proposed development to 180 places. These places have

been netted off against the current primary provision within Barwell and leaves a deficit of 109 places from the proposed development that cannot be accommodated. The remaining 109 primary places amount of £1,318,792 and is calculated using the Department of Education cost multiplier which is currently £12,099.01 per primary place. With regards to Secondary Provision, Heathfield High School and William Bradford CC are the in-catchment schools for the Barwell development. There is also a second SUE development proposed for Earl Shilton of 1600 dwellings of which the secondary aged pupils generated from the proposed development will also be in-catchment to Heathfield High School and William Bradford CC. There is not sufficient surplus capacity to meet all of the generated places of both developments at the nearest high and upper school. To ensure that both proposed developments contribute towards the provision of secondary pupil places the deficit has been split as a percentage against the total number of dwellings proposed. This would amount to £4,451,166 for Barwell

- b) Director of Environment and Transport (Civic Amenity) states that the development would generate additional civic amenity waste at the Barwell Civic Amenity site a contribution of £117,625 is sought
- c) Director of Adults and Communities (Libraries) in respect of additional users of the existing library facilities at Barwell Library on Malt Mill Bank a contribution of £135,870 is sought
- d) Chief Executive (Ecology) does not request any financial contributions.

8.19 **Peckleton Parish Council** object to the development on the following grounds:

- a) Consultation - Do not consider that the village of Stapleton was properly consulted and therefore have been unable to have any influence over the design aspects of the application. Residents were unaware that boundary of the SUE had changed and moved closer to the village boundary.
- b) Segregation of settlements - Stapleton is in danger of losing its individual identity as a small rural village surrounded by agricultural land. The current plans show only two small fields separating Barwell and Stapleton. Stapleton will be dwarfed by the development
- c) Traffic - Access to the estate is via the A447 or Stapleton Lane consequently the A447 will bear the burden of the additional traffic generated. Impossible for two HGV's to pass each other at the corner of the Nags Head without one vehicle mounting the pavement. HGC traffic is forecast to increase both during construction and once the industrial units are built. There is no undeveloped land to enable this corner to be improved. Contest assumptions made regarding the use of public transport, bicycles and likely work locations which assume that the majority of traffic will use the A47. In order to avoid congestion when joining the A5, local car commuters use Dadlington Lane, a single track road. It is unsuitable to take additional traffic. Suggest a bypass for Stapleton
- d) Safety – Despite a 30mph speed restriction through the village it is regularly exceeded and traffic accidents occur.
- e) Loss of peaceful enjoyment of their property – Many Stapleton residents, particularly those directly adjacent to the A447, have strong concerns that the proposed development and its associated traffic will have a severe negative effect on their quality of life. The additional traffic will undoubtedly generate noise, dust and air pollution in excess of current levels.



- f) Loss of agricultural land and its associated amenity value – We object to the loss of good agricultural land together with its associated wildlife and the footpath network. Whilst the footpaths will be retained within the development they will no longer cross open fields reducing the enjoyment of being able to engage with the local countryside and nature. Alternative Brownfield sites within the Borough should be considered for this development either in whole or in part.
- g) Light pollution – Due to the location Stapleton currently experiences only low levels of light pollution. The proposed development will have a negative impact on this particularly as the community hub will be 4 storeys and clearly visible.
- h) Screening of development - The application shows tree screening and/or large area of green space to all boundaries of the proposed development with the exception of the western boundary along the A447 and part of the development north of Stapleton Lane. There will be significant visual impact on Stapleton arising from the development. The existing hedgerow along the A447 is of an inadequate height to shield the views of the development, particularly the community hub and the school.

A further letter was received by Peckleton Parish Council further outlining the lack of consultation that has taken place with residents of Stapleton.

8.20 **Stoke Golding Parish Council** have raised the following comments on the application:- There are major concerns relating to creation of a significant increase in vehicles in local area. The majority of these will be commuting to locations away from Barwell. The computer generated model does not appear to recognise rural unclassified roads that already constitute a significant ‘rat run’ network used by commuting traffic in the area. The increasing use of rat runs has been identified. Resulting from this, speed humps have been built at Wykin Village, Higham had a home zone scheme and Stoke Golding spent nearly £3,000 on speed diction signs as did Sutton Cheney PC. Suggest a number of measures to limit speed through Stoke Golding.

8.21 **Sapcote Parish Council** object to the development on the grounds that it would generate an unacceptable level of traffic on roads which are unsuitable. The level of traffic generated would have a significant adverse affect on surrounding villages, including Sapcote, which has difficulty in dealing with its existing traffic.

## **9. REPRESENTATIONS FROM FIRST PHASE OF CONSULTATION APRIL 2012**

9.1 The first round of public consultation following the submission of the planning application took place on 13 April 2012. Over 800 neighbour notification letters were sent to properties within Barwell. 20 site notices were displayed on and adjacent to the application site (including within Stapleton) and press notice was published in the Hinckley Times on 19 April 2012.

The following representations were received during this phase of consultation.

9.2 A standard letter of objection has been received signed by 389 people and raises the following issues:

- a. There has been no meaningful consultation of the people of Barwell and Stapleton in relation to these Borough Council driven plans;

- b. Bringing huge volumes of extra vehicle movements generated by 2,500 houses into the centre of Barwell is not achievable and certainly not desirable and there are unaddressed concerns about the increased traffic on the dangerous A447 through Stapleton. The road system cannot cope at the moment and there is very limited capacity for any improvement. The infrastructure simply does not exist to make these plans sustainable and all the indications are that there is little in the proposals to address such vital issues.
- c. There is a woeful lack of real evidence indicating that the proposed Sustainable Urban Extension would actually be in any way 'sustainable'. How can the Borough Council proceed with this policy on such a flimsy evidence base?
- d. The SUE will destroy the individual characters of Barwell and Stapleton villages by joining them together. The 2,000 new homes planned as part of the Earl Shilton SUE will only add to the loss of community identity by creating a huge new conurbation.
- e. Proposals for improvements in the centre of Barwell are vague to say the least and there is much scepticism about if and when they will be delivered. Overall the disadvantages of the proposed huge expansion of Barwell far outweigh any alleged benefits.
- f. There is no need for these houses in Barwell – indeed the Borough Council's own Site Allocations document of February 2009 identified a requirement for only 44 new homes.
- g. The building of 2,500 houses on green fields should not be allowed, particularly whilst there are so many Brownfield sites in Barwell that could be redeveloped. This would have the double advantage of genuinely aiding the regeneration of the village.
- h. Barwell residents are seeking a referendum on the subject of the SUE and the Borough Council should hold back from pursuing this policy until local people have had their say.

9.3 357 individual representations were received objecting to the application on the following grounds:

9.4 Principle of development

- a. Barwell doesn't need to be a super town, just continue with some cosmetic improvements in new 'conservation area'
- b. In this age of conservation and carbon neutral projects, surely the destruction of such a large green area contravenes any 'green' policy that the council has. There are many brown areas sites that could be built on without losing and hurting the local flora and fauna.
- c. If you want to do any form of development it should be for children and families, cinemas, bowling facilities etc, something to keep the kids entertained and off the streets.
- d. The Government's National Planning Policy Framework aims to ensure that local communities have a more powerful role in determining the shape, location and scale of development in their areas. The Borough Council and Parish Council must therefore take note of the growing local opposition to Barwell West and the profoundly negative impact it would have on the village of Stapleton. Whilst accepting the need for new housing, there should be consideration to alternative locations.
- e. Following the recent announcement regarding the 'Government's flagship Housing Strategy' the Barwell West SUE should be refused until a full and thorough investigation is carried out to investigate the possibility of the

release of brown field sites for new house building within the Boroughs borders as indicated by Housing Minister Mr Shapps.

- f. The proposal is not sustainable and there is no established need for the volume of houses. This development is a new village but is being parked next to the existing village of Barwell which is contrary to the council concept of a green wedge to protect the distinct identity of existing communities.
- g. The location is too far from major roads and motorways leading to the employment areas of Nuneaton, Coventry, Birmingham and Leicester.
- h. HBBC should promote the development and diversification of agriculture land.
- i. Where significant development of agricultural land is demonstrated to be necessary, HBBC should seek to use areas of poorer quality land in preference to that of a higher quality, safeguarding the long term potential of best and most versatile agricultural land and conserving all soil resources.
- j. The road system should dictate where additional houses and employment on this scale should be located as they need direct access to the major road system. There are more suitable sites adjacent to Normandy Way and Clickers Way and also adjacent A5.
- k. Sad to see the loss of so many acres of excellent grazing land which has been preserved for hundreds of years for milk producing farms along the side of A447 and now to be ruined by building.

#### 9.5 Scale of development

- a. This is massive scheme which will overpower Barwell and gobble up the neighbouring village of Stapleton.
- b. Development is out of scale.
- c. It will make the existing village centre a ghost town and actually the new village centre geographically will be the tip.
- d. Sheer size of the development will destroy the village character of Barwell.
- e. 2,500 new homes are not required in this area as few people are moving into the area, highlighted by the inability of current residents to sell their house, plus the fact that new developments in this area have lain idle for several months.
- f. Great shame to see the lovely countryside consumed by this planned development, particularly the fields along the footpaths from Barwell to Stapleton where nature has flourished in recent years.
- g. The development will effectively turn Barwell into a town and lose its community feeling.
- h. The rear of one objector's property overlooks what will form part of the SUE, due to topography of the landscape the sheer scale of the project will be totally overbearing.

#### 9.6 Traffic

- a. Traffic congestion will be awful.
- b. The narrow, congested major roads in Barwell are already a severe problem and the plans offer no remedy other than area of no parking and traffic calming.
- c. With large numbers having to commute to places like Leicester and Coventry there will be a significant increase in traffic along A447, through the centres of both Barwell and Hinckley and at the A47/A5 junction.
- d. The narrow streets, namely Shilton Road, Stapleton Lane, Chapel Street and High Street are already narrow and congested and the potential to

almost double the population overnight will make this congestion even worse. Situation is exasperated by residential on-street parking, in many places the roads are reduced to what can be best described 'single track' routes.

- e. Think about a one way traffic system for High Street.
- f. The planners don't seem to have accounted for the increase in the amount of HGV's through the village throughout construction. The bend by the Nags Head is not suitable for HGV's; they cannot pass around this bend without stopping on coming traffic. This is a safety concern.
- g. Once the development has been completed the industrial part of the development will also see a significant increase in commercial vehicles through the village, HGV's based at Moat Way currently frequent the village so an increase is inevitable.
- h. There will be a significant increase in normal vehicle traffic as the only access from Barwell West towards Coalville, Market Bosworth and the very popular garden centres is through the village of Stapleton.
- i. Has consideration been given to a by-pass for Stapleton?
- j. As peak times and during the school run 'Top Town' is severely congested.
- k. Traffic calming measures will only hinder the free movement of traffic resulting in further congestion, further air pollution and noise pollution.
- l. A side effect of the traffic calming will result in Fairacre, Blackburn Road, The High Street, Church Lane and the Dovecote becoming a rat run through housing estates for traffic wanting to access the Earl Shilton bypass.
- m. The local road infrastructure cannot cope with existing traffic and gridlock can be expected with an extra 2,500 cars assuming just one car per household.
- n. No plans to upgrade local main roads, up to and including the A5 in support of so many new homes.
- o. The preferred route to Leicester by Stapleton residents is via A447 to Kirby Mallory and Peckleton. The new residents are likely to adopt the same route and hence the traffic through these quiet villages will increase dramatically.
- p. Safety issues for Stapleton for those crossing the main road due to increase in traffic.
- q. The bends in Stapleton are not the only problem as the other end of the village is also a notorious accident spot. The first property to be encountered has had five vehicles on their roofs in the front garden in the last few years. A 40mph speed limit has not reduced this problem.
- r. Issues raised with the data available with the computer model.
- s. Drivers travelling to Nuneaton from Hinckley use the Wykin route to Higham on the Hill or the Stoke Golding route to Higham on the Hill. This would totally overload the village of Higham as the road passes through the village past the school.
- t. The roads already affected are Rogues Lane and Dadlington Lane in Stapleton. They are both used as a cut through to Stoke Golding and then through Higham to Nuneaton.
- u. The preferred routes for accessing the M1 north and Leicester are via the A447 through Stapleton. There will also be traffic implications for the nearby villages of Kirby Mallory and Peckleton as they provide the quickest routes to Leicester. Furthermore in order to avoid congestion when joining the A5 local car commuters use Dadlington Lane, a single track road which is unsuitable to take additional traffic.

- v. Increase in the already heavy traffic on the A5/Dodwells Island and Longshoot. This area is already severely affected during peak periods and has been for some time.
- w. The Environmental Impact Assessment Volume 3c contains traffic modelling but no evidence that Stapleton had been considered as part of the planning process. The framework travel plan seems to suggest that any future traffic calculations are based on the following premise; 'the overall objective for the development is to reduce the percentage of occupants travelling by car'. This is absurdly naïve.
- x. Whilst the encouragement of cycling and public transport is commendable, it is simply not realistic. The proposed cycle paths within the SUE do not extend beyond the site or connect to cycle paths elsewhere.
- y. There are no proposals in the application for major improvements to the road network in Barwell and beyond. This will have a significant, detrimental impact on Barwell.

#### 9.7 Infrastructure

- a. Infrastructure is not in place to handle this large development mainly water/gas.
- b. Schools and medical facilities are full to capacity.
- c. It is clear that the SUE will be fully dependant on the infrastructure of the present village of Barwell, including schools, health facilities, dentists, shops, public meeting places and places of worship. These facilities are not within walking distance of the proposed residential area of the SUE.
- d. Concerned about the location of the school. Due to the prevailing westerly winds it would mean that the pupils and staff would be exposed to exhaust fumes and noise pollution for most of the year.
- e. Raise major concerns over the existing infrastructure as to whether it can cope.
- f. The proposals involve the development of a new 'community hub' which the applicants states will not compete with the existing village centre. Fail to see how this can be achieved as the new hub is likely to draw people away from the existing village centre.
- g. Questions over the financial commitment to the new school.
- h. The SUE would see the existing recycling centre on Stapleton Lane become the central focus point of the enlarged village. There is an opportunity to relocate the recycling centre to the proposed employment area in the SUE. This will be better located on the outskirts of the village thereby negating users of the recycling centre from travelling through the village.
- i. The proposed development offers 'token' leisure facilities in the form of football pitches. Given the scale of the proposed development HBBC should be pushing for additional, more ambitious facilities. There should be a new leisure centre (near Hinckley football ground) built at the outset of the development.

#### 9.8 Wildlife

- a. Displacement of wildlife habitat, no green spaces will be left.
- b. Destruction of local countryside, including trees and animals.
- c. Barwell's green land should be maintained, it supports wildlife like the Great Spotted Woodpecker, Jay, Bullfinch, Robin, Sparrow, Blackbird, Song Thrush, Coal Tit, Reed, Bunting, Wren, Sparrow Hawk, Grey Heron, Magpie, Blue Tit, Collared Dove, Wood Pigeon, frogs and toads.

- d. The detrimental impacts of the development i.e. loss of Greenfield land, increased traffic, loss of trees and hedgerows and other habitats far outweigh the perceived benefits i.e. regeneration on which the applicant offers no firm commitments or guarantees.

9.9 Employment

- a. New industrial units are not required as there are countless existing units that are empty.
- b. There is not enough local employment for the additional residents, so they will have to commute, causing more environmental damage and traffic congestion.
- c. Lack of jobs for existing residents.

9.10 Noise

- a. Mallory Park race track is a credit to the area but the new residents of this development will almost certainly raise a noise complaint which will hinder Mallory's activities in the future and impact related businesses.
- b. Noise impact from prolonged construction work that may be generated will be unreasonable for those local residents who have homes adjoining the proposed scheme.

9.11 Flooding

- a. Question potential risk of flooding together with sewerage systems being unable to cope.
- b. River Tweed runs through the centre of the site. This may look insignificant but it has flooded on several occasions.
- c. The proposal is being built around and on an existing floodplain which protects the village which already suffers from flooding in some parts.

9.12 Public transport

- a. The reference to public transport connecting the new estate to Hinckley rail station is absurd as no buses go to the train station. The bus station in Hinckley is 5-10 minutes walk from the train station.
- b. It is not realistic to think that up to 4000 people will all cycle or catch buses. This will not happen in the real world.

9.13 Public realm/village centre improvements

- a. It is the Top Town area of the village which is desperately in need of regeneration not a new development west of the village.
- b. The public realm enhancements will do little to enhance Top Town. The Co-Op has already been refurbished and there is currently a seating area by the Co-Op. Privately owned shops which have fallen into disrepair will be unaffected by the proposals.
- c. Existing centre needs to be modernised and the infrastructure improved before we are able to cope with another 2,500 homes.
- d. The idea of improved town centre and new shops is all well and good but if there was a demand for shops then it already would have happened. Most people get everything they need from the supermarkets and out of town shopping centres and that won't change.
- e. The premise of the SUE is to provide regeneration of the existing Barwell village. The applicant fails to set out how this will be achieved other than some references to possible improvements to the existing centre. However no firm detail, timing, commitments or guarantees are provided.
- f. No details on the Barwell Regeneration Fund. This fund is fundamental to the development should it proceed.

- 9.14 Impact of residential amenity
- a. All previously enjoyed privacy will be lost. Not only will we be overlooked by residential properties we will be overlooked by any member of the public using the green space which has been allocated on the far bank of the Tweed River.
  - b. Loss of residential amenity from increase in traffic noise.
  - c. Due to its rural location Stapleton currently experiences only low levels of light pollution. The proposed development will have a negative impact on this particularly as the community hub will be 4 storeys high and clearly visible from Stapleton.
  - d. Proposals affect the ability for people to use existing open fields for dog walking/horse riding.
  - e. Concern over construction of development in terms of noise, dust, impact on health of residents.
- 9.15 Screening of development/visual impact on Stapleton
- a. The application shows tree screening and/or large area of green space to all boundaries of the proposed development with the exception of the western boundary along the A447 and part of the development north of Stapleton Lane. There will be significant visual impact on Stapleton arising from the development. The existing hedgerow along the A447 is of an inadequate height to shield the views of the development, particularly the community hub and the school. Suggest that a 'green wedge' be formed between Stapleton and the SUE to provide an adequate area of separation.
  - b. The proposed housing estate is only 500metres from Stapleton parish church and hence the village will effectively become part of Barwell. It therefore threatens Stapleton's identity as a village.
- 9.16 Carousel Park
- a. Lack of information in respect of the proposed boundary treatments. The need for an effective boundary is to 1) create a secure and impenetrable boundary between the proposed residential development and the park; and 2) to screen both visually and acoustically the established activities of the Showmen from the future residents of the residential areas, thereby protecting the latter's perceived amenity.
- 9.17 Consultation process
- a. Concerns over lack of meaningful consultation, particularly for Stapleton and therefore unable to have any influence over the design aspects of the application.
  - b. Stapleton Parish Council was not consulted or involved in these proposals, even when the core strategy was being developed. The villages of Kirby Mallory, Peckleton and Stapleton are all affected but have been ignored.
  - c. 'Localism' and 'Community Engagement' are a fundamental part of the Government's National Policy Framework however it was the developers who engaged with the public at George Ward Centre and not the Borough Council.
  - d. HBBC and the Parish Council must take note of the growing local opposition to Barwell West.
- 9.18 Other issues
- a. Concerns over level of affordable housing.

- b. 3 and 4 storey developments are unsuitable for a countryside development
- c. Concerns raised with lack of fences around public/green space with regard to public safety.
- d. More suitable sites adjacent to Normandy Way, Clickers Way and the A5 should be brought forward.
- e. Where will all these new buyers come from?
- f. People did not democratically approve this development.
- g. The application should not be determined until HBBC has adopted the Earl Shilton and Barwell Area Action Plan (AAP). Policy 3 of the Core Strategy states that the development must be in conformity with the AAP. To determine the application before the AAP is adopted is not only premature and contrary to Policy 3 but would also devalue the importance of the AAP. It is critical the AAP is adopted before the application is determined in order that HBBC, the developer and Barwell residents have a clear understanding of the strategy to regenerate Barwell.
- h. Proposals do not include provision for bungalows contrary to Policy 16 of the Core Strategy.

9.19 Councillor David Gould has made the following comments on the application (neither objecting or in support):

- a. Strong concerns regarding the use of speed cushions on Stapleton Lane due to delay they cause to journey times. The current installations on Hinckley Road have not gone down well with residents. A solution entailing a series of pinch points and speed tables would be preferred.
- b. There is little information regarding off-site highway works which is a key concern for residents. Whilst in meetings we have discussed improvements in particular to the A47/A447 junction I can find no information about this within the application.
- c. Limited attention paid to cycle provision. Why are cycle lanes not provided throughout Stapleton Lane?
- d. Given limited visibility at Abraham's Bridge, it would be helpful to provide some pedestrian facilities to allow residents to continue along the footpath westwards to Dadlington/Stoke.
- e. Concerns have been raised with the possible funding towards facilities such as a primary school. It would be helpful for this information to be clarified in order that residents take a balanced view.

9.20 One email in support of the application stating:

- a) It will enhance the area and bring in new people which will provide new business opportunities.
- b) People walking to work will be great for the environment.

## **10. SECOND PHASE OF CONSULTATION ON THE APPLICATION NOVEMBER 2012**

10.1 Following the submission of additional information relating to the Environmental Statement, a second round of public consultation was undertaken on 27 November 2012.

10.2 The following consultation responses were received:-

10.3 **North Warwickshire Borough Council** raise no further comments



- 10.4 **Sport England** raise no objection on the understanding that the points raised in their original response are secured by way of legal agreement or condition.
- 10.5 **Natural England** No further comments to make.
- 10.6 **Leicestershire County Council (Ecology)** Happy to withdraw objection to the scheme
- 10.7 **English Heritage** No further comments to make
- 10.8 **Blaby District Council** No further comments on additional information
- 10.9 **Sapcote Parish Council** Request an extension of time to submit comments
- 10.10 **Peckleton Parish Council** Continue to oppose to the application on the following grounds:
- i. Failure to consult – no consultation with Peckleton Parish Council prior to the submission of the application.
  - ii. Traffic Implications – the Traffic Assessment largely ignored the effects of traffic arising from the Barwell SUE on Stapleton and the surrounding villages to the west. Request a condition that all construction traffic should be directed via the A447 and A47. Additional traffic through the village will have severe negative implications for the residents generating noise and air pollution from the additional vehicles together with an increased risk of accidents. The LLITM shows that the developers' assumption that traffic would use the A47, A5 and M69 are flawed and that much traffic will be using rural roads as a shortcut. Also do not accept the developer's reliance on Travel Plans as do not see how these can be imposed and monitored on a development of such a scale. Request that prior to any development being commenced agreed traffic calming measures should be agreed with each rural community affected by traffic arising from the development. Also have further concerns with regard to congestion and safety issues which would arise at the Stapleton Road/A447 junction. No decision on a development of this size and magnitude should be made until the final LCC traffic report has been received.
  - iii. Pedestrian and cycle access – developers have placed much reliance on the sustainable nature of the development having incorporated pedestrian and cycle ways. Residents from Stapleton would not be able to access these new routes without using the A447. The footpath from St Martin's Church, Stapleton to Stapleton Road, Barwell only runs to the west side of the A447. This would preclude residents of Stapleton from benefiting from the proposed enhanced cycle and public transport links.
  - iv. Flooding risk – villages adjacent to Stapleton are already affected by flooding from the river Tweed and there are further implications for villages near the Sence. Require assurance of the adequacies of the proposals to deal with surface water and cope with climate change.
  - v. Scale of proposed development – size is inappropriate to its location and to the available road networks and will impose on the rural nature of Stapleton without providing any material benefit to offset the adverse implications outlined.
  - vi. Screening of proposed development – current views from the Stapleton are of agricultural land with distant views to Barwell. Would like further details of the nature of the planting proposed which will screen the northern boundary and a scheduled timetable for this. Request that tree

and hedging screening on this boundary should be commenced at the outset of the development.

- vii. Green wedge – ask HBBC to reconsider the adoption of green wedge between the proposed development and the village of Stapleton in order to protect the village in the future from any further encroachment of development.
- viii. Future consultation – ask for the developers to arrange a meeting in order that residents concerns are addressed.

## **11. REPRESENTATIONS FROM SECOND PHASE OF CONSULTATION**

- 11.1 Over 800 neighbour notification letters were sent to properties within Barwell. 20 site notices were displayed on and adjacent to the application site (including within Stapleton) and press notice was published in the Hinckley Times on 13 December 2012.
- 11.2 The second round of consultation resulted in the submission of 36 public representations of which all raised objections to the application.
- 11.3 The majority of representations reiterated the comments previously submitted in relation to the principle of development rather than focusing on the additional information submitted as such they are not rehearsed again in relation to the Second Phase of Consultation, as they are clearly set out above in connection with the First Phase of Consultation. The following objections were received addressing new matters/concerns.
  - Concern that the Council are not listening to the views of local residents.
  - Question why a large proportion of proposed new dwellings have to be in one location.
  - Traffic analysis needs review and updating
- 11.4 One representation focused on the amendment to the Design and Access Statement and raised the following comments:
  - The document only contains the landscape and green infrastructure strategy – not the design and access statement as stated;
  - The document is fundamentally flawed as a landscape strategy because it completely ignores the impact of the SUE on the surrounding landscape;
  - The relationships of housing and roads to the land form and topography are not illustrated (figure 8.1)
  - The SUE is labelled as an extension of Barwell which is effectively screened from the development. The housing development will be highly visible to both the village of Stapleton and all drivers along a one mile length of the A447.
  - Concern that housing layout and roads do not relate to the land topography as housing will be built on steep slopes and be highly visible from afar to the location on relatively high ground.
  - Long term maintenance implication and costs of proposed landscaping need to be assessed, agreed and accepted by HBBC.
- 11.5 One representation focused on the addendum to the Planning Statement and raised the following comments;
  - Paragraph 2.18 – impact on roads, especially A447 is not addressed;
  - Detrimental impact on surrounding landscape is not mentioned in the context of good design which should apply beyond the site as well as within it;

- Leicestershire Police have raised a formal objection, they are also critical of the design and layout which does not mitigate against crime.
  - No reference to provision for secondary or further education – what contributions will be made;
  - How can 2,500 houses, plus warehousing and roads actually conserve and enhance the natural environment?
  - LCC Ecologist does not support the proposals in respect of ecology;
  - NPPF refers to empowering local people to shape local and neighbourhood plans- this has not happened as evidenced by the many protests by Barwell and Stapleton residents;
  - Application does not comply with local development plan;
  - The justification that the benefits of the SUE outweigh Policy NE5 is not a statement of fact but a very biased matter of opinion held by the applicant;
  - Peckleton Parish Council were not consulted on the adopted Core Strategy;
  - Planning issues elsewhere in the country cannot set a precedent;
  - The stated strong links to Barwell must be challenged. The lack of road connectivity means that once in their car residents will work and shop elsewhere;
  - Site is not appropriate, no direct link to A47;
  - Application does not include Code for Sustainable Homes for BREEAM;
  - The Barwell village centre improvements consultation event held in November was not unanimously welcomed as stated;
  - Proposed health centre will not be provided by application – depends of NHS who has no capital funding to do this;
  - Under supply of housing is needs contesting.
- 11.6 One representation focused on the addendum to the Environmental Statement and raised the following comments:
- No attempt has been made to respect the proximity of the village of Stapleton or increase the area of separation between the proposed SUE and Stapleton.
  - Disagree with paragraph 8.4 that the residual impact of the development is negligible as it will have many adverse impacts including; reduction in good agricultural land, impact on roads and traffic on rural road network, impact on surrounding landscape, impact on crime and policing, impact on education and health provision, impact on village of Stapleton which has been completely ignored in the application.
- 11.7 One representation focused on the response by EDP (Ecology, Heritage and Landscape consultants) on Peckleton Parish Council comments and raised the following comments:
- Questions EDP statement that their involvement spans several years as the project has not existed for several years;
  - The report acknowledges that the SUE will be visible from parts of Stapleton but not qualify or quantify these. It does not identify the properties in Stapleton which will have a view of the SUE;
  - Timing of any planting must be prior to or consecutive with house building;
  - Assumption that 300m of land is sufficient to separate Stapleton from the SUE is preposterous;
  - Absurd to think that retained footpaths through residential areas will in some ways be better than they are now;
  - Report makes no reference to the topography;

- Has HBBC challenged the lack of noteworthy ecology? LCC Ecology maintains their objection to the application;
- The implication that the ecology of green corridors and domestic gardens will be better than agricultural fields is absurd – this comment must be challenged;
- Light and noise pollution which will emanate from the SUE is not mentioned.

## **12. THIRD PHASE OF CONSULTATION ON THE APPLICATION FEBRUARY 2013**

- 12.1 Following the submission of additional information relating to the Environmental Statement, a third round of public consultation was undertaken on 1 February 2013.
- 12.2 The following consultation responses were received:
- 12.3 **Severn Trent** No objection to the proposal subject to the imposition of conditions in relation to surface water and foul water drainage.
- 12.4 **Leicestershire County Council Minerals** Notwithstanding the conclusions reached in the Mineral Assessment Report by Peter Brett Associates that the mineral resource which would be sterilised by the development is unlikely to be commercially viable to work leads the Mineral Planning Authority to advise that it would not be a reason to refuse permission in itself but it is an impact that needs to be taken into account in the decision making process.
- 12.5 **English Heritage** The application should be determined in accordance with national and local policy guidance and on the basis of your specialist conservation advice.
- 12.6 **Leicestershire County Council Ecology** No further comments
- 12.7 **Leicestershire County Council Planning Authority** With regard to the final comments of the Mineral Planning Authority on the Mineral Safeguarding issue, and the Highway Authority, in respect of the Highway and Transport impact of the development and consequent requirements for mitigation, that work is still ongoing and it would be inappropriate for the Borough Council to issue a decision on the application until final comments can be provided. Notwithstanding that, ideally the application should not be determined in advance of an adopted Area Action Plan, in order to secure the proper planning of the area and avoid the risk of the SUE's being development in isolation.
- 12.8 Furthermore, the Borough Council has previously stated that:
- a) The two SUE's need to be planned and delivered together;
  - b) That the two SUE's have not been planned together and an Area Action Plan, to which any proposed development should conform, has not been concluded and adopted; and
  - c) The County Council believes the Barwell SUE proposal has not been adequately assessed by the Borough Council and cannot be supported.
- 12.9 **Blaby District Council (BDC)** No objection to the principle of the SUE to the west of Barwell as established in, and tested at the Examination of, the

adopted Core Strategy. BDC notes the comments made by Leicestershire County Council (LCC) and agrees with LCC with regards to the planning application needing to take into account the Leicester Leicestershire Integrated Transport Model (LLITM) modelling work to fully understand and therefore appropriately mitigate any impacts on the road network, particularly the roads within the District of Blaby. BDC wishes to await the comments of LCC on the Transport Assessment update before submitting further comments.

12.10 **Peckleton Parish Council** Continues to oppose the application on several grounds. Reasons and comments were detailed in earlier representations. Feel that the revised traffic design will not address or solve the probable traffic and safety issues for Stapleton village and villagers. Please consider the following:

- There will be increased traffic volumes and particularly at peak times. This will coincide with the time that our village children have to cross the A447 to get to school. We feel that a proper traffic controlled pedestrian crossing is required.
- The construction of the Barwell SUE and the development of an industrial estate will mean an increase in HGV traffic coming south as well as north along the A447. Greater consideration and changes need to be made to address the increased potential road safety hazard at the Nags Head corner.
- The traffic plan should not be based solely on the consequences resulting from Barwell SUE. There are also the Earl Shilton SUE and MIRA developments to take in to account. It would be irresponsible to make far reaching and expensive decisions to meet only a small proportion of the areas need when it is known other significant developments about to take place.
- We find it hard to believe the SUE development is classed as 'no significant traffic impact' for Stapleton and the A447. We do not accept this. In order for us to consider and analyse the reasoning behind this premise can you or the developers please send to us their data that leads to this conclusion,
- Our local knowledge and 'straw polls' has lead us to strongly believe that the natural routes selected for going west or north from the Barwell SUE will be via the A447 north in to Stapleton. The new traffic plan does not introduce any provision to speed up the traffic flows through the A447/A47 intersection. In fact the increase traffic flow and the proposed 'slowing down' measures will only increase the travel times along the A447, A47, A5 route and thus make the A447 north alternative even more attractive.
- Request that the consultation period is extended until the LCC report is issued and Peckleton Parish Council have had reasonable time to digest and comment on it.
- The TA does not consider additional traffic stemming from the proposed Earl Shilton SUE.

12.11 **Stoke Golding Parish Council** comments that the surrounding Parish Councils are of the same opinion that the planning application has not dealt with either a traffic assessment for rural road issues, nor flooding issues and because of this lack of information and without the provision of a new road from the site to the northern perimeter road it is considered the development is not sustainable. Stoke Golding PC request there is an extension of the consultation period as the Council is unable to make any significant

comments regarding a traffic assessment until the LCC Highway report has been received, plus on the flooding issues.

12.12 **Sutton Cheney Parish Council** requests an extension to the consultation period.

### **13. REPRESENTATIONS FROM THIRD PHASE OF CONSULTATION**

13.1 Over 800 neighbour notification letters were sent to properties within Barwell and 20 site notices were displayed on and adjacent to the application site (including within Stapleton) on 1<sup>st</sup> February 2013. A press notice was published in the Hinckley Times on 7 February 2013.

13.2 The third round of consultation resulted in the submission of 25 public representations of which all raised objections to the application.

13.3 The majority of representations reiterated the comments previously submitted in relation to the principle of development rather than focusing on the additional information submitted as such they are not rehearsed again in relation to the Third Phase of Consultation, as they are clearly set out above in connection with the First and Second Phase of Consultation. The following objections were received addressing new matters/concerns.

- HBBC have a legal responsibility not to cause flooding to third parties land or water courses.
- Loss of farmers jobs, loss of food producing land in times of world shortages, wildlife loss
- Medical centre should remain within centre of Barwell
- Many existing distribution and storage warehouses are unfilled, why take farm land when these units are unused?
- Who will buy these homes when we have a third dip recession?
- With regards to increase in traffic, it is not only rush hour which causes concern but vehicles leaving Woodlands and Greenacres Garden Centres on the edge of the village. Thankfully relatively few fatalities have occurred but unfortunately the planning department seems only interested in statistics of fatal accidents – less serious accidents tend to get missed.
- The winter flooding has proven the concern about the development being on a flood plain. Photographs taken show a vast area of the proposed development under water which when under concrete and tarmac will exacerbate the problem further.
- Development will divide the village of Barwell
- Application is premature. The AAP has not been finalised, tested at examination and remains unadopted. The AAP will be a key planning document designed to guide/inform a planning decision to ensure that the development is properly assessed to bring maximum community benefit to residents, new and existing. A proper decision cannot be made without the adopted AAP in place. To determine the application before the AAP is adopted is potentially unsafe and opens up the possibility of a judicial review from other stakeholders.
- The addendum to the TA is unfairly biased towards the developers and request that the Highways Agency either reviews and approves this document or preferably perform their own analysis and conclusions. From a technical viewpoint the data contained in the document has no supporting evidence, does not consider a wide enough area to be able to determine traffic flows (specifically it does not consider any traffic to or

from Hinckley/M69 not via the A5), it does not consider the traffic from Earl Shilton SUE and conclusions are based on differences between undocumented traffic models not acceptable actual traffic flows. The document should be removed from any council decisions until it has been reviewed by a relevant Authority, namely the Highways Agency.

- It is clear the TA is still in the early stages. More work and more consultation are required before anyone can make an informed judgement on the correct way forward. It would be totally inappropriate for HBBC to come to any decision on this application while there are so many outstanding issues.
- It will be difficult and dangerous for vehicles attempting to turn onto the A447 from Hinckley Road, including the many large lorries that use it to access Moat Way and Goose Lane.
- TA is on the conservative side in regards to volumes of traffic.
- Modelling techniques by consultants do not take into account the special features or predict the delay that will be caused by all of the pinch points in the road system of Barwell. The poor road infrastructure is not conducive to public transport moving through the village. The plan to install traffic lights to enable access/egress to the development via A447 delay is a poor idea. If progress along the A447 is impeded by traffic lights and gridlock, with Hinckley shopping centre in terminal decline, extending journey times into Hinckley centre may dissuade people making the journey or divert through Barwell via Stapleton Lane.
- The new TA does not address the concerns similarly expressed by the LCC in their review of the previous TA and not surprisingly the developer's consultants have put forward a further case which supports their funder's wishes.
- Draws attention to the conclusion of the County Council Planning Cabinet meeting conclusion of 6<sup>th</sup> February 2013: 'The County Council believes that the Barwell SUE proposal has not been adequately assessed by the Borough Council and cannot be supported'.

13.4 One representation focused on the Transport Addendum and raised the following comments:

- The latest document does not seem to address Stapleton's issues. No reference to Stapleton despite County Council's comments that mitigation from School Lane in Stapleton to the A47 Normandy Way has not been included.
- The proposed traffic lights at the Stapleton Lane/A447 junction are not needed to slow traffic down into Stapleton village from the south because the dangerous Z bends already do that. Measures are required to slow traffic entering Stapleton from the north. No reference to this in new document.
- The narrow country lanes from the Barwell SUE to Daddlington, Stoke Golding, Sutton Cheney, Higham and Fenny Drayton will be swapped – this issue has not been addressed.
- The new document does not include the impact of the proposed Earl Shilton SUE which will add further traffic. Traffic and transport assessment must logically form part of the Area Action Plan relating to both SUE's but this has not yet been agreed or adopted.
- The Borough Council should not determine the application unless the new document has been fully assessed by the relevant professional experts.

- The developer's proposal will transform the A447 into yet another congested suburban road with new houses alongside one mile of its length.
  - Despite the promise of huge investment in infrastructure as a result of the SUE, there are no plans for a by-pass for Stapleton.
- 13.5 One representation focused on the Minerals Addendum and raised the following comments;
- The conclusion that commercial extraction of minerals within the application site is unlikely to be economically viable is likely to be biased in favour of the planning application.
  - Trust that the Borough Council have sought adequate expert advice on the technical aspects of this report.
  - Conditions should be imposed in respect of mineral extraction as required by the County Council should planning permission be granted.
  - HBBC must note that the County Council at Cabinet level does not support the Barwell SUE.

#### **14. FOURTH PHASE OF CONSULTATION ON THE APPLICATION MARCH 2013**

14.1 Following the submission of additional information relating to the Environmental Statement, a fourth round of public consultation was undertaken on 1 March 2013.

14.2 The following consultation responses were received:

14.3 **English Heritage** The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

14.4 **Natural England** The proposed amendments to the original application relate largely to highways and are unlikely to have significantly different impacts on the natural environment than the original proposals.

14.5 **Sport England** As the additional information relates to proposed highway infrastructure works, Sport England does not wish to make any further representations over and above those previously submitted.

14.6 **Leicestershire County Council Ecology** No further comments to make

14.7 **Leicestershire County Council Archaeology** No further comments to make

#### **15. REPRESENTATIONS FROM FOURTH PHASE OF CONSULTATION**

15.1 Over 800 neighbour notification letters were sent to properties within Barwell and 20 site notices were displayed on and adjacent to the application site (including within Stapleton) on 4<sup>th</sup> March 2013. A press notice was published in the Hinckley Times on 7<sup>th</sup> March 2013.

15.2 The fourth round of consultation resulted in the submission of 7 public representations of which all raised objections to the application.



15.3 The majority of representations reiterated the comments previously submitted in relation to the principle of development rather than focusing on the additional information submitted as such they are not rehearsed again in relation to the Fourth Phase of Consultation, as they are clearly set out above in connection with the First and Second and Third Phase of Consultation. The following objections were received addressing new matters/concerns.

- Alterations to the Longshoot A5 junction will do nothing to increase the flow of traffic. In adding a lane for a few hundred yards to filter back again will cause certain people to try and out accelerate one another and in the light of the necessity to make less carbon emissions and burn less fuel this is a totally none green proposal.

15.4 Councillor David Gould has made the following further comments on the application (neither objecting or in support):

- The Highways Addendum brings forward a number of significant improvements which are welcomed;
- Reiterates concerns that the traffic calming indicated along Stapleton Lane is inappropriate and would have a damaging effect on property as has a similar installation on Hinckley Road.
- Would prefer to see a holistic scheme that considers the route throughout including Stapleton Lane, Chapel Street and The Common, paying particular regard to the junction of Stapleton Lane/Fairacre Road, resolving the pinch point along Chapel Street to prevent deadlock and traffic calming measures on The Common.
- Would like to see consideration given to the imposition of a width restriction on Chapel Street to prevent HGV's accessing the village centre via this route.
- Appalled to discover just how short the turning right lanes are at Dodwells Island and A447/A47 junction. Would like to see improvements made to these junctions to the extent that motorists would not feel the need to route via the villages.
- Concerned that there will be an increase in the traffic levels through Stapleton and whilst this may not be significant the current situation is challenging for all concerned. Perhaps investment in additional Vehicle Activated Signs could assist.
- Hope to see cycle prohibitions on current routes, such as between The Barracks and Jersey Way, lifted in conjunction with a separate cycle lane in order to provide excellent connectivity for active transportation options from within the SUE.

## **16. FIFTH PHASE OF CONSULTATION ON THE APPLICATION APRIL 2013**

16.1 Following the submission of additional information relating highway drawings, a fifth round of public consultation was undertaken on 2 April 2013.

16.2 Leicestershire County Council – Highways were the only consultee consulted on the application as the additional information only related to highway plans. Their comments are contained within Appendices 5 and 6 of the report.

16.3 **Peckleton Parish Council** provided further comments on the application and continue to object to the application on the following grounds:

- The traffic modelling and solutions appear to concentrate on main traffic routes to the south and west of the SUE. No firm proposals or mitigation are recommended for the A447 through Stapleton.

- Even if the modelling proves to be correct then the additional traffic forecast to enter Stapleton will make it hazardous, particularly at peak times, to cross the main road which divides the village. It also appears the risk of accidents at the bends adjacent to the Nags Head. The proposed traffic lights should slow traffic entering Stapleton from the south however the lights will not affect the speed of traffic entering Stapleton from the north when negotiating the bends.
- The additional traffic lights and roundabout proposed on the A447 will not encourage traffic to use the A47 east when a quicker, shorter route is available.
- The modelling undertaken by LCC clearly identifies that the majority of traffic flow arising from the SUE will be heading to and from the west of the SUE. We consider that this only serves to indicate that the location of the SUE is inherently wrong, requiring major investment in alterations to the A447, when by relocating the development closer to the A5 and A47 this could be avoided together with the other negative implications for the rural roads.
- When the planning committee undertake their site visit we ask that they should include a visit to Stapleton and associated rural roads which we have identified as being affected by the increase in traffic arising from the SUE.
- We also ask that planning committee not determine this application when the transport mitigation proposals have not yet been fully agreed and successfully resolved.

## **17. REPRESENTATIONS FROM FIFTH PHASE OF CONSULTATION**

- 17.1 Over 800 neighbour notification letters were sent to properties within Barwell and 20 site notices were displayed on and adjacent to the application site (including within Stapleton) on 2 April 2013. A press notice was published in the Hinckley Times on 4 April 2013. Any representations received after the drafting of this report will be reported to Members as a late item.
- 17.2 The fifth round of consultation resulted in the submission of 4 public representations. The majority of the comments reiterated the comments previously submitted in relation to the principle of development rather than focusing on the additional information submitted as such they are not rehearsed again in relation to the Fifth Phase of Consultation, as they are clearly set out above in connection with the First and Second, Third and Fourth Phase of Consultation. The following objections were received addressing the highway drawings:
- Concerns over close nature of the roundabout on the A447 to access to a residential property.
  - Consider the existing speed control signage that has been placed on the A447 and the new proposed controls would be a further waste of public money as the limits are not enforced.
  - Concerns with the mitigation measures which are proposed on surrounding highway network, for example raised tables cause damage to vehicles, roundabout and traffic lights are not acceptable, speed limit of 40mph is not acceptable on a major strategic route. It is bizarre that the proposed highway modifications assume that all SUE traffic will travel south to the A47 and that none will travel north through Stapleton to the M1 or west through the narrow country lanes and villages to the A5. No highway modifications are proposed for these routes which will inevitably

be forces to absorb SUE traffic. The double Z bend by the Nags Public House is only 400 yards from the SUE and is so narrow that all large vehicles need to cross the centre line. The dangerous bend to the north of Stapleton has been the scene of many fatal accidents. Both would be solved by the long awaited bypass for Stapleton.

- Determination of the application is inappropriate whilst County Council Highways response is still awaited.
- It would be inappropriate for the planning committee to decide on a planning application that is known to result in increased traffic problems that will necessitate significant infrastructure projects to deal with them and when the costs of these projects are uncosted and even worst unknown.
- Request that the planning committee when they undertake the site visit, will include an examination of the roads and junctions referenced in the proposed mitigation and all the rural roads and villages that have been identified as being affected with increased traffic.
- Since the analysis of the traffic flows indicate the vast majority of traffic will be heading to and from the west why not place the development nearer to the A5/M62.
- The traffic problems identified are one of magnitude and scale. The solution offered is one of mitigation. The better approach would be to tackle the source of the problem which is volume. Reduce the volume.

## **18. ADDITIONAL REPRESENTATIONS RECEIVED**

18.1 **Barwell Parish Council** Comments not previously received relating to the overall development received 11 April 2013 (*Barwell Parish Council notes that, in a recent Parish poll, 1600 residents expressed a preference not to have 2500 houses built. That said, listed below are the Parish Council's comments.*

### 18.2 Roads and Infrastructure.

- Adequate bus service provision right from the start is essential;
- The Council has concerns about current and future parking provision in the village;
- Provision of traffic calming on arterial routes to and from the village is essential;
- The feasibility of a one way traffic system through the village should be investigated;
- Barwell Lane should be tarmac;
- The SUE Shopping Centre should not overwhelm the village centre. To achieve this, shops in the SUE should be smaller than those in the village;
- Street furniture could be a common design throughout the village;
- Clear signage on pathways stating whether paths are for cycles, pedestrians or both is required;
- Early determination of the location of the school and any other education facilities is needed;
- A timeline for delivery of relevant items is needed;
- The needs of existing and anticipated future local businesses should be taken into account.

### 18.3 Employment

- The needs of existing and anticipated future local businesses should be taken into account;

- Guaranteed provision of employment opportunities within the SUE is required;
- In the construction phase, local businesses and suppliers should be used;
- The developers should liaise with businesses on Moat Way to look at the feasibility of linking Moat Way to the new business area.

#### 18.4 Houses

- All houses in the SUE should have grey water schemes;
- All houses in the SUE should have solar panels and/or any other appropriate energy saving devices;
- The Council is concerned that houses of 2.5 storeys height will overlook the sports area, and have an adverse impact.

#### 18.5 Village Improvement Fund.

- The Council wishes all developer funding and developer led schemes to be agreed in writing prior to final planning approval.

#### 18.6 Parish Council

- The Council requests that a financial contribution is made for the purposes of corporate governance.

#### 18.7 Parks and Open Spaces

- The Parish Council welcomes the protection of trees and hedges within the SUE;
- The Parish Council should have an input into landscaping;
- The Parish Council should have an input into the types of play equipment used;
- Play areas should be fenced off, and wet pour surfacing with concrete edging should be used;
- The Parish Council requires post installation reports on all play equipment prior to transfer;
- Once the final design is approved, the applicant should pay for a grounds maintenance review;
- The Parish Council requires a provisional sum to be paid for the maintenance of parks and open spaces, with a percentage of this paid upfront to allow for training and the purchase of equipment and the remainder prior to transfer;
- Cemetery land up to 4 acres should be provided, or a provisional sum of £45k. paid in lieu;
- All paths must connect to existing pathways or paths already made. Pathways should be guaranteed for 10 years;
- A plan of bench location and design should be agreed with the Parish Council, or a provisional sum allocated towards benches. A sum should also be allocated towards maintenance;
- A plan of dog bin location and design should be agreed with the Parish Council, or a provisional sum allocated towards dog bins. A sum should also be allocated towards maintenance;
- A plan of litter bins and design should be agreed with the Parish Council, or a provisional sum allocated towards litter bins. A sum should also be allocated towards maintenance.

#### 18.8 Sport area

- A sport area should be built in the 2<sup>nd</sup>. phase, to encourage sport and physical activity for all ages;
- These facilities should be available to all residents, not just residents of the SUE;
- More planning into preventing car access onto the sports area is required;
- The Parish Council requires a grounds maintenance depot, preferably next to the proposed pavilion;
- A provisional sum of money for nets, goalposts, etc., and their maintenance, is required;
- Hedgerows should be kept high to prevent balls going into neighboring properties, etc.
- Adequate drainage for sports pitches is required.

#### 18.9 Sports Pavilion

This pavilion must have:

- Four changing rooms, with separate facilities for match officials;
- A large, club type room, and smaller rooms for meetings;
- A kitchen/bar area;
- An office area and reception area;
- Funds set aside to furnish the pavilion;
- More car parking than what is currently shown, with a security gate;
- A patio area;
- Funds set aside for maintenance over a 20 year period;
- A 5 year guarantee;
- Low cost heating;
- Funds set aside to staff the pavilion and take bookings, etc.

#### 18.10 Football pitches

- All pitches must have sports pitch drainage;
- Funds should be set aside to maintain the pitch drainage;
- Funds should be set aside to maintain the pitches;
- Funds should be set aside to purchase equipment – goals/nets/posts/balls/corner flags/'dug outs', etc.

#### 18.11 Cricket pitch

- The Parish Council objects to the proposal of a cricket pitch. Instead, we need an all weather pitch with:
- Funds set aside to maintain the pitches;
- Funds set aside to purchase equipment - wickets/dividers/nets, etc.

#### 18.12 Bowling Green

- Funds should be set aside to maintain the pitches;
- Funds should be set aside to purchase equipment – bowls/flags, etc.
- Funds should be set aside to staff a bookings system

18.13 **Sport England** The Sports Facility Calculator (SFC) is one part of the overall assessment of the impacts on existing facilities or to give an indication of the demand created for new facilities. Whilst Sport England considers that the SFC is robust, the Sports Contribution Methodology can be used by your authority to ensure that, in the opinion of your authority, the contribution mitigates the impact of the proposed development on sports facility provision. Sport England do not wish to raise an objection to this development so long as the authority is satisfied that the negotiated contribution meets the needs.

## **19. PLANNING POLICY**

### **19.1 National Policy Guidance**

The National Planning Policy Framework (NPPF) March 2012  
The Community Infrastructure Levy (CIL) Regulations 2010, Part 11, Regulation 122

### **19.2 Local Plan 2006 – 2026: Core Strategy (2009)**

Policy 3: Development in Barwell  
Policy 5: Transport Infrastructure in the Sub-regional Centre  
Policy 15: Affordable Housing  
Policy 16: Housing Density, Mix and Design  
Policy 19: Green Space and Play Provision  
Policy 20: Green Infrastructure  
Policy 24: Sustainable Design and Technology

### **19.3 Hinckley and Bosworth Local Plan 2001**

Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities  
Policy BE1: Design and Siting of Development  
Policy BE5: The Setting of a Listed Building  
Policy BE13: Initial Assessment of Sites of Archaeological Interest and Potential  
Policy BE14: Archaeological Field Evaluation of Sites  
Policy BE26: Light Pollution  
Policy NE2: Pollution  
Policy NE5: Development in the Countryside  
Policy NE10: Local Landscape Improvement Area  
Policy NE12: Landscaping Schemes  
Policy NE13: The Effects of Development on Natural Watercourses  
Policy NE14: Protection of Surface Waters and Groundwater Quality  
Policy NE15: Protection of River Corridors  
Policy T3: New Development and Public Transport  
Policy T5: Highway Design and Vehicles Parking Standards  
Policy T9: Facilities for Cyclists and Pedestrians  
Policy T10: Secure Cycle Parking Facilities  
Policy T11: Traffic Impact Assessment  
Policy REC2: New Residential Development – Outdoor Open Space Provision for Formal Recreation  
Policy REC3: New Residential Development – Outdoor Play Space for Children  
Policy REC4: Proposals for Recreational Facilities

### **19.4 Supplementary Planning Guidance/Documents**

Supplementary Planning Guidance: New Residential Development  
Supplementary Planning Document: Play and Open Space  
Supplementary Planning Document: Sustainable Design  
Supplementary Planning Document: Affordable Housing  
Supplementary Planning Document: Rural Needs

### **19.5 Other Material Policy Guidance**

Strategic Housing Land Availability Assessment (SHLAA) Review 2010  
The SHLAA Review 2010 was published in April 2011 and the application site (AS590) was assessed through this process. The site was identified as suitable, available and achievable and, as a result, developable.  
Landscape Character Assessment July 2006

19.6 Draft Earl Shilton and Barwell Area Action Plan (AAP) (consultation draft November 2010)

The draft APP was approved by Council on 7 December 2010

Policy 1: Settlement Boundary

Policy 2: Sustainable Urban Extensions

Policy 3a: Highway Requirements

Policy 3b: Pedestrian and Cycle Requirements

Policy 3c: Public Transport Requirements

Policy 4: Overall Utilities Requirements

Policy 5: Overall Green Infrastructure Requirements

Policy 6: Overall Sports and Leisure Facilities

Policy 7: Skills Development

Policy 8: District Centres

Policy 19: Barwell Urban Extension

Policy 20: Housing in Barwell SUE

Policy 21: Employment in Barwell Urban Extension

Policy 22: Community Hub in Barwell Urban Extension

Policy 23: Green Infrastructure in Barwell Urban Extension

Policy 24: General Provision for Barwell Urban Extension

Policy 25: Walking and Cycling in Barwell Urban Extension

Policy 27: Carousel Park

Policy 28: Developer Contributions

**20. PLANNING CONSIDERATIONS**

20.1 The main considerations in the determination of this application are:-

Planning Policy (Section 21)

Highways and access (including Barwell Village Centre Improvements) (Section 22)

Affordable Housing (Section 23)

Employment (Section 24)

Education (Section 25)

Urban Design Principles (Section 26)

Air Quality (Section 27)

Noise (Section 28)

Drainage and Flood Risk (Section 29)

Ecology (Section 30)

Green Infrastructure (Section 31)

Trees (Section 32)

Cultural Heritage and Archaeology (Section 33)

Open Space and Recreation (Section 34)

Indoor Sports Facilities (Section 35)

Neighbourhood Centre (Section 36)

Community Facilities (Section 37)

Sustainability (Section 38)

Waste Management (Section 39)

Land Contamination (Section 40)

Geodiversity and Minerals (Section 41)

Utilities and Services (Section 42)

Phasing (Section 43)

Barwell Regeneration (Infrastructure and Developer Contributions) (Section 44)

Prematurity (Section 45)

## **21. PLANNING POLICY**

### **21.1 The National Planning Policy Framework**

The National Planning Policy Framework promotes sustainable development. That is, development which contributes towards building a strong economy, supporting local communities and which protects and enhances the environment. The NPPF places particular weight on timely and plan-led decision making. Thus proposals that accord with a development plan should be approved without delay.

21.2 As will be illustrated later in this report, the scheme complies with the policies of the development plan for Hinckley and Bosworth Borough Council.

21.3 The application will also contribute to several of the NPPF's key objectives. The scheme contains a significant amount of land devoted to providing B2 and B8 employment uses. Jobs will also be provided in the local service centre and in schools and other facilities associated with the development. That will create employment opportunities for local people and contribute towards strengthening Hinckley's role as a sub-regional centre.

21.4 The NPPF aims to ensure the vitality of town centres. Accordingly the development does not contain any B1 office uses, which might compete with and undermine the Council's regeneration objectives for Hinckley town centre. The development also includes a relatively modest amount of local convenience A1 retail floorspace, which is not considered to be of a scale that is likely to undermine the vitality and viability of Barwell's existing retail offer.

21.5 The NPPF places considerable emphasis on promoting sustainable transport. The highway section of this report demonstrates that the applicant has taken proper measures to promote the use of public transport as well as ensuring car borne and other vehicular traffic is able to access, egress and circulate within the development safely and conveniently, and without causing congestion on the existing road network.

21.6 The NPPF puts much emphasis of the delivery of a wide choice of high quality homes. Against that background a key objective of the scheme is to provide 2500 new dwellings of different sizes and tenures to meet the present and future needs of residents of this Borough. The houses that are proposed to be provided are critically important to securing and maintaining the Borough's 5 year supply of land for housing in accordance with paragraph 47 of the Framework in the foreseeable future. It should be stressed that if planning permission is refused then by any measure the Borough's housing land supply will soon be inadequate.

21.7 The NPPF requires new development to be built to a high standard of design. That will be achieved by a comprehensive master plan supported by a phasing plan, detailed masterplans and design code for each phase. Officers are satisfied that the result will be to create an attractive townscape and living environment. The NPPF requires that built development should also promote healthy communities. To that end the scheme provides a range of social, recreational and cultural facilities. They include schools, shops and open space (including sports pitches) and well equipped children's play areas. The development will also be complemented by comprehensive measures to conserve and enhance the natural and historic environment in accordance with sections 11 and 12 of the Framework.



21.8 Overall, officers therefore conclude the development has been formulated to take full account of, and accord with, the Secretary of State's policies. The development will provide a sustainable new community that will provide new homes and jobs for local people and help regenerate Barwell and the rest of the Borough.

21.9 **The Development Plan**

***The East Midlands Regional Plan (2009)***

By the time this application is determined the East Midlands Regional Plan will not be part of the development plan. Having previously announced his intention to revoke the Plan the Secretary of State has completed a strategic assessment of the consequences of doing so. An Order to revoke the Regional Strategy for the East Midlands was laid in Parliament on 20 March 2013 and came into force on 12 April 2013. The document has therefore no longer part of the Development Plan.

21.10 ***Local Plan 2006-2026: Core Strategy 2009***

The Core Strategy is an up-to-date part of the development plan. The Plan sets out the spatial strategy for the Borough between 2006 and 2026. The strategy is to promote Hinckley as a sub-regional centre, supported by the development of sustainable urban extensions at Barwell and Earl Shilton. To this end Policy 3 indicates 2500 new homes will be built in Barwell over the plan period. The delivery of these homes is critically important to securing 9000 new homes required across the whole of the Borough over the plan period. The scheme will secure that objective. It will also deliver a substantial number of affordable homes in accordance with policy 15 of the Core Strategy; this benefit ought to be accorded considerable weight; the slow-down in the economy and in the local housing market in particular has constrained the delivery of affordable new homes across Leicestershire and unfortunately Hinckley and Bosworth has not been immune to this trend.

21.11 Policy 3 of the Core Strategy is directed at ensuring Barwell is regenerated to address pockets of significant deprivation characterised by low income, the need for better skills, education and training, more employment and better health facilities. Thus Policy 3 requires the provision of new shops, leisure and sporting facilities, employment opportunities. It provides as follows:-

*(The Council will) "Allocate land for the development of a mixed use Sustainable Urban Extension to the west of Barwell including 2500 environmentally sustainable homes, 15 ha of employment, neighbourhood shops, a new primary school and children's centre, GP's, Neighbourhood Policing and green space provision. The employment allocations are to provide for industrial and warehousing developments. They should primarily support local employment opportunities, including starter and grow-on units, and should aim to achieve zero-carbon development. The community services will be provided, in a 'community hub', with the primary school and children's centre at its heart. The feasibility of providing some or all of the energy needs of the Sustainable Urban Extension by sustainable on site power generation will be investigated and if viable, implemented as part of the development. The required facilities, land and buildings will be provided by the developer through appropriate developer contributions and supported by relevant funding streams such as the New Growth Point Initiative. Detailed requirements for this Sustainable Urban Extension including boundaries, facilities to be provided, layout and design, will be set out in an Area Action*

*Plan. All development must be in conformity with this Area Action Plan. No piecemeal developments will be permitted.”*

- 21.12 Policy 5 of the Core Strategy requires the provision of a range of transport improvements associated with the development of the SUE. They will be delivered by this proposal. Policy 19 of the Core Strategy requires the provision of green space and play provision with new development. The application will result in the delivery of such facilities in accordance with that policy. Policy 20 requires the provision of green infrastructure. The application proposals do so. Finally under this head, policy 24 requires applicants to adopt sustainable design and technology. The application proposal is intended and likely to secure that objective.
- 21.13 Viewed in the round, the application undoubtedly accords with the policies of the Core Strategy.
- 21.14 ***The Hinckley and Bosworth Local Plan 2001***  
The Local Plan was adopted in February 2001 and provides detailed guidance on the location and form of development across the Borough.
- 21.15 Following the publication of the Planning and Compulsory Purchase Act 2004 local planning authorities were given a three year period in which local plan policies would remain extant unless replaced by new policies in local development documents. In 2007 the Secretary of State directed local authorities to save selected policies indefinitely until the appropriate development plan documents supersede them.
- 21.16 Appendix 3 (page 94) of the Hinckley and Bosworth Core Strategy provides a list of the superseded policies of the Local Plan. The text below this list confirms that policies not listed in appendix 3, along with the Proposals Map, continue to remain as ‘saved’ and part of the Development Plan until they are replaced by policies in future development plan documents.
- 21.17 By and large the saved policies of the local plan are not an especially helpful guide to the approach that ought to be taken towards determining the issues of principle that arise from this substantial application. Specifically, whilst policy NE5 indicates that the development of large numbers of houses and other urban development in the countryside ought to be resisted (the application site being notated as countryside) it is plain that in the considering the SUE at Barwell little weight can be given to this policy: the “in principle” restriction on development that it imposes is effectively displaced by Core Strategy policy 3.
- 21.18 Other saved policies set out in the Local Plan provide little helpful guidance on the way in which this application should be determined.
- 21.19 **Overall conclusion on the relationship of the application to the development plan**  
Having regard to the matters set out above officers are firmly of the opinion that the application accords with the development plan viewed as a whole.

## **22. HIGHWAYS AND ACCESS**

### **22.1 Transport Assessment Methodology**

The work carried out on behalf of the applicant in the submitted Transport Assessment in the view of the LCC Highways is largely superseded by the strategic land use modelling using the County's LLITM tool, combined with the detailed microsimulation work using the Hinckley & Nuneaton Paramics model (HNPM), which assessed the operation of a number of key junctions on the highway network at the same time.

22.2 An addendum Transport Assessment (TA) was submitted by the applicant in February 2013 to reflect this work in comparison with the more traditional methods adopted in the original TA.

### **22.3 Traffic Routing**

Following LCC Highways concerns on the methodology of the original TA, the Transport Working Group (TWG) have worked closely with the applicant to understand the results from the LLITM modelling. LLITM has forecast the extent to which development and background traffic may divert onto less appropriate routes in avoidance of congestion arising on the major route network. This work has allowed for evidence to be prepared that supports the TWG's requirements for the implementation of capacity enhancements along principal and major routes such as the A447, A47 and the A5. These measures will assist in encouraging traffic to use those routes that are most suitable.

### **22.4 Scope of Junction Assessment**

LCC Highways formal observations of 23rd November 2012 highlighted key concerns regarding the scope of junction assessment incorporated in the original TA. Following the LLITM assessment a number of junctions including Barwell village centre were highlighted as requiring further investigation and this work was revisited as part of the HNPM microsimulation work undertaken on behalf of HBBC.

22.5 LCC Highways confirm in more detail the impact of the proposed development and provides more detail on the routing of traffic and the effectiveness of the proposed mitigation in section 6 of LCC Highways full observations which are appended in Appendix 6 of this report.

### **22.6 Masterplanning & development phasing**

LCC Highways have previously highlighted the need for more detailed masterplanning and phasing information to enable a sustainable transport strategy to be developed and delivered.

22.7 In the absence of this information LCC Highways require that a planning condition be applied that requires the applicant to submit a detailed phasing strategy to enable the planning and highway authorities to better understand how the site would be developed over the coming years and define the necessary requirements and trigger points for off-site infrastructure.

### **22.8 Ashby Road**

Whilst the development proposes a number of accesses from Ashby Road alongside a proposal to reduce the speed limit, at the time of submission of this application the applicant had failed to demonstrate a cogent overall strategy for this route that would provide the necessary comfort to LCC

Highways that the speed of traffic could be effectively restricted below the suggested 40mph limit whilst safely accommodating turning vehicles, pedestrians and cyclists.

22.9 In subsequent discussions, LCC Highways has requested that an overall scheme is proposed that covers the entirety of Ashby Road between Stapleton and the A47, with greater regard to the access requirements of pedestrians and cyclists alongside the need to accommodate development traffic along this route.

22.10 Following this, the applicant has submitted amended designs that incorporate: footways that are suitable for use by both pedestrians and cyclists; controlled (signalised) crossing points and crossing facilities for pedestrians wishing to access the County's Public Rights of Way network and areas of employment / activity further south. There are a number of minor issues with the current designs that are dealt with by condition.

**22.11 Public Transport**

The applicant has proposed an additional public transport service between the site and Hinckley town centre and rail station. The principle of this is supported and LCC Highway officers are currently assessing the applicant's submitted costing exercise which establishes the likely level of subsidy required to support the service over the early years of the development.

22.12 The detail and phasing of this service are therefore still to be determined and will need to take account of predicted occupation levels and types of housing. The applicant has also agreed that such a service may enable public transport linkage access between Barwell and Earl Shilton at an appropriate time. This will be addressed by way of S106 agreement and conditions.

22.13 The applicant has also agreed to make a section 106 contribution towards Real Time Passenger Information (RTPI), and associated bus stop infrastructure which will facilitate easier bus access and user-ability which will assist with encouraging bus use and therefore modal shift.

22.14 However LCC Highways has outstanding concerns that the present PT proposal does not take account of more distant direct journeys to either Leicester or the Nuneaton/Coventry area, the latter of which has been shown by the LLITM to have a major draw from the site for employment purposes. LCC Highways have requested the imposition of a condition to deal with this matter.

**22.15 Walking / Cycling connectivity**

Of particular concern to LCC Highways is ensuring that appropriate pedestrian and cycle connectivity is provided between the development and Barwell village centre, in addition to the surrounding areas of Stapleton, Hinckley town centre and the employment sites located along the A47 to the south west. Furthermore, it has been necessary to ensure that where Public Rights of Way cross the motorised highway network (such as Ashby Road, above), appropriate crossing facilities are provided.

22.16 The applicant has agreed to fund or deliver a schedule of high-quality walking and cycling routes that permeate the development and provide high quality linkage to the surrounding area. This will assist in facilitating modal shift from car use through providing high quality alternatives to motorised travel. Such

works will be subject to a combination of planning conditions and section 106 financial obligations.

**22.17 Travel Plan (TP)**

Following the previous LCC Highways comments, the applicant has submitted a replacement TP as part of the Addendum TA and many of the previous concerns have been addressed. However, LCC Highways still has a number of minor concerns with the replacement document, and these are dealt with by the imposition of a condition.

**22.18 Barwell Village Centre Improvements**

The overarching principle of Policy 3 in the Core Strategy is that the SUE acts as a catalyst for the regeneration of Barwell and as such developers for the SUE will be expected to contribute to the local centre where appropriate. Draft Policy 8 the emerging AAP sets out a range of possible projects for the centre of Barwell that include public realm and landscape works, new car parking provision and the redevelopment of existing building within the centre.

**22.19 Public Realm**

Following dialogue with the developers and discussions with LCC (Highways) throughout the application process, a scheme for public realm improvements within the adopted highway to the centre of Barwell has been submitted. This includes traffic lights within the centre to manage traffic flows, landscaping to give priority to pedestrians movement, defining the centre as a key space rather than just a junction, sculptural public artwork, levels rationalised to improve interface with properties and raised junctions to slow down traffic speeds. The village centre improvement will be delivered via a contribution pursuant to a planning obligation within the S106.

**22.20 Town Centre Car Park**

A further aspect of the improvements to the centre of Barwell involves the redevelopment of the Constitutional Club (also discussed within the Neighbourhood Centre section of this report). Car parking spaces at the Constitutional Club will be available free of charge to the general public whether a GP surgery is constructed on the site or not. These improvements will be secured by way of a S106 planning obligation.

**23. AFFORDABLE HOUSING**

23.1 Housing applications have to be considered in the context of the NPPF's presumption in favour of sustainable development. Within the NPPF there is a requirement to deliver a wide choice of homes and create sustainable, inclusive and mixed communities. Local Planning Authorities should plan for mixed housing recognising the needs of different groups in the community and identify a range of housing and tenure types. Where there is an identified need for affordable housing, the NPPF states this need can be met on site or off site if it can be robustly justified. This approach should contribute to creating mixed and balanced communities. The NPPF states that the supply of new houses can be achieved through planning for larger scale developments, including extensions to existing villages or towns.

23.2 Policy 3 of the Core Strategy states that the Council will seek to diversify the existing housing stock to cater for a range of house types and sizes as supported by Policy 15 and 16 of the Core Strategy. A key aim in Barwell is to encourage prospering households to move into and stay in the area. The

emerging Earl Shilton and Barwell Area Action Plan complements that objective of the Core Strategy.

- 23.3 The starting point for determining the appropriate amount of affordable housing that should be provided within the SUE is 20% on site with a tenure split of 75% social rented and 25% intermediate housing. In accordance with Policy 15 of the Core Strategy these figures can be negotiated on a site by site basis taking into account; identified local need, existing provision, characteristics of the site and viability. It also states that in areas where there is already a high proportion of affordable housing, the Council may agree to accept commuted sums in lieu of on-site affordable housing. Policy AH7 of the Affordable Housing Supplementary Planning Document (adopted February 2011) supports the provision of affordable housing off-site in exceptional circumstances where it can be robustly justified, for example if it is clear that off-site provision would better meet the locally identified priority housing needs. Whilst little weight can be given to the emerging AAP, which is still at a relatively early stage in the plan making process in terms of its compliance with the NPPF it is relevant to note that it supports the potential to accept commuted sums and alternative delivery strategies in lieu of on-site affordable housing for development proposals within the SUE, to contribute towards affordable housing schemes within the wider urban area.
- 23.4 The developers are proposing 20% affordable housing based on a tenure split of 75% social rent and 25% intermediate. Through discussions with council officers it is proposed that of the 20%, 10% will be affordable housing on site and 10% equivalent will be provided by way of off-site contribution. The off-site contribution will be based on the formula set out in the Affordable Housing SPD and will be secure via the s106. Each phase or parcel will deliver 10% on site provision.
- 23.5 Paragraph 7.18 of the Affordable Housing SPD states; 'clauses in respect of the use of commuted sums should initially target the use of the sum to the local area of development (within three miles), but should also allow for the use of the sum in any part of the Borough, depending on priority housing needs, if opportunities for spending the sum in the vicinity of the original development appear to be limited within any defined time limited, normally two years.'
- 23.6 Paragraph 7.18 of the Affordable Housing SPD enables the Authority to broaden the catchment area in which the commuted sums can be used and not focus on sites within Barwell where this may not be needed. The commuted sum could be used Borough wide on priority housing needs.
- 23.7 Paragraph 7.17 of the Affordable Housing SPD states that 'where it is considered that a commuted sum is the most effective way of discharging the developers contribution to affordable housing, and it can be robustly justified, the Council may use the commuted sum in a variety of ways. This may include;
- To increase the provision of affordable housing on an alternative scheme;
  - To support schemes where affordable housing would not otherwise be viable;
  - Increasing the number of family units on a scheme;
  - Increasing the quality of dwellings on a scheme, such as a higher level of Code for Sustainable Homes; and

- The Local Planning Authority may accept a financial contribution in lieu of on site provision for regeneration projects which will contribute to the creation of mixed communities within Hinckley and Bosworth.

23.8 Paragraph 7.17 of the Affordable Housing SPD together with Para 50 and 51 NPPF provide justification for the Council to use the monies for wider purposes than just new build off site. The Affordable Housing Delivery Plan (adopted at Council on 19/6/2012) establishes the principle of accepting commuted sums to meet wider strategic objectives for the Borough and gives the priorities for use of commuted sums as:

- Investing in regeneration where a relatively small investment will increase the affordable housing offer. This includes bringing empty homes into use, improving flats over shops, and buy back of Council housing lost through Right to Buy.
- Contributing to new build schemes where an injection of relatively small amounts of money will increase the supply of new affordable housing – for example, where the Council has donated land at nil value for provision of affordable housing
- Use of commuted sums to purchase affordable housing on alternative section 106 sites, either direct purchase by the Council or by passing funds over to other Registered Providers.

23.9 The housing mix for on-site delivery of Affordable Housing as part of the development is proposed as follows:

Property type	% of total mix	Number for 10% on site
1 bed apartments	24%	60
2 bed apartments	4%	10
2 bed bungalows	8%	20
2 bed houses	40%	100
3 bed houses	20%	50
4 bed houses	4%	10
TOTAL	100%	250

23.10 In summary, subject to securing the affordable housing provision as set out above both through obligations in the s106, it is considered that the proposed development would be in accordance with Policy 3, 15 and 16 of the Core Strategy, the Affordable Housing SPD, the emerging AAP and the overarching intentions of the NPPF.

## **24. EMPLOYMENT**

24.1 Policy 3 of the Core Strategy states that the SUE will provide 15ha of employment land to provide for industrial and warehousing developments. They should primarily support local employment opportunities, including starter and grow-on units and should aim to achieve zero-carbon development. The employment land requirement contained within the Core Strategy was based on “The Leicester and Leicestershire Housing Market Land Study, 2008”. This study has been updated through the ‘The Leicester and Leicestershire Housing Market Area (HMA) Employment Land Study 2012’ which has been prepared for the Leicester and Leicestershire Local Enterprise Partnership. The latest Report reduces the employment land requirement within the Barwell SUE to 6.5ha.

- 24.2 The employment land position within the Barwell SUE was considered as part of the SUE Masterplanning exercise undertaken to support the preparation of the Earl Shilton and Barwell Area Action Plan. The Earl Shilton and Barwell Employment Land Assessment, Prospect Leicestershire, November 2010 was prepared to realistically assess the level and type of employment land that can be developed to support the proposed SUE's. The Assessment provides evidence for a maximum land requirement of 6.5ha of employment land within the Barwell SUE having given consideration to existing sites, projected population growth, regeneration, market demands, viability and deliverability. The Assessment concludes that the optimum location for employment uses within the Barwell SUE is at the southern end of the site fronting on to the A447.
- 24.3 The Assessment indicates that demand for future employment development in the SUE is likely to be restricted to smaller industrial units of between 100 to 1,500 sqm (spanning B1, B2 and B8 use classes). It is anticipated that there will be some demand from existing occupiers in Barwell and Earl Shilton, with quality of accommodation being a particular driver. The prospects for deliverability will be greatly enhanced if development land is serviced (i.e. with access and full services provided to the land from the main estate road) and presented to the market. In addition, the Assessment states that development should seek to ensure that the designated employment areas are not fettered by other uses (particularly housing).
- 24.4 The emerging Earl Shilton and Barwell Area Action Plan (draft Policy 21) identifies 6.2ha of land for B2 and B8 uses and indicates the need for an appropriate buffer to be provided between the employment area and any surrounding residential land to protect amenity. The indicative layout provided by the 'Barwell Urban Extension Development Framework' indicates that this should ideally be located at the southern end of the site with a frontage on the A447.
- 24.5 The application in fact proposes 6ha of employment land located at the southern end of the site, close to the existing Moat Way industrial area. Access to this land will be from the proposed southern roundabout off the Ashby Road. The employment area will comprise of a mix of B2 general industry uses and B8 distribution and storage facilities, providing up to 24,000sqm of floorspace. The land is indicated to have some frontage on the main route corridor through the SUE but is a little remote from the A447 (approximately 200m along the proposed spine road from the A447 to the proposed employment area). Officers have considered the question of whether this land is likely to be attractive to allocated to employment uses. On balance they are satisfied that whilst this is not the preferred location for employment land it is likely to be attractive to end users and with effective marketing, land being serviced and made available at reasonable market rates reflecting local market commercial it will come forward for development for that purpose.
- 24.6 Care has been taken to ensure the employment area is distanced from existing residential properties along Hinckley Road to preserve residential amenity. In response to feedback from public consultation the employment buildings are to be screened from the Hinckley Road residential dwellings. A minimum distance of 150m is set out within figure 7.19 contained within the Design and Access Statement. The dwellings will be separated by



allotments, casual/informal open space and a small landscaped bund. Employment heights will also be restricted to 10m in height as shown in figure 6.1 (within the Design and Access Statement) to mitigate any visual impact. A condition is proposed to secure that the bund is constructed prior to occupation of the employment units. Another concern was that employment uses might adversely affect the setting of the grade II listed Barwell Farm House. That issue has been addressed by substituting housing for residential uses in the vicinity of the farmhouse since this will have a lesser impact than larger scale buildings designed to accommodate industrial and distribution uses.

- 24.7 The Earl Shilton Business Forum and Barwell Business Association jointly sponsored a 'Skills and Employment Study' to determine the skills and employment situation from both the employer and community perspectives in Earl Shilton and Barwell. The report prepared by Greenborough identified some local businesses that wish/need to relocate to take advantage of their business growth opportunities. The report concludes that the available sites within the SUE should be actively promoted to these businesses to ensure both that they remain within the local area and also to ensure that the employment sites develop come early critical mass.
- 24.8 In order to ensure deliverability of the employment area, particularly given officer concerns regarding the location of the employment land, the S106 requires the following;
- The marketing of the employment land from commencement of development until the occupation of the last dwelling constructed on the development;
  - Ensuring that the land is serviced in readiness for construction of employment uses;
  - Setting aside the employment land for employment uses until the last dwellings to be constructed has been occupied;
  - Reasonable endeavours obligations to agree sale of freehold or leasehold terms on the employment site or any part of it subject to expressions of interests being made by interested parties.
- 24.9 In conclusion, the NPPF places significant weight on the need to support sustainable economic growth through the planning system and states that to help achieve economic growth local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21<sup>st</sup> century. Overall it is considered that the employment development proposed would achieve this and provide significant economic benefits contributing to the provision of deliverable employment land and therefore would be in accordance with Policy 3 of the Core Strategy, draft Policy 21 of the emerging AAP and the overarching intentions of the NPPF.

## **25. EDUCATION**

- 25.1 In accordance with Policy 3 of the Core Strategy and the emerging AAP draft Policy 22 a primary school and associated play pitches is proposed within the Neighbourhood Centre.
- 25.2 The proposed housing would provide a pupil yield of 600 primary places which necessitates both on site provision (a site of 1.93ha in order to construct a 2 form entry new primary school including all indoor and outdoor

facilities) and off site provision (a contribution). It is anticipated that a contribution in the order of £1,318,792 (dependent on housing numbers) will be required. The £1.3m is for both off-site and on-site mitigation i.e. places required by extension of existing schools and the cost of the new school.

- 25.3 Whilst discussions are still on going with regards to the S106 agreement, it is likely to contain a clause restricting the opening of the school until part way through the development to reduce the risk of pupils from some distance away from the development gaining places in the early years of development at the expense of local children. Officers aim to ensure that pupils living within the new development have the opportunity to attend the new primary school. The developers will however still need to make payments (contribution) early within the development construction period in order to provide additional pupil spaces by providing new additional classrooms and a withdrawal space at the schools serving the development (Newlands Primary School, Barwell Infant School and Barwell Junior School).
- 25.4 With regards to secondary provision, the assessment of this contribution is still progressing due to issues of equalisation between Barwell SUE and other sites in HBBC and Blaby DC areas.
- 25.5 There is no sufficient capacity to meet all of the places generated by both Barwell and Earl Shilton SUE at the nearest high and upper schools (The Heathfield Academy and William Bradford). The final equalisation arrangements will result in the number of existing spaces that can be 'allocated' to Barwell SUE. Above that existing capacity allocation, a contribution per pupil place will be secured which is expected to be in the order of £4,451,166 for high school places and £1,431,702 for upper school pupil places.
- 25.6 The provision of capital funding and construction/contribution of a primary school and capital funding for secondary education forms part of the S106 Agreement.

## **26. URBAN DESIGN PRINCIPLES**

- 26.1 This is an outline application that seeks the approval of the principle of development and access only. Accordingly, the details of layout and design are reserved for subsequent approval. Notwithstanding this point, the application is submitted with a master plan and parameters plans which provide an example as to how the site could be developed in accordance with its constraints and the findings and recommendations of the applicable chapters of the Environmental Statement.
- 26.2 The master plan has been developed in consultation with key stakeholders including Leicestershire County Council, the Highways Agency, the Environment Agency, Natural England, English Heritage and a range of officers within the Council. .
- 26.3 The main design principles are set out in the master plan and the Design and Access Statement, parameter plans and the planning statement. The parameter plans detail the developable areas of the site and set a series of scale parameters that any development within that area will not exceed and include:
- Access and movement

- Land use
  - Open space
  - Building heights
  - Density
- 26.4 The parameter plans provide a logical methodology to which the master plan development can be delivered against and as such provides a framework that the development and therefore any reserved matters applications should adhere to. The plans have been prepared alongside the findings of the various chapters of the Environmental Statement and as such take account of the sites topography and natural constraints and are heavily influenced by the submitted visual impact assessment.
- 26.5 The Building Heights Parameters Plan indicates that the majority of the residential buildings will be 'up to 11.5m'. Along key edges, for example the section to the south east of Stapleton and to the south west of the application site along Ashby Road, residential buildings will be 'up to 10m' in order to limit the visual impact of the development upon key views from the surrounding area. Within the community hub, buildings will be 'up to 15m' in order to provide a sense of place and provide a focus for the development. 5 key areas are identified for landmark buildings/features.
- 26.6 With regards to the urban structure, the access and movement routes are well structured with a central spine road connecting the hub, housing, employment and sport facilities. There is a hierarchy of smaller roads leading off the main spine which is good urban design practice. It will be important to keep the four access points proposed to ensure permeability of the new development. The block structure of the housing areas reinforces the permeable structure and there is an emphasis on east-west movements and views. The pedestrian and cycle routes are considered to be well thought out and utilise existing Public Rights of Way.
- 26.7 In summary the masterplan provides a robust development structure which has the potential to deliver a well-planned new community.
- 26.8 The parameter plans submitted as part of the application generally follow the disposition of land uses contained within the development framework contained in the emerging AAP draft Policy 19. There are however three areas where the proposed masterplan differs from Figure 17: Barwell Urban Extension Development Framework within the emerging AAP, these are:
- i. The lack of set back from the A447 just south of Stapleton Lane
  - ii. The lack of employment frontage to the A447
  - iii. The area of land adjacent to the southern end of Stapleton Lane that is not included within the red line boundary of the application (including Carousel Park and land in the control of Jervis equating to approx. 7.6ha of the total site area of 136.2ha)
- 26.9 Points 1 and 2 have been addressed within the 'Landscape and Visual Impact' and 'Employment' sections of the report. Point 3 in relation to land ownership is outside the control of the developer and consequently the developer is unable to include the land as part of the application due to the inability to deliver development on this land. Officers are satisfied with the justification that has been provided.

- 26.10 Whilst the details of the development are reserved, there are no identified constraints to achieving a development that could function well, be safe and accessible and be of a high quality. In particular, the Design and Access Statement allows for the creation of a development with a strong sense of place, incorporating high quality architecture and materials. The Design and Access Statement provides an indication of character areas and gives an indication of form, materials and design.
- 26.11 In order to secure the delivery of appropriate design solutions when reserved matters are submitted, a planning condition is recommended that requires the illustrative design and layout principles in the Parameter Plans and Design and Access Statement to be adhered and requires detailed masterplans for each development to support the detailed design of the reserved matters applications. A condition requiring the submission of a 'Design Code' to be approved by the Borough Planning Authority is also recommended. This approach would set a design blueprint for future development and is considered the most appropriate way of securing a high quality design framework which subsequent applications must adhere to.

## **27. AIR QUALITY**

- 27.1 An assessment of the likely impact of the proposed development on local air quality is included within Chapter 15 of the submitted Environmental Statement (ES). It considers the potential effects of construction and operation of the development and considers the suitability of the site for residential development.
- 27.2 HBBC have not declared any Air Quality Management Areas (AQMAs) and as such air quality within Barwell is currently good. The predicted nitrogen dioxide concentrations at existing receptors in the surrounding area are below the air quality objectives.
- 27.3 The construction works have the potential to create dust. During construction it will therefore be necessary to apply a package of mitigation measures to minimise the potential for dust annoyance and elevated Particulate Matter (PM10) concentrations. A condition is recommended which requires the applicant to submit a Construction Environmental Management Plan.
- 27.4 Even with the Construction Environmental Management Plan in place there remains a risk that a number of existing off-site properties might be affected by occasional impacts. Any effects will be temporary and relatively short lived and will only arise during dry weather with the wind blowing towards a receptor, at a time when dust is being generated and mitigations measures are not being fully effective. The overall impacts during construction are however judged to be minor adverse.
- 27.5 On the basis that predicted concentrations of all pollutants are below the relevant air quality objectives or limit values, it is concluded that air quality does not provide any constraints to the delivery of the proposed development.
- 27.6 In summary, subject to the imposition of planning conditions it is considered that the proposed development would be in accordance with Saved Policy NE2 of the Local Plan and the overarching intentions of the NPPF.

## **28. NOISE**

28.1 An assessment of the likely impact of the proposed development on the noise and vibration climate of the area is included within Chapter 16 of the submitted Environmental Statement (ES).

28.2 The report confirms that it is reasonably likely that construction activities, particularly with regards to levels of vibration, may have some impact on nearby residents but that this can be controlled and maintained within acceptable levels through a Construction Environmental Management Plan. This will (for example):

- Ensure the use of quiet working methods, the most suitable plant and reasonable hours of working for noisy operations, where reasonably practicable;
- Locate noisy plant and equipment as far away from houses as reasonably possible and where practical carry out loading and unloading in these areas;
- Screen plant to reduce noise which cannot be reduced by increasing the distance between the source and the receiver (i.e. by installing noisy plant and equipment behind large site buildings);
- Shut down any machines that work intermittently or throttling them back to a minimum;
- Orientate plant that is known to emit noise strongly in one direction so that the noise is directed away from houses, where possible;
- Close acoustic covers to engines when they are in use or idling; and
- Lower materials slowly, wherever practicable, and not dropping them.

28.3 Some of the proposed dwellings will also be affected by noise from road traffic on the existing highway network. The impact of noise on the occupiers of new homes can however be maintained within acceptable levels by careful design. Thus land directly adjacent to Stapleton Lane and Ashby Road will be developed so that, no houses have gardens that face directly onto the road; they will instead be located behind the dwellings that are built. This will ensure that the gardens are attenuated from the road noise source and will be below the outdoor criterion of 55dB(A).

28.4 The ES also recommends a range of other mitigation (see table 16.15 of Chapter 16 of the ES). These will be secured by the imposition of conditions.

28.5 In conclusion, the design of this outline planning application has taken into account the site constraints from noise. Issues relating to noise arising from the completed development and during construction can be satisfactorily controlled through the use of appropriately worded planning conditions. In that event it is considered that the scheme will accord with Saved Policy NE2 of the Local Plan.

## **29. DRAINAGE AND FLOOD RISK**

29.1 Chapter 13 of the submitted Environmental Statement contains a Flood Risk Assessment for the application site and the proposed development.

29.2 The nature of flood risk associated with the Tweed River and its tributary and the Thurlaston Brook tributary has been assessed by developing a hydraulic

model using topographical survey of the watercourse corridors collected in September 2011. The modelling analysis indicates that some small areas of the site lie within the 100 and 1000 year floodplains. The floodplain is however generally limited to a relatively narrow corridor of land, such that 95% of the site lies within an area classified as being at the lowest risk of flooding. The most notable areas of floodplain are generally associated with Abraham's Bridge and the culvert beneath the former landfill, both of which serve to restrict flood flows, thereby raising flood levels along the reach upstream.

- 29.3 In accordance with national planning policy, the master plan 'makes space' for the floodplain and incorporates a 'green corridor' alongside the watercourses. Built infrastructure is therefore located outside the 100 year floodplain. This in turn facilitates the retention of a strategic route for recreation along the River Tweed.
- 29.4 A number of local residents have raised concerns with the potential of future flooding particularly given that there has been examples of recent flooding within/adjacent to the site. The Environment Agency is aware of existing problems with the ordinary watercourse (tributary of the Tweed Brook) as it crosses the Hinckley Road south to north. The EA are dealing with this issue separately however they have confirmed that the downstream improvements to the culvert trash screens proposed as part of the application should reduce flood risk to their gardens.
- 29.5 Severn Trent Water has also advised that there are currently downstream sewer flooding issues in Barwell under prolonged heavy rainfall events. This problem has been partially controlled by the restriction of pumping from the Stapleton Lane Pumping Station through the Barwell gravity system to Earl Shilton Sewage Treatment Works. To address the existing issues Severn Trent have advised they are finalising a planned upgrade of the Stapleton Lane Sewage Pumping Station and to then pump foul water flows to Hinckley STW via a new rising main. This will be routed down the eastern boundary of application site towards Hinckley Road. This planned upgrade will be completed by the end of 2014 and Severn Trent have confirmed that the upgrade scheme allows for future planned growth in Barwell including the proposed development.
- 29.6 The Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage) have all considered the application and the submitted Flood Risk Assessment. Between the consultees there is consensus of opinion and they are satisfied that the level of detail submitted with the outline planning application is appropriate to address flood risk and surface water drainage matters. If planning permission is granted, the Environment Agency has stated that it requires the imposition of detailed conditions to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and also to secure the replacement of existing upstream and downstream trash/security screens to the Tweed Brook culvert under the historic landfill site.
- 29.7 In summary, subject to the imposition of planning conditions it is considered that the proposed development would be in accordance with Saved Policy NE14 of the Local Plan and the overarching intentions of the NPPF.

## **30. ECOLOGY**

30.1 The Environmental Statement includes the assessment of the nature conservation interests of the site and its surroundings and as part of the assessment the following surveys have been undertaken:

- Extended Phase 1 Survey
- Phase 2 Survey
- Breeding Birds Survey
- Hobby Survey
- Bat Surveys
- Badger Survey
- Water Vole Survey
- Reptile Survey
- Great Crested Newt Survey

### **30.2 Impact on Protected Species**

30.3 The NPPF states that the planning system should contribute to and enhance the natural and local environment and sets out a number of principles to achieve this. This includes minimising impacts on biodiversity, providing net gains where possible and preventing new development from contributing to pollution or land instability.

30.4 The submitted ecology report identifies the presence of bats and badgers within the application site. In terms of bats, the majority of bats recorded during the surveys were found to be common pipistrelle however soprano pipistrelle and a single serotine bat was also recorded. It is recommended that the landscape planting scheme should include species of value to foraging bats along with native species within the open space and attenuation areas, locate bat boxes within the development and ensure the lighting does not increase lighting levels onto the boundary habitat features that are currently used by the local bat population. This information and proposed mitigation will be secured by way of condition.

30.5 In terms of badgers only low levels of activity were recorded throughout the site. The ES recommends the monitoring of existing and old setts for any new activity. These sites will be retained with a suitable scrub/landscape planting buffer within the development. It is recommended that due to the relatively long timescales of the development, along with the unpredictable population dynamics of badger groups, the site is monitored with regard to badger activity. It is also recommended that a Ecological Management Plan be submitted which would incorporate measures for the establishment and maintenance of the proposed biodiversity corridors which would benefit badgers by providing additional foraging habitat and maintaining connectivity between off-site foraging areas. This will be secured by way of condition.

30.6 The survey found no evidence of water voles within the water bodies of the site. Despite this, it is recommended that the water bodies are retained and enhanced as water voles have been recorded in the area and are currently re-establishing populations within the UK. The Ecological Appraisal Report recommends that the larger ditches and streams within the site undergo management in order to create a more suitable habitat for water voles and other wildlife. Bank profiling, the creation of pools and the introduction of key

grass and marginal aquatic species will improve the diversity of this habitat and therefore attract a wider range of riparian species.

- 30.7 The brown hare is a UK BAP Priority Species due to significant declines in their populations which is ongoing. They are considered 'uncommon' in Leicestershire and Rutland although records suggest they are relatively widespread across the country. As a farmland species, the population of brown hare on site is likely to be adversely affected by the development proposals.
- 30.8 It is considered that the site will continue to support a population of hedgehogs following the implantation of the development proposals. However, due to the change of land use it is likely that the population will be smaller. Despite this, the retention of the majority of the hedgerows network and the retention of acres such as Little Fields Farm Meadow Local Wildlife Site, along with the creation of new grassland and woodland habitats, will allow the continued movement of hedgehogs through the site. The report concludes that the development proposals will not have a significant effect on the local hedgehog population.
- 30.9 No reptiles were recorded on site during the survey work however the report recommends that in light of the proximity of grass snakes records and the suitability of some areas of habitat on site, a precautionary approach should be taken during construction to avoid any accidental killing or injury of reptiles that may have gone un-recorded.
- 30.10 Finally, although the survey did not identify great crested newts within any of the ponds, the site does support common toads and common frogs. Therefore the potential for the site to support an amphibian community should be retained through the development proposals. The report recommends that ponds be retained and enhanced wherever possible through clearing and tree/shrub removal to reduce shading. Pond creation either as part of the SUDS strategy or otherwise should be incorporated into the design, particularly when they are able to be linked or close to existing ditches or ponds.
- 30.11 Natural England and the Director of Environment and Transport (LCC Ecology) have been consulted on the Environmental Statement. They raised no objection to the scheme's impact on protected species subject to the imposition of conditions to secure appropriate mitigation of the potential impacts set out in the ES.
- 30.12 **Impact on the Local Wildlife Site**
- 30.13 There is a Local Wildlife Site (LWS) within the site which is known as Little Fields Farm Meadow. Planning Ecology at Leicestershire County Council originally raised an objection to the scheme as the full extent to the LWS was not recognised, protected or observed. Extensive negotiation has been carried out between the developers and LCC which has resulted in additional information being submitted. This includes:
- Tweed Park being renamed Tweed River Corridor with amendments made to landscape specifications to reflect the more naturalistic character required for this area;
  - The illustrative design more closely reflects the existing vegetation within and surrounding the LWS;



- The proposals for tree and shrub planting with the LWS have been removed. Existing hedges will be reinforced where necessary and an additional fence will be provided on the northern boundary to prevent informal access points being created;
- Wildflower meadows (including both neutral and marshy grassland) are proposed for a 10m buffer corridor to the LWS;
- Minor amendments to the housing zone layout have been made to allow for the provision of the landscape buffer zone. This allows for a reduced housing zone to the immediate north of the LWS and a slightly enlarged housing zone to the east of the LWS;
- A minor amendments to the north western edge of the hub and primary school zones to allow for the provision of a buffer to the north of the LWS; and
- The number of crossings over the section of the Tweed running east-west has been reduced to two, which are in addition to the main vehicular crossings.

30.14 Following the submission of the above information LCC Ecology withdrew their objection. The scheme proposes to retain and protect Little Field Farm Meadow LWS through the creation of habitat buffers on all sides to minimise disturbance. Once the development is completed and occupied there is potential for direct trampling and degradation effects on the LWS through increases in visitor usage. The ES however proposes mitigation measures to reduce any potential ecological impacts and these will be contained within the Ecological Management Plan which will be secured by condition.

30.15 The ES concludes that the surveys undertaken in the summer of 2011 indicate that that habitats and species present within the site are generally considered to be either of low/negligible intrinsic ecological significance in their own right, being composed of common and widespread species. None of the habitats or species present within the site are considered to be Valued Ecological Receptors (VERs) within the impact assessment with the exception of the unimproved grassland within Little Fields Farm Meadow Local Wildlife Site which is considered to be a County Level VER and is assessed separately. Based on the findings of the surveys, the following recommendations are made:

- Retain and protect Little Fields Meadow Local Wildlife Site through the creation of habitat buffers on all sides to minimise disturbance;
- Retain notable habitat features, namely the hedgerow network and boundary features of the site wherever possible and make a feature of this habitat within the design of the site;
- The tree removal should be undertaken in accordance with best practice guidance for 'soft felling' if bat potential is noted and any trees removed should be compensated for by at least 2:1 replacement planting within the design;
- Retain and improve the gappy, species-poor hedgerows and manage using traditional hedgerow management techniques;
- Include species within the landscape planting scheme that are of value to foraging bats along with native species within the open space and attenuation areas;
- Retain and enhance the two small ponds within the site by decreasing shading and increasing the area of the drawdown zone;
- Create additional aquatic and marginal habitats within the scheme design through the inclusion of SUDS design;

- Locate bat boxes within the development in order to maintain the current potential of the site for roosting bats;
  - Ensure the lighting design does not increase the lighting levels onto the boundary habitat features that are currently used by the local bat population; and
  - Ensure the stand of Japanese knotweed is identified on constraints maps and will not be disturbed by any of the proposed proposals.
- 30.16 The objections received concerning the impact on wildlife relate mainly to the perceived loss of wildlife habitat. The impact on protected species has been considered and appropriately mitigated and the remaining wildlife interest will be further enhanced and supported through the extensive programme of landscaping and provision of green spaces.
- 30.17 In summary, subject to the imposition of planning conditions it is considered that the proposed development would be in accordance with Saved Policy NE12 of the Local Plan and the overarching intentions of the NPPF.

### **31. GREEN INFRASTRUCTURE**

- 31.1 The emerging AAP draft Policy 23 states that ‘the development of the urban extension will include provision for a variety of open spaces within an overarching green infrastructure network, as indicated on the Development Framework, providing recreation opportunities, sustainable drainage systems, biodiversity enhancement and a strong landscape framework. The development will retain key landscape features and strategic footpaths that cross the site, to ensure access from Barwell to the countryside.’
- 31.2 In order to ensure the success of a new neighbourhood which responds and relates to the local environment a Green Infrastructure Plan has been submitted with the application which includes outline proposals for the overall management of the green infrastructure. This includes:
- Retain existing landscape assets – ensuring the development responds to ecologically valued and visually beneficial existing landscape assets including hedgerows, mature hedgerow trees, individual trees, waterways and the local undulating topography.
  - Provide purposeful and functional open spaces – at a range of scales and for a range of users ensuring a landscape network which benefits the new community.
  - Preserve a green corridor along the Tweed River Valley – creating a liner park at the heart of the proposed scheme reinforcing links from the centre of Barwell to the wider countryside along the Tweed Valley.
  - Create two new parks to help bind existing and new communities – the parks provide social facilities such as sports pitches, play facilities, grow space for the adjacent communities and wetlands, as well as consolidating existing and proposed public green spaces into the wider green network.
  - Food – throughout the development establish spaces for community food production
  - Attenuation – provides a network of swales and meadows to aid water attenuation
  - Enhance local ecology – through providing new and enhancing existing wetlands, mature hedgerow trees, waterways and meadows.

- 31.3 The landscape structure of the proposed new community has been carefully considered to provide a range of interlinked routes and spaces with distinctive character and functions. Together with the proposed network of tree lined routes these parks, squares and linear green spaces will create a legible landscape delivering a strong sense of place within the new community.
- 31.4 Subject to the imposition of planning conditions and appropriate obligations secured in a S106 agreement to deliver the necessary implementation, creation and management of green infrastructure, it is considered that the proposed development would be in accordance with Policy 20 of the Core Strategy, emerging AAP draft Policy 23 and the overarching intentions of the NPPF.

## **32. TREES, LANDSCAPE AND VISUAL IMPACT**

- 32.1 An Arboricultural Assessment was carried out, the result of which are contained within Volume 3a: Appendices of the Environmental Statement. The survey recorded a total of 174 individual trees, 59 groups of trees and 63 hedgerows, totalling 296 items. A total of 163 Ash (36.9%) and 32 Oak (7.2%) predominate across the site as standard trees whilst a further 83 Hawthorn (18.8%) and 59 Blackthorn (13.3%) populate the hedgerows.
- 32.2 The assessment identified a total of 40 surveyed items fall beneath the development footprint and will be lost as a direct consequence of the proposals. A further 16 'R' grade items should be removed for reasons of sound arboricultural management.
- 32.3 The losses associated with the proposal area offset by a range of benefits which will flow from the redevelopment of the site:
- The implementation of necessary pruning to secure good tree form and health; and
  - New tree planting of appropriate, locally indigenous species in certain area to diversify the age-class distribution on site.
- 32.4 A planning condition will be imposed to ensure that the recommendations outlined in Section 3.16 of the 'Findings of Arboricultural Assessment' Annex EDP10 (report T\_EDP1438\_06) are followed.
- 32.5 An issue has been raised with the indicative location of the main route (road) corridor through the site as this punctures through an established landscape belt. On balance, given the overall level of additional tree planting in this location it is not considered that the loss of trees, in order to accommodate the road, is significant and officers are satisfied with the routing of the road.
- 32.6 The proposed development will significantly alter the character of the surrounding area and by the very nature of its scale will be clearly visible from all directions.
- 32.7 The application site is designated as Open Countryside containing a number of agricultural buildings. The site is not subject to any statutory landscape designations such as Areas of Outstanding Beauty (AONB) or Green Belt.
- 32.8 Reference has been made elsewhere in this report to the impact that the development will have and the proposed mitigation on the setting of the Barwell House Listed Building. In summary it is considered that the proposed

development will not a significant adverse impact upon the setting of the listed building.

- 32.9 Parameter plans have been submitted with application which seek to define the development and fix the overarching key principles of the development. The six plans detail:
- Masterplan - Defining the application site and indicative layout of the site.
  - Land Use - Setting out the land uses across the site
  - Access and Movement - Setting out the position and form of the site access points including vehicular and pedestrian.
  - Building Heights - Setting out height limits with reference to the proposed development uses.
  - Open Space - Setting out the strategic landscape and open space
  - Density Plan - Setting 3 zones of density levels
- 32.10 To assist with the legibility of the site, five character areas or 'conditions' have been defined within the Design and Access Statement. The area south of the junction of Stapleton Lane/A447 has been defined as a 'core' area. This is summarised as a comparatively dense and more urban part of the development that contains the community hub and associated mix of non residential uses. The Urban Form Plan (figure 7.1 in the Design and Access Statement) illustrates this parcel of land as having a landscape frontage in order to minimise visual impact of the development when travelling south from Stapleton. Given that this parcel of land is defined as a 'core' area it is a reasonable approach to have development fronting the A447 however the set back does allow for an access road to be constructed in front of dwellings to ensure that dwellings are not immediately fronting the A447.
- 32.11 Views on the construction of residential development within 'green field' locations will differ. It is acknowledged that the effects will generally be perceived negatively by those regarding the development from surrounding locations or living close by and who may be resistant to change in the area. It should also be acknowledged that those people seeking housing and affordable accommodation in the area may have different opinion and will likely perceive the development in a more positive light.
- 32.12 The landscape and visual impact assessment demonstrates that the development will result in the following:
- a. In terms of landscape character, in a change of moderate/minor or minor/negligible significance by year 15; and
  - b. In terms of visual amenity for the 7 verified viewpoints agreed with HBBC, a change of no worse than moderate adverse will be experienced by year 15 of operation.
- 32.13 Members of the public have raised concerns with the loss of countryside and as a consequence of this the loss of agricultural production. This has to be balanced against the need to provide the identified amount of development, the regeneration of Barwell, and the sustainability of the site and the potential loss of agricultural land in another location.
- 32.14 To ensure that visual impact of the development is controlled and to allow for a master plan concept to be delivered, the parameter plans and master plan will be subject to a planning condition to ensure that the subsequent phases and accompanying reserved matters approvals supported by more detailed

masterplans for each phase are delivered in accordance with them. Officers are satisfied that the submitted scheme corresponds with both the proposed boundary of the allocation contained in the emerging AAP and also the proposed land uses for the SUE contained within the emerging AAP.

### **33. CULTURAL HERITAGE AND ARCHAEOLOGY**

- 33.1 The application site is not located in a sensitive area however the Archaeological Assessment states that two possible enclosures, identified on the western boundary of the site, could be of prehistoric date. Whilst the significance of these enclosures has yet to be established, they are certainly of archaeological interest. It is likely that the land within the application site boundary was undeveloped and subject to agricultural exploitation from at least the Middle Ages. The analysis of aerial photographs has identified widespread ridge and furrow cultivation throughout the site. The Ordnance Survey identifies the site of Richard III's encampment, prior to the Battle of Bosworth Field's, beyond the western edge of the site. However despite the close proximity of the encampment, there is no evidence to suggest that it has any functional, visual or aesthetic relationship with the Registered Battlefield to the north west.
- 33.2 Given the available evidence, it is considered that the site has some potential for the survival of previously unrecorded heritage assets of the prehistoric period in the north. It is also acknowledged that Roman period archaeological remains have been identified in the west of the site and medieval fishpond in the south. However, it is likely that the vast majority of the site is of low archaeological potential and has been subject to the agricultural exploitation from at least the Middle Ages.
- 33.3 Both the County archaeologist and English Heritage are satisfied that the archaeological investigation that has been carried out has provided enough evidence to ensure the use of planning conditions to require further work to ensure sufficient protection of archaeological remains.
- 33.4 In accordance with advice from English Heritage, a condition is proposed to retain the historic hedgerows and extant ridge and furrow earthworks.
- 33.5 In summary the scheme is not considered to have any significant detrimental impact upon archaeological sites of importance and is therefore in accordance with Saved Policy BE14 of the Local Plan and the overarching intentions of the NPPF.
- 33.6 **Listed Buildings**
- 33.7 Barwell House Farm is a Grade II Listed Building which lies within the application site. The impact of the proposed development on the setting of the building is a material consideration. The setting of Barwell House Farm adds to the significance of its designation as a heritage asset. The building being a farm has always stood isolated from nearby buildings, in a rural setting of fields, mature trees and hedgerows.
- 33.8 The main frontage of the farm faces the Ashby Road and it is views of the building from this route which it is particularly important to retain. When travelling southwards from Stapleton along the Ashby Road, the road takes several turns and as it passes the entrance to Bosworth House Farm, views

begin to occur of the roof and then the main frontage of the farmhouse. These glimpses continue until the road is adjacent to the property and when added together, these views give a clear picture of the farmhouse in its setting.

33.9 The proposal as originally proposed materially impacted upon the setting of the listed building and as such in consultation with HBBC Conservation Officer and the applicants it was proposed to modify the masterplan. An area originally proposed for residential development between Bosworth House Farm and Barwell House Farm, adjacent to Ashby Road, has been amended and is now reserved for landscaping and greenspace. No built development is proposed in this area. It is considered that this amendment successfully mitigates the impact of the development upon the setting of the listed building and that the development has taken the setting of this important heritage asset into account.

33.10 In summary, careful consideration has been taken of the setting of Barwell House Farm and as such it does not represent an in principle constraint. The scheme is not considered to have any significant detrimental impact upon the setting of Barwell House Farm and is therefore in accordance with Saved Policy BE5 of the Local Plan and the overarching intentions of the NPPF.

#### **34. OPEN SPACE AND RECREATION**

34.1 The application provides a total of 26.56 ha of open space consisting of the following:

34.2 **Informal (un-equipped) Children's Play Space** – The application proposes 4.20 ha to be provided. These spaces will surround equipped children's play space and other parts of the site to provide for more informal types of play not requiring equipment in proximity to residential areas. This accords with Policy 19 of the Core Strategy.

34.3 **Informal Equipped Children's Play Space** – The application proposes 0.9ha to be provided. This includes 4 Locally Equipped Areas of Play (LEAP) and 1 Neighbourhood Equipped Area of Play (NEAP). These have been located so that all residential properties are within a 400 metre walking distance of a play area. The NEAP is centrally located and adjacent to the community hub thereby maximising accessibility to all residents. This accords with Policy 19 of the Core Strategy.

34.4 **Outdoor Sports Provision** – The application proposes this to be located north of Stapleton Lane and west of Kirkby Road and consists of 7ha. The requirement under Policy 19 of the Core Strategy is for 9.6ha to be provided. Therefore, when strictly compared against Policy 19 of the Core Strategy the proposed development does not accord with the Development Plan policies. However, the under provision of this particular open space typology is a direct response to the public consultation process and the request that pitch provision is not made behind the existing residential properties along Hinckley Road. Provision of outdoor sport provision could possibly be further enhanced through shared use of the proposed Primary School playing fields. It is important to note (as has been mentioned elsewhere in this report) that dual use cannot be guaranteed and consequently should not be taken into account as a means to mitigate the deficiency.

- 34.5 **Natural Green Space** – The application proposes 14.46ha be provided which exceeds the requirements of Policy 19 of the Core Strategy. This is distributed in 4 main areas: in a linear corridor along the Tweed River, east-west and north-south; the western and northern edges of the site north of Stapleton Lane; to the rear of existing properties along Hinckley Road; and in a linear corridor following Ashby Road to the south of Stapleton Lane. Natural Green Space has been proposed in these locations to maintain hedgerows and public rights of way, provide flood attenuation and sustainable drainage and mitigate the visual impact of the development on surrounding areas.
- 34.6 In addition, 25% of the Local Wildlife Site (LWS) and 15% of the attenuation areas are counted as contributing towards the open space requirements by virtue of their ability to serve a dual function and as such counts towards Policy 19 requirements.
- 34.7 0.71 ha of allotment space has also been provided as part of the proposal which is located to the north of existing residential properties along Hinckley Road. Whilst this does not formally contribute to the open space provision as required by Policy 19 of the Core Strategy, it further increases the functional open space provided within the development for the benefit of residents.
- 34.8 The overall estimate of commuted maintenance sums expected will be in the order of £4,174,560 (excluding the cost of the pavilion). The actual maintenance sum will be determined following relevant Reserved Matters Approvals and scheme approvals having been achieved to confirm the specifications and quantum of open space. Barwell Parish Council has confirmed their commitment to take on the maintenance of play/open space. If for any reason this is not the case then HBBC will take on maintenance and it will not be transferred to a private management company.
- 34.9 A pavilion building will be provided alongside the outdoor sports pitches. It is estimated the cost of providing this building will be £500,000. The S106 will provide for its construction and will set minimum size specification for the building. The pavilion is essentially ancillary to the sports pitches and will provide changing rooms to support the use of the outdoor sports pitches. For clarification, this is distinct from the indoor sports facilities requirement which seeks to secure predominately indoor sports and leisure facilities.
- 34.10 **Cemetery** - Questions have been raised regarding the provision of a cemetery within the application site however there are no policies within the development plan which would require a cemetery to be provided. The Play and Open Space SPD states that 'in some parts of the Borough local churchyards and cemeteries serve an important role for quiet informal recreation, and are especially important in settlements where there are no other public green spaces. In these circumstances it may be appropriate for the Borough Council to seek to use developer contributions towards the enhancement of such spaces.' Options to provide a cemetery within existing green spaces within the development are limited, as a cemetery must not cause ground water contamination and needs to comply with 2 tiers of risk assessments by the Environment Agency. As such all the open spaces alongside water courses and within the floodplains are unlikely to be suitable. This leaves the pitch area which officers would not want to lose given the fact the proposed development under provides as regards sports pitches or the area of public open space at the south of the development between the

Hinckley Road properties and the employment land. The latter is close to residential and employment and would have access difficulties as it lies to the rear of residential properties with only pedestrian access available and is consequently not suitable. From discussions between officers and representatives of Barwell Parish Council it appears that the PC are looking at various options to secure land outside of the SUE application site for additional cemetery provision in the future.

- 34.11 In summary, whilst there is a slight under provision with regards to outdoor sports pitches (2.60ha), the development provides an over provision with regards to natural green space (2.46ha) and as such officers consider that on balance the proposals seek to provide a significant contribution to the provision of a variety of new open space for new and existing residents. Furthermore there is no legitimate policy basis for securing developer contributions towards the provision of a cemetery.

### **35. INDOOR SPORTS FACILITIES**

- 35.1 Policy 3 of the Core Strategy refers to the potential for a new leisure facility and sporting hub on land off the A47 in the vicinity of Hinckley United Football Stadium supported by sustainable public transport links including enhanced walking and cycling connections from Barwell, Earl Shilton, Hinckley and Burbage.

- 35.2 In accordance with the Core Strategy, draft Policy 6 of the emerging AAP also sets out a requirement for contributions towards the new sport and leisure hub on land off the A47. This would need to be appropriate to the scale of the population increase from the application.

- 35.3 The Sporting Needs Report prepared by RPT Consulting (November 2012) and Sport England comments both highlight the demand for sports facilities over and above outdoor provision which will be created by the development. For example, demand will be generated for the use of indoor facilities including sports halls and swimming pools. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. Existing provision in Hinckley and Bosworth is sufficient at present to support the needs of the population but will not support any future growth in population. The Sports Facility Calculator suggests additional space requirements for Barwell and Earl Shilton of:

83.28 - 89.95sqm of pool space

2.37 – 2.56 badminton court of Sport Hall space

0.24 – 0.26 Synthetic Turf Pitches

0.65 – 0.70 indoor bowling rinks

- 35.4 Whilst there may be potential to locate some new indoor sporting facilities within Barwell, it is not considered to be economical to build in isolation 2 lane swimming pool in order to mitigate the impact of the development as summarised above. It would be more economical to look at the strategic provision of the services. Pooling of contributions would allow a proportionate contribution to address the impact of the development. The NPPF and



Regulation 123 of the CIL Regulations acknowledge that pooling of contributions is a practice that continues to be relevant and lawful in the pre-CIL world (or up to April 2014).

- 35.5 With regards to strategic provision, there are just two public Leisure Centre facilities that serves the population for Hinckley and Bosworth. (Hinckley Leisure Centre and Bosworth College) that incorporate a range of facilities including swimming pools of a 25m scale. The catchment population of each facility varies with some Ward populations more likely to use one or other facility, whereas some Ward populations being equidistant from the two facilities may use both facilities.
- 35.6 The build costs for construction of a new leisure centre were estimated in May 2012 by Baqus to be £7.1m including land costs. This is based on providing a 'like for like' replacement facility purely to address existing demands, rather than accommodate increased demand from population growth. To provide the additional facilities to cope with the growth in population costs are estimated to be circa £9m. The estimated range of contribution for this proposal is between £461,185 and £635,850 (depending upon the mix of accommodation across the site). The final contribution that is to be made will be calculated in accordance with the formula as set out in the agreement.
- 305.7 The contribution will be used for the purposes of building new indoor sports and recreational facilities or expansion to existing indoor sports and leisure facilities in the Barwell, Earl Shilton, Hinckley and Burbage Urban Area that serves or will serve the residents of the Development. It is proposed that the Hinckley Urban Area will be defined by reference to a plan or other suitable mechanism within the s106.
- 35.8 In summary, subject to the imposition of planning obligations in a s106 agreement it is considered that the proposed development would be in accordance with Policy 3 of the Core Strategy, Draft Policy 6 of the emerging AAP and the overarching intentions of the NPPF.

## **36. NEIGHBOURHOOD CENTRE**

- 36.1 Draft Policy 22 of the emerging AAP states that 'a community hub will be provided to the west of the crossing of the urban extension spine road and Stapleton Lane. The Community Hub will provide; a new primary school and children's centre; limited local convenience retail provision; recreational facilities; community meeting and function rooms; health facilities (if a location in or close to Barwell cannot be secured); and facilities for neighbourhood policing.'
- 36.2 The Neighbourhood Centre will comprise a mix of retail and community uses integrated with adjacent residential units and designed not to compete with the centre of Barwell. The application proposes that the Neighbourhood Centre shall provide:
- A new primary school (Use Class D1) and associated sports pitch;
  - A local health care facility (if required) (Use Class D1) or, in the alternative, a family public house/restaurant (Use Classes A3/A4); and
  - Local retail and commercial units (Use Classes A1, A2, A3, A4 and A5) up to a maximum floorspace of 1,000square metres.
  - Community meeting and function rooms – with potential for new Parish Council offices.

- 36.3 A proportion of the residential uses within the Neighbourhood Centre could be located above the retail component. The developers propose the retail component to provide up to 1000sqm (gross internal area) including a 300sqm retail store and a series of smaller shops to meet everyday convenience needs of the new community. The overall aim of the SUE is to provide regeneration to Barwell village centre and therefore officers do not want the Neighbourhood Centre within the SUE to compete with the retail offering within Barwell village centre. Officers have concerns that permitting 1000sqm of retail floorspace could allow a single retail unit of this size which would compete with and detract from business to existing retail units in Barwell village centre.
- 36.4 Officers have therefore considered whether it would be appropriate to limit the size of the retail unit to 250sqm or some other amount of floorspace. In the absence of any evidence that a particular size or format or retail unit would harm the vitality and viability of Barwell village centre they have concluded that it would not be reasonable to attach such a condition to the grant of planning permission
- 36.5 Together with the proposed primary school, land has also been identified for the provision of a doctor's surgery within the Neighbourhood Centre should a site not become available in the centre of Barwell. Alternatively the land could be used for a 900 sqm 'food based' public house.
- 36.6 With regards to the proposed doctor's surgery, provision will be included in the S106 to place reasonable endeavours on the owner to pursue the construction of a new doctor's surgery on the Constitutional Club. Policy 3 of the Core Strategy requires the provision of GP facilities to meet the needs of the SUE with detailed requirements to be set out in the AAP.
- 36.7 The existing doctor's surgery is rated 'RED' meaning that it is in 'greatest need of development'. There is no spare capacity and the practice is planning to address both current and future requirements taking into account the SUE by constructing a new facility. A number of sites have been assessed for their suitability and the most suitable is the Constitutional Club. There will therefore be a pooling of both the PCT finances which take into account issues with current capacity and the contribution required from the development which addresses the requirements relating to the SUE. If no contract is concluded with the Constitutional Club, the Section 106 Agreement provides for the surgery to be provided elsewhere on the site. At the time of drafting the report the applicants have committed to submit a hybrid planning application on the Constitutional Club site involving a detailed scheme for the new constitutional club and an outline scheme for the doctors surgery (including the extension to take account of the impact of the development) before the report comes before Committee.
- 36.8 A clause in the S106 is proposed to ensure that marketing of the local centre will take place from occupation of the 900<sup>th</sup> dwelling until the occupation of the last dwelling to be constructed on the development. The S106 will set out requirements for a marketing plan to be submitted and agreed prior to commencement of development and will also set out certain actions that will need to be incorporated within the marketing plan:
- Setting aside the Neighbourhood Centre land for Neighbourhood Centre uses until the last dwelling to be constructed has been occupied;

- Reasonable endeavours obligations to agree sale of freehold or leasehold terms of the units within the neighbourhood centre or any part of it on reasonable commercial terms at reasonable rates
- The owner shall provide 6 monthly updates to HBBC on the detailing of the marketing
- The owner shall be placed under an obligation to lay out and complete such part of the neighbourhood centre to provide the community facility prior to occupation of the 800<sup>th</sup> dwelling.

36.9 In summary, subject to the imposition of planning conditions and obligations within the S106 it is considered that the proposed development would be in accordance with Policy 3 of the Core Strategy, Draft Policy 22 of the emerging AAP and the overarching intentions of the NPPF.

### **37. COMMUNITY FACILITIES**

37.1 Policy 3 of the Core Strategy supports the regeneration of Barwell village centre. The supporting text states that the SUE will act as a catalyst for the regeneration of Barwell, and as such, developers will be expected to contribute to existing facilities and the local centres of Barwell where appropriate.

37.2 The Earl Shilton and Barwell Community Buildings Development Potential report prepared by Greenborough highlights the appetite and potential to develop some of the community facilities within Earl Shilton and Barwell. The projects discussed in the report range from quite small scale plans to secure and improve existing facilities, through to ambitious extension and redevelopment proposals. The creation of the SUE in Barwell will bring significant population increase and create additional pressure on aging facilities. It would be logical to see this increased demand being met from within the existing settlements, encouraging the new residents to use existing facilities, thereby ensuring that the benefits of the SUE are felt by all. The report concludes that £185,000 be set aside to improve the following facilities;

37.3 **Jubilee Hall – to provide:**

An additional building to the rear of the hall  
 Disabled toilet provision  
 Storage facilities  
 Creating a lower level play area  
 Environmental improvements.

37.4 **Barwell Methodist Hall – to provide:**

A new toilet facility within a modest extension.

37.5 There is a need to regenerate the centre of Barwell first and therefore officers are seeking early delivery of the above improvements. The off site contribution will be paid prior to first occupation of any dwelling

37.6 There is also a requirement for on site community facilities; this is based on the requirement to provide 0.14sqm of community space per head of population. This is approximately 805sqm based on 2.3 residents per dwelling. The minimum recommended size of a multi-purpose community facility is 575sqm. As an off-site contribution will be provided an equivalent reduction in the maximum size of the on-site facility will be made such that the

proposed arrangements accord with Regulation 122. This results in a maximum size of facility of 669.12sqm rather than 805sqm.

37.7 A detailed specification will be submitted to and approved for the community building prior to first occupation of any dwelling. A basic specification will be appended to the S106 itself. A minimum size of 575sqm will be specified in the S106. Prior to submission of the detailed specification for approval the owner shall consult with the Parish Council, community groups (including the Barwell Village Improvement Group) and hold community consultation events to ascertain what the key elements of community building would be based on the needs of the community as expressed by the Parish Council and the community. The actual size of the community building will accord with the needs of the community, but shall be no smaller than the 575sqm specified.

37.8 The community building will be sited in a location to be agreed within the development, which shall be located adjacent to the Neighbourhood Centre.

### 37.9 **Police**

37.10 A request for funding under S106 agreement has been submitted by the Police. The Neighbourhood Police Base is considered to be Regulation 122 compliant, the applicant has confirmed that it will fund this facility.

37.11 It will be an equivalent to the provision of 43sqm of workspace. The actual quantum of the contribution will be set out in the s106 agreement and will be calculated based on a cost per sqm that will be specified in the s106. This is estimated to be £97,000. The cost per sqm will include elements for both land cost and works. The contribution will be used to provide neighbourhood police facilities to be located within 1.5km distance of the edge of the site boundary and such distance will include land within this distance measured radiating outward from any point of the site boundary. The S106 will provide for flexibility for this requirement to be in the form of an expanded facility in Barwell or additional neighbourhood Policing facility in the new neighbourhood centre.

## 38. **SUSTAINABILITY**

38.1 Policy 24 of the Core Strategy provides a series of sustainability targets for developments within the Borough and requires all developments in Hinckley, Burbage, Barwell and Earl Shilton be a minimum of Code Level 4 from 2013 – 2016 and Code Level 6 from 2016 onwards, unless it would make the development unviable.

38.2 Within the Sustainability Assessment, the developers have advised that in the current market achieving high BREEAM standards could impact on viability. This can potentially prevent the inward investment to the area that the Barwell SUE will deliver, along with the employment, associated economic and social benefits that the investment will bring. The developer consortium are promoting taking a more flexible approach and using Peter Brett's Associates (PBA) 'Equilibrium' framework to provide the evidence base for sustainability. This allows a detailed analysis of each element of sustainability proposed by the development to be made against three criteria:

- The delivery of benefits to local people (and thus the social sustainability of the scheme).

- An ‘importance’ score (this goes above and beyond what is simply required by local policy and adds additional local sustainability benefits).
- The affordability to local occupants (and thus the economic sustainability of the scheme).

38.3 “This approach follows the three core strands underpinning the presumption in favour of sustainable development promoted within the NPPF. These are economic, social and environmental. Providing a development is consistent with these criteria, the development should be considered sustainable and acceptable in principle. “

38.4 No viability assessment has been submitted to justify the sentence within the Sustainability Assessment (paragraph 5.2.2) ‘achieving the high CfS/BREEAM identified in local policy will render this development non-viable and thus pursuing this single policy objective has the potential to lose many other economic and social sustainability benefits.’ As such, officers are seeking the development meet Code Level 4 from 2013-2016 and then Code Level 6 from 2016 upwards. A condition is proposed to secure this requirement. If at reserved matters stage the applicants consider that they are unable to meet the requirements of Policy 24 then they would have to submit a viability assessment to provide justification.

### **39. WASTE MANAGEMENT**

39.1 The Environmental Statement includes an assessment of the waste management associated with the development and provides estimated quantities of waste generated through demolition, construction and operational waste management.

39.2 Waste generated on site through the construction process and the occupation of the completed development will be managed in an appropriate and sustainable way to ensure that the environmental, social and economic risks from waste are minimised, and where possible, turned into opportunities. Analysis of the likely waste arising from the construction process suggests that without an appropriate management plan in place and high targets set, costs to the project from construction waste will be high.

39.3 A condition is recommended to secure the submission of a Site Waste Management Plan to be submitted and approved prior to the any work taking place on site.

### **40. LAND CONTAMINATION**

40.1 The Environmental Statement includes an assessment of the proposed development on ground conditions and the likely constraints for the proposed development relating to land contamination and geotechnical issues.

40.2 Given the predominately agricultural use of the site the assessment concludes that a high proportion of the site has very little contamination. There is however a landfill site immediately to the east of the application site. This historic landfill site is assessed to give rise to a local moderate geoenvironmental risk in a zone around the perimeter of this area. This moderate risk relates primarily to potential hazardous ground-gas occurrence.

- 40.3 Based on the current (and known historical) land use history, the site is assessed as having a very low to low general risk. The absence of a potential site wide source (of contamination) eliminated the potential pollutant linkages and therefore there are no potential risks. A small number of localised Potential Sources of Contamination (PSCs) have been identified which have give rise to a local Moderate or Moderate/Low assessed risk. These PSCs are all localised and of limited extent in relation to the site as a whole and relate to the following land uses:
- Backfilled field ponds;
  - A land parcel with past land use history of use as public allotments; and
  - An existing farmhouse and farmyard complex.
- 40.4 The ES concludes that the development proposals are appropriate for the location and it outlines suggested further intrusive geo-environmental investigations to be carried out prior to the commencement of work on each phase of the development.
- 40.5 In summary, subject to the imposition of planning conditions it is considered that the proposed development would be in accordance with Saved Policy NE17 of the Local Plan and the overarching intentions of the NPPF.

#### **41. GEODIVERSITY AND MINERALS**

- 40.1 Chapter 12 of the Environmental Statement includes an assessment of the potential for mineral reserves within the application site. The British Geological Survey (BGS) geological map record for the district shows local outliers of Glacial Sands and Gravel both within the main body of the site and extending north-western, north-eastern and south-western corners of the site. The extent, depth and quality of these potential mineral reserves are not known as no records from any exploratory mineral boreholes have been identified in the British Geological Survey Archives. The ES concludes that due to the isolated nature, small quantities and relative abundance of the minerals available, it is considered that the extraction of minerals from this site would not be viable. The proposed development would however sterilise the potential for future extraction of these minerals and consequently there would at worst be a theoretically minor adverse long term impact.
- 40.2 Further evaluation of the potential impacts upon minerals through additional desk study and intrusive site investigation (involving the sinking of 44 bore holes) has identified that whilst glacial sand and gravel deposits are present in ten outcrops mapped by the BGS, no substantive extension of the mapped outcrops or presence of further concealed mineral has been proven.
- 40.3 The report highlights that only the glacial sand and gravel outcrop mapped extending onto the northern part of the application site, to the east of White House Farm (outcrop 1) has been identified to contain potentially workable mineral reserves. However, only approximately 15% of the mapped outcrop extends onto the application site. The commercial viability of prior extraction solely within the application site is impacted by the presence of an apparent high groundwater table which would require the substantive part of the workable mineral to be removed by wet extraction techniques. The commercial viability will also be impacted by the variable grading of the mineral (e.g. the ratio of sand to gravel), the often high fines content (clay, silt and fine sand) which would necessitate processing of the raw mineral (i.e.

establishment of processing plant to screen, wash, grade and sort the mineral into the required sizes of sand and gravel) and associated disposal of the 'waste' fines. Whilst it is not considered that it is commercially viable to extract the minerals within the application site, development will result in local sterilisation. The ES addendum concludes that there will be a minor adverse residual impact to the sand and gravel mineral reserves in the northern part of the application site from sterilisation by development.

- 40.4 The Mineral Planning Authority is satisfied that the Mineral Resource Investigation and the results and conclusions in the Mineral Assessment report has provided the additional information required to assess the degree of mineral sterilisation which could result from the SUE development. Whilst the ES offers no specific mitigation on how the mineral resource may be utilised, it does state that if sand and gravel needs to be excavated to facilitate the development an assessment will be made of the suitability of using the mineral as engineering fill at the time of the construction.
- 40.5 Whilst the County Council's Minerals and Waste team has indicated that part of the site is underlain by mineral reserves it accepts that it would not be viable for the developers of the SUE to win or work those reserves. The applicant has confirmed that it does not intend to try and win or work minerals under the site. Once the SUE has been developed any reserves that lie beneath it are likely to be rendered permanently inaccessible. In the circumstances it would be unreasonable to impose a condition which requires the developer to carry out any works directed at working or winning those reserves. Instead it is proposed that a grant of planning permission should include an informative which draws attention to the fact that it does not authorise the winning or working or transfer of minerals.
- 40.6 On balance the positive contribution which the proposals make towards housing supply requirements, the need for the development generally and the delivery of regeneration in Barwell outweigh any perceived conflict with minerals policies.

## **42. UTILITIES AND SERVICES**

- 42.1 The Environmental Statement includes an assessment of existing utilities and services specifically relating to electric, gas, water, sewerage and telecommunications within and surrounding the site and identifies potential diversions and up-grading works required to accommodate the development. The report also includes details of existing operators, plant and equipment and how the existing providers are able to deal with increased demand resulting from the development.
- 42.2 The report identifies that the early phasing of development can be supplied from the extension of the currently available network capacity within the local substations at Barwell and Middlefield. The remainder of the development will be supplied via off site reinforcement and the establishment of new distribution substations.
- 42.3 The utility companies have confirmed that there are no problems with supplying the site.

#### **43. PHASING**

- 43.1 The developer consortium seeks to deliver the proposals over a 12 year period. The time scale would depend on speed of construction and sale of properties which is very much dependent on the general economic situation. The phasing of development will influence when infrastructure such as schools are required and highway improvements need to be carried out.
- 43.2 The applicants have proposed a very broad phasing strategy based on 3 phases:
- 43.3 **Phase 1** (2014 – 2018) of development will seek to provide between c.625 and 800 residential units. In addition to the implementation of new junctions, the upgrading of the Tweed River corridor will be undertaken that will include the provision of the NEAP (Neighbourhood Equipped Area of Play) and respective attenuation features.
- 43.4 **Phase 2** (2019 – 2023) will continue from phase 1 and realise a further 830 to 1120 homes, as well as the completion of the Core area (c.30-60 dwellings). It is envisaged that the Community Hub and school facilities will be developed within this phase.
- 43.5 **Phase 3** (2024 – 2026) concludes the residential development of c.675 to 920 residential dwellings and concludes the provision of all play and sports facilities for the development.
- 43.6 Employment Area (2014 – 2026) provides the employment components of the site. Land for employment uses to be provided as required by the market.
- 43.7 Each phase will provide areas of landscaping, public open space and attenuation as necessary. Conditions are proposed to ensure the delivery of these issues.
- 43.8 Officers consider that the submitted phasing strategy is too vague and does not provide an adequate basis for the effective and properly coordinated delivery of the SUE. Therefore a condition is recommended requiring the submission of a detailed phasing plan that demonstrates how the development of new homes, employment uses, highways and other kinds of infrastructure will be coordinated to achieve a satisfactory and sustainable development for existing and future residents of Barwell.
- 43.9 The standard conditions for the submission of reserved matters and duration of any permission would not be appropriate in view of the projected construction period and therefore a condition granting a 12-year implementation period is proposed.

#### **44. BARWELL REGENERATION**

##### **44.1 Infrastructure and Developer Contributions**

Contributions towards the provision of infrastructure and facilities must be considered in the context of Hinckley and Bosworth Local Plan (2001) Policy IMP1, Spatial Objective 6 of the Core Strategy (2009) – Infrastructure provision. This looks to ensure that new development makes appropriate contributions towards the delivery of infrastructure and facilities that are



needed to serve the development commensurate to the scale and nature of the development proposed.

44.2 The general approach to development contributions must be considered alongside the guidance contained within Community Infrastructure Levy Regulations 2012 (CIL Regs). The CIL Regulations require that developer contributions be necessary, directly and fairly and reasonably related in scale and kind to the development proposed.

44.3 Draft Policy 28 of the emerging AAP states that 'planning permission will only be granted where the developer can demonstrate that the necessary infrastructure, services, facilities and amenities to support the development are in place, or will be provided when needed. The provision of infrastructure should derive from the development, whether physically provided on site, an acceptable off-site location or through financial contributions. It is expected that contributions would reflect the need for new infrastructure to mitigate the impact of the new development. As there may be a cumulative impact locally, or an impact on services derived from a different location but that relate to the development, contributions for off-site provision may be pooled.'

44.4 Other than being unable to achieve Code Level 4 from 2013-2016 and then Code Level 6 from 2016 onwards, the developers have confirmed that the proposal is economically viable and as such no viability assessment has been submitted with the application.

44.5 In compliance with the tests in Regulation 122 of the CIL Regulations 2012 there are planning obligations which the development will be required to deliver. These are:

- Play and Open Space (maintenance)
- Play and Open Space (onsite provision)
- Informal Open Space – minimum of 4.20ha
- Play Areas – 4 Locally Equipped Areas of Play (LEAP), 1 Neighbourhood Area of Play (NEAP).
- Outdoor Sports Pitches – 7ha
- Pavilion to be provided alongside the outdoor sports pitches. Estimated cost of providing the building £500,000
- Structural Green Space – 14.46ha to be provided and distributed in 4 main areas within the application site.

#### 44.6 **Education**

44.7 Primary provision - Proposed housing would provide a pupil yield of 600 primary places which necessitate both on site provision (a site of 1.93ha in order to construct a 2fe new primary school) and off-site provision (contribution). It is anticipated that a contribution in the order of £1,318,792 (dependent on housing numbers) will fall due. The contributions will be used to provide additional pupil spaces by providing new additional classrooms and a withdraw space at the schools serving the development (Newlands Primary School, Barwell, Barwell Infant School and Barwell Junior School).

44.8 Secondary provision - As there is not sufficient capacity to meet all of the places generated by both Barwell and Earl Shilton SUE at the nearest high and upper schools (The Heathfield Academy and William Bradford). The

Section 106 Agreement will set out a formula which will secure the contribution for secondary school places.

**44.9 Sport and Leisure (indoor)**

44.10 A per head of population cost of £90.76 which will be used towards the building of new indoor sports and recreational facilities or expansion to existing indoor sports and leisure facilities in Barwell, Earl Shilton, Hinckley & Burbage. The contribution will be based on the indicative mix of dwellings proposed within the application, the range of which is between £461,185 - £635,850.

**44.11 Civic Amenities**

44.12 A per dwelling cost of £47.05 resulting in an anticipated the overall contribution will equate to circa £117,625. Monies will be used for the provision of additional capacity at the Barwell Civic Amenity Site to cater for extra waste being generated as a result of the development

**44.13 Libraries**

44.14 A per head of population cost for library stock resulting in an anticipated contribution of circa £71,775 and for personal computers and stations of circa £11,500 giving an anticipated overall total towards libraries of circa £83,275. The library stock contribution will be used to provide additional printed books, large print books and talking books at Barwell library in order to mitigate the impact of the development or with agreement such other alternative library that may serve the development. The library PC contribution will be used to provide additional personal computers at the Barwell library and to reconfigure the existing internal space with Barwell library in order to accommodate such additional personal computers or with agreement such other alternative library that may serve the development.

**44.15 Health Care**

44.16 Provision within the S106 to place reasonable endeavours on the owner to pursue the construction of a new GP surgery on the Constitutional Club in the first instance. If no contract is concluded with the Constitutional Club the developers shall be under an obligation to set aside and construct a GP surgery within the development site.

**44.17 Community Facilities (off site)**

44.18 The off site contribution amounts to £185,500 and will be used towards the cost of refurbishment of two existing community buildings within Barwell village centre (Jubilee Hall and Methodist Church).

44.19 The off site contribution will be paid prior to first occupation of any dwelling.

**44.20 Community Facilities (on site)**

44.21 The remaining part of the mitigation will be provided on site. The owner will provide suitable facilities as part of the Neighbourhood Centre. A minimum size of 575sqm will be provided for community uses. Prior to the submission of the detailed specification for approval, the owners shall consult with the

Parish Council, community groups (including Barwell Village Improvement Group) and hold community consultation events to ascertain that the key element of community building would be based on the needs of the community. A detailed specification will be submitted to and approved for the community building prior to first occupation of any dwelling. The community building/space will be constructed and transferred to the Parish Council or HBBC prior to occupation of 800 dwellings.

#### **44.22 Employment and Skills**

##### **44.23 Provisions to include:**

- Obligation to work with the skills and jobs body from the start of the tendering process for the design and construction of the development until the development is completed in order to secure employment and training opportunities arising from the construction phases of the development;
- Obligation to locally advertise all positions of employment through the construction and operational phases of the development through the Skills Body and Job Centre Plus;
- Obligation to ensure local businesses and suppliers are provided with information about the development and given the opportunity to tender for appropriate contracts or sub-contracts that arise as a consequence of the development; and
- Securing apprenticeship and work experience opportunities and training to be in accordance with benchmarks.

##### **44.24 A contribution of £300,000 will be paid to HBBC in the following tranches:**

- £100,000 payable on commencement of development
- £100,000 prior to occupation of the 500<sup>th</sup> dwelling
- £100,000 prior to occupation of the 1000<sup>th</sup> dwelling

#### **44.25 Employment Site**

##### **44.26 Provisions to include;**

- i. The marketing of this part of the development from commencement of the development until the occupation of the last dwelling to be constructed on the development. The S106 will set out requirements for a marketing plan to be submitted and agreed prior to commencement of development;
- ii. Ensuring the land is serviced in readiness for construction of employment uses prior to first occupation of any dwelling to be constructed as part of the development;
- iii. Setting aside the employment land for employment use until the last dwelling to be constructed has been occupied;
- iv. Reasonable endeavours to agree sale of freehold or leasehold terms on the employment site; and
- v. Signage to be erected on commencement of development on A447 entrance in accordance with a scheme to be agreed.

#### **44.27 Affordable Housing**

44.28 10% on-site affordable housing provision based on tenure split of 75% social rent and 25% intermediate and 10% equivalent to be provided by way of off-site contribution. This equates to an estimated contribution of £12m.

#### 44.29 **Police**

44.30 The contribution for neighbourhood policing facilities of 438sqm at a cost of £97,000 to be sought will be as per paragraph 26.9 and 26.10.

#### 44.31 **Neighbourhood Centre**

44.32 A clause is proposed to ensure that marketing of the local centre will take place from occupation of the 800<sup>th</sup> dwelling until the occupation of the last dwelling to be constructed on the development. The S106 will set out requirements for a marketing plan to be submitted and agreed prior to commencement of development and will also set out certain actions that will need to be incorporated within the marketing plan:

- Setting aside the Neighbourhood Centre land for Neighbourhood Centre uses until the last dwelling to be constructed has been occupied;
- Reasonable endeavours obligations to agree sale of freehold or leasehold terms of the units within the neighbourhood centre or any part of it on reasonable commercial terms at reasonable rates
- The owner shall provide 6 monthly updates to HBBC on the detailing of the marketing
- The owner shall be placed under an obligation to lay out and complete such part of the neighbourhood centre to provide the community facility prior to occupation of the 800<sup>th</sup> dwelling.

#### 44.33 **Highways**

44.34 Public Rights of Way schemes:

- Provision of a number of enhancements to the existing walking and cycling network [as listed below] to ensure that the development is fully served by high quality non-motorised routes to locations outside of the site
- Diversion of route U35 to tie in with Stapleton Lane.
- Surfacing improvements to U33 alongside cemetery to Adrian Drive.
- Resurfacing, lighting and re-grading slope of PRoW T58 between SUE and Barwell centre.
- Route T58 through site to be provided alongside north-south inner spine road to connect to school.
- Minor works and signage along Barwell Lane and surface improvements between Hinckley and PRoW U8.
- Surface improvement of PRoW U9 between Barwell Lane and Leicester Road.
- Other improvements, including improved signage, gates and marker posts where necessary.
- Associated costs of preparing and implementing orders for diversions / stopping-up and re-classification as appropriate.

44.35 Subject to the agreement with the applicants that the above obligations will be provided, officers consider that the application provides a comprehensive development which meets the requirements of the adopted Local Plan and emerging AAP in respect of infrastructure.

#### 44.36 **Public Realm**

44.37 A scheme for public realm improvements within the adopted highway in the centre of Barwell has been submitted. This will include the introduction of

high quality hard and soft landscaping of the centre, traffic lights within the centre to manage traffic flows, the design to give priority to pedestrians movement, defining the centre as a key space rather than just a junction, sculptural public artwork, levels rationalised to improve interface with properties and raised junctions to slow down traffic speeds. The village centre improvements will be delivered via a contribution of £1,000,000 pursuant to a planning obligation within the S106.

44.38 A detailed scheme for the works will be submitted and approval secured prior to any works commencing. Officers will consult with LCC Highways when considering whether to approve the submitted scheme. The works will then be completed prior to the occupation of any dwelling.

44.39 A further aspect of the improvements to the centre of Barwell involves the redevelopment of the Constitutional Club. Car parking spaces at the Constitutional Club will be available free of charge to the general public whether a GP surgery is constructed on the site or not. These spaces will be provided for use prior to the occupation of any dwelling.

#### **45. PREMATURITY**

45.1 An Area Action Plan is being prepared for Barwell and Earl Shilton. It has not been submitted to the Secretary of State. Whilst the Council has advanced the AAP through options stages which have been subject to extensive consultation, in terms of its compliance with the NPPF, it is at a relatively early stage of preparation and may not be accorded any great weight. The Council is charged with determining the application that is now before it. It may grant planning permission now notwithstanding the AAP remains to be concluded if it decides that it would be proper to do so having regard to the development plan and other material considerations.

45.2 Against that background, officers are satisfied that the proposals that this application makes for the provision of a SUE at Barwell will not prejudice the proper planning and delivery of the Earl Shilton component of the AAP. On that basis it is not considered premature to grant planning permission for the scheme.

#### **46. CONCLUSION**

46.1 The application accords with the development plan for Hinckley and Bosworth. It will deliver a balanced and sustainable development of 2500 new homes, substantial new employment opportunities and community infrastructure in an attractive well designed, landscaped and pleasant environment. The proposals will contribute to the regeneration of Barwell and will enhance the centre. The proposed arrangements for accessing the development will enable it to be safely and conveniently accessed by car and public transport without significant adverse impacts on the existing highway network. The scheme will also promote sustainable transport within and beyond this site. The application will protect and enhance the site's biodiversity and historic heritage. The scheme will not cause flooding. Nor will it have any other significant adverse environmental impact that would warrant the refusal of planning permission. The scheme will, of course, extend into open countryside, take up agricultural land and change the appearance of the existing countryside. On balance, however, that change is justified by the

positive contribution that the scheme will make to the regeneration of Barwell and the Borough more generally.

- 46.2 Members are therefore invited to grant planning permission for the development, subject to the imposition of the conditions listed in the attached schedule and the completion of a section 106 agreement.

#### **47. RECOMMENDATION**

- 47.1 The Development Control Manager be granted delegated powers to finalise matters associated with the completion of the S106 agreement and the range, scope and drafting of all conditions attached to this permission and issue outline consent subject to:

- a) the execution of an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government Act 1972 towards the provision of the following:

- Public transport enhancements
- Highways mitigation
- Measures to secure a Travel Plan
- Measures to secure the long term management and provision of public open space and play facilities
- Delivery of a new primary school located within the community hub together with a contribution towards provision of off-site primary school requirements and financial contribution towards funding future secondary education requirements
- Affordable housing
- Sport and leisure facilities (indoor)
- Public Realm improvements
- Financial contribution towards civic amenities (waste)
- Financial contribution towards libraries
- Health care provision
- Community facilities both on site and off site
- A Neighbourhood Centre
- Financial contribution towards a neighbourhood policing facility
- Provisions to ensure work with Skills Body and Job Centre to secure apprenticeships and work experience opportunities.
- Delivery of the Employment Area, and

- b) conditions relating to the following matters:

- Time limits and approval of Reserved Matters
- Phasing
- Masterplanning and design
- Highways and Movement
- Environmental Sustainability
- Heritage and Archaeology
- Environmental Management and Protection
- Sustainable drainage and Infrastructure
- Neighbourhood Centre
- Employment
- Play and Open Space provision

(Detailed conditions are attached at the end of this report)

**48. SUMMARY OF REASONS FOR RECOMMENDATION AND RELEVANT DEVELOPMENT PLAN POLICIES:**

48.1 The application accords with the development plan for Hinckley and Bosworth. It has been formulated carefully in consultation with the Council's officers, the local highway authority and statutory consultees to deliver a balanced and sustainable extension to Barwell. More particularly, the scheme will provide 2500 new homes accompanied by substantial new employment opportunities, schools, shops, other community facilities, play areas and open space. That will promote the regeneration of Barwell, which has a particular need for more jobs and better health facilities. It will also make a substantial contribution to the Council's wider spatial strategy, which requires the delivery of 9000 new homes between 2006 and 2026. Provided the development is carefully controlled through the imposition of conditions, and certain contributions secured through a section 106 agreement, the development can be carried out without any unacceptable impact on the highway network, drainage, ecology, archaeology and listed buildings. Officers are also satisfied that the grant of planning permission will not prejudice the proper planning of a sustainable urban extension to Earl Shilton through the emergent Barwell and Earl Shilton Area Action Plan.

48.2 Summary of the policies and proposals in the development plan which are relevant to the recommendation to grant planning permission

Local Plan 2006 – 2026: Core Strategy (2009):- Policies 3, 5, 15, 16, 19, 20 and 24

Hinckley and Bosworth Local Plan (2001):- Policies IMP1, BE1, BE5, BE14, BE26, NE2, NE5, NE10, NE12, NE13, NE14, NE15, T3, T5, T9, T10, T11, REC2, REC3, REC4

**49. CONDITIONS**

**Time limits and approval of reserved matters**

1 The development to which this permission relates shall begin within 12 years of the date of this permission or within 2 years of the final approval of the reserved matters, whichever is the later.

*Reason - In order to permit sufficient time to implement this large, complex and multi phased development and comply with Section 91 of the Town and Country Planning Act 1990.*

2 Application for approval of the approval of all reserved matters must be made within 12 years of the date of this permission.

*Reason – In order to permit sufficient time to implement this large, complex and multi-phased development and comply with Section 91 of the Town and Country Planning Act 1990.*

3 No phase of development or any part thereof (as defined in condition 5 herein) shall commence (other than works of demolition or ground works) until there has been submitted to and approved by the Local

Planning Authority in writing details of each of the following reserved matters in respect of that phase:-

- i) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these to buildings and spaces outside the development
- ii) The scale of each building proposed in relation to its surroundings
- iii) The appearance of the development including the aspects of a building or place that determine the visual impression it makes.
- iv) The landscaping of the site including treatment of private and public space to enhance or protect the sites amenity through hard and soft measures.

The development of each phase and each part thereof shall be carried out in accordance with each approval of reserved matters unless otherwise agreed in writing by the Local Planning Authority.

*Reason - To comply with Article 4(1) of the Town and Country Planning (Development Management Procedure) (England) Order 2010.*

#### **Phasing and High Quality Design**

- 4 No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a Site Wide Phasing Programme which:
  - a) Indicates the sequence in which the whole of the development authorised by this planning permission is intended to be carried out. The Phasing Programme shall provide details of the precise location and extent of individual development phases, reference to the type (including details of highways, schools, sporting provision and other infrastructure and structural landscaping) and extent of any development in each phase, a description and the intended timing of the commencement and completion of each phase; and
  - b) The Phasing Programme shall specify (amongst other things) the scope and timing of each of the following components of the development:-
    - (1) Major internal infrastructure including internal roads, pedestrian and cycle crossings, footpaths, cycleways, services, Sustainable Urban Drainage Systems (SUDS) and the delivery of open space (confirming ownerships & responsibilities)
    - (2) Confirmation of the scope and timescale for the implementation of off-site highway infrastructure including highway improvements and where required the undertaking of Road Safety Audits, the progressing of Traffic Regulation Orders and other consultation processes.
    - (3) The delivery of public transport services and accompanying infrastructure within the site and external to the development to include but not be limited to: bus stops (within a maximum 400m walking distance of each dwelling within the development); bus shelters, bus prioritising measures at signalised junctions, Real Time Information, raised kerbs, lighting and timetable information.



- (4) The submission of a timescale and mechanism for the stopping-up, diversion and re-classification of Public Rights of Way affected by the development, as necessary in agreement with the highway authority.
- c) The provision of all agreed elements in the Phasing Programme shall be carried out in accordance with the approved Phasing Programme and the time triggers specified in it.

*Reason: To provide clarification on how the development will be delivered to assist determination of reserved matters and to ensure that necessary infrastructure provision and environmental mitigation is provided in time to address the impact and needs of the development in accordance with Policy 3, 5, 15, 16, 19, 20 of the Core Strategy 2009, Policies IMP1, BE1, NE12, NE13, NE15, T3, T9, REC2, REC3 and REC4 of the Hinckley and Bosworth Local Plan 2001.*

- 5 No phase of development shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-
  - a) plans showing the boundaries of that phase;
  - b) permanent and temporary access arrangements to that phase;
  - c) any interim surface, boundary or landscaping details relating to that phase.

The development of each phase shall be carried out in accordance with the plans, arrangements and details and other details approved by the Local Planning Authority.

*Reason – To ensure that, in the event of the development being carried out on a phased basis, satisfactory access, car parking and interim environmental treatment is incorporated within each phase, in the interest of public safety and visual amenity in accordance with Policy BE1 and T5 of the Hinckley and Bosworth Local Plan 2001.*

- 6 The development hereby permitted shall not be carried out otherwise than in accordance with the following plans:-
  - Master plan RG37 Rev E
  - Parameters Plan Building Heights RG21 Rev K
  - Parameters Plan Density Plan Rev G
  - Parameters Plan RG20 Rev H
  - Parameters Plan RG19 Rev H
  - Parameters Plan RG18 Rev L
  - Ashby Road Northern Access Junction 25287-012-001F
  - Ashby Road Southern Access Roundabout 25287-012-003C
  - Stapleton Lane Signalised Junction 25287-012-005B
  - Stapleton Lane Eastern Access Junction 25287-012-002C

*Reason – For the avoidance of doubt and in the interests of proper planning.*

- 7 Any reserved matter submission for layout, scale and appearance shall be accompanied by a comprehensive Design Code Statement, which should complement any phases already approved. The Design

Code Statement shall accord with the principles of development as set out in the indicative master plan reference RG37 Rev E and the submitted Design and Access statement (dated April 2012) and shall include:

- a. A Development Framework Plan
- b. A layout incorporating street frontage development based on defensible perimeter blocks.
- c. Co-ordinated landscaping proposals between individual plots and enhanced green space.
- d. Structural Framework for planting which includes a significant proportion of native tree and shrub species.
- e. Character areas which are clearly defined
- f. A movement network including street types, route hierarchy, footpaths, cycleways and bus service links.

The development shall be implemented in accordance with the approved Design Code Statement

*Reason – To ensure a satisfactory standard of appearance and a co-ordinated approach to the redevelopment proposals in the interests of the visual amenities of the area in accordance with Policy BE1 of the Hinckley and Bosworth Local Plan and Policy 16 of the Core Strategy.*

### **Restriction on the quantum of certain land uses authorised by this outline planning permission**

#### **Number of dwellings**

- 8 The development hereby permitted does not authorise and shall not comprise more than 2,500 dwellings falling within Class C3 of the Town and Country Planning Use Classes Order 1987 (as amended).

*Reason – The proposal is subject of an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 upon which the Master Plan is based and the significance of any material alteration and impact that has not been assessed must be considered. The development must be limited accordingly and not exceed the total 2,500 dwellings tested by the Environmental Statement and to ensure sustainable development in accordance with Policy 3 of the Core Strategy..*

#### **Employment**

- 9 The development hereby permitted does not authorise and shall not comprise more than 24,800sqm of employment floorspace, which shall be limited to uses falling within Classes B2 and B8 of the Town and Country Planning Use Classes Order 1987 and unless otherwise agreed in writing by the Local Planning Authority shall be provided within the area marked as an “Employment Zone” on Master plan RG37 Rev E.

*Reason - The proposal is subject of an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 upon which the Master Plan is based and the significance of any material alteration and impact that*

*has not been assessed must be considered. The development must be limited accordingly and not exceed the 24,800 square metres of employment floorspace tested by the Environmental Statement and to ensure sustainable development in accordance with Policy 3 of the Core Strategy.*

## **Retail**

- 10 The development hereby permitted does not authorise and shall not comprise more than 1000sqm falling within Class Classes A1, A2, A3, A4 and A5 of the Town and Country Planning Use Classes Order 1987 (as amended).

*Reason – The proposal is subject of an Environmental Statement (ES) in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 upon which the Master Plan is based and the significance of any material alteration and impact that has not been assessed must be considered. The development must be limited accordingly and not exceed the 1000sqm of retail and commercial space tested by the Environmental Statement and to ensure sustainable development in accordance with Policy 3 of the Core Strategy.*

## **Sustainability**

- 11 Those dwellings completed up to 31 December 2015 shall meet the Code for Sustainable Homes (CSH) code level 4 as a minimum, those completed 1 January 2016 onwards shall meeting CSH code level 6 as a minimum (or the equivalent which replaces CSH and is to be the assessment in force when the residential units concerned as registered for assessment purposes).

*Reason – In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Policy 24 of the Core Strategy.*

- 12 All school and offices shall achieve a minimum of Building Research Establishment Environment Assessment Method (BREEAM) level “very good” (or the equivalent standard which replaces BREEAM and is to be the assessment in force at the time when the non-residential unit or units concerned are registered for assessment purposes). In the event that BREEAM standard achieved for the actual building falls short of the “very good” standard” (or the equivalent standard which replaces BREEAM and is to be the assessment in force at the time when the non-residential unit or units concerned are registered for assessment purposes) achieved at design stage, a programme of remediation works shall be agreed in writing by the Local Planning Authority and carried out in accordance with a timetable to be agreed.

*Reason – In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Policy 24 of the Core Strategy.*

- 13 Prior to the commencement of development within any phase (as shown on the indicative masterplan) a copy of the Interim Design Stage Assessment Certificate shall be provided to the Local Planning Authority to demonstrate that any residential or non-residential units to be constructed within that parcel or part thereof will achieve the required CSH and BREEAM levels (pursuant to condition 12 above).

*Reason - In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Policy 24 of the Core Strategy.*

- 14 Within six months of the completion of any unit(s) a copy of the Post Construction Final Certificate shall be provided to the Local Planning Authority to prove that the unit(s) have been constructed in accordance with the Sustainability Report and that the development has achieved the relevant BREEAM and CSH levels.

*Reason - In the interests of tackling climate change and creating a sustainable development which meets standards for energy efficiency, water efficiency and sustainable construction in accordance with Policy 24 of the Core Strategy.*

## **Highways**

- 15 No development shall commence until a mechanism for the continual review of the transport impacts of the development have been submitted to and approved in writing by the Local Planning Authority.

*Reason: To ensure that the development is appropriately mitigated against to ensure impacts are no worse at any time during the construction phase than at the completion of the development in accordance with Policies 5 of the Core Strategy and Policies T3 and T11 of the Hinckley and Bosworth Local Plan.*

- 16 In accordance with the agreed Phasing Programme the Ashby Road Northern Access Junction shall be constructed as shown on drawing 25287-012-001F and available for use thereafter.

*Reason: To ensure adequate and safe access for all modes of transport to the development in accordance with Policy 5 of the Core Strategy and Policy T5 of the Hinckley and Bosworth Local Plan.*

- 17 In accordance with the agreed Phasing Programme the Ashby Road Southern Access Roundabout shall be constructed as shown on drawing 25287-012-003C and available for use thereafter.

*Reason: To ensure adequate and safe access for all modes of transport to the development in accordance with Policy 5 of the Core Strategy and Policy T5 of the Hinckley and Bosworth Local Plan.*

- 18 In accordance with the agreed Phasing Programme the Stapleton Lane Signalised Junction shall be constructed as shown on drawing 25287-012-005B and available for use thereafter.

*Reason: To ensure adequate and safe access for all modes of transport to the development in accordance with Policy 5 of the Core Strategy and Policy T5 of the Hinckley and Bosworth Local Plan.*

- 19 In accordance with the agreed Phasing Programme the Stapleton Lane Eastern Access Junction shall be constructed as shown on drawing 25287-012-002C and available for use thereafter.

*Reason: To ensure adequate and safe access for all modes of transport to the development in accordance with Policy 5 of the Core Strategy and Policy T5 of the Hinckley and Bosworth Local Plan.*

- 20 Notwithstanding the details showing the footway and cycleway crossing points and widths and raised table on submitted drawings 25287-012-005B and 25287-012-002C, and all details on accompanying drawing 25287-012-004D, in accordance with the agreed Phasing Programme, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide and implement pedestrian and cycleways on both sides of the carriageway connecting Stapleton Lane / Ashby Road junction to the junction with Cumberland Way, including crossing points and traffic calming measures. The development shall thereafter be completed in accordance with the approved details.

*Reason: To ensure adequate and safe access for all modes of transport to the development in accordance with Policy 5 of the Core Strategy and Policy T5, T9, and T10 of the Hinckley and Bosworth Local Plan.*

- 21 Notwithstanding the details shown on submitted drawing 25287-012-006B, in accordance with the agreed Phasing Programme, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide and implement a signal-controlled junction at Ashby Road /Stapleton Lane with pedestrian and cycleway provision including crossing facilities and right turn lane from a southern direction. The development shall thereafter be completed in accordance with the approved details.

*Reason: To ensure adequate and safe access for all modes of transport to the development in accordance with Policy 5 of the Core Strategy and Policy T5, T9, and T10 of the Hinckley and Bosworth Local Plan.*

- 22 Notwithstanding the details showing footway and cycleway crossing points, routes and widths and right turn lane submitted drawings 25287-012-001F and 25287-012-003C, and all details on accompanying drawings 25287-012-007A, 25287-012-008A and 25287-012-009A in accordance with the agreed Phasing Programme, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide and implement a continuous pedestrian and cycleway including crossing points, connecting Main Street, Stapleton to the Ashby Road / Stapleton Lane junction, and between the Ashby Road / Normandy Way junction and the Ashby Road access roundabout. The development shall thereafter be completed in accordance with the approved details.

*Reason: To ensure adequate and safe access for all modes of transport to the development in accordance with Policy 5 of the Core Strategy and Policy T5, T9, and T10 of the Hinckley and Bosworth Local Plan.*

- 23 Notwithstanding the details shown on submitted drawing 25287-012-013, in accordance with the agreed Phasing Programme, a scheme shall be submitted to and approved in writing by the Local Planning Authority to provide and implement a signal-controlled junction at Ashby Road /Hinckley Road / Rogues Lane with pedestrian and cycleway provision along the eastern side of Ashby Road including crossing facilities at the eastern Hinckley Road arm of the junction and right turn lanes from a northern and southern direction. The development shall thereafter be completed in accordance with the approved details.

*Reason: To ensure adequate and safe access for all modes of transport to the development in accordance with Policy 5 of the Core Strategy and Policy T5, T9, and T10 of the Hinckley and Bosworth Local Plan.*

- 24 Notwithstanding the details shown on drawing 25287-003-SK08, in accordance with the agreed Phasing Programme, a scheme shall be submitted and approved in writing by the Local Planning Authority to provide and implement improvements to the junction of Malt Mill Bank / High Street / Chapel Street /Shilton Road to include pedestrian and cycle crossing facilities, amended bus stop locations, traffic calming measures and adjustments to existing street furniture. The development shall thereafter be completed in accordance with the approved details.

*Reason: To ensure adequate and safe access for all modes of transport to the development in accordance with Policy 5 of the Core Strategy and Policy T3, T5, T9, and T10 of the Hinckley and Bosworth Local Plan.*

- 25 Notwithstanding the details submitted within the Transport Assessment, in accordance with the agreed Phasing Programme, a public transport scheme shall be submitted to and approved in writing by the Local Planning Authority to include full details of the proposed destinations, routes, days and hours of operation, frequency and duration of provision of a daily bus service to serve the development. The bus service shall be provided thereafter in accordance with the approved details.

*Reason: To ensure high quality frequent public transport choice for all new residents from early occupation in order to encourage modal shift in accordance with T3 of the Hinckley and Bosworth Local Plan.*

- 26 All details of the proposed development shall comply with the design standards of the Leicestershire County Council as contained in its current design standards document. Such details must include parking and turning facilities, access widths, gradients, surfacing, signing and lining (including that for cycleways and shared use footway/cycleways)

and visibility splays and be submitted for approval by the Local Planning Authority before development commences.

*Reason: To ensure a satisfactory form of development and in the interests of highway safety in accordance with Policy T5 of the Hinckley and Bosworth Local Plan.*

- 27 No vehicular access serving any part of the development shall provide the sole means of vehicular access to more than 150 dwellings.

*Reason: To ensure a satisfactory pattern of development in conjunction with a sensible layout strategy that allows for adequate access by service, emergency and delivery vehicles in accordance with T5 of the Hinckley and Bosworth Local Plan.*

- 28 All existing vehicular accesses that become redundant as a result of this proposal shall be closed permanently and the existing vehicular crossings reinstated in accordance with a scheme that shall first have been submitted to and approved by the Local Planning Authority within one month of the new access being brought into use.

*Reason: To reduce the number of vehicular accesses to the site and consequently to reduce the number of potential conflict points in accordance with T5 of the Hinckley and Bosworth Local Plan.*

- 29 In accordance with the agreed Phasing Programme, prior to the occupation of each phase a Residential Travel Plan, in accordance with the Framework Travel Plan, shall be submitted to and agreed in writing by the Local Planning Authority. The measures approved shall thereafter be provided.

*Reason: To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site in accordance with Policy 5 of the Core Strategy.*

- 30 In accordance with the agreed Phasing Programme, prior to the occupation of each phase an Employment Travel Plan in accordance with the Framework Travel Plan, shall be submitted to and agreed in writing by the Local Planning Authority. The measures approved shall thereafter be provided.

*Reason: To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site in accordance with Policy 5 of the Core Strategy.*

- 31 In accordance with the agreed Phasing Programme, prior to the occupation of each phase a school travel plan in accordance with the Framework Travel Plan, shall be submitted to and agreed in writing by the Local Planning Authority. The measures approved shall thereafter be provided.

*Reason: To ensure that adequate steps are taken to provide a transport choice/a choice in mode of travel to and from the site in accordance with Policy 5 of the Core Strategy.*

- 32 In accordance with the agreed Phasing Programme, no development shall take place within each phase of development, including any works of demolition, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out the overall strategies for:
- i. The parking of vehicles of site operatives and visitors
  - ii. Loading and unloading of plant and materials
  - iii. Storage of plant and materials used in constructing the development
  - iv. Location of Contractor compound(s)
  - v. Screening and hoarding details
  - vi. Wheel washing facilities
  - vii. Measures to control the emission of dust and dirt during construction
  - viii. Hours of operation - the details shall include the hours of construction and the hours for the loading/unloading of materials.
  - ix. Construction noise and vibration strategy
  - x. Earthworks and soil management strategy
  - xi. Sustainable site waste management plan
  - xii. The means of access and routing for demolition and construction traffic
  - xiii. A construction travel plan
  - xiv. Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction
  - xv. The storage of fuel and chemicals
  - xvi. The control of lighting

The approved CEMP shall be adhered to throughout the construction period or that phase of development to which it relates.

*Reason: To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development assessed in the submitted Environmental Statement in accordance with Policy T5, NE2 and NE14 of Hinckley and Bosworth Local Plan.*

### **Landscaping**

- 33 The landscaping required to be carried out for each phase of development (including boundary treatment and that associated with surface treatment and the landscaping of footpaths) approved under Condition 3 herein and shall be completed in all respects not later than the end of the first planting season following substantial completion of the buildings within that phase. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within five years from planting shall be replaced within the next planting season by trees or shrubs of a similar size and species to those originally required to be planted.

*Reason – To ensure a satisfactory standard of appearance of the development in the interests of the visual amenities of the area in*



*accordance with Policy 3 of the Core Strategy and Policy BE1 and NE12 of the Hinckley and Bosworth Local Plan.*

### **Open Space**

- 34 No development shall commence unless there has been submitted to and approved in writing by the Local Planning Authority an Open Space Strategy which shall include the specification, the timing of the completion of and arrangements for the management of:-
- i) All areas of informal and formal open space identified on Figure 8.1 of Illustrative Landscape Plan contained with the Design and Access Statement
  - ii) Playing fields/sports pitches
  - iii) Other outdoor sports facilities
  - iv) Children's play areas including 4 LEAP's and 1 NEAP
  - v) 0.71ha of allotments
  - vi) Sustainable Urban Drainage Systems, watercourses and other water bodies
  - vii) Green Infrastructure linkages including pedestrian and cycle links and public rights of way and bridleways
  - viii) Details of the planted bund as illustrated in Figure 7.19 of the Design and Access Statement

The development shall be carried out in accordance with the approved Open Space Strategy.

*Reason – In the interest of residential amenity, visual amenity and provision of multi-function Green Infrastructure and connectivity in accordance with Policy 3, 19 and 20 of the Core Strategy 2009, REC2, REC3 and REC4 of the Hinckley and Bosworth Local Plan and the Supplementary Planning Document: Play and Open Space.*

### **The Protection of Trees**

- 35 Before any development commences on site within any phase the following shall be submitted to and approved in writing by the Local Planning Authority in respect of that phase and any approved mitigation or protection measures shall be put into place prior to and remain in place during any construction work
- a) A detailed scaled plan showing the position of every tree on site with a stem diameter over the bark measured at 1.5 metres above ground level of at least 75 millimetres. In addition any tree on neighbouring or adjoining land that is likely to have an effect upon or be affected by the proposal (e.g. by shade, overhang from the boundary, intrusion of the Root Protection Area etc) must be shown;
  - b) A current schedule of trees as specified in BS5837:2012 (Para 4. 4. 2. 5 ) and a tree constraints plan;
  - c) An arboricultural implications assessment, arboricultural method statement and tree protection plan (to include protection measures during and after construction and any construction exclusion zones) in accordance with BS5837:2012 which shall include any proposals for pre-construction tree works (including

- access facilitation pruning) and tree management requirements in accordance with BS 3998:2010.
- d) A method statement in respect of any hard surfacing within root protection areas, construction of site compounds and service installation where underground apparatus is to pass within a Root Protection Area.
  - e) An auditable system of arboricultural site monitoring by a retained project arboriculturalist to be approved by the Local Planning Authority.

*Reason – In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE12 of the Hinckley and Bosworth Local Plan.*

### **Archaeology**

- 36 No demolition or development shall commence until there has been submitted to and approved in writing by the Local Planning Authority a programme of archaeological investigation. The Programme shall include (without limitation):-
- i. The programme and methodology of site investigation and recording (including trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
  - ii. The programme for post investigation assessment
  - iii. Provision to be made for analysis of the site investigation and recording
  - iv. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  - v. Provision to be made for archive deposition of the analysis and records of the site investigation
  - vi. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

*Reason – To ensure satisfactory archaeological investigation and recording in accordance with the requirements of Policies BE13, BE14 and BE16 of Hinckley and Bosworth Local Plan.*

### **Flooding**

- 37 In accordance with the agreed Phasing Programme the development hereby approved shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated March 2012, Ref: 25287; Appendix 13.1, Chapter 13, Volume 2 of the EIA, dated April 2012 and the following mitigation measures detailed within the EIA Sections 13.64 to 13.78 and FRA Section 4.5 (unless otherwise stated below):
- 1. Limiting and storing the surface water run-off generated by by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site, as

shown on FRA Drawing No. 25287/008/010 Revision C (FRA Section 4.2, 6.2 and 6.4).

2. Provision of compensatory flood plain storage for the provision of the Vehicular road crossing of the River Tweed, and any other crossing located within the 100 year flood plain as shown on FRA Drawing No. 25287/008/009.
3. Provision of replacement trash/security screens to the existing Tweed Brook culvert which runs under the historic landfill site (FRA section 7).
4. Finished floor levels are set no lower than 600mm above the modelled 100 year plus 20% (for climate change) flood level applicable at the development phase (FRA section 7).

The mitigation measures shall be fully implemented prior to occupation of any dwelling/building within the relevant phase and shall thereafter be maintained.

*Reason- To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site, to prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to reduce the risk of flooding from blockages to the existing culvert and to reduce the risk of flooding to the proposed development and future occupants in accordance with Policies NE2 and NE14 of the Hinckley and Bosworth Local Plan.*

- 38 The development hereby permitted shall only be carried out in accordance with a scheme to ensure no raising of ground levels or bridge soffit levels, resulting in elevated flood levels, or a loss of flood plain storage due to the provision of the proposed new vehicular bridge crossing of the River Tweed, and/or any other public foot path crossings of the River Tweed or Tweed Brook, which has been submitted to and approved in writing by, the Local Planning Authority, in consultation with the Environment Agency and Lead Local Flood Authority.

The scheme shall include, but not be exclusive of:

1. Limiting the number of Crossings of the River Tweed, in the Tweed Park area to 2, plus the new road crossing, as illustrated in the Environmental Statement Addendum dated November 2012.
2. Crossings to be provided as clear span bridges or arches in preference to any culverting. Including the upgrading of existing crossings, where upgrading is required or proposed.
3. Bridge soffits set a minimum of 600mm above the modelled 100 year plus 20% (for climate change) flood level applicable at the crossing site. Flood plain outlines are shown on FRA Drawing No. 25287/008/009.
4. Bridge abutments set back beyond the top of the natural bank of the watercourse.
5. Where necessary culverts designed in accordance with CIRIA C689 (including up sizing to provide a free water surface and natural bed), and to have a minimum width/length of culvert essential for access purposes.
6. Provision of compensatory flood storage for all ground levels raised within the 100 year flood plain applicable at the bridge crossing sites, including proposed location, volume (calculated in

200mm slices from the flood level) and detailed design (plans, cross, and long sections) of the compensation proposals.

7. Compensatory flood storage provide before or as a minimum at the ground works phase of the vehicle bridge and any other crossing construction.
8. Detailed designs (plans, cross, long sections and calculations) in support of any crossing.
9. Details of how the scheme shall be maintained and managed after completion.

*Reason - To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided, to reduce the risk of flooding to the proposed development, adjacent land and properties, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system; and the proposed foot bridges within the Tweed Park may be inaccessible during flood events, and as such could increase the risk of harm to life in accordance with Policies NE2 and NE14 of the Hinckley and Bosworth Local Plan.*

- 39 The development hereby permitted shall only be carried out in accordance with a scheme to replace the existing upstream and downstream trash/security screens to the Tweed Brook culvert under the historic landfill site which has been submitted to and approved in writing by, the Local Planning Authority.

The scheme shall include:

1. Provision of the replacement screens prior to first occupation of any dwelling.
2. Trash/Security screens designed in accordance with the Trash and Security screen manual, 2009, or any subsequent publication.
3. Details of how the scheme shall be maintained and managed after completion.

The scheme shall be fully implemented and subsequently maintained prior to the occupation of dwellings or buildings within the relevant phase of development.

*Reason - To reduce the risk of flooding from blockages to the existing culvert; to facilitate the clearing of the upstream trash screen during flood events and to reduce the risk of harm to operatives during maintenance in accordance with Policies NE2 and NE14 of the Hinckley and Bosworth Local Plan.*

- 40 The development hereby permitted shall only be carried out in accordance with a surface water drainage scheme for each phase of development within the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, which has been submitted to and approved in writing by the Local Planning Authority, in consultation with the Environment Agency and SUDS Approval Board. The scheme shall subsequently be fully implemented prior to the occupation of dwellings or buildings in the relevant phase of development in accordance with the approved details before the development is completed.

The scheme shall include, but not be exclusive of:

1. Surface water drainage system/s designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
2. Limiting the discharge rate of surface water run-off generated by by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site, as shown on FRA Drawing No. 25287/008/010 Revision C.
3. Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
4. Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
5. Details of how the scheme shall be maintained and managed after completion

*Reason - To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system and to improve and protect water quality, improve habitat and amenity in accordance with Policies NE2 and NE14 of the Hinckley and Bosworth Local Plan.*

- 41 No development within each phase of the development shall be commenced until such a time as a scheme to dispose of foul drainage has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented prior to the occupation of dwellings or buildings within the relevant phase of development unless subsequently agreed, in writing, by the Local Planning Authority.

*Reason - To minimise the risk of pollution of the environment in accordance with Policies NE2 and NE14 of the Hinckley and Bosworth Local Plan.*

### **Environmental Protection**

- 42 No Phase of development shall commence unless there has been submitted to and approved in writing by the Local Planning Authority a Construction Environmental Management Plan for that Phase which shall specify the provision to be made for the following matters:
- a. Overall strategy for managing environmental impact which arise during construction;
  - b. Measures to control the emission of dust and dirt during construction;
  - c. Control of noise emanating from the site during the construction period;
  - d. Hours of construction work for the development;
  - e. Location, scale and appearance of contractor's compounds, materials storage and other storage arrangements for cranes and plant, equipment and related temporary infrastructure;
  - f. Designation, layout and design of construction access and egress points;

- g. Internal site circulation routes;
- h. Directional signage (on and off site);
- i. Provision for emergency vehicles;
- j. Provision for all site operatives, visitors and construction vehicles loading and unloading plant and materials;
- k. Provision for all site operatives, visitors and construction vehicles for parking and turning within the site during the construction period;
- l. Details of measures to prevent mud and other materials migrating onto the highway from construction vehicles;
- m. Routing agreement for construction traffic;
- n. Enclosure of phase or development parcel and the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; and
- o. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works.

The approved Construction Environmental Management Plan and the measures that it requires to be taken shall be carried out and/or (as the case may be) retained for the duration of the development.

*Reason – In the interests of residential amenity, highways safety, visual amenity and waste minimisation in accordance with Policies BE1 and NE2 of the Hinckley and Bosworth Local Plan.*

- 43 No development of any phase shall be commenced until a waste management plan for that Phase has been submitted to and approved in writing by the Local Planning Authority. Development and the management of waste arising from it shall then be carried in accordance with the waste management plan.

*Reason - To ensure that adequate provision is made for the management of construction and operation of waste arising from the development in accordance with Policy BE1 of the Hinckley and Bosworth Local Plan.*

### **Land Contamination**

- 44 No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority in a scheme to manage risk arising from any of the site: The scheme shall include the following:-
- 1) A preliminary risk assessment which has identified: all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors.
  - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and

remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The development shall be carried out in accordance with the scheme prior to the occupation of any part of the development.

*Reason - To ensure protection of controlled waters receptors and to ensure protection of controlled waters receptors in accordance with Policies NE2 and NE14 of the Hinckley and Bosworth Local Plan.*

- 45 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

*Reason - To ensure protection of controlled waters receptors, to ensure safe development of the site and to protect the amenities of future occupiers of the site in accordance with Policies NE2 and NE14 of the adopted Hinckley and Bosworth Local Plan.*

- 46 No phase of development which borders the former landfill site shall be commenced until a scheme for the monitoring of landfill gas has been submitted to and approved in writing by the Local Planning Authority. 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 relevant phase of the site first being occupied.

*Reason - To ensure safe development of the site and to protect the amenities of future occupiers of the site to accord with Policies NE2 and NE14 of the adopted Hinckley and Bosworth Local Plan.*

## **Noise**

- 47 No development within any phase shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a scheme for securing a satisfactory noise environment in the proposed school and dwellings. All works comprised within the approved scheme for each phase shall be completed in accordance with the approved scheme prior to the first occupation of any dwelling, or the first occupation of a school within that phase.

*Reason – In order to protect the amenities of existing and of the proposed residential accommodation in accordance with Policies BE1 and NE2 of the Hinckley and Bosworth Local Plan.*

- 48 No phase of development shall commence unless there has been submitted to the Local Planning Authority and approved in writing a scheme for protecting existing dwellings from noise caused by that phase of development. The approved scheme shall be fully implemented in accordance with the approved details of each applicable phase of development hereby approved and maintained as approved thereafter.

*Reason - In order to protect the amenities of existing and of the proposed residential accommodation in accordance with Policies BE1 and NE2 of the Hinckley and Bosworth Local Plan.*

### **Air Quality**

- 49 Development shall not take place other than in accordance with the recommendations of the applicant's Air Quality Assessment dated March 2012 (project ref 25287/010) contained with Volume 3b of the Environmental Statement.

*Reason – To ensure the necessary air quality mitigation measures and management regimes to mitigate the impact of the development upon air quality are implemented in accordance with the Environmental Statement in accordance with Policies BE1 and NE2 of the Hinckley and Bosworth Local Plan.*

### **Lighting**

- 50 No development shall commence within any phase until a scheme for the external lighting of that phase (including details of permanent external lighting including layout plan, lighting types, luminaire type, intensity, mounting height, aiming angles and luminaire profiles), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented and thereafter maintained as approved for each phase of the development.

*Reason - To safeguard the amenities of nearby occupiers and to ensure that there is no unnecessary light pollution, in accordance with the requirements of Policies BE1 and BE26 of the Hinckley and Bosworth Local Plan.*

### **Ecology**

- 51 No development shall commence until a Habitat Creation Plan and Ecological Management Plan have been submitted to and approved in writing by the Local Planning Authority.

The Habitat Creation Plan shall detail the creation of new wildlife habitats on flood attenuation areas north of Kirby Park and elsewhere within the application site, ponds, grasslands in Tweed Spinney and grasslands and wetlands along the River Tweed Corridor. The extent of habitat creation will be in accordance with the proposals and quantities set out in the Environmental Statement and Ecological Appraisal (prepared by EDP dated February 2012 ref EDP1438\_02b)



and shown in the Site Wide Landscape Framework (figure 8.2 within the Design and Access Statement).

The Ecological Management Plan will describe arrangements for the management of Little Fields Farm Meadow Local Wildlife Site and other wildlife habitats hedges, ponds, wetlands, new woodlands, trees, wildflower grassland, scrub, badgers, River Tweed corridor and Local Wildlife Site.

The development shall be carried out in accordance with the approved Habitat Creation Plan and the approved Habitat Management Plan.

*Reason – To ensure a net gain in biodiversity and enhancement to the Green Infrastructure network in accordance with Policy 3 and 20 of the Core Strategy.*

- 52 No development shall commence until there has been submitted to and approved in writing by the Local Planning Authority an Ecological Construction Method Statement (ECMS) The ECMS shall detail:
1. Measures to protect retained hedgerows, trees and green corridors from incursion;
  2. Measures to protect roosting bats;
  3. Measures to protect reptiles;
  4. Measures to protect birds, their nests, eggs and young; and
  5. Measures to protect badgers.

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

*Reason – To ensure necessary ecological mitigation measures and management regimes are implemented in accordance with the Environmental Statement and the overarching principles of the National Planning Policy Framework.*