

**Planning Committee 24th September 2024
Report of the Head of Planning**

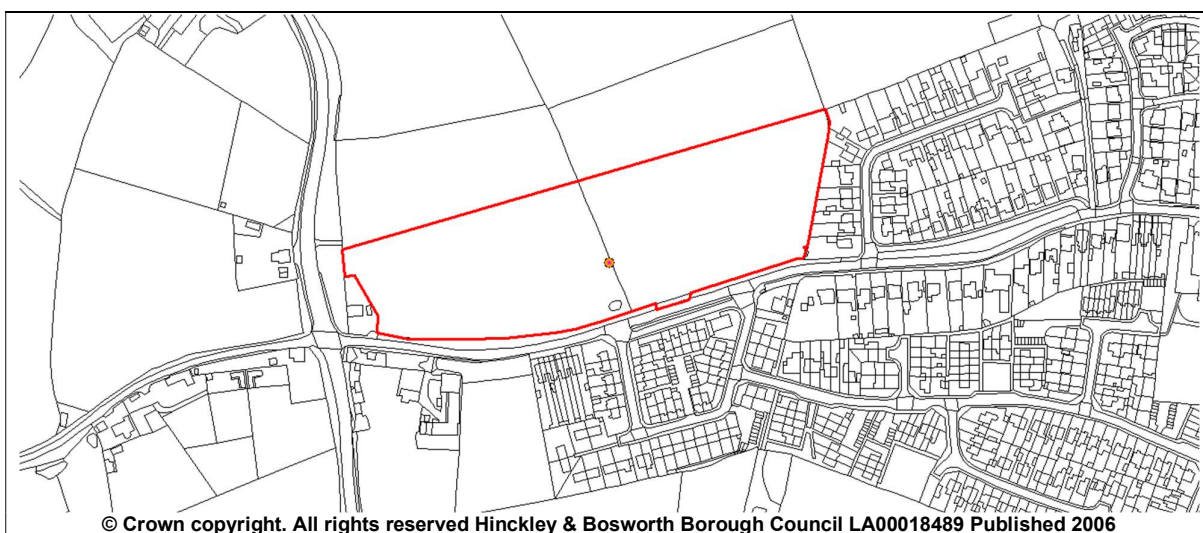
**Planning Ref: 24/00294/REM
Applicant: MyPad 2020 Ltd
Ward: Barlestone Nailstone and Osbaston**



**Hinckley & Bosworth
Borough Council**

Site: Land North of Barton Road, Barlestone

Proposal: Approval of Reserved Matters (Appearance, Landscaping, Layout, Scale) of outline application (21/00096/OUT) for residential development of up to 55 dwellings (Outline - access only)



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1. Recommendations and Preamble

1.1. Grant permission subject to:

- Planning conditions outlined at the end of this report
- Power to determine the final details of the conditions to be delegated to the Head of Planning

1.2. The application was deferred at Committee on 27 August to allow for discussions with the Applicant regarding garden sizes and the adoptability of the roads.

1.3. The Applicant has submitted revised plans which show that the minimum sizes set out in the Council's Good Design Guide for garden sizes, which is 60sq.m for two bed dwellings and 80sq.m for three bed dwellings, are now met for all the house gardens. This has been achieved by a very slight amendment to the highway alignment, adjustments to the boundaries of the gardens, adjusting the locations of the two and three bed house types across the site and by moving parking spaces forward of the building line where this has been necessary to achieve the minimum sized garden.

1.4. The mix of dwellings remains the same and there have been no other changes to the previously submitted plans.

1.5. The Applicant has also pointed out that the mix of dwellings has been provided by the Council's Affordable Housing Officer and that the local need is for two and three bed properties not predominantly for four and five bed detached properties as indicated on the illustrative material submitted at outline stage. The Applicant has emphasised therefore that the reduction in the developable area is not due to a desire to create an opportunity for more dwellings.

1.6. The Applicant has also pointed out that the sizes of the dwellings is larger than most affordable homes and that the requirement for funding from Homes England is that the sizes of dwellings are at least 85% those set out in the Government's Nationally

Described Space Standards (NDSS) and that all the dwellings proposed significantly exceed that requirement. The applicant has supplied figures that show that the one bed maisonettes exceed the NDSS by 16% and that all the houses are within 2.53% of the NDSS. Homes England's Affordable Homes Programme 2021 to 2026 states that all new homes should aim to meet the NDSS.

- 1.7. With regard to roads and whether they are to be adopted or not the main road, off which 62% of the properties take their access, is to be adopted. The unadopted drives will be maintained by the Registered Provider, which in this case is Stonewater. The Council's Good Design Guide states that streets have a fundamental role to play in contributing to the creation of variety within a development, allowing a wealth of difference between a formal primary route, secondary, tertiary and informal street typologies.
- 1.8. The Good Design Guide also states that new development needs to demonstrate a variety of street types to create character.
- 1.9. The report has been revised to include those items set out in the Late Items report for the previous Committee meeting.

2. Planning Application Description

- 2.1. This is a reserved matters application for the residential development of 55 affordable homes. The application is for the consideration of appearance, landscaping, layout and scale following the approval of outline permission 21/00096/OUT for the erection of up to 55 dwellings at Committee in December 2021.
- 2.2. The housing mix proposed comprises 100% affordable homes. The mix of housing sizes is as follows:
 - 2 x 1 bed 2 person maisonettes
 - 5 x 2 bed 3 person bungalows
 - 18 x 2 bed 4 person houses
 - 25 x 3 bed 5 person houses
 - 5 x 4 bed 6 person houses
- 2.3. The S106 Agreement requires that 40% of the dwellings (22 homes) are affordable and that 75% of these must be for rent and 25% for shared ownership. The supporting planning statement sets out that no decision has yet been made on the precise nature of the remaining 33 homes but that this will be finalized with the eventual housing association and will be agreed with the Borough Council's housing team.
- 2.4. The development is predominantly two storey and semi-detached in nature and includes two terraces of three dwellings and five bungalows. Two red bricks are used as the main facing material and the dwellings are designed with a contrasting brick plinth along with brick detailing and Cedral weatherboarding in pearl grey/basalt grey. Each of the homes is provided with solar panels to the roof. The range of materials and range of house types seeks to bring the necessary level of quality to the detailed design.
- 2.5. Vehicular access was approved under the outline permission and is from Barton Road and does not differ from the position approved at outline stage. The main access is designed to adoptable standards and the application has been revised to meet the Local Highway Authority requirements for adoption. The road runs north from Barton Road with dwellings on both sides and then branches east and west with the eastern section curving round to the northern boundary of the site. Three unadopted private drives are accessed from the proposed adopted highway. A new footpath link is provided in the south-east corner of the site close to the existing bus stop on the north side of Barton Road. As indicated at outline application stage an attenuation pond is provided in the south-east corner of the site and the public open space which includes a play area is proposed on the western boundary of the site. It should be noted that the attenuation pond is not

considered to be public open space given its function. A footway is provided on the northern side of Barton Road from the access to the existing footway adjacent to 1 Gregory Road

- 2.6. The obvious difference between the indicative layout shown on the Illustrative Masterplan submitted with the outline application and the layout now proposed is that the 55 dwellings are proposed within a much smaller area on the eastern half of the site. The site layout shows an area of land between the proposed dwellings and the public open space as land for a future phase of development. The site layout plan sets out that this area of land could accommodate a further 24 dwellings and that the public open space is sized to meet the requirements of both the 55 dwellings for which reserved matters approval is sought under this application and a further 24 dwellings which would need to be subject of a future full planning application. A hard surfaced temporary footpath is shown from the proposed housing across the western field to provide access to the public open space.
- 2.7. The one-bed properties have one parking space and the two and three-bed have two parking spaces. Each of the four-bed properties has three parking spaces. No garages are proposed. Each home is equipped with an electric vehicle charging point.
- 2.8. Existing hedges on the western boundary to the rear of Gregory Road and the hedge that divides the site are both protected by 5m wide buffer strips, in accordance with Condition 6 of the outline permission 21/00096/OUT, that are planted with a wildflower seed mix. Boundary treatments comprise 1.8m high close boarded fencing to rear gardens including to the buffer strip between the new gardens and the existing hedgerow to the rear of gardens on Gregory Road. There is also 1.2m post and rail fencing along with timber knee rail fencing to the attenuation area and 1.8m brick walling to prominent plots where the boundary treatment is viewable from public areas.
- 2.9. Revised plans have been submitted that improve the scheme with regard to garden sizes and interface distances. Previously the proposal provided 33 of the 55 properties, 60%, with gardens that met or exceeded the standards set out in the Council's Good Design Guide. As set out above in paragraph 1.3, all gardens now meet the standards set out in the Good Design Guide. There are now only three instances where the scheme has interface distances that are below the standards set out in the Council's Good Design Guide. The revised plans also show a second footpath link on the Barton Road frontage adjacent to the public open space and also show additional public open space adjacent to the attenuation pond.
- 2.10. Care has been taken to provide corner turning units for properties that sit on corner plots or that face two public routes.
- 2.11. The Applicant has confirmed that the site has been acquired by Stonewater Developments Ltd and that Stonewater will develop the site that is the subject of this application as a 100% affordable housing scheme. Stonewater is one of the largest registered affordable homes providers in the country and they have confirmed that as a strategic partner of Homes England, Stonewater has been allocated funding in their current programme to support delivery of the site.
- 2.12. The application is accompanied by the following reports and supporting documents:
 - Landscape Management and Maintenance Plan
 - Building for a Healthy Life Assessment
 - Design and Access Statement
 - Ecological Appraisal
 - Planning Statement

3. Description of the Site and Surrounding Area

- 3.1. The application site covers approximately 3.3 hectares and lies to the east of Barlestone bounded by Barton Road to the south, the rear gardens of dwellings on Gregory Road to the east, a single dwelling and beyond that the A447 Hinckley Road to the west and open countryside to the north. The site lies within Osbaston parish and comprises the southern halves of two large fields. The site is relatively flat but has a slight fall from the north-west to the south-east of some 4 metres.
- 3.2. The site boundaries to the east and west and particularly the south are defined by hedgerows and there is a hedgerow within the site that divides the fields. There are several mature trees within the hedgerows, particular on the Barton Road frontage. There are two ditches on the eastern boundaries of both fields and an existing pond adjacent to the southern boundary.
- 3.3. The site is relatively flat but has a fall of approximately 4 metres from the highest point in the north-west to the lowest point in the south-east. There are two existing field access points from Barton Road and one from the A447 to the west across a wide grassed highway verge. The Barton Road frontage has no footway. Opposite the site on Barton Road there is a dental surgery, a convenience store and a bus stop. Dwellings in the area are predominantly two storeys in scale and faced in brick. The site is not publicly accessible and there are no public rights of way through or within the site.
- 3.4. There are no designated or non-designated heritage assets within the vicinity of the site. The Grade II Listed Church of St Giles is over 640 metres to the east and is divided from the site by built development. The Grade II* Listed All Saints Church in Nailstone to the north of the site is over 1100 metres away albeit that there is little existing development between, and the spire of the Church is prominent on the horizon when travelling north on the A447 and can be glimpsed in gaps in the hedgerows from Barton Road.

4. Relevant Planning History

21/00096/OUT

- Residential development of up to 55 dwellings (Outline – access only)
- Approved
- 24.05.2022

5. Publicity

- 5.1. The application has been publicised by sending out letters to 41 neighbouring properties. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Seven objections have been received. The following concerns were raised:
 - The development is in Osbaston not Barlestone and so is a development in a hamlet which is not permitted according to the Local Plan
 - The address is incorrect
 - Which parish would be expected to take on responsibility for the site? If it is Barlestone parish council then will they get additional funding
 - The original plan for 55 houses should never have been approved given the site is within a hamlet and increases the size of Osbaston by 50% - the application should be refused under size planning rules
 - This provides a precedent for every other hamlet in Leicestershire
 - If the land was owned by anyone else they would not be allowed to develop it – it seems there is one rule for the County Council and another for everyone else, this is highly detrimental to the reputation of the County Council
 - The original permission was for up to 55 dwellings and the submitted plans show a phase II development of a further 22 dwellings
 - Condition 5 of planning permission 21/00096/OUT states that the layout submitted at reserved matters stage shall be broadly in accordance with the Illustrative

Masterplan. The scheme now is very different with no detached properties, a totally different layout and showing, with phase II, an increase in number of over 20%

- At the planning Committee in December 2021 several councillors stated that they did not want to see the application back in with a significant increase in numbers - are they going to stand by their word?
- The revised plan crams in the dwellings
- The local school is already full and does not have the capacity to build additional classrooms for all year groups. For the September 2024 intake the number of first choices was almost double the number of spaces available and some people who already live in the village have been turned down. This will just put more cars on the road getting children to schools in neighbouring villages
- The doctors are already full, and the dentist has no capacity and is taking on no new patients – the village does not have the facilities to support a development of this size
- Roads are already dangerous due to traffic congestion and parking issues
- Bus services have been cut and there are no local job opportunities
- How is the farm going to manage without this land?
- This will have a detrimental effect on wildlife
- Brownfield land should be developed before sites in the countryside which just increase global warming
- Loss of agricultural land for crops
- Privacy of residents on Gregory Road will be significantly affected
- Residents of Gregory Road will be subjected to significantly increased noise levels
- The reduction in the size of the balancing pond and the increase in the number of dwellings increases concerns regarding flooding which already happens – this development will significantly increase the likelihood of future floods
- The submitted information says that no culverts have been found. One does exist though close to the village sign and slightly under the hedge
- Permission is not given to reduce the hedge that is the property of 1 Gregory Road
- Hedge buffer zones of 5 metres need to be maintained in accordance with Condition 6 of the outline planning permission
- How will residents get to the open space which is now remote from the houses and what will happen if phase II didn't happen – it looks as though it's been arranged like this to put pressure on phase II being passed. Currently the Phase II site is a wasteland with no plans
- The bus stop adjacent to 1 Gregory Road should be relocated to adjacent to the storm water attenuation area
- Is there really a need for these dwellings? Of the people who have expressed an interest in being rehoused in Barlestone, none had a local connection. There are still affordable houses available on the Garden Farm development on Bagworth Road and there are almost 40 houses for sale in Barlestone as of April 2024

6. Consultation

- 6.1. Osbaston Parish Council – Objects to the development as it no longer resembles the houses as shown on the original planning permission. Houses have been oriented in such a way that there is now clearly space for future development and the application is described as the first phase of a larger development. The Council finds it unacceptable and would like to understand why the Borough Council have agreed to administer an application under the guise of being located in Barlestone when it is located in Osbaston which is a hamlet and thus protected under planning law. The Council want to see more protection of the local biodiversity, including the removal of none of the trees alongside the existing footway and the retention of the hedgerow that runs along the rear of the properties on Gregory Road. The Council will continue to object to this development and will be taking steps to rally support from the local community to object to any further applications on the site.

Officer comment: The address is given as Barlestone as it is directly adjacent to the village of Barlestone. The fact that the site lies within Osbaston parish as opposed to Barlestone Parish is not a material consideration for this reserved matters application. Most of the objections relate to the principle of development which has already been established by the outline permission.

- 6.2. Barlestone Parish Council – The site lies within Osbaston and not Barlestone and it is understood that a development of 55 dwellings would not be allowed in a hamlet. Osbaston Parish Council have always wanted to be kept separate from Barlestone but it now seems that the Borough Council want to build more houses they are moving the goal posts to join the two villages.

This will put a great strain on existing infrastructure. NHS services are already overstretched, the primary school is full. Will there be S106 monies to support local community services.

There are grave concerns regarding speeding and parking within the village and new development should provide speed calming measures and support the Parish Council's efforts to solve parking issues.

The one shop in Barlestone (a Co-op) struggles to cope with village demands, the primary school is full, the bus services have been cut so people that do not drive cannot get to college/work, which in turn has led to unemployment and increased crime in the village. Osbaston is a hamlet – they use all of Barlestone's amenities and Barlestone already struggles. Further to this the change in the number of houses from the original application will only add even more pressure on an already stretched infrastructure that the Barlestone community neither wants or can cope with.

Officer comment: The Parish Council objection ignores that there is a convenience store directly opposite the site that lies within Osbaston parish as does all of Curtis Way. It also seems to ignore that the dental surgery lies within Osbaston parish but is presumably used by residents of Barlestone. It is also noted that the objection does not explain what harm is caused by joining the two villages. The outline permission has a S106 which provides a contribution of £303,000 for the primary school, £164,000 for the Market Bosworth School, £35,000 for Bosworth Academy, £19,000 for off-site sports provision and £28,000 for Barlestone Surgery. More importantly most of the objections relate to the principle of development which is already established by the outline permission. The point made about the Borough Council moving the goal posts and joining the two villages is particularly refuted given that the Barlestone Neighbourhood Plan includes part of Osbaston within the Barlestone Settlement Boundary.

- 6.3. Leicestershire County Local Highway Authority (LHA) – The impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 115 of the NPPF, subject to conditions and/or planning obligations.

The LHA provides advice on measures needed to enable adoption of the internal road network and these amendments have been undertaken by the applicant. The LHA are satisfied that an appropriate level of car parking has been provided and the provision of an electric car charging point for each plot is also welcomed. Standard highway conditions are proposed.

- 6.4. Coal Authority – No comments to make but refers the applicant's attention to standing advice.
- 6.5. Environment Agency – No new comments to make. Comments will be made at

discharge of condition stage.

- 6.6. Active Travel England – No comments to make.
- 6.7. Leicestershire Police – No objections but provide advice
- 6.8. LCC Archaeology – No comments
- 6.9. LCC Ecology – No overall objections but details of bird and bat boxes and an updated badger survey have not yet been provided.

Officer comment: Condition 25 of the outline permission requires an updated badger survey to be submitted before the commencement of development. A pre-commencement condition is attached regarding bird and bat boxes.

- 6.10. HBBC Drainage – No objections.
- 6.11. HBBC Conservation – It is likely that the extent of the current views of the tower and spire of the Grade II* listed Church of All Saints when looking north towards Nailstone available from within the site will be reduced. However, some visibility is likely to remain when on the proposed highway adjacent to the northern boundary of the site. The Church of All Saints is a building of high significance but the application site only allows for a very minor appreciation and understanding of this significance, so it is considered that the effect of reducing views from the site as a result of the proposed development would be negligible, given that the instances of such views are incidental and limited to certain sections of the site only and a much greater appreciation of the significance of the church can be obtained from other points within the wider landscape. As a result, the impact of the proposal upon the significance of the church is considered to be neutral and not adverse.

The proposal affects the significance of the Grade II* listed Church of All Saints by virtue of its location within the wider setting of this designated heritage asset. Overall, the proposal is considered to have a neutral impact causing no harm to its significance. The proposal is therefore compatible with the significance of the listed building and consequently it accords with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document, section 16 of the National Planning Policy Framework and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

- 6.12. HBBC Affordable Housing – As this scheme is in a rural area 40% of the dwellings should be for affordable housing. The numbers on the Housing Register have grown since the outline application stage, in particular, the number of people with a local connection to Barlestone has grown from none to 29 applications. The site would be acceptable as a 100% affordable housing site. The mix of dwellings on the site is good for both affordable or social rents and affordable home ownership. First homes are not required on sites for 100% affordable housing. Since Barlestone is in the rural area of the Borough, the Section 106 Agreement should include a cascade that the affordable housing for rent is offered firstly to people with a connection to the parish, and secondly to people with a connection to the Borough of Hinckley and Bosworth.
- 6.13. HBBC Environmental Services – No objections
- 6.14. HBBC Waste – No objections subject to a condition regarding provision for waste and recycling storage and collection.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 7: Key Rural Centres

- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

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

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

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide (LHDG) (2022)
- Technical Housing Standards – Nationally Described Space Standards (2015)

8. Appraisal

8.1. In this instance the principle of development of the site has already been established by planning permission 21/00096/OUT. The site lies outside of the area covered by the Barlestone Neighbourhood Plan which was made in June 2022. The proposal is acceptable in principle subject to all other planning matters being satisfactorily addressed. The key issues therefore in the determination of this application are considered to be:

- Background and Compliance with the Outline Permission
- Design and Impact upon the Character of the Area
- Housing Mix
- Impact upon Residential Amenity
- Impact upon Highway Safety
- Ecology and Biodiversity
- Impact on Heritage Assets

Background and Compliance with the Outline Permission

8.2. The outline planning permission 21/00096/OUT confirmed that the principle of developing the site for up to 55 dwellings was acceptable in principle. A total of 31 conditions were attached to the permission and these are explored in more detail below. The permission included details of the access arrangements.

8.3. Paragraph 2.1 of the Barlestone Neighbourhood Plan confirms that the Plan covers the whole of the Parish of Barlestone. Paragraph 6.1.1 points out that the parish is a popular place to live due to its quality services, school and its good road links with

several employment sources, including Leicester and Hinckley. It also points out that the NPPF provides the overarching framework for planning policy and that one of the key areas it sets out to address is to increase the housing stock and in particular, the low supply of affordable housing. Finally, the paragraph points out that a key element of the Neighbourhood Plan is to prepare a Plan-led approach to future housing provision that meets local needs.

- 8.4. As is set out by the Council's Affordable Housing Officer, the numbers on the Housing Register have grown since the outline application stage, in particular, the number of people with a local connection to Barlestone has grown from none to 29 applications. There is therefore a pressing need for these affordable homes.
- 8.5. The Neighbourhood Plan allocated three sites for residential development and permissions have been granted on all three sites.
- 8.6. Paragraph 6.1.6 sets out that historically, rural communities like Barlestone have been protected from inappropriate development by the designation of a village envelope or settlement boundary adopted in a statutory Local Plan and that *"outside of a settlement boundary, development is more carefully controlled – for example to provide affordable housing or for agricultural purposes."*
- 8.7. Paragraph 6.1.6 also states that the Neighbourhood Plan has designated a settlement boundary for the built form of the parish that includes the dwellings on Curtis Way that are within Osbaston Parish. As planning permission has already been granted it is considered that the site lies within the settlement boundary of Barlestone.
- 8.8. The Council has published an updated 5yr housing land supply calculation (Monday 29th July 2024). This updates the 5yr housing land supply position from March 2023 to March 2028 and demonstrates a 5.6yr supply of housing, with a surplus supply of 145 dwellings over the five-year period.
- 8.9. As set out above the outline permission was subject to 31 conditions and any subsequent approval of reserved matters would be bound by those conditions. Many of these are standard conditions but some are of particular relevance to the application given that it does not accord precisely with the original permission.
- 8.10. Of particular relevance to this reserved matters application is Condition 5 which states:
The layout submitted at reserved matters shall be broadly in accordance with the Illustrative Masterplan (19-1647 001 Sheet 1 Rev E received 21/6/21."
- 8.11. Condition 9 of the outline permission requires that *"Any reserved matters application shall be in accordance with the recommendations of the Landscape and Visual Impact Assessment (Pegasus Group, P19-1647, Jan 2021) received 26/1/21."*
- 8.12. The Applicant has stated that with regard to Condition 5 of the outline permission the masterplan sought to limit development to the eastern field and the eastern half of the western field with the open space to the west of the overall site. Access was taken from Barton Road at the same position as it is under the reserved matters application and attenuation features were shown at the south-east corners of both fields. The Applicant also points out that no conditions were placed on the outline permission regarding density. The purpose of the condition accordingly has been interpreted as seeking to limit the overall spread of built development and preventing the built area of the village spreading beyond the western boundary of housing to the south of Barton Road. As such the proposed development is not considered to contradict the aims of Condition 5.
- 8.13. The Landscape and Visual Impact Assessment (LVIA) contains no section on recommendations but did, at paragraph 5.11, set out a number of mitigation measures that would be required. These include:
 - Residential built form to the eastern parts of the site
 - Variable density within the development envelope with the highest density

closest to the existing settlement boundary

- Retention (where possible) and reinforcement of existing hedgerows on the boundaries of the site and within it, including the addition of new hedgerow trees
- Creation of a new hedgerow on the northern boundary
- Creation of an area of high quality landscaped open space in the western part of the site. This expansive area would allow visual links to remain to the countryside on the approach to Barlestone from the west
- Creation of an area of high quality landscaped public open space in the south-east corner of the site, together with appropriate infrastructure to facilitate stormwater management
- Potential pedestrian links through the site, notably in the area of public open space in the western area of the site with a link to the existing bus stop on Barton Road
- Creation of an access point on Barton Road will result in some losses of existing hedgerow vegetation along the southern site boundary to establish visibility splays, however this would be limited and balanced with replacement native planting within the site

8.14. Paragraph 5.15 of the LVIA states that these mitigation measures are considered integral to the proposed development.

Design and Impact Upon the Character of the Area

8.15. DM10 of the SADMP requires development to enhance the character of the surrounding area, appropriate use of building materials, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the Borough Council's adopted Good Design Guide 2020. The site is a greenfield site, which is relatively open. The outline application identified that the development of the site would have an impact upon the immediate area, however the wider impact would be limited, subject to appropriate landscaping and design. This is due to the sites positioning outside, but adjacent to, the existing limits of development in Barlestone.

8.16. Policy 16 of the adopted Core Strategy requires a minimum net density of 30 dwellings per hectare within Key Rural Centres. It is considered that net density excludes public open space, and it is noted that the Design and Access Statement submitted at outline stage stated that the net density for the indicative scheme was 32 dwellings per hectare based on a developable area of 1.75 hectares.

8.17. Paragraph 123 of the NPPF states that planning decisions should promote an effective use of land in meeting the need for homes and other uses.

8.18. It is acknowledged that there is a pressing need for affordable homes to meet the needs of people in need of such accommodation.

8.19. Paragraph 128 of the NPPF relates to achieving appropriate densities and states that planning decisions should support development that makes efficient use of land taking into account:

- the identified need for different types of housing, and the availability of land suitable to accommodate it;
- the availability and capacity of infrastructure and services as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
- the desirability of maintaining an area's prevailing character and setting; and
- the importance of securing well-designed and beautiful, attractive and healthy places.

8.20. Paragraph 129 of the NPPF states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning decisions avoid homes being built at low densities and ensure that

developments make optimal use of the potential of each site. It also states that local planning authorities should refuse applications which they consider fail to make efficient use of land and that when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

- 8.21. The outline planning permission allowed up to 55 homes on a 3.3 hectare site that had a developable area of 1.75 hectares representing an overall density of less than 17 dwellings per hectare but a net density of 32 dwellings per hectare, which met the minimum of 30 dwellings per hectare set out in Policy 16 of the Core Strategy. The proposed development now provides the 55 dwellings on a developable area of 1.5 hectares, which is a net density of 36.66 dwellings per hectare.
- 8.22. Paragraphs 131 and 135 of the NPPF state that good design is a key aspect of sustainable development and planning decisions as it creates better places in which to live and work and helps make development acceptable to communities. Decisions should ensure that development; will function well and add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate landscaping, are sympathetic to local character, establish/maintain a strong sense of place and optimise the potential of the site.
- 8.23. The Good Design Guide provides detailed advice to developers on standards that will be expected when delivering new development. These include a general guideline for garden sizes is:
- A minimum garden length of 7m
 - 80sq.m for a three-bed house
 - 60sq.m for a two-bed house
- 8.24. The layout sets development back from the hedgerow planting to the rear of Gregory Road, from the hedgerow that divides the two existing fields and from the Barton Road boundary. The site layout and detailed design have been informed by a Building for a Healthy Life assessment which indicates that overall, the development is well designed. While there are exceptions it is considered that overall garden sizes and interface distances are acceptable taking into account the advice at paragraph 129 of the NPPF regarding the need for flexibility providing that acceptable living standards are achieved. The development defines key plots with corner turning buildings and provides a variety of house types that add interest to the street scene and provides different designs with the use of different but complementary bricks and weatherboard cladding that add further design quality to the development.
- 8.25. Bearing in mind national planning policy as set out in the NPPF, in particular at paragraph 129, as well as local planning policy as set out in Policy 16 of the Core Strategy, it is clear that both the previous indicative scheme and the scheme now proposed met the requirements of Policy 16 of the Core Strategy regarding minimum net density. Paragraph 129 of the NPPF provides guidance that developments should make optimal use of the potential of each site and that authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of a site as long as the resulting scheme would provide acceptable living standards. It is noted that the Council's Good Design Guide advocated its minimum standards on grounds of privacy and overlooking and quality of life as opposed explicitly to daylight and sunlight considerations. It is not considered though that the increase in density now proposed has a significant detrimental effect on the character and appearance of the site and surrounding area.
- 8.26. A decision on any future development can only be made when a new full application is submitted. That clear support though also exists, as explicitly stated within
- 8.27. It is considered that the proposed development is designed to a high standard that accords with the requirements of both policies DM10 of the SADMP as well as

meeting the standards that are set out in the Good Design Guide while taking account of the more recent advice that is set out in the NPPF.

Housing Mix

- 8.28. Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 30 dwellings per hectare within Key Rural Centres.
- 8.29. The site delivers 55 dwellings in accordance with the outline permission and delivers at least 40% affordable homes as required by the S106 Agreement. The application goes further than the S106 Agreement requires and provides all 55 dwellings as affordable homes. The Applicant has been liaising with the Council's Housing Officer for some time and the site has been acquired by Stonewater, the Registered Provider. In these circumstances it is not considered necessary for a Deed of Variation to be provided regarding the 100% affordable housing provision. The scheme provides a mix of dwellings that includes 1 bed properties, five bungalows, a significant majority of the dwellings as two and three bed properties and five larger four bed houses.
- 8.30. The Council's Affordable Housing Officer has pointed out that across the Borough there are, as of 5 April 2024, 311 households in need of affordable homes and that within Barlestone, since the outline application was approved the number households with a local connection increased from none to 29. The Affordable Housing Officer states that the mix of dwelling types is good.
- 8.31. Neither of the parish councils object to the mix of dwellings that is proposed.
- 8.32. A table has been submitted demonstrating the degree of compliance with the Nationally Described Space Standards (NDSS) for new dwellings. This shows that overall the proposed dwellings meet the standards in most areas with a small degree of non-compliance with regard to overall floor areas – for example the two bed four person homes are 77sq.m in area as opposed to 79sq.m. In addition some rooms are smaller than the standards – for example in the 3 bed 5 person homes the third bedroom provides 6.9sq.m of space as opposed to 7.5sq.m and the smaller of the double rooms is 25mm narrower than it should be. Overall it is considered that the degree of non-compliance with the NDSS is, while regrettable, not significant and is therefore acceptable.
- 8.33. Officers consider that the proposed housing mix is acceptable for the site and will provide a broad range of house types and tenures that will make a significant contribution to the need for affordable homes within the local community and within the Borough.

Impact upon Residential Amenity

- 8.34. Policy DM10 of the SADMP seeks to ensure that development would not have significant adverse effect upon the privacy or amenity of nearby residents and occupiers of adjacent buildings, and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.35. The Good Design Guide sets out that principal windows to habitable rooms of neighbouring properties should be not less than 21 metres apart, unless they are across a road. It also sets out that the distance from a habitable room window to a two storey side gable should be at least 14 metres.
- 8.36. Residential dwellings border the site on just a single boundary to the west to Gregory Road where a 5m buffer is required adjacent to the retained hedgerow on the site boundary. The closest proposed property is 14.8m from the rear garden opposite and there are separation distance between habitable room windows of existing and proposed properties of at least 25 metres. In these circumstances it is not considered that the privacy of existing residents would be significantly

detrimentally affected.

- 8.37. The site layout demonstrates that at least 19.5 metres is provided between all proposed habitable room windows and that a minimum of 11.2m is provided from a habitable room window to a two storey gable. Given the overall site layout these distances are considered acceptable.
- 8.38. It is not considered that the development, once completed, would have a significant detrimental impact upon any of any existing neighbouring dwellings in terms of any overbearing impact or overlooking. Conditions are included within the outline permission for a construction environmental management plan and limited construction hours which seek to protect existing and proposed residential amenity during the course of the development.
- 8.39. Therefore, when having regard to layout, scale and appearance of the proposed development, it is not considered that the proposal would have an adverse impact upon residential amenity of either existing residents or future occupiers of the development and would accord with the requirements of Policy DM10 of the SADMP and the requirements of the NPPF.

Impact Upon Highway Safety

- 8.40. Policy DM17 of the SADMP requires that applications meet a number of criteria, the most relevant for this application is c) demonstrate that there is not a significant adverse impact upon highway safety. This policy also requires proposals to reflect the highway design standards that are set out in the most up to date guidance, this is the Leicestershire Highways Design Guide.
- 8.41. The point of access into and out of the site was approved at outline stage. The Local Highway Authority has no objections to the detailed internal road layout and sufficient parking is provided in accordance with standard requirements. The detailed changes to the highway layout have been made so that the main internal roads within the site can be adopted.
- 8.42. Objections to the application have been received on highway grounds but these relate to matters already approved by the outline permission. During the application, amended plans have been received following comments from the Local Highways Authority. The revised plans have been submitted to ensure roads are designed to meet adoptable standards and can be adopted by the LHA. The layout of the spine road has been designed to incorporate speed control measures and adequate forward visibility.
- 8.43. Subject to conditions, the proposals would not have significant impact on highway safety and in accordance with Policy SG15 of the SGNP, Policy DM17 of the SADMP and the NPPF.

Ecology and Biodiversity

- 8.44. Policy DM6 of the SADMP states that major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long term.
- 8.45. The application has been subject to consultation with the Leicestershire County Council Ecology Team who have confirmed there is no objection to the proposed development. The proposed scheme includes a 5m buffer alongside both retained hedgerows as required by Condition 6 of the outline permission. Condition 24 requires the submission of an Ecological Management Plan in accordance with the Ecological Appraisal that was submitted with the outline application. Officers were satisfied that as a result a biodiversity net gain would be achieved on the site. The development therefore accords with Policy DM6 of the SADMP.

Impact on Heritage Assets

- 8.46. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be paid to the desirability of preserving a listed building or its setting. Section 16 of the NPPF provides national policy on conserving and enhancing the historic environment. In determining planning applications, paragraph 197 of the NPPF advises local planning authorities to take account of
- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
 - c. The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.47. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset, or its setting will be required to demonstrate:
- a. an understanding of the significance of the heritage asset and its setting; and
 - b. the impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - c. how the benefits of the proposal will outweigh any harm caused; and
 - d. any impact on archaeology in line with Policy DM13.
- 8.48. Policy DM12 requires all development proposals to accord with Policy DM10 and states that development proposals should ensure that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 8.49. The Councils Conservation Officer has confirmed that the scheme has a neutral effect on the setting of Grade II* listed Church of All Saints. It is therefore considered that the proposed development complies with the duty set out in S66, the requirements of the NPPF and Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Other Matters

- 8.50. Should the reserved matters be approved, the development would be subject to the requirements of the S106 Agreement that relates to the outline permission 21/00096/OUT. This includes that no development shall commence until the Borough Council has approved an Affordable Housing Scheme for the site. It also includes that prior to the commencement of development the Landowner will confirm whether they wish to maintain the on-site open space area or whether they intend to transfer it to a management company or alternatively request that the Borough Council or the Parish Council maintains the on-site open space area. The reference to Parish Council, although not specifically defined, means Osbaston Parish Council as the site lies within Osbaston parish.
- 8.51. Any reserved matters approval would also be subject to all relevant conditions attached at outline stage which includes conditions relating to construction hours, a Construction Environmental Management Plan, contamination, surface water drainage, levels, an Ecological Management Plan, native species planting, waste and recycling, external lighting and a further survey regarding badgers. Electric vehicle changing points are now a requirement under the Building Regulations.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1. The principle of development has been established through the outline planning permission 21/00096/OUT. The appearance, landscaping, scale and layout of the proposed development is considered acceptable in accordance with the national and local planning policy as set out in the NPPF and the SADMP.
- 10.2. The proposed development provides much needed affordable homes and would not have any significant adverse impact upon the character of the site or surrounding area, highway safety, residential amenity, biodiversity or ecology. The proposal would provide 100% affordable homes in a broad mix of house sizes that is considered to be good and is welcomed. It would retain and improve hedgerows and trees bordering the site and is considered to meet the relevant requirements of the Site Allocations and Development Management Policies Development Plan Document as well as the Good Design Guide and the aims, objectives and requirements of the National Planning Policy Framework.

11. Recommendation

- 11.1. **Reserved Matters be approved** subject to:
- Planning conditions outlined at the end of this report
 - Power to determine the final details of the conditions to be delegated to the Planning Manager

11.2. Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application drawings as follows:
 - Site Location Plan 22025-00-001
 - Proposed Site Layout 22025-70-001 Rev P24
 - Proposed Block Plan 22025-70-003 Rev P7
 - Proposed Materials Distribution Plan 22025-70-004 Rev P7
 - Proposed Boundary Treatments Plan 22025-70-005 Rev P8
 - Proposed Maintenance Strategy Site Plan 22025-70-006 rev P8

- Proposed Plans and Elevations Block A2A 21077-20-001 Rev P2
- Proposed Plans and Elevations Block BA 21077-20-002 Rev P2
- Proposed Plans and Elevations Block EE 21077-20-003 Rev P2
- Proposed Plans and Elevations Block FG 21077-20-004 Rev P2
- Proposed Plans and Elevations Block GC 21077-20-005 Rev P2
- Proposed Plans and Elevations Block JEE2 21077-20-006 Rev P2
- Proposed Plans and Elevations Block CJ 21077-20-007 Rev P2
- Proposed Plans and Elevations Block LH 21077-20-008 Rev P2
- Proposed Plans and Elevations Block DD 21077-20-009 Rev P1
- Proposed Plans and Elevations Block H 21077-20-010 Rev P2
- Proposed Plans and Elevations Block CJ2 21077-20-011 Rev P3
- Proposed Plans and Elevations Block JCJ 21077-20-012 Rev P1

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

2. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Anotherkind Proposed Site Layout 22025-70-001 Rev P24. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Plan.

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

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

4. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each private drive/ shared private drive with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety, and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

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

access.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

7. Prior to any dwelling being occupied details of the hard and soft landscaping of the pedestrian routes, public open space and play equipment, including the timescales for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the occupation of any dwelling.

Reason: In the interests of the amenity of future residents and the character and appearance of the site and surrounding area in accordance with Policy DM10 of the Site Allocations and Development management Policies Development Plan Document (2016).

8. Prior to any dwelling being occupied details of a scheme for the provision of bird and bat boxes shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme.

Reason: In the interests of biodiversity in accordance with Policy DM6 of the Site Allocations and Development management Policies Development Plan Document (2016).