

**Planning Committee 19<sup>th</sup> November 2024**  
**Report of the Head of Planning**



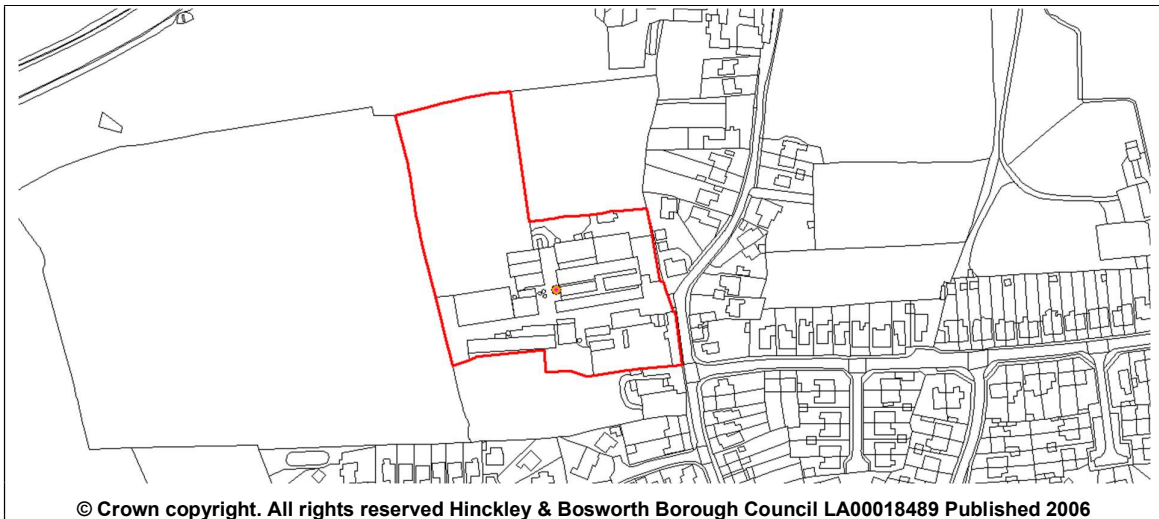
Hinckley & Bosworth  
Borough Council

**Planning Ref: 22/00661/FUL**  
**Applicant: Mr Karl Maughan**  
**Ward: Ambien**

**Site: Mulberry Farm, High Street, Stoke Golding, Nuneaton, Leicestershire**

**Proposal: Demolition of the existing Mulberry Farm buildings, retention of Mulberry Farmhouse and proposed erection of 25no. residential units with associated parking facilities, amenity space, landscaping, village green, pond and paddock**

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**1. Recommendations**

**1.1. Grant planning permission** subject to the following:

- S.106 including a Financial contribution of £89,750.00 towards the total requested Section 106 obligations (as set out within the report), and;
- Planning conditions outlined at the end of this report

**1.2.** That the Head of Planning be given powers to determine the final detail of the conditions and the S106 agreement

**2. Planning application description**

**2.1.** This application was deferred at planning committee on 24<sup>th</sup> September 2024.

**2.2.** This full planning application proposes the demolition of the existing Mulberry Farm buildings, part retention and conversion of Mulberry Farmhouse and the proposed erection of 25 residential units with associated parking facilities, amenity space, landscaping, village green, pond and paddock.

- 2.3. The proposed housing mix for this scheme comprises 6x 2-bedroom units, 11x 3-bedroom properties, 5x 4-bedroom properties and 3x 5-bedroom properties.
- 2.4. The application is also supported by the following reports and documents:
- Planning Statement
  - Transport Statement
  - Ecological Appraisal
  - Arboricultural Report
  - Drainage strategy
  - Landscape Visual Impact Assessment
  - Heritage Report
  - Flood Risk Assessment
  - Financial Viability Report (submitted Nov 2023)
  - Updated Financial Viability Report Addendum (submitted May 2024)
  - Archaeological details
- 2.5. The proposed access is to the east of the site directly off the High Street.
- 2.6. A Financial Viability Report was submitted to the local planning authority for consideration on 23 November 2023 and a further update provided in May 2024. The report has been assessed by an independent Financial Viability Assessor on behalf of the Council. Ward Members and the Chair of the Planning Committee were also consulted on the financial viability details.
- 2.7. Significant discussions and negotiations have taken place during the course of the application process. This has resulted in several iterations of the scheme including agreement by the applicant to retain and convert the vast majority of the Mulberry Farmhouse as part of the amended proposals which fronts onto the High Street.
- 2.8. The latest revisions to the scheme include the retention of the farmhouse (Plots 1-4) and some minor revisions to the design of Plots 10, 11, 13 and 15. The site layout has also been altered to take account of the concerns raised by the location of the balancing pond and this feature has been removed and an alternative drainage strategy provided.

### **3. Description of the site and surrounding area**

- 3.1. Stoke Golding lies around 3 miles to the north west of Hinckley. The application site lies at the northern end of Stoke Golding and is within the Battle of Bosworth Registered Battlefield and Stoke Golding Conservation Area. The site includes Mulberry Farmhouse, a Locally Valued Heritage Asset and lies c. 100m to the north of the Grade I listed Church of St Margaret. A Grade II Listed building 'The Birches' is also located in close proximity to the site.
- 3.2. The site extends to approximately 1.61 hectares and is both on open land and derelict farmland. It is located within and partially outside of the settlement boundary of Stoke Golding. The site was previously a working farm, mainly farming poultry but with some other animals and arable farming also taking place. Many of the dilapidated buildings are still in-situ.
- 3.3. The site is bound by agricultural fields to the north, where the fields are open to the buildings, and to the west, where there is a hedgerow field boundary. To the south

is the White Swan public house and an associated area of grassland. To the east is the existing built form of High Street. The site levels fall to the north and west from the ridge along High Street towards the Ashby Canal. There are a small number of trees contained within the site boundary which are mostly located around the site perimeter.

- 3.4. The vast majority of the application site is a neighbourhood plan housing allocation within the Stoke Golding Neighbourhood Plan (SGNP). Although the site lies within the Stoke Golding Conservation Area and the Registered Battlefield, the site is identified within the Conservation Area Management Plan as an 'improvement area'.
- 3.5. The site lies within flood zone 1 (lowest probability of flooding). The site levels rise from the front of the site towards the middle before dropping away towards the western edge.

#### **4. Relevant Planning History**

##### **21/00070/FUL**

- Proposed development of 6 detached dwellings with associated access, parking and landscaping (resubmission of 19/01244/FUL)
- Refused (adjacent site)
- 25.05.2021
- Dismissed at appeal

##### **19/01244/FUL**

- Proposed development of 6 detached dwellings with associated access, parking and landscaping
- Withdrawn (adjacent site)
- 28.01.2020

##### **18/01202/FUL**

- Erection of a steel frame barn for the purposes of agriculture and to provide a dog day care facility
- Withdrawn
- 30.01.2019

#### **5. Publicity**

- 5.1. The application was advertised in the local paper and a site notice was put up. Letters were sent out to neighbouring/nearby properties.
- 5.2. A Councillor has requested in writing that this application be determined by the Planning Committee.
- 5.3. 4 letters of objection have been received from third parties/neighbouring properties raising the following concerns:
  - There are already many new developments within Stoke Golding. This proposal of 25 residential units is excessive especially in view of the limited infrastructure.

- The proposal implies that access will be on the corner. This causes concern as there is a school just up the road and at times this road is very busy and chaotic. There was a survey undertaken to ascertain the activity on this road. However the survey did not commence until after 09.00hrs when the schools had already commenced and work traffic was less busy. We have a clear recollection of this as we offered the lady undertaking the survey refreshments.
- Our Cottage and other properties are very old and in a conservation area. We have grave concerns as to any damage that could be caused by the demolition and development in such close proximity, let alone the noise, dirt and dust. Any such damage may not be immediately obvious.
- Demolition of the farmhouse could cause serious damage to our cottages.
- Heavy plant vehicles will cause added stress to our old properties. The road is already marked as unsuitable for heavy vehicles. We ask that consideration is made regarding the route that construction traffic/deliveries will be used to access the development site. The road between High Street Stoke Golding and Dadlington has no pavement and has a number of sharp/blind bends. There are many walkers/cyclists who use this road throughout the day. This would not be an appropriate route for large construction vehicles.
- We have an extremely narrow pavement immediately to the front of our property (less than 1 metre) and where the farm house is. How is this going to be managed for both vehicle and pedestrian safety?
- Additional road markings may be necessary to maintain adequate safety on the bend with the additional traffic this development would bring.
- Have risk and impact assessments been carried out including the effect on premises in the immediate proximity? Can I have assurance that such work will be carried out prior to any agreement. In the event of any damage would the developers be liable?
- Currently both our neighbour, my husband and I park our cars outside of our houses on High Street opposite Mulberry Farm, where the proposal is. We are concerned as to where we can park whilst any development is taking place and thereafter. We appreciate that new developments allow for some parking but often dwellings have the need for 2 or more vehicles. Will there be any consideration to designated parking places or parking permits? I am concerned that if this is not addressed then this will be a source of considerable tension for us and others in the future.
- Please could consideration be given to setting any new builds further back, so that we do not have both our side of the road and the current farm house, opening immediately onto the road. The new development at Laburnum Gardens is well set back, giving a feeling of space and a decent footpath.
- The site plan does not show the surrounding area in enough detail to put it in context of its surroundings. I cannot tell if buildings are confined to the farmland that is already built on or extends further. I presume the entrance and exit are via the existing Mulberry Farm entrance/exit. The traffic assessment does not appear to have taken account of parking close to the exit, the blind bends in the immediate vicinity of the exit/entrance and the close proximity of St Margaret's infant & Junior School.
- Due to the level of development nearby I really feel the traffic issues need to be very carefully looked at.

- As water runoff is an identified issue, I was surprised that the use of tarmac in parts was advocated. Surely only permeable materials should be used?

## **6. Consultation**

6.1. No objection has been received from:

- LCC Drainage (subject to conditions)
- LCC Minerals
- HBBC Waste (subject to a condition)
- HBBC Drainage (subject to conditions)
- HBBC Environmental Health (subject to conditions)
- Nuneaton and Bedworth Borough Council
- Environment Agency
- LCC Highways – (subject to conditions and financial contributions towards travel packs and bus passes)
- Leicestershire Police

6.2. Stoke Golding Parish Council – The Parish Council remains supportive of developing this site but it needs to be done in a sensitive manner, mindful of the heritage and conservation issues. For clarity, the Parish Council made the allocation of the site a formal policy in the Neighbourhood Plan (SG2 - Mulberry Farm, High Street) and set out the associated requirements within the Policy.

The previous submissions of this planning application significantly contravened multiple Policies in the Neighbourhood Plan and were opposed by the Parish Council. This revised application addresses issues raised about the legacy farmhouse and about the trees and hedgerows. However, the key issue remains that the application extends beyond the settlement boundary and into battlefield land, and the Parish Council therefore believes it needs to be scaled back accordingly.

The key issues still needing to be addressed are summarised below:

1. The proposed footprint needs to be scaled back because it extends beyond the site allocated by Policy SG3 in the Neighbourhood Plan
2. The site extends into undeveloped battlefield land and erodes part of the Registered Battlefield
3. The site goes beyond the settlement line and thereby violates the countryside policy in the Neighbourhood Plan.
4. The site as proposed will damage the medieval ridge and furrow earthworks.
5. The allocation for affordable homes is unclear because the wording is heavily caveated.
6. The housing mix contains too many four and five-bedroom homes and no evidence has been provided to justify this.

Further response received May 2024 - Previous submissions of this planning application significantly contravened multiple Policies in the Neighbourhood Plan and were opposed by the Parish Council. This revised application removes the balancing pond, which was an earlier concern, but the other issues remain. The key one is that the proposed development extends beyond the allocated site (and the settlement boundary) into Registered Battlefield land and the Parish Council

believes it needs to be scaled back accordingly. The issues identified in earlier responses (which still need to be addressed) are listed below, with a more detailed explanation following, all details having been updated to reflect the latest submission:

The proposed footprint needs to be scaled back because it extends beyond the site allocated by Policy SG3 in the Neighbourhood Plan – this extension is mainly for gardens but also includes parts of some of the proposed houses.

The site extends into undeveloped battlefield land and therefore erodes part of the Registered Battlefield – this is mainly to the north of the site but also for some housing and parking to the south.

The site goes beyond the settlement line and thereby violates the countryside policy in the Neighbourhood Plan

The site as proposed would damage the medieval ridge and furrow earthworks in the paddocks to the north.

The allocation for affordable homes remains unclear because the wording is heavily caveated with the caution about financial viability.

The housing mix contains too many four and five-bedroom homes and no evidence has been provided to justify this.

There is also a further matter now requiring clarification over adoption of the roads and the implications of this.

- 6.3. Affordable Housing Officer - This response relates to the full planning application for development of 25 dwellings at Mulberry Farm in Stoke Golding. Policy set out in Policy 15 of the Core Strategy includes a requirement for 40% affordable housing to be provided on sites of 4 dwellings or more or 0.13 hectares or more in rural areas. National guidance has changed this threshold to sites of 10 dwellings or more. By application of this guidance, the site should give provision of 10 dwellings for affordable housing. Recent changes to planning guidance have introduced a new tenure type of affordable home ownership known as First Homes. However, there is a transitional period where planning applications which have undergone significant negotiations between the planning applicant and the Local Planning Authority, do not have to change the tenure type already agreed. This application will therefore hold to the original agreement to provide 75% affordable rent (8 dwellings) and 25% shared ownership tenure (2 dwellings) as the affordable housing offer. Information on the demand for Stoke Golding on 30.5.23 shows the following live applications for rented housing:

Property size and general waiting list with a local connection to Stoke Golding

1 bed 787

2 beds 431

3 beds 294

4 or more beds 90

Total 15912

The affordable housing statement for this site has still not been submitted, and is unclear from the plan submitted which properties the applicant is proposing as the affordable housing on site provision. The evidence of need from the housing register indicates on site provision is appropriate for this site. As previously stated the affordable housing should be a mix of 2 bedroomed 4 person houses and 3 bedroomed 5 person houses for family housing. A small number of 1 bedroomed 2 person quarter houses for single people or couples would also be acceptable for

rent provided they do not dominate the offer. The applicant should also provide evidence of the size of the affordable housing compared against the space standards set out in the Nationally Described Space Standards (NDSS) for 2 bed 4 person and 3 bed 5 person homes. Any agreement in the section 106 with respect to affordable housing should include a cascade for the rented accommodation to be offered in the first instance to households with a connection to Stoke Golding and in the second instance to households with a connection to the Borough of Hinckley and Bosworth.

Further response from the Housing Officer received November 2023 – The resubmission of revised plans includes a submission by the applicant that due to viability issues they are unable to provide any affordable housing contribution. Should an independent assessment of the site viability prove this to be the case, no affordable housing will be sought on the site. Should the viability show that some contribution may be made towards affordable housing, a commuted sum would be accepted where the amount does not equate to a significant number of dwellings. If the site is shown to be viable with the policy position of affordable housing at 40% of the total number of dwellings, comments relating to the size and type of dwellings required for affordable housing, as set out in the previous consultation responses still remain relevant.

- 6.4. Historic England - We welcome the redevelopment of the Mulberry Farm complex and the opportunity to improve and enhance this part of the Registered Battlefield. The current scheme has many positives, however overall (and notwithstanding the missing visualisations noted above) it remains our view that the proposals would result in harm to the significance of the Registered Battlefield. The ridge & furrow lies within and is a positive part of Registered Battlefield. It contributes to historic landscape context and character, and is part of the setting of key features such as Crown Hill to the west. The damage to and loss of this ridge & furrow would diminish the positive contribution this area makes to the Battlefield.

The harm caused would be 'less-than-substantial' and in our view would fall between the low and medium levels of that category of harm. We would however question what the justifications for that harm are, and whether those elements of the scheme could be delivered through a less harmful approach. In determining the application, you should be satisfied that the applicant has sufficiently justified the need and location of the balance pond and its harm to the Registered Battlefield. You should be content that there are no viable alternative approaches which might avoid or minimise these impacts. We would reserve further comment on the other aspects of the application and their impact on the heritage assets (e.g. setting of Crown Hill and Church of St Margaret) until we have been able to review the rendered visualisations discussed above.

Historic England continues to have concerns with this application on heritage grounds. It remains our view that the proposals would have a negative impact upon the historic character of the battlefield. Additional information is required to provide further advice on this application, as discussed above. Your authority should take these representations into account and seek the amendments, safeguards or further information as set out in our advice. We would be pleased to advise further once the rendered visualisations have been provided, or your authority receives further clarification on the justifications for the balance pond and any alternative approaches. If, however, you propose to determine the application in its current form, please treat this as a letter of objection, inform us of the date of the committee and send us a copy of your report at the earliest opportunity.

Further response received 30 July 2024 - Thank you for your letter of 16 July 2024 regarding further information on the above application for planning permission, as

well as the ongoing prior engagement on this application, as well as the provision of additional information and clarification. On the basis of this information, we do not wish to offer any further comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

- 6.5. Battlefields Trust – Object. We note that the proposed development is almost entirely located on the nationally important registered battlefield of Bosworth (1485). The Heritage Impact assessment commissioned by the developer acknowledges that the proposed development:

*"will form part of the important visual landscape of the battlefield, and be prominent in views both from the historic core of Stoke Golding, contemporary with the battle, and towards it across Redemore Plain from the northwest. These views are highly significant in fully appreciating the evolution of the battle, and the understanding of how it was experienced."* But then goes on to argue that the extant buildings on the site have an existing adverse effect on this setting and that the proposed development would therefore have a neutral impact on the setting of the battlefield. We disagree. The proposed development goes beyond the existing building line and the work to install the wildlife balancing pool will inevitably lead to the loss of ridge and furrow there. This will degrade the rural nature of the site to a degree and the development cannot therefore be said to have a neutral impact on the battlefield setting, in our view.

It seems to us the issues with this planning application are similar to those relating to 21/00070/FUL, which was ultimately decided upon by the Secretary of State. In his report on that application, the Planning Inspector noted:

*"Although now interspersed with modern features, the expansive registered battlefield mainly comprises a series of agricultural fields. These still today reflect the open context within which the battle took place. In my view and insofar as is relevant to this appeal the historical events that took place leading to, during and concluding the battle and the landscape character and setting within which the battle was fought are the foundations of the significance of the registered battlefield."*

He then went on to say:

*"The fact remains the proposal would involve residential development on a part of the registered battlefield at the point where the rural landscape meets the built-up part of Stoke Golding. For the above reasons, part of the registered battlefield would be developed into a compact urban development which would sever the connection between the registered battlefield and the village at this point. The proposed urbanised western edge would be noticeable from the wider battlefield to the north and west and would have a harmful effect on the rural landscape and the setting of the historic village core. Even though I accept these effects would not be prominent from Crown Hill, they would still harm features of significance relating to the context upon which the battle would have been fought. Consequently, I find the scheme would harm the significance of the registered battlefield overall."*

It may be possible for the developer to adjust the proposed scheme so that there is no loss of ridge and furrow and the whole development remains within the footprint of the current farm buildings. This is likely to have a more neutral impact on the setting of the battlefield and, with natural screening, it may be possible to produce a proposal that balances with impact on the battlefield with what the developer is attempting to achieve.

Separately, the Heritage Impact Assessment suggests that any archaeology on the site will have been disturbed by previous development. Whilst this is almost certainly the case for the area of existing buildings, the fact that the ridge and furrow



survives suggests that area has not been disturbed to the same degree and that there is potential for archaeological finds to be made. We accept that artefacts specifically related to the battle are unlikely to be found on the ridge and furrow field given the distance from the main area of the fighting, but the proximity of the site to Crown Hill raises the prospect that some items may have been dropped there by soldiers from the victorious Lancastrian army. The creation of a balancing pool and associated works has the potential to impact any such extant archaeology and, if the proposed development is agreed, we would ask that an archaeological condition is imposed to address this issue.

Further response from the Battlefields Trust received (Jan 2024) - Whilst acknowledging the amendments to the application, we remain concerned about the impact of this development on the nationally important registered battlefield at Bosworth (1485) for the reasons set out in our 22 July 2022 response to the original planning application. We agree with Historic England that damage to and loss of ridge and furrow caused by the development would negatively impact the character and setting of the Registered Battlefield, causing harm to its significance. It appears to us that no convincing public benefit justification has been made to balance this harm. On this basis, in our view, the application, as it stands, should be refused. Notwithstanding this, we would welcome the redevelopment of buildings within the Mulberry Farm complex and the opportunity this would provide to improve the setting of the registered battlefield. A revised proposal, along the lines Historic England has suggested, to protect the ridge and furrow is therefore likely to be more acceptable to us.

Further response from the Battlefields Trust received (Aug 2024) – Now neutral to the application.

- 6.6. LCC Tree Officer - The proposed development does not impact on any LCC Tree preservation Order. As such I have no comments that either support or oppose the planned development.
- 6.7. LCC Ecology - The Biodiversity Net Gain Metric (dated 25th November 2022) has been reviewed. The metric does show a small net gain, although the trading rules aren't satisfied. Until biodiversity net gain becomes a legal requirement in November 2023 it cannot be enforced, apart from 'measurable net gain' as worded in the NPPF. However, I would comment that the proposed SUDS has been inputted as a pond, but should be inputted as an urban feature. The badger sett issue needs to be decided pre-determination as if the SUDS pond will not move, then a badger mitigation strategy will need to be produced which may need to include the construction of an artificial badger sett (and this would need to be incorporated within the designs). As per the mitigation hierarchy, priority should be given to avoidance of impacts to protected species, therefore it is recommended that the SUDS feature is moved.

Further response from the Ecology Team at LCC - The updated Biodiversity Net Gain calculations are acceptable and the SUDS feature is now shown as an urban feature rather than a pond. An update regarding the badger sett is still required.

Further response from the Ecology Team at LCC - It appears that the SUDs feature is no longer required and there will be sufficient land retained to be able to enhance to provide measurable biodiversity net gain. An updated ecological impact assessment has been submitted. As suspected, measurable biodiversity net gain can be achieved. I still recommend the BEMP condition to ensure the habitats are suitably managed. As badgers are highly mobile species I still recommend the updated survey condition is attached to any planning permission. If works commence within 3 months of the current badger report then no update will be necessary.

Further response received from the Ecology Team at LCC - Subject to conditions this application is acceptable.

- 6.8. NHS England - The housing development will result in a minimum population increase of 60.5 patients. This figure would evidently be higher dependent on the number bedrooms in each dwelling. The contribution requested would be **£19,360.00** towards the need for an increase to local GP capacity and improved primary care services for the area.

Further response from the NHS received 29 August 2024 - Supporting health infrastructure via S106 capital is key to support general practice. Although the contribution request was relatively small, this could still support a practice to create new clinical space to support patient demand. The request from the ICB was also based on an average of 2.4 people per house-hold, however my understanding is that the development will deliver 3, 4 and even 5 bed homes, meaning an average of 3 person is more accurate, which would ordinarily attract a higher S106 contribution. The ICB would (begrudgingly) agree to a 33% offer, however this is on the basis that the council has investigated and assured itself (therefore us) that the development is not financially viable. We maintain that in usual circumstances healthcare contributions are essential but accept H&BBC analysis of this individual situation.

- 6.9. LCC Developer Contributions - Primary education - The development yields 6.47 primary aged children. St Margaret's CE Primary School has a net capacity of 210 and there will be a deficit of 23 places if this development goes ahead. When taking into consideration the other Primary Schools within a two-mile walking distance from the development there is an overall deficit of 23 places. Therefore, a FULL claim for the primary sector of **£118,800.03** is justified.

Secondary Education - The development yields 3.61 secondary aged children. Redmoor Academy has a net capacity of 925 and there will be a deficit of 74 places if this development goes ahead. When taking into consideration the other Secondary Schools within a three-mile walking distance from the development there is an overall deficit of 74 places. Therefore, a FULL claim for the Secondary sector of **£64,598.14** is justified.

Post 16 - The development yields 0.71 post 16 aged children. Hinckley Academy and John Cleveland Sixth Form Centre has a net capacity of 300 post 16 places and there will be a deficit of 99 places if this development goes ahead. Therefore, a FULL claim for the Post 16 sector of **£13,805.66** is justified.

Therefore the total claim for Education across all sectors for the proposed development = **£197,203.83**.

Libraries - The nearest library to this development is Hinckley Library and it is estimated that the total assumed occupancy of 75 arising from the development will create additional pressures on the availability of the facilities at that library, and others nearby. The contribution is sought to provide improvements to the library and its facilities, including, but not limited to, books, materials, or associated equipment or to reconfigure the internal or external library space to account for additional usage of the venue arising from an increase in members to the library as a result of this development = **£754.94**

Waste - The nearest RHWS to this development is Barwell RHWS and the proposed development of 25 dwellings would create additional pressures on the site = **£1,238.25**

- 6.10. S106 Monitoring Officer - Obligations should be secured for this development through a S106, so any Open Space typologies they are not providing should provide off site towards existing open spaces in the village. Will the SuDS pond and surrounding area be available to use by the public as "open space"? Management and maintenance of all open spaces on site should be secured through the S106 and the Parish should confirm if permission was to be granted whether they would be interested in taking the open spaces as they have taken other areas in the village already, if they do then this should also be incorporated into the legal agreement.

Please ensure that "Monitoring" fees are included in the legal agreement as per the charging schedule including approval of documents and site visit (to check if areas have been implemented in accordance with the approved Plans).

- 6.11. LCC Archaeology - We support the amended proposal to retain the Mulberry Farmhouse and note that the Stoke Golding Area Management Plan states that; 'Every effort should be made to retain the traditional brick buildings at Mulberry Farm if it is re-developed'. If the demolition is deemed acceptable as a result of the balancing exercise, we would recommend that you advise the applicant of the following archaeological requirements, for Level 3 Historic Building Recording of Mulberry Farmhouse and associated outbuildings. The farmhouse and its attached range of buildings are considered to be of historic and architectural interest, with the farmhouse identified as a non-designated heritage asset in the Stoke Golding Neighbourhood Plan. Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates the building is, or has the potential to constitute a heritage asset (or assets) with a significant archaeological and heritage interest (National Planning Policy Framework (NPPF) Section 16, paragraph 194 and Annex 2). We note the comments made by your Conservation Officer regarding the impacts of the development on Mulberry Farmhouse, and would agree that a suitable level of historic building recording would be necessary to mitigate the loss of the local heritage asset. We therefore, recommend that the planning authority require the applicant to complete an appropriate level of building recording prior to alteration, to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 205). This should be secured by condition on any approved planning application. This will require provision by the applicant for a level of building recording, to equate with a Level 3 'Analytical Survey', as specified in Historic England's Understanding Historic Buildings. A Guide to Good Recording Practice, HE 2016). The record will comprise an introductory description followed by a systematic account of the building's origins, development and use. It will include an account of the evidence on which the analysis has been based, allowing the validity of the record to be re-examined in detail. It will also include all drawn and photographic records that may be required to illustrate the building's appearance and structure and to support an historical analysis. Consideration should be given to appropriate survey equipment to address the particular requirements of the structure or structures to be surveyed (e.g. conventional survey, photogrammetry, laser scanning, etc.) The Archaeology Section, in conjunction with the Conservation Officer (Borough/District Council) will provide a formal Brief for the building survey and recording. The applicant shall, if planning permission is granted, obtain a suitable written Specification and costing for the historic building recording from an appropriately qualified organisation/s (e.g. an historic buildings specialist) acceptable to the planning authority. This should be submitted to this Archaeology Section, as archaeological advisors to your authority, for approval before the start of development. The Specification should comply with the above mentioned Brief and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for

the implementation of the historic building recording and the archaeological field work, and the proposed timetable for the development. We therefore recommend that any planning permission be granted subject to the planning condition (as specified in Historic England's Good Practice Advice Note 2, Managing Significance in Decision-Taking in the Historic Environment (p.11)) to safeguard the archaeological and heritage interest of the heritage asset.

Further response received June 2024 - We note the removal of the drainage basin and associated pipes from the northern paddock, as outlined within the D&A Statement Addendum (submitted 02/05/2024). We would reiterate our position that pre-determination trial trenching of the development footprint for Plot 14, beyond the extent of existing built development, remains necessary. Assuming satisfactory conclusions to these issues we would recommend that you advise the applicant of the following archaeological requirements, for further post-determination trial trenching and historic building recording of Mulberry Farmhouse including associated outbuildings.

Further response received June 2024 - The revised plans indicate a much reduced area of previously undisturbed ground that would be impacted by the proposals. Following further review of the available site plans and taking into consideration the comments by the applicant's agent, we would revise our previous comments and advise that the recommended pre-determination trial trenching for Plot 14 could be undertaken via condition. We would otherwise reiterate our previous comments and recommend that Historic England are consulted further on the application. Assuming satisfactory conclusions to the issues raised in their previous comments we would recommend that you advise the applicant of the following archaeological requirements, for further post-determination trial trenching and historic building recording of Mulberry Farmhouse including associated outbuildings. We would be happy to recommend an appropriate condition to secure the archaeological trial trenching for the site.

Further response received July 2024 – Subject to conditions this application is acceptable with respect to archaeological considerations.

- 6.12. HBBC Conservation Officer – The proposal seeks to demolish all existing buildings on the application site other than the existing Farmhouse and provide 25 dwellings situated around a new east-west orientated road joined to High Street to the south of the bend fronting The Birches. The scheme incorporates a range of house types of varying scales and appearance. It is proposed to create a number of open spaces within the site, including a village green and community orchard, accompanied by a landscaping scheme with more planting to reinforce the western boundary hedgerow. A new northern boundary to the two paddocks will be created by the installation of a fence and native hedgerow, with the western paddock within the application site being retained.

A Heritage Impact Assessment has submitted in to accompany the proposal. The level of detail included within the assessment is considered proportionate in order for it to accord with paragraph 200 of the NPPF, Policy DM11a and b of the SADMP and Policy SG2 of the SGNP. In order to satisfy paragraph 201 these comments provide a local planning authority assessment of the impact of the proposal upon affected heritage assets.

The proposed dwellings are situated around the perimeter of a new road largely through the centre of the site and within the existing retain Farmhouse. 24 of the proposed 25 dwellings are situated within the enhancement area identified within the SGCAA. Plot 14, situated within the north-western corner of the site, is partially beyond this boundary and would extend built form into the existing paddock. The gardens to serve plots 14-19 would extend a marginal distance beyond the

enhancement area boundary into the two paddocks to the north. By extending the built form and associated features (the gardens) beyond the identified enhancement area there is the potential for an impact upon affected heritage assets.

The footprint of plot 14 would marginally extend further westwards into the undeveloped paddock which would be beyond to the current built form of the agricultural building located within the north-western corner of the site. With plot 14 being located upon undeveloped parts of the battlefield mitigation of any potential impacts upon battlefield archaeology should be informed by advice from Leicestershire County Council Planning Archaeology. In character terms the proposal would result in a minimal encroachment of built form onto undeveloped land, currently comprising an area of ridge and furrow (which is more denuded than the other areas to the north). In my opinion subject to plot 14 being of an appropriate design in terms of its scale and appearance the impact upon the topographic integrity and experience of this section of the historic landscape of the battlefield and the impact upon the character and significance of the conservation area would be negligible.

The gardens to plots 14-19 would extend to the rear of each plot and a proportionate distance to the north into the two paddocks to provide amenity space. A native species hedgerow would be planted along the rear boundary of the gardens, with 1.5m high stock fencing subdividing each garden. In visual terms the planting of the hedgerow would reflect the character of local field boundaries and the visibility of the fencing would be very limited due to the relatively short distance of the gardens. Overall, it is considered that this aspect of the proposal would have no more than a negligible impact upon the topographic integrity of the battlefield or the character and significance of the conservation area.

To ensure that the application site retains a semi-rural character and is not overly domesticated with paraphernalia which may have an adverse impact upon the amenity and character of the area including the conservation area and registered battlefield, it is recommended that permitted development rights for development within the curtilage of the new dwellings is removed via a condition if the application is to be approved.

There are two instances of negligible adverse impacts resulting from the layout of the development. The cumulative amount of these impacts is considered to result in a minor adverse effect upon the significance of the registered battlefield and conservation area.

It is proposed to retain Mulberry Farmhouse and convert and extend it to provide four apartments within plots 1-4. The extensions to the rear would provide the Farmhouse with an L-shaped plan form and layout which is not uncharacteristic for the conservation area with rear ranges of built form often projecting the rear of the principle frontage building. In order to provide a safe and suitable access to the wider application site the single storey agricultural red brick ranges to the north of the Farmhouse are proposed to be demolished. These ranges are of some minor heritage interest so there will be an adverse impact arising from this partial loss of a section of this important local building upon the heritage asset itself (as a non-designated heritage asset) and to the character and significance of the conservation area. General comments on the design of plots 1-4 are provided below, but as currently proposed the harm to affected designated and non-designated assets resulting from this aspect of the development would have to be factored into any balancing exercise when determining the application, whilst noting that the level of harm has been reduced considerably as part of the revised proposals to retain the

Farmhouse and taking into account the justification for their loss to provide suitable access to the wider site.

The site plan indicates that plots 12-19 are sited along the western and northern section of the site. Due to the sloping topography and position around the edge of the site these plots have the potential to be the most prominent and visually impactful when viewed from the countryside to the west and north, which is from where the significance of affected heritage assets can be greatly appreciated. Given the rural context of the area, these plots need to be of a sensitive layout, scale and design that reflects such a context, providing a sensitive transition from the proposed built form to the open countryside beyond. The footprint and extent of plots 12-14 on plan is considerable, with these being 4 or 5 bedroom dwellings, which has the potential to increase the likelihood of visually overbearing development upon the site at its transition to the countryside. The considerable footprint and potential mass of these plots needs to be considered carefully with their proposed scale.

Prior to enclosure, farmhouses within Stoke Golding and the wider area were predominantly located close to the historic core of the settlement, with any associated buildings being situated off a courtyard which then extended out into the open countryside beyond. Plot 13 has been designed to be understood as a Georgian style farmhouse, whilst plot 20 is a more modestly sized and traditional farmhouse style dwelling located at the junction of the new access road to the development and High Street. Whilst plot 13 may be of an appropriate design when considered in singularity in my opinion when the development is considered as a whole it does not respond to the historic context of the site with the farmhouse design having an uncharacteristic layout and siting on the edge of the development, and not following the historic urban grain of the area.

With the revisions to the design of plot 20 in my opinion it is now of an appropriate design and layout as to ensure it would be a positive presence at the site entrance and adjacent to the historic street scene of High Street.

The prevailing scale of the conservation area and the wider settlement is that buildings are two storeys in height, particularly for domestic buildings. Agricultural buildings tend to be of a lower height and typically single or one and half storeys in height. The density and mass of built form on the site will be decreased considerably by the demolition of the redundant buildings but if the scale and height of the built form is increased this has the potential to increase its visibility and thus impact of the proposal on the character of the area. Again, such potential impacts will be particularly relevant for plots 12-19 adjacent to the countryside where these plots are open and visible due to the existing or proposed low level hedgerow boundary treatments and lower topography. This is compared to plots 1-11 and 20-25, which despite being positioned on the higher ground within the site are more assimilated with the existing built form within the village and would also have a level of screening from the existing and proposed development, reducing the likelihood of adverse visual impacts from the resulting scale of the development. The scale of the proposed extensions to Mulberry Farmhouse are also subservient to the main house and would sit comfortably off each effected elevation.

The proposed concept for the scheme is a varied domestic and agricultural design with plots being 1.5 storeys, 2 storeys and 2.5 storeys in scale. The proposed 1.5 to 2.5 storey scales of plots 1-11 and plots 20-25 is considered to reflect local circumstances and have no adverse visual impact upon the character and amenities of the wider area.

Around the edge of the site, plot 14 is 1.5 storey in scale with all other plots 2 storeys in scale with varying eaves and ridge line heights. The submitted LVIA

includes assesses the visual effects of the proposed development from a number of positions in the vicinity of the site including from the positions of the important views from Ashby Canal towards the historic core of Stoke Golding as identified within the SGCAA and SGNP. These are identified as viewpoints 2-6 in the LVIA. There is agreement with the conclusions of the LVIA in that the proposed development being greater in height will be more visually apparent and despite the visual benefits over the current appearance of the farm buildings, the appearance of the dwellings following the local built context, and some integration from vegetation planting, the conclusion is that there will be a minor/moderate adverse visual effect from the development from these viewpoints. The previous 2.5 storey scale of plot 15 did stand out in particular as being an uncharacteristically scaled development in the proposed LVIA visualisations (see figure 15A), with its bulk and mass, dominating the middle ground of the view towards the tower and spire of St Margaret's Church, and reducing an appreciation of the significance of this grade I listed building from the wider area. The scale of the plot has been revised to 2 storey, alongside a proportionate reduction in its massing. As a result, it is considered that this plot will no longer compete with and impede key views of the church so this adverse impact of the earlier revisions has been removed.

Plot 13 is 2 storeys in scale but is of a considerable width and massing. In my opinion the visual impact and appreciable mass of this plot from the surrounding key viewpoints could be reduced by lowering the ridge and eaves line which would mean the height of the development reducing along the western boundary and following the topography down towards the lowest point in the north-western corner of the site. It is acknowledged that plot 13 has been designed to be a focal point of the new road; this could still be achieved by a building of different design. As currently proposed due to its slightly excessive scale and massing the design of plot 13 would have an adverse visual impact upon the character and appearance of the conservation area.

The scheme proposes a range of house types and forms including farmhouses, cottages with traditional styled features and varying agricultural style building conversions. Generally, the design concept for the site is considered to be appropriate.

The plans indicate that the majority of the plots would be constructed of red brick which is the locally prevalent material for facing walls. The use of timber cladding is proposed for plots around the edge of the site which is appropriate and reflects its rural context. Render is only proposed sparingly, but as per the guidance in the SGCAA the prevalent material should be brick. The render finish for plots 6-8 is considered acceptable as a single instance for a terrace within the interior of site as it is not visually prominent. Natural blue clay tile is the locally prevalent roofing material, but it is unclear from the proposed plans as to what the proposed roofing material is. A simple casement window style is proposed for the majority of plots and is a traditional and acceptable style. Sash style windows are proposed for the Georgina style farmhouse plot. Any casement windows should be flush fitting, and all windows should have a timber window frame material with this being preferable over less sustainable and traditional options such as plastic. Alternative frame materials may be acceptable for the contemporary styled fenestration on the dwellings. Doors are simple timber and simple planked or panelled style with canopies proposed for domestic style dwellings only.

The existing architectural detailing to Mulberry Farmhouse is largely retained with predominantly appropriate interventions where required, and with the addition of matching fenestration cill and header details and materials for the northern gable end which is to become exposed following the removal of the attached range. The

detailing, form and materials to the proposed extensions to the Farmhouse are also considered generally to be of an appropriate character.

Notwithstanding the details contained on the proposed elevations, within the Design and Access Statement and application form further details and or samples confirming the materials for the external elevations of the dwellings are required. If the application is to be approved these details should be secured via a planning condition.

The retention and reinforcement of the existing hedgerow boundaries around the site boundary is a positive aspect of the proposal which will maintain or introduce key characteristics of the landscape around the proposed development. A 1.5m high stock fence could be an acceptable means of dividing the gardens to the plots if subject to an appropriate sensitive specification.

The submitted tree constraints plan confirms that all high and moderate category trees within the site would be maintained. This includes the category A Mulberry tree currently located behind the Mulberry Farm buildings and the category B trees currently located within the site boundary hedgerows. A number of category C trees are proposed to be removed to facilitate the layout and positioning of the dwellings and amenity areas, however it is proposed to create a community orchard area to the rear of plots 1-4 and close to the corner of the new road and High Street, comprising of the Mulberry tree, thinned out and retained fruit trees, and some additional planting, to offset these losses. This orchard proposal has the potential to be a positive aspect of the design and create a sense of place for the site, and it will be a positive presence within the historic street scene with the revised metal estate style railing boundary treatment allowing for full visibility.

The retaining wall between proposed plot 20 and The Birches is to remain so this will preserve the setting of the listed building. Other hard boundary treatments appear limited to 1.8m high close boarded fences to divide the gardens in the less visible interior areas of the development, and a brick wall bordering plot 25. As per the prevalent detailing of the conservation area any brick walls adjacent to and facing into areas of public realm should be of a local red brick of a garden wall bond (not stretcher bond) with saddleback copings.

If the application is to be approved details concerning soft and hard landscaping and boundary treatments should be secured via a planning condition.

The redevelopment of the application site offers the opportunity to enhance the significance of the Stoke Golding Conservation Area and the Battle of Bosworth Field and improve the setting of nearby listed buildings including the grade I listed building the Church of St Margaret and the grade II building The Birches.

In my opinion aspects of the proposal achieve a good design quality with much of the scheme having an appropriate layout, most plots being of an appropriate scale, form, massing, architectural detailing and appearance (subject to details regarding materials being confirmed via a condition), and the scheme having appropriate boundary treatments and landscaping (subject to details being confirmed via a condition). The immediate setting of the grade II listed building the Birches would be enhanced and the wider setting of the grade I listed building the Church of St Margaret preserved.

However, there are aspects of the proposal which have a harmful effect upon heritage assets. In some cases, harmful effects could be avoided or mitigated. The harmful aspects of the proposal are itemised below.



The proposed demolition of the range attached to Mulberry Farmhouse would result in the partial total loss of this important local building (a non-designated heritage asset).

Paragraph 209 of the NPPF requires a balanced judgement when weighing applications that affect non-designated heritage assets, having regard to the scale of any harm or loss and the significance of the heritage asset. Policy DM12 of the SADMP states that development proposals should make every effort to retain the significance of locally listed heritage assets.

Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:

- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
- Reducing or removing risks to a heritage asset
- Securing the optimum viable use of a heritage asset in support of its long-term conservation

Considerations to take into account in this judgement would be the relatively minor scale of the harm to the significance of the heritage asset via the partial loss of a subsidiary range (rather than the total loss of the Farmhouse and previously proposed), the justification of the loss of the range to provide a safe and suitable access to the wider site, some minor heritage benefits from repairs and renovations to the main farmhouse, and the likely non-heritage public benefits arising from the provision of dwellings to meet housing requirements, some short-term employment during construction, and the use of local services by future occupants. The above list is not exhaustive and additional social, environment and economic public benefits resulting from the proposed development could be identified. The ultimate outcome of this overall judgement and a determination as to the whether the proposal complies with paragraph 209 of the NPPF, Policies DM11 and DM12 of the SADMP and relevant policies of the Neighbourhood Plan is one for the decision-taker.

As identified above the proposed demolition of the attached range to Mulberry Farmhouse would result in the partial loss of this important local building and reduce the level of positive contribution the asset makes to the character and appearance of the Stoke Golding Conservation Area. Plot 13 is considered to be uncharacteristically sited given its design concept and has a slightly excessive scale and massing which would have an adverse impact upon the character and appearance of the area when observed from key vantage points within the conservation area and the wider area.

There are adverse impacts upon the conservation area and registered Battle of Bosworth Field resulting from the proposed layout, namely the extension of plot 14 and rear gardens of plots 15-19 into the registered area with the resulting loss of ridge and furrow features associated with the battlefield landscape.

In my opinion there is a minor level of adverse impact upon the battlefield arising from the development so the level of harm upon its significance is considered to be less than substantial and at the lower end of that spectrum of harm. In my opinion due to the revisions to scheme retaining the Farmhouse there is now a minor level of adverse impact upon the conservation area arising from the development so the

level of the harm upon its significance is considered to be less than substantial and at the lower end of that spectrum of harm.

As currently proposed the less than substantial harm caused to the Stoke Golding Conservation Area and registered Battle of Bosworth Field must be carefully weighed up against the public benefits of the proposal as required by Policies DM11 and DM12 of the SADMP and paragraphs 205, 206 and 208 of the National Planning Policy Framework.

Paragraph 205 of the NPPF states that great weight should be given to the conservation of designated heritage assets, and the more important the asset, the greater the weight should be. This is irrespective of the level of harm to the significance of the asset. Paragraph 206 b recognises registered battlefields as heritage assets of the highest significance.

Paragraph 206 of the NPPF states that any harm to the significance of a designated heritage asset should require clear and convincing justification. The need for justification is re-iterated in Policy DM11 of the SADMP. There is a justification for the loss of part of Mulberry Farm as a positive contributor to the conservation area to facilitate a safe access to the site. Other minor but adverse harmful aspects to heritage assets form part of the design concept with no particular clear and convincing justification as to why they are not being avoided.

In general terms the removal of the poor-quality farm buildings at Mulberry Farm would result in an enhancement to the character and appearance of the conservation area and the battlefield, but whilst this is a heritage benefit it has not been achieved without causing some harm to those heritage assets as well via a redevelopment with predominantly positive but also some negative design components. As identified above the proposal would enhance the immediate setting of the grade II listed building The Birches so this is a heritage benefit.

As identified above there would be likely non-heritage public benefits arising from the provision of dwellings to meet housing requirements, some short-term employment during construction, and the use of local services by future occupants. The above list is not exhaustive and additional social, environment and economic public benefits resulting from the proposed development could be identified. The weight afforded to the combined heritage and non-heritage public benefits arising from the proposal should be determined. The ultimate conclusion of the balancing exercise lies within the decision-taker, with great weight to be given to the conservation of designated heritage assets, and the more important the asset (which includes registered battlefields) the greater the weight should be. The requirements of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 must also be demonstrably applied.

Should the balancing exercise come out in favour of the proposal it would comply with Policies DM11 and DM12 of the SADMP and the relevant paragraphs of the NPPF. In addition, should the application of paragraph 11d of the NPPF be relevant for decision taking then it should be recognised that the conservation area and registered battlefield are designated heritage assets of particular importance (as referenced in footnote 7).

If this application is to be approved, then it is requested that planning conditions are placed on the permission to secure:

- A programme of Historic Building Recording of Mulberry Farm in line with the requirements of Leicestershire County Council Planning Archaeology recommendations

- Confirmation of construction materials for the external elevations of the approved dwellings to ensure they have a satisfactory appearance and preserve the significance of the conservation area and registered battlefield.
- Confirmation of hard and soft landscaping and boundary treatments throughout the application site to ensure they have a satisfactory appearance and preserve the significance of the conservation area and registered battlefield.
- The removal of development otherwise permitted by virtue of Classes A to H of Part 1 Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 to ensure continued control over development within the curtilage of the approved dwellings on the site in the interests of visual amenity and to preserve the significance of the conservation area and registered battlefield.

## **7. Policy**

### **7.1. Core Strategy (2009)**

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 17: Rural Needs
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

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

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

### **7.3. Stoke Golding Neighbourhood Plan Review (2024)**

- Policy SG1: Decision Taking

- Policy SG2: Housing Requirement
- Policy SG3: Mulberry Farm, High Street
- Policy SG5: Market Housing Mix
- Policy SG6: Affordable Housing
- Policy SG7: Countryside
- Policy SG8: Areas of Separation
- Policy SG10: Public Rights of Way Network
- Policy SG11: Locally Important Views
- Policy SG12: Ecology and Biodiversity
- Policy SG13: Trees and Hedgerows
- Policy SG15: Non designated Heritage Assets
- Policy SG16: Design
- Policy SG20: Infrastructure

*\*Since the submission of the planning application the Stoke Golding Neighbourhood Plan Review has been made as of May 2024.*

#### 7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

#### 7.5. Other Guidance

- The Good Design Guide SPD
- Leicestershire Highway Design Guide
- Landscape Character Assessment (2017)
- Landscape Sensitivity Study (2017)
- Open Space and Recreation Study (2016)

## 8. **Appraisal**

### 8.1. Key Issues

- Principle of development
- Housing mix
- Heritage Impact
- Archaeology
- Design and impact upon the character and appearance of the area
- Impact upon neighbouring residential amenity

- Impact upon highway safety
- Flooding and Drainage
- Ecology
- Financial Viability and Planning Obligations
- Planning Balance

#### Principle of development

- 8.2. The National Planning Policy Framework (NPPF) December 2023 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. The NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The current development plan consists of the adopted Core Strategy (2009), the adopted Site Allocations and Development Management Policies (SADMP) Development Plan Document (2016) and the Stoke Golding Neighbourhood Plan Review (2024).
- 8.4. The Emerging Local Plan for 2020-2041 is currently at Regulation 18 stage, with the public consultation running from Wednesday 31 July to Friday 27 September 2024. The latest Local Development Scheme (LDS), was published on 08 February 2024. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including the Regulation 19 Consultation which is not scheduled until January-February 2025. Given the early stage of the Emerging Local Plan and outstanding evidence, the emerging policies are attributed very limited weight.
- 8.5. The vast majority of the application site lies within the site identified and allocated for housing development within the Stoke Golding Neighbourhood Plan (Policy SG3).
- 8.6. 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.
- 8.7. For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. Despite being able to demonstrate a housing land supply, due to the age of relevant housing policies in the Core Strategy, in accordance with paragraph 11d) of the NPPF, the Council should still grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.8. Under these circumstances, the NPPF sets out, in paragraph 11d) that, for decision makers:

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

- i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

8.9. Paragraph 60 of the NPPF states that:

*“It is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area’s identified housing need as possible, including with an appropriate mix of housing types for the local community.”*

8.10. Paragraph 79 of the NPPF states that:

*“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority’s housing requirement over the previous three years, the following policy consequences should apply:*

- *where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;*
- *where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework, in addition to the requirement for an action plan.*
- *where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.”*

8.11. Therefore, currently the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

8.12. However, Paragraph 14 of the NPPF states that:

*“In situations where the Paragraph 11d applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits provided all of the following apply:*

- *the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made and*
- *the neighbourhood plan contains policies and allocations to meet its identified housing requirement”*

8.13. The initial Stoke Golding Neighbourhood Plan (SGNP) was made in March 2022 and a subsequent review of the Plan has also been carried out and made as of May 2024. It is therefore up to date Development Plan Policy.

8.14. The red line of the application site lies partly outside of the Stoke Golding settlement boundary within open countryside and therefore the site needs to be assessed against Policy DM4 of the SADMP and Policy SG7 of the Stoke Golding Neighbourhood Plan Review. There is conflict between the proposed development and these policies. Policy DM4 of the SADMP is applied flexibly due to the date of the Local Plan and the out-of-date housing figures. The intention of the policy is to resist unsustainable development in the countryside which would have a significant adverse effect upon the attributes within the policy.

8.15. However, Policy SG7 of the SGNP Review is a very up to date and relevant policy. This policy states that in countryside locations only the following types of development will be supported:

1. Agriculture and forestry;
2. The re-use and adaptation of buildings in accordance with Policy SG23 and Site Allocations and Development Management Policies DPD Policy DM15;
3. Rural exception housing sites and isolated homes in the countryside in accordance with Core Strategy Policy 17, Site Allocations and Development Management Policies DPD Policies DM5 and DM14, and the National Planning Policy Framework;
4. Development and diversification of agricultural and other land-based rural businesses;
5. Development by statutory undertakers or public utility providers;
6. Recreation and tourism provided it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; and
7. Renewable energy in accordance with Policy SG14.

For this application, Plot 14 and gardens to Plots 14-19 would extend into open countryside beyond the allocated housing area identified within the Stoke Golding Neighbourhood Plan Review. As such the proposal as submitted is in conflict with up to date policy as it does not comply with (1-7) of Policy SG7.

8.16. Policy SG2 of the Stoke Golding Neighbourhood Plan Review states that:

*'The housing requirement for Stoke Golding for the period 2020 to 2041 is a minimum of 235 dwellings. This will be met by committed developments; the allocation of a site at Mulberry Farm, High Street for the development of approximately 25 dwellings in accordance with Policy SG3; and windfall development in accordance with Policy SG4.'*

8.17. Policy SG3 of the SGNP Review states that:

*'Some 0.9 hectares of land at Mulberry Farm, High Street, as shown on Maps 3 & 4 and the Policies Maps (pages 66 & 67), is allocated for housing development. Development will be supported subject to the following criteria:*

- The development shall provide approximately 25 dwellings;*
- The principal access should be off High Street;*
- Every effort should be made to retain the traditional brick buildings at Mulberry Farm, unless removal is necessary to provide a safe and suitable access;*
- Development proposals should be supported by a Heritage Statement including an appraisal of the likely impact of the design, materials, layout, scale, height and mass of the proposal on the Registered Battlefield, Stoke Golding Conservation*

*Area, Church of St Margaret, the Grade I listed Church of St Margaret, Grade II listed The Birches and other designated and non-designated heritage assets and their setting. The development should seek to enhance the significance of heritage assets and their setting;*

- As a site potentially containing heritage assets of archaeological interest, developers should submit an appropriate desk-based assessment;*
- As there is a reasonable likelihood of a protected species being present, developers should submit an appropriate Ecological Assessment (including protected species) Survey;*
- The hedge along the western boundary of the site shall be retained or replaced with another boundary of suitable vegetation;*
- The residential amenities of existing and planned properties on the west side of High Street are protected;*
- Suitable mitigation measures should be in place to ensure that the residential amenities of future occupiers are protected from business activities associated with the White Swan PH;*
- The site layout should create a sensitive transition to the countryside to the west;*
- Any contamination present shall be safely remediated prior to the commencement of any development;*
- Development shall demonstrate that all surface water discharges have been carried out in accordance with the principles laid out within the drainage hierarchy, in such that a discharge to the public sewerage systems are avoided, where possible; and*
- Development shall ensure that Sustainable Drainage Systems (SuDS) for the management of surface water run-off are put in place unless demonstrated to be inappropriate. All schemes for the inclusions of SuDS should demonstrate they have considered all four aspects of good SuDS design, Quantity, Quality, Amenity and Biodiversity, and the SuDS and development will fit into the existing landscape. The completed SuDS schemes should be accompanied by a maintenance schedule detailing maintenance boundaries, responsible parties and arrangements to ensure that the SuDS are maintained in perpetuity.'*

- 8.18. Part of the application site goes beyond the scope of the area identified for housing within the Stoke Golding Neighbourhood Plan Review and is therefore within open countryside but a large proportion of the application site is located within the allocated area (Policy SG3). The Neighbourhood Plan is currently up to date (made in March 2022) and a review has also been agreed and made (2024). As such, Paragraph 14 of the NPPF is applicable in this instance. Therefore, for this application as submitted, there is conflict with the Neighbourhood Plan Review Policy SG7 and Policy DM4 of the SADMP.

#### Housing Mix

- 8.19. Policy 15 of the Core Strategy includes a requirement for 40% affordable housing to be provided on sites of 4 dwellings or more or 0.13 hectares or more in rural areas. National guidance has changed this threshold to sites of 10 dwellings or 0.5 hectares or more. By application of this guidance, the application site crosses the threshold for provision of affordable housing. This would give provision of 10 dwellings for affordable housing. Recent changes to planning guidance have introduced a new tenure type of affordable home ownership known as First Homes. However, there is a transitional period where planning applications which have



undergone significant negotiations between the planning applicant and the Local Planning Authority, do not have to change the tenure type already agreed. This application will therefore hold to the original agreement to provide 75% affordable rent (8 dwellings) and 25% shared ownership tenure (2 dwellings) as the affordable housing offer.

- 8.20. Information on the demand for Stoke Golding on 7.5.24 shows the following live applications for rented housing:

Property size	General waiting list	Local connection to Stoke Golding
1 bed	143	7
2 beds	60	0
3 beds	37	2
4 or more beds	20	0
Total	260	9

- 8.21. A Financial Viability assessment has been submitted by the applicant which sets out that the viability of the site is such that it is unable to support affordable housing. The FVA has been assessed by an independent consultant to determine, how much, if any, contribution can be made towards affordable housing. This is discussed in further detail within the viability section of the report.

- 8.22. The Housing Officer for HBBC has stated that if found to be viable the scheme should provide affordable housing on site and the preference would be for 2 and/ or 3 bedroomed houses. Affordable rented properties will be prioritised for people with a local connection and set out in the Section 106 agreement.

- 8.23. The Parish Council have raised concerns on various aspects of the scheme but one concern relates to housing mix. They object to the number of larger properties being proposed on site e.g. 4 and 5 bedroom homes.

- 8.24. Policy SG5 of SGNP Review relates to housing mix and states that:

*'New housing development of more than four dwellings shall provide for a mix of housing types that will reflect the recommendations of the 2022 Leicester and Leicestershire Stoke Golding Neighbourhood Plan Review Housing and Economic Needs Assessment. Variations in the housing mix will be supported where justified by independently verified viability evidence or by more up-to-date local housing need evidence.'*

HENA identifies the mix of homes needed in different tenures. The analysis linked to long-term demographic change concludes that the following represents an appropriate mix of affordable and market homes in the Borough:

	1 bedroom	2 bedrooms	3 bedrooms	4+ bedrooms
Market Housing	5%	35%	45%	15%
Affordable home				
Ownership	20%	40%	30%	10%
Affordable housing (rented)	30%	40%	25%	5%

The proposed housing mix for this scheme comprises 6x 2-bedroom units, 11x 3-bedroom properties, 5x 4-bedroom properties and 3x 5-bedroom properties. For clarity, 68% of the properties proposed on site comprise 2 or 3 bed properties. 32% of the properties are 4/5 bed units. No 1x bed units have been requested by the

Council's Housing Officer in this instance. It is highlighted that Policy SG5 of the Stoke Golding Neighbourhood Plan allows for variation in the housing mix where justified by viability evidence.

#### Heritage Impacts

- 8.25. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.26. A Heritage Impact Assessment has been submitted as part of the application details. Historic England, the Battlefields Trust and the Council's Conservation Officer have all been consulted on this application and provided a number of comments to the various iterations of the proposal since its initial submission in 2022.
- 8.27. The Battle of Bosworth is one of the most important battles and an iconic event in English history and the deciding battle of the Wars of the Roses. The application site is located to the east of Crown Hill, which was almost certainly the site of Henry VII's field coronation and is the location of the final act of the battle, this being key to the significance of the battlefield as a whole. Recent research has provided a detailed understanding of the battlefield area and has led to the amendment of its designation and affirming the clear significance accorded to the area of the battlefield in which the proposed development lies. The principal reasons for its designation are provided by Historic England in the designation description (National Heritage List for England 1000004), with of particular relevance for this application being its:
- Historical importance: an iconic event in English history, the Battle of Bosworth brought the Tudor dynasty to the throne and saw the last death of an English king in battle.
  - Topographic integrity: while agricultural land management has changed since the battle, the battlefield remains largely undeveloped and permits the site of encampments and the course of the battle to be appreciated.
- 8.28. Paragraph 206 of the NPPF states that substantial harm to or loss of assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional. Therefore, the impact of the proposal on the Registered Battlefield is a key material consideration in the assessment of this planning application.
- 8.29. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of paragraph 203 of the NPPF and:
- 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 vitality; and
  - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.30. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.31. Paragraph 209 states that:
- “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”*
- 8.32. Paragraph 212 of the NPPF states that local planning authorities should look for opportunities for new development within conservation areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.33. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document 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
  - d) Any impact on archaeology in line with Policy DM13
- All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy.
- 8.34. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Policy DM12 also states that development proposals should ensure the significance of a conservation area is preserved and enhanced, that proposals which seek to improve identified neutral and negative areas inside designated conservation areas, which also lead to the overall enhancement of the conservation area, will be supported and encouraged, and that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 8.35. The Stoke Golding Conservation Areas Appraisal (SGCAA) identifies the key characteristics of the building style, scale, detailing, and boundary treatments within

the conservation area. There is no dominant building style but with few exceptions domestic buildings are two storeys in height and are simple in plan. The prevalent traditional building materials for the area is red brick for facing walls, sometimes polychromatic, and blue clay roof tiles. Walls of local brickwork, often with saddleback copings are common on street frontages throughout the area, and in conjunction with the built form (such as with the Mulberry Farmhouse) provide a strong sense of enclosure and channel views along the street.

- 8.36. The SGCAA also recognises that the conservation area is vulnerable to development which is discordant with traditional streetscape and the loss of mature trees can impact upon the character of the village. To ensure the opportunity for enhancements are realised there is the need for permitted infill projects to respond to the conservation area's existing architectural scale, materials and character. The Stoke Golding Conservation Area Management Plan identifies that the existing cluster of 1950s farm buildings at Mulberry Farm have a poor visual appearance that detracts from the character of the conservation area and the setting of Crown Hill. This site is therefore identified as an 'improvement area' within the SGCAA that subject to an appropriate re-development offers the opportunity to enhance the significance of the conservation area.
- 8.37. The site lies wholly within the Stoke Golding Conservation Area. The Stoke Golding Conservation Area Appraisal (SGCAA) (2013) recognises the historic interest associated with the village's connection to the battle with the Registered Battlefield and Conservation Area share overlapping and interrelated characteristics, including:
- The character of the conservation area is primarily derived from the agricultural origins of the settlement with strong visual links between the historic settlement and surrounding countryside.
  - Importance in the rural character of spaces around Crown Hill
- 8.38. There are important views identified in the SGCAA from Ashby Canal over the countryside towards to St Margaret's Church where its visual prominence and surrounding context can be appreciated both due to its ridge top location and gaps in the built form. Such views reinforce the rural nature and agricultural origins of the settlement and provide the impression of the countryside extending into the historic core of the village. The paddock within the application site follows these key characteristics listed above and this aspect of the application site makes a positive contribution to the significance of the conservation area.
- 8.39. Ridge and furrow earthworks are evident in the paddock in the north-western section of the application site (and the adjacent fields outside of the site boundary), on a north-south alignment in the southern extent of the field, and on an east-west alignment in the northern part of the field. The ridge and furrow earthworks within the site boundary hold some archaeological and historic interest based on their reflection of agricultural land use during the medieval and post-medieval periods, and they do reflect agricultural land use at the time of the Battle of Bosworth. As such they make a positive contribution to the significance of the Registered Battlefield and the conservation area.
- 8.40. The grade I listed Church of St Margaret is located within 100 metres of the application site and the grade II listed building the Birches is adjacent to the application site. There is direct intervisibility between the site and these assets as well as instances when they can be viewed together in longer distance views. The site is therefore within the setting of these heritage assets. A number of revisions and amendments have been made to the application to reduce the visual impact of the development against the setting of Grade I listed Church. Specifically changes have been made to the scale and size of Plot 15 in order to help overcome previous

concerns raised regarding views from the countryside towards the tower and spire of St Margaret's Church. As a result, it is considered that this plot will no longer compete with and impede key views of the church from key vantage points. As such, the impact on the setting of the Church is considered to be less than substantial. The public benefit in this case is the opportunity to enhance the aesthetics of this part of the Village and views from the wider area and to provide high quality housing for Stoke Golding.

- 8.41. The scheme proposes dwellings which are to be situated around the perimeter of a new road largely through the centre of the site and within the existing retained Farmhouse. 24 of the proposed 25 dwellings are situated within the enhancement area identified within the SGCAA. Plot 14, situated within the north-western corner of the site, is partially beyond this boundary and would extend built form into the existing paddock. The gardens to serve plots 14-19 would extend a marginal distance beyond the enhancement area boundary into the two paddocks to the north. By extending the built form and associated features (garden land) beyond the identified enhancement area there is the potential for an impact upon affected heritage assets.
- 8.42. After significant discussions and the submission of revised plans, the amended scheme now seeks to retain much of Mulberry Farmhouse and convert and extend it to provide four apartments within plots 1-4. The extensions to the rear would provide the Farmhouse with an L-shaped plan form and layout which is not uncharacteristic for the conservation area with rear ranges of built form often projecting the rear of the principle frontage building. In order to provide a safe and suitable access to the wider application site the single storey agricultural red brick ranges to the north of the Farmhouse are proposed to be demolished. These ranges are of some minor heritage interest so there will be an adverse impact arising from this partial loss of a section of this important local building upon the heritage asset itself (as a non-designated heritage asset) and to the character and significance of the conservation area.
- 8.43. After initial consultation with Historic England and the Battlefields Trust on the revised proposals, both consultees were concerned about the scheme from a heritage perspective specifically in respect of the Registered Battlefield and the ridge and furrow. Damage to, and the loss of ridge and furrow which would be caused by the development, would negatively impact the character and setting of the Registered Battlefield, resulting in harm to its significance. They considered that no convincing public benefit justification had been made to balance this harm. The applicant subsequently revised the scheme to omit the balancing pond from the northern area of the site and provide an alternative drainage solution. Historic England provided an updated response in July 2024 to say that they have no further comments and to seek the views of your specialist conservation and archaeological advisers, as relevant. The Battlefields Trust as of August 2024 are now neutral towards the proposed scheme in heritage terms.
- 8.44. The Conservation Officer has concluded that overall there is a minor level of adverse impact upon the battlefield arising from the proposed development so the level of harm upon its significance is considered to be less than substantial and at the lower end of that spectrum of harm. Due to the revisions to the scheme including retention of the Farmhouse there is now a minor level of adverse impact upon the conservation area arising from the development so the level of the harm upon its significance is considered to be less than substantial and at the lower end of that spectrum of harm. The less than substantial harm caused to the Stoke Golding Conservation Area and registered Battle of Bosworth Field must be carefully weighed up against the public benefits of the proposal as required by

Policies DM11 and DM12 of the SADMP and paragraphs 205, 206 and 208 of the National Planning Policy Framework.

- 8.45. The Conservation Officer also notes that there is justification for the loss of part of Mulberry Farm as a positive contributor to the conservation area to facilitate a safe access to the site. Other minor but adverse harmful aspects to heritage assets form part of the design concept with no particular clear and convincing justification as to why they are not being avoided. In general terms the removal of the poor-quality farm buildings at Mulberry Farm would result in an enhancement to the character and appearance of the conservation area and the battlefield, but whilst this is a heritage benefit it has not been achieved without causing some harm to those heritage assets as well via a redevelopment with predominantly positive but also some negative design components. As identified in the Conservation Officer's comments above through aspects of the scheme achieving good design quality the proposal would enhance the immediate setting of the grade II listed building The Birches so this is a heritage benefit.
- 8.46. There would be likely non-heritage public benefits arising from the provision of dwellings to meet housing requirements, some short-term employment during construction, and the use of local services by future occupants. However the scheme has been assessed as being unviable in terms of providing S106 contributions towards education, affordable housing, waste, libraries, health and highway requests and so the full suite of public benefits will not be fully provided for due to financial viability issues which is discussed in a further section of the report.

#### Archaeology

- 8.47. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. The NPPF also reiterates this advice.
- 8.48. In line with the National Planning Policy Framework, Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 200 states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and where necessary a field evaluation.
- 8.49. Appraisal of the Leicestershire and Rutland Historic Environment Record (HER) indicates that Mulberry Farmhouse building is, or has the potential to constitute a heritage asset (or assets) with a significant archaeological and heritage interest. LCC Archaeology recommend that the applicant complete an appropriate level of building recording prior to alteration to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance in accordance with the requirements of the NPPF. Subsequent to further rounds of re-consultation with LCC Archaeology they have stated that:

*'The revised plans indicate a much reduced area of previously undisturbed ground that would be impacted by the proposals. Following further review of the available site plans and taking into consideration the comments by the applicant's agent, we would revise our previous comments and advise that the recommended pre-determination trial trenching for Plot 14 could be undertaken via condition. We*

*would otherwise reiterate our previous comments and recommend that Historic England are consulted further on the application. Assuming satisfactory conclusions to the issues raised in their previous comments we would recommend that you advise the applicant of the following archaeological requirements, for further post-determination trial trenching and historic building recording of Mulberry Farmhouse including associated outbuildings. We would be happy to recommend an appropriate condition to secure the archaeological trial trenching for the site.'*

- 8.50. Therefore, subject to suitably worded conditions with respect to trial trenching and historic recording of Mulberry Farm, the application as submitted is considered to be acceptable with respect to archaeological considerations and in compliance with Policy DM13 of the SADMP and the requirements of the NPPF.

Design and impact upon the character and appearance of the area

- 8.51. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.52. Paragraph 139 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.53. Policy SG16 of the Stoke Golding Neighbourhood Plan Review states that:  
*“Only development that reflects the traditional character of Stoke Golding will be supported unless the development is of exceptional quality or innovative design”.*
- 8.54. Within the Council’s Design Guide Stoke Golding is described as:  
*“Originally an agricultural settlement which still has an evident impact on its form, the village incorporated elements of the area’s key industrial trends. Whilst much of the village and its periphery has been subject to 20<sup>th</sup> Century domestic growth the northern and western approaches are peppered with significant farmsteads which not only mark the entrance to the village but also have a close association with maintaining the landscape setting of the battlefield site and Ashby Canal”.*

Design objectives for Stoke Golding include:

- Protecting the setting of the Canal and battlefield site, particularly through the integrity of farmsteads and dispersed built form on the main approaches
  - Protecting the historic street pattern including jitties and yards and open spaces around Park House
  - Development in the historic core should respond to the prevalent 18<sup>th</sup> and 19<sup>th</sup> century styles which incorporates a range of domestic, industrial, agricultural and commercial influences
- 8.55. The proposed concept for the scheme comprises a varied domestic and agricultural design with plots being 1.5 storeys, 2 storeys and 2.5 storeys in scale. The scheme includes a range of house types and forms including farmhouses, cottages with traditional styled features and varying agricultural style building conversions. The plans indicate that the majority of the plots would be constructed of red brick which

is the locally prevalent material for facing walls. The use of timber cladding is proposed for plots around the edge of the site which is appropriate and reflects its rural context. This variation in both scale and design provides an organic approach to the overall design concept which is considered to be positive for this sensitive location and an improvement to the existing situation on site. Render is only proposed sparingly, but as per the guidance in the SGCAA the prevalent material should be brick. The render finish for plots 6-8 is considered acceptable as a single instance for a terrace within the interior of site as it is not visually prominent. A simple casement window style is proposed for the majority of plots and is a traditional and acceptable style. Sash style windows are proposed for the Georgian style farmhouse plot.

- 8.56. The existing architectural detailing to Mulberry Farmhouse is largely retained with predominantly appropriate interventions where required, and with the addition of matching fenestration cill and header details and materials for the northern gable end which is to become exposed following the removal of the attached range. The detailing, form and materials to the proposed extensions to the Farmhouse are also considered generally to be of an appropriate character.
- 8.57. The submitted tree constraints plan confirms that all high and moderate category trees within the site would be maintained. This includes the category A Mulberry tree currently located behind the Mulberry Farm buildings and the category B trees currently located within the site boundary hedgerows. A number of category C trees are proposed to be removed to facilitate the layout and positioning of the dwellings and amenity areas, however it is proposed to create a community orchard area to the rear of plots 1-4 and close to the corner of the new road and High Street, comprising of the Mulberry tree, thinned out and retained fruit trees, and some additional planting, to offset these losses. This orchard proposal has the potential to be a positive aspect of the design and create a sense of place for the site, and it will be a positive presence within the historic street scene with the revised metal estate style railing boundary treatment allowing for full visibility.
- 8.58. A Landscape Visual Impact Assessment has also been submitted as part of the application details.
- 8.59. The application site falls within LCA E: Stoke Golding Rolling Farmland Landscape Sensitivity Study (2017) and within sensitivity area Bosworth Battlefield. The assessment area is considered to have overall high sensitivity to all types of development due to the national historic significance and cultural associations of the Bosworth Battlefield, the rural and tranquil character and its role in the rural setting of surrounding villages.
- 8.60. The submitted LVIA assesses the visual effects of the proposed development from a number of positions in the vicinity of the site including from the positions of the important views from Ashby Canal towards the historic core of Stoke Golding as identified within the SGCAA and SGNP. These are identified as viewpoints 2-6 in the LVIA.
- 8.61. The conclusions of the submitted LVIA states that the proposed development as a result of being greater in height will be more visually apparent within the local landscape when compared to the existing farm buildings on site. It is acknowledged however that there are clear visual benefits to the proposed scheme and it is considered that the proposal will help improve the overall quality and aesthetics of the site which takes account of the local built context, landscaping and planting in addition to the removal of existing dilapidated, unsightly buildings currently on site. There will be a minor to moderate adverse visual effect from the development from the viewpoints identified.



- 8.62. A number of revisions and amendments have been made to the application to further reduce the height and scale of the proposal and improve the overall visual impact of the development. The Council's Conservation Officer is of the opinion that the revised proposal will no longer compete with and impede key views of the Grade I listed Church from key vantage points. The proposal will also adhere to the objectives of the Stoke Golding Conservation Area Appraisal by helping to enhance the significance of the conservation area by means of high quality design and redevelopment of an existing dilapidated site.
- 8.63. In conclusion therefore, subject to a materials condition and a condition with respect to landscaping and boundary treatment, the proposed development in design terms and with respect to landscape and visual impact is considered to be acceptable for a site in this sensitive/historic location and in compliance with relevant development plan policy. Furthermore it is judged that permitted development rights should be restricted to ensure that the Council can control further additions/alterations to the dwelling which if un-managed could result in harm to the significance of the Conservation Area and the significance of the battlefield. In this case the removal of permitted development rights is considered to be justified.

#### Impact upon neighbouring residential amenity

- 8.64. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.
- 8.65. Paragraph 191 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.66. Environmental Health were consulted on the application proposal and have not objected to the proposals in relation to residential amenity concerns subject to a noise and odour condition. The Council's waste team have requested a condition to ensure suitable storage and collection of waste material from the development.
- 8.67. The proposal is for 25 dwellings, many of which are large detached properties with adequate spacing between plots, parking provision and private amenity space to the rear. Separation distances between proposed properties on site and existing neighbouring dwellings are suitable and provide adequate levels of privacy and minimise overlooking. Plots have also been designed with frontages/small front gardens where possible to create a feeling of space within the development.
- 8.68. As such, subject to suitably worded conditions, this application is considered to be acceptable in residential amenity terms and in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

#### Impact upon highway safety

- 8.69. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and

changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

- 8.70. Paragraph 115 of the NPPF (2023) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy DM10 (g) of the SADMP states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.71. This application proposes 56 off street car parking spaces for 25 residential units across the site. The local highway authority acknowledge that one plot (Plot 20) has two off street parking spaces provided where there should be three for the size of the property (4 bed). However, they have considered that a shortfall of one space is not a robust enough reason to refuse the application on highway grounds and in this instance are satisfied that parking is acceptable as a whole across the site.
- 8.72. The revised application now includes the retention of Mulberry Farmhouse which fronts onto the High Street and due to its position relative to the proposed access has the potential to impact on visibility splays. The local highway authority have been consulted on this application on several occasions and have confirmed that the impact would not be severe. It is agreed by the local highway authority that whilst the visibility splays do not fully comply, the benefit of retaining Mulberry Farmhouse is justified and they are satisfied with the access arrangements for this proposal in this instance.
- 8.73. Overall therefore, the local highway authority has not objected to the proposal on highway safety grounds and considers that subject to suitably worded conditions and S106 contributions towards bus passes and Travel Packs this application is considered to be acceptable with respect to highway safety, access provision and parking. Subject to the requirements requested by the local highway authority and an electric vehicle charging point scheme it is considered that the proposal satisfies Policies DM17, DM18 and DM10(g) of the SADMP DPD 2016 and the requirements of the NPPF.

#### Flooding, Drainage and Contamination

- 8.74. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.75. Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 175 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.76. Paragraph 180 of the NPPF states that planning decisions should prevent new and existing development from contributing to, being put at unacceptable risk from or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability. Paragraph 189 of the NPPF states that planning decisions should ensure that a site is suitable for its use taking account of ground conditions and any risks arising from instability and contamination.

- 8.77. The site is located within flood zone 1 (land at lowest probability of flooding).
- 8.78. The Environment Agency have raised no objections to the proposals.
- 8.79. Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 1.61 ha site is located within Flood Zone 1 being at low risk of fluvial flooding and a low risk of surface water flooding. The impermeable of the site is 0.728 ha (66% of the total site). Initially, the proposals sought to discharge at 4.8 l/s via an attenuation detention basin to a Severn Trent Water (STW) surface water sewer located to the west of the site. Due to the impact the proposed drainage basin was considered to have on the heritage assets and the ridge and furrow the proposed drainage options were reconsidered. Amended surface water details now seek to discharge surface water at 4.8 l/s to the STW sewer via permeable paving and an underground attenuation tank. The LLFA has raised no objections or concerns in respect of the amended proposals subject to conditions.
- 8.80. Therefore this proposal is considered to be acceptable in flooding and drainage terms and in compliance with development plan policy and the requirements of the NPPF.
- 8.81. The Council's Environmental Health team have stated that the Stage I land contamination assessment has identified potential asbestos containing materials and potential chemicals on site. It is important that the site is cleared in such a way that further land contamination does not occur; therefore a site clearance plan should be submitted for approval prior to commencement of development and on completion a verification report submitted. Subject to conditions the application is acceptable with respect to contamination considerations and in compliance with policy requirements.

### Ecology

- 8.82. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation and ecological value.
- 8.83. Section 15 of the NPPF states that when determining planning applications local planning authorities should refuse an application if significant harm to biodiversity resulting from a development can be avoided or adequately mitigated.
- 8.84. Policy SG12 of the SGNP Review states that development proposals should provide for biodiversity net-gain. Proposals for biodiversity conservation or enhancement of the following types will be supported:
- The conservation and creation of deciduous woodland and mesotrophic grassland
  - The creation of connections between the network of features and habitats,
  - The use of traditional 'Midlands' style'2 hedge-laying to manage hedgerows, improving their structure and biodiversity value and strengthening landscape character; and
  - Tree planting
- 8.85. As the planning application was submitted prior to 12 February 2024, the proposal is exempt from providing mandatory 10% Biodiversity Net Gain (BNG).
- 8.86. The Tree Officer at LCC has commented to say that they neither object to nor support the application but confirms that there are no TPOs on site. A Mulberry Tree will form a key feature within the proposed development as part of a small

community orchard which is located to the rear of the Mulberry Farmhouse building. A small village green is also proposed within the proposed site.

- 8.87. LCC Ecology have been consulted on the proposed application and the revised details. They have confirmed that the updated BNG calculations are acceptable. Further information was requested by the Ecology Team in relation to badgers.
- 8.88. LCC Ecology has since confirmed that there will be sufficient land retained to be able to enhance to provide measurable biodiversity net gain and they have no further concerns. An updated ecological impact assessment has been submitted and considered to be acceptable. The ecologist has recommended a Biodiversity Enhancement Management Plan (BEMP) condition to ensure habitats are suitably managed. As badgers are highly mobile species the ecologist also recommends an updated survey condition. However, if works commence within 3 months of the current badger report then no update will be necessary.
- 8.89. Therefore, subject to conditions, this application is acceptable with respect to ecological considerations and in compliance with development plan policy and the requirements of the NPPF.

#### Financial Viability and Planning Obligations

- 8.90. In November 2023 the applicant submitted a Financial Viability Report and further information was subsequently provided in May 2024. It concluded that the scheme was not sufficiently viable to be able to provide policy required levels of affordable housing and Section 106 contributions.
- 8.91. The following planning obligations have been requested for this scheme by various consultees:
- Health contribution = £19,360.00.
  - Waste contribution = £1,238.25
  - Library contribution = £754.94
  - Primary Education contribution = £118,800.03
  - Secondary Education contribution = £64,598.14
  - Post 16 Education = £13,805.66
  - 40% Affordable Housing = 10 dwellings (8 Affordable rent / 2 Shared Ownership) - comprising a mix of 2 bedroomed 4 person houses and 3 bedroomed 5 person houses for family housing
  - Off site open space contributions:
    - Equipped Children's Play Space = £16,373.70 and maintenance = £7,902.00
    - Casual / Informal Play Spaces = £1,864.80 and maintenance = £2,268.00
    - Outdoor Sports Provision = £8,688.00 and maintenance = £4,128.00
    - Accessibility Natural Green Space = £531.70 and maintenance = £923.00
  - On site open space provision:
    - 870 square metres of Accessibility Natural Green Space and maintenance = £12,354.00 (If Parish Council takes on the management of the this on site space)

- Travel Packs, one per dwelling (to inform new residents of sustainable travel choices) £52.85 per pack
  - 6 month bus passes, two per dwelling (£360.00 per pass).
  - Council's Legal and Monitoring Fees
- 8.92. The initial viability report was assessed by an independent Financial Viability Assessor (Aspinall Verdi) on behalf of the Council. The FVA was carried in accordance with the following:
- National Planning Policy Framework (December 2023);
  - Planning Practice Guidance on Viability (September 2019);
  - RICS Financial Viability in Planning: Conduct and Reporting Practice Statement (September 2019); and
  - RICS Assessing financial viability in planning under the National Planning Policy Framework 2019 for England, guidance note (March 2021).
- 8.93. With respect to the S106 contributions, initially the appraisal as submitted for examination did not take account of any open space contributions. Further information was therefore sought in respect of this and a second assessment/review was made.
- 8.94. Policy SG20 of the SGNP Review states that:
- 'Contributions are governed by the provisions of the Community Infrastructure Regulations 2010. To ensure the viability of housing development, the costs of the Plan's requirements may be applied flexibly where it is demonstrated that they are likely to make the development undeliverable.'*
- 8.95. Aspinall Verdi tested a fully policy compliant scheme which included 40% affordable housing units as well as the requested S106 contributions. The scheme was shown to be unviable. Aspinall Verdi then tested a 100% Market Value scheme to determine whether the proposed development could viably provide contributions sought by Hinckley and Bosworth's Local Plan with a commuted sum as well as S106 contributions. The scheme was again shown to be unviable.
- 8.96. Aspinall Verdi reviewed the gross development value (GDV) of the scheme. This included an analysis of the residential property market in the areas surrounding the proposal site. The review included the types of residential units being proposed on site i.e. apartments as well as terraced, semi-detached and detached properties.
- 8.97. RICS regularly publish a UK Residential Market Survey providing an overall opinion of the direction that the residential market is taking, along with commentary from surveyors across the regions. This survey is a good early indicator of any house price movement, which is later regarded through other indices.
- 8.98. The November 2023 survey (the latest available at the time of the review) indicates that demand and sales metrics are still in negative territory, although slightly improved. National house prices are falling, but the pace of decline seems to be levelling off. Buyer demand has decreased due to rising mortgage interest rates, and new buyer enquiries have been consistently negative for the past eighteen months.
- 8.99. Aspinall Verdi also carried out a sensitivity analysis as part of the review which demonstrated how the viability can change subject to adjustments to appraisal inputs – notably the sales values and construction costs. For example, a 5% reduction in build costs coupled with a 5% increase in values results in a policy compliant scheme becoming viable, generating a surplus of £381,561. Aspinall

Verdi recommend that a review mechanism is installed within a Section 106 Agreement which considers the scheme's actual sales values achieved and incurred costs. This would allow the

Council to benefit from any significant uplifts in viability resulting from any cost engineering or improvements to the sales market by the time the units come to market. This would require advice from legal if Members are minded to approve the application on this basis.

- 8.100. The LCC Planning Obligations Team are objecting to the scheme on the grounds that without the S106 contributions the necessary services and facilities cannot be provided and the proposal would therefore not be sustainable development.
- 8.101. The applicant has since offered to provide a percentage of the sought S106 contributions comprising a contribution package of 33% of the total requests (approx. £89,750) which can then be distributed as the Council wishes.
- 8.102. Subsequent to this offer, the Council sought further information from Aspinall Verdi on the review of the Financial Viability Assessment based on developer returns of 15%, 17% and 18%. The appraisal was previously examined on profit returns of 20% and the LPA/Council consider this to be at the upper end of the profit spectrum. The Planning Practice Guidance (PPG) says that for the purpose of plan-making, an assumption of 15-20% of GDV may be considered a suitable return to developers. On this basis, the review calculated outputs for 15%, 17%, 18% and 20%.
- 8.103. Aspinall Verdi tested a policy compliant scenario for all of the lower profit returns set out above. For each scenario, the scheme was found to be unviable.
- 8.104. In conclusion, and after considerable assessment by an independent financial viability assessor, the proposal cannot viably provide the full package of financial contributions and affordable housing provision requested by consultees. It is therefore considered appropriate in this instance to accept the offer made by the applicant of £89,750.00 towards the total amount of financial contributions sought by the consultees. How this contribution would be split between the various requests will need to be agreed/discussed with consultees. It is suggested that the final decision is to be made by the Head of Planning for HBBC if Members are minded to approve the application.

#### Planning Balance

- 8.105. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.106. There is conflict with Policy DM4 of the SADMP and also SG7 of the Stoke Golding Neighbourhood Plan.
- 8.107. However, there are clear benefits associated with the proposed scheme:
- Delivery of an allocated site for 25 dwellings (Policy SG3)
  - Meeting the Neighbourhood Plan housing requirement and wider housing need for HBBC (Policy SG2)
  - Retention of Mulberry Farmhouse (SG3 criteria 3)
  - Re-development of a derelict brownfield site

- The existing farm buildings detract from the Battlefield and Conservation Area which is identified as an 'Improvement Area' within the Conservation Area Appraisal. The proposal would help to improve and rejuvenate this part of Stoke Golding
  - The proposal would provide a high quality and landscape/heritage led development
  - Economic benefits associated with re-development and the creation of jobs
  - Delivery of biodiversity net gain
  - Creation of public open space and community orchard
  - A financial contribution package of 33% of the total S106 requests = (£89,750.00)
- 8.108. The harms identified as a result of the proposed development are as follows:
- Plot 14 and gardens to Plots 14-19 would extend into open countryside beyond the allocated housing area identified within the Stoke Golding Neighbourhood Plan Review
  - Less than substantial harm to the Registered Battle of Bosworth Field and Stoke Golding Conservation Area
  - Lack of the full suite of Section 106 contributions (for viability reasons)
- 8.109. The magnitude of the discrepancy between the proposal site and the allocated site is relatively minor, and the impact on the registered battlefield and heritage assets is considered to be less than substantial. As such, one must weigh the public benefits of the scheme against the potential negative impacts. The scheme, overall, delivers a high quality design that would make a significant improvement to the status quo when viewed from the public realm. It would deliver 25 new homes, including the conversion of the existing farmhouse building, in a manner that broadly accords with an up to date Neighbourhood Plan. The scheme also provides 3 casual/accessible natural green spaces by way of a village green, an orchard area and a small grassed area so the development would also provide some form of on site open space.
- 8.110. The notion of reducing the size of the site so that it conforms with the allocation has been discussed, and it is clear that to do so would result in the scheme being entirely unviable – which would mean that the whole scheme would be unlikely to come forward. This could mean that it is removed from future iterations of the Neighbourhood Plan in favour of sites that are more deliverable, but have nonetheless been found less suitable than the application site in consecutive versions of the Neighbourhood Plan.
- 8.111. In this instance, given the above considerations and broad acceptability of the scheme, it is considered that the public benefits of the scheme outweigh the potential harms associated with it, and the application is therefore considered to be acceptable on balance.
- 8.112. On balance, subject to a number of conditions and the signing of a S106 agreement to secure the financial contribution of (£89,750.00) the proposal is considered to be acceptable and whilst there are material considerations to warrant refusal of this application it is considered on balance that the scheme would provide more benefits than harm in this instance. Therefore, this application is recommended to Members for approval.

## **9. Equality implications**

9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application.

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. Recommendation**

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

- 1. S.106 (as set out in this report), and;**
- 2. Planning conditions outlined at the end of this report**
- 3. That the Head of Planning be given powers to determine the final detail of planning conditions.**
- 4. That the Head of Planning be given delegated powers to finalise the terms of the S106 agreement.**

## **11. Conditions and Reasons**

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

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

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

- Site Location Plan drawing 213925 Rev A
- Proposed Site Layout drawing 213940 Rev J



- Proposed apartments drawing 213946 Rev B
- Proposed apartment floorplans drawing 213947
- Plot 5 Proposed carports and FOGS drawing 213904 Rev B
- Plots 6-8 Proposed dwellings drawing 213905 Rev C
- Plot 9 Proposed dwelling drawing 213906 Rev F
- Plots 10 and 11 Proposed dwellings drawing 213907 Rev E
- Plot 12 Proposed dwelling drawing 213908 Rev D
- Plot 13 Proposed dwelling drawing 213923 Rev J
- Plot 14 Proposed dwelling drawing 213910 Rev K
- Plot 15 Proposed dwelling drawing 213943 Rev E
- Plots 16-18 Proposed dwellings drawing 213912 Rev D
- Plot 18 single garage drawing 213927 Rev
- Plot 19 Proposed dwelling drawing 213915 Rev F
- Plot 20 Proposed dwelling drawing 213935 Rev
- Plots 21 and 22 Proposed dwellings drawing 213936 Rev C
- Plots 23-25 Proposed dwellings drawing 213938

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

3. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the approved dwellings/apartments have been deposited with and approved in writing by the local planning authority, and the scheme shall only be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory external appearance and preserve the significance of the conservation area and registered battlefield to accord with Policy DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document 2016 and the requirements of the National Planning Policy Framework.

4. No development shall take place (including ground works or vegetation clearance) until an updated badger survey has been submitted to and approved in writing by the LPA. This survey is to be carried out within 3 months of the likely commencement of works on site. It is to include details on mitigation measures for badgers if necessary (such as badger gates).

**Reason:** In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

5. Prior to the commencement of the development, a Biodiversity Enhancement and Management Plan (BEMP) shall be submitted to and approved in writing by the local planning authority. The BEMP shall be accompanied by a Biodiversity Net Gain metric demonstrating measurable biodiversity net gain. The plan shall include:
- A. description, evaluation and location of the ecological features and biodiversity enhancement measures to be created and managed (including integrated bird and bat boxes, and native planting)
  - B. ecological trends and constraints on site that might influence management
  - C. aims and objectives of biodiversity enhancements and their management including for protected species
  - D. appropriate management options for achieving the aims and objectives of the project
  - E. prescriptions for management actions
  - F. preparation of a work schedule
  - G. details of the body or organisation responsible for implementation of the plan
  - H. on-going monitoring and remedial measures

The development shall be implemented in accordance with the approved BEMP.

**Reason:** To enhance the ecological value of the development hereby approved in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policies DM10 and DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

7. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Site Access Layout & Visibility Assessment, drawing number F21055/01 (Rev C) have been implemented in full.

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

and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

8. The residential units/plots hereby permitted shall not be occupied until such time as the parking and turning facilities required for the plot to be occupied has been implemented in accordance with Site Layout - Revised Scheme, drawing number 21/39 40J. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) 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 the interests of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the National Planning Policy Framework.
9. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10 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 in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.
10. Prior to the commencement of development a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to be provided together with full detail of the location and fitting of the units and shall be implemented in accordance with the approved details.

**Reason:** To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.
11. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.
12. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved

in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

**Reason:** To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

13. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

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

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

**Reason:** To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

**Reason:** To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

16. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details.

and any remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure that risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management DPD 2016 and the requirements of the National Planning Policy Framework.

17. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

**Reason:** To ensure that risks from land contamination to the future users of the site and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management DPD 2016 and the requirements of the National Planning Policy Framework.

18. Development shall not begin until a scheme for protecting the approved dwellings from noise and odour from the adjacent public house has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

**Reason:** To ensure the protection of residential amenity to accord with Policies DM7 and DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

19. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development. Site preparation and construction shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday 08:00 – 13:00

No working on Sundays and Bank Holidays

**Reason:** To ensure the protection of neighbouring residential amenity during construction to accord with Policies DM7 and DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

20. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments for the site and implementation scheme has been submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall include native species only and be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the local planning authority.

**Reason:** To ensure the development has a satisfactory external appearance and to preserve the significance of the conservation area and registered battlefield in accordance with Policy DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD 2016 and requirements of the National Planning Policy Framework.

21. No demolition/development shall take place/commence until the programme of archaeological mitigation has been defined within an Archaeological Mitigation Plan (AMP), which has been submitted to and approved by the local planning authority in writing. For land that is included within the AMP, no demolition/development shall take place other than in accordance with the agreed programme. The AMP will make provision for three fieldwork stages and their associated post-excavation requirements:

- an initial phase of archaeological attendance (including metal detecting) to be undertaken on all demolition works;
- a programme of trial trenching, and
- a final stage archaeological investigation and recording of significant archaeological remains.

**Reason:** To ensure a satisfactory programme of archaeological mitigation and to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal in accordance with Policy DM11, DM12 and DM13 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework .

22. Prior to the commencement of each stage of the AMP (Condition 21), a written scheme of investigation (WSI), will be submitted to and approved by the local planning authority in writing. The WSI will define the required archaeological work, and will include a statement of significance and research objectives, and

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

**Reason:** To ensure each stage of the archaeological investigation is undertaken in accordance with best practice, including its investigation, recording, dissemination and archiving in accordance with Policy DM11, DM12 and DM13 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

23. Prior to the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.

**Reason:** To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

24. No development shall commence on site until a scheme that makes provision for the secure storage of cycles for each dwelling/apartment has been submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

**Reason:** In the interests of promoting a modal shift in transport movements and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

25. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A-H of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no enlargement, improvement or other alteration to the dwellings hereby permitted for this development shall be carried out unless planning permission has been granted by the Local Planning Authority.

**Reason:** To help safeguard visual amenity and to preserve the significance of the conservation area and registered battlefield in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

26. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) all bathroom, en-suite and WC windows shown on the approved plans shall be glazed in obscure glass before the development hereby permitted is first occupied and shall thereafter be permanently retained in this form.

**Reason:** To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development

Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

11.1. **Informatives:**

- Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
- Badgers and their setts are protected by law. A badger sett is defined by law as 'any structure or place which displays signs indicating current use by a badger'. Under the Protection of Badgers Act 1992 it is an offence to: Take, injure, or kill a badger (or attempt to do so); Cruelly ill-treat a badger; Intentionally or recklessly damage, destroy or obstruct access to a badger sett; and Intentionally or recklessly disturb a badger when it is occupying a badger sett. Therefore no works should occur near to a badger sett unless carefully checked beforehand by a suitably qualified person.
- Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
- The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
- The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.
  1. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for event durations up to the 24 hour (or longer where required) for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus



- climate change return periods with results ideally showing critical details only for each return period.
2. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
  3. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.
  4. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach. Where infiltration is deemed viable, proposed infiltration structures must be designed in accordance with CIRIA C753 "The SuDS Manual" or any superseding version of this guidance

#### Advice to the Local Planning Authority

1. Standing Advice – National Planning Policy Framework

When determining planning applications, the local planning authority should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where informed by a site specific Flood Risk Assessment (FRA) confirming it will not put the users of the development at risk. Where an FRA is applicable this should be undertaken in accordance with the requirements of the National Planning Policy Framework and accompanying Planning Practice Guidance.

2. Standing Advice – Consent

Where there are any works proposed as part of an application which are likely to affect flows in an ordinary watercourse or ditch, the applicant will require consent under Section 23 of the Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found via the following website: <http://www.leicestershire.gov.uk/flood-risk-management>

Applicants are advised to refer to Leicestershire County Council's culverting policy contained within the Local Flood Risk Management Strategy Appendix document, available at the above link. No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.

This consent does not consider local watercourse bylaws. It is the responsibility of the applicant to check if the local borough or district council has their own bylaws which the proposals will also need to consider.

3. Standing Advice – Maintenance

Note that it is the responsibility of the Local Planning Authority under the DEFRA/DCLG legislation (April 2015) to ensure that a system to facilitate the future maintenance of SuDS features can be managed and maintained in perpetuity before commencement of the works.

4. Standing Advice – Minor works

If a proposed building/wall or other construction appears to sit astride an indicated surface water flow route, the new build may deflect floodwater onto another person's property or raise flood levels by a significant amount locally. In these circumstances, the planning officer should contact the County Council to discuss whether consultation is necessary in that particular case.

5. Standing Advice – Greenfield Development Runoff

For greenfield sites, the peak runoff rate from the development to any drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event.

The runoff volume from the development in the 1 in 100 year, 6 hour rainfall event should not exceed the greenfield runoff volume for the same event. Where an increase in discharge volume is unavoidable, the proposals should discharge at QBar or provide alternative mitigation in line with CIRIA C753.

6. Standing Advice – Ditches

Where a drainage ditch adjoins or flows through a development, provision should be made such that the ditch can be made throughout the life of the development. The ownership and responsibility for maintenance of the ditch should also be clearly identified and conveyed to the relevant parties.

Additional information and guidance is available here:

<https://www.leicestershire.gov.uk/environment-and-planning/flooding-and-drainage/>