

Planning Committee 20 May 2025

Planning Ref: 22/01048/FUL

Applicant: Maruti Developments Ltd

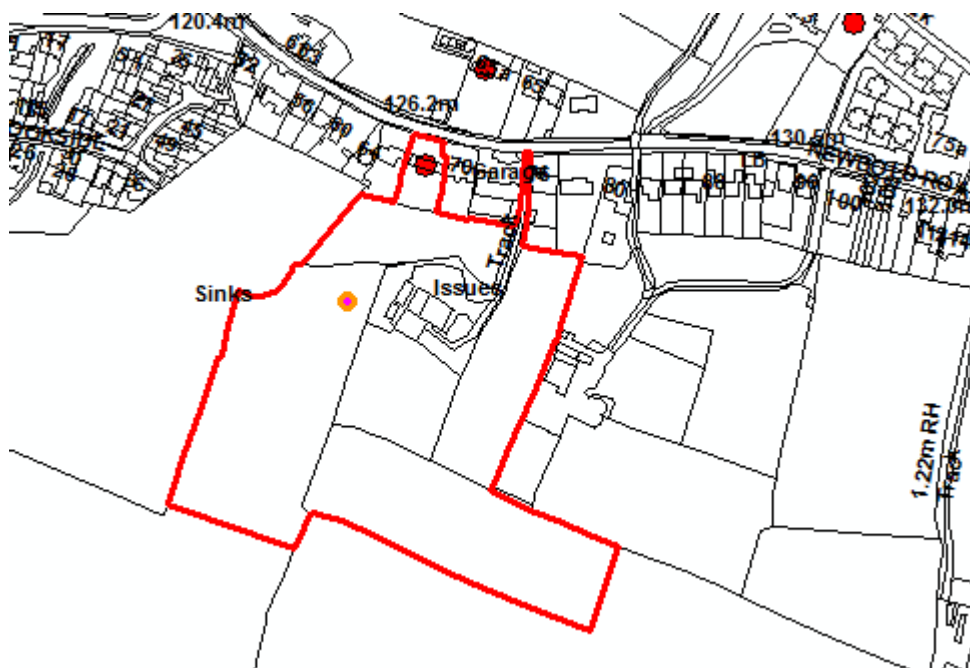
Ward: Barlestone, Nailstone and Osbaston



Hinckley & Bosworth
Borough Council

Site: Land adjacent Barlestone Garage, Newbold Road, Barlestone,
Leicestershire

Proposal: Proposed construction of 58 dwellings including garages and garden stores with associated access works, landscaping, open space and drainage infrastructure (revised scheme)



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1. Recommendations

1.1. Grant planning permission subject to:

- Section 106 obligations set out in section 8 of this report;
- Planning conditions outlined at the end of this report;
- That the Head of Planning be given powers to determine the final detail of planning conditions; and
- That the Head of Planning be given delegated powers to finalise the terms of the S106 agreement including trigger points, claw-back periods and updated contribution amounts.

2. Planning application description

2.1. The application is a revised, full planning application for the construction of 58 dwellings including garages and garden stores with associated access works, landscaping, open space and drainage infrastructure.

2.2. Originally, the scheme as submitted was for 64 dwellings but this was reduced to 60 dwellings after consultation responses and further consideration of the scheme in 2024. The scheme was revised again in March 2025 and now seeks planning permission for 58 dwellings on site in order to improve the layout and ensure the main internal road can be built to adoptable standards and enable a refuse vehicle to access the site.

- 2.3. Access into the site is proposed from Newbold Road and would involve the demolition of 68 Newbold Road to make provision for this.
- 2.4. There are a range of 1-5 bedroom properties proposed on site.
- 2.5. 24 units on site would be for affordable housing which equates to 40% provision.
- 2.6. The site is approximately 3.67 Hectares.
- 2.7. The application is accompanied by the following reports and documents:
- Site Location Plan
 - Design Statement
 - Odour Assessment
 - Air Quality Assessment
 - Noise Report/Revised Noise Report
 - Landscape and Visual Impact Assessment
 - Biodiversity Metric/Biodiversity Net Gain Assessment
 - Biodiversity Technical Note
 - Archaeology Report
 - Transport Statement and Appendices
 - Foul and Storm Water Drainage Strategy
 - Phase I Desk Top Study Report
 - Phase II Ground Investigation Report
 - Phase III Further Ground Investigation Report
 - Flood Risk Assessment
 - Infiltration Investigation
 - Arboricultural Assessment
 - Ecological Appraisal
 - Bat Report
 - Reptile Report
 - Landscape Strategy Plan
 - Landscape Typologies Plan
 - Utilities Report
 - House Types (A, B, C, D, E and F)
 - Garages and Garden Stores
 - Street Scenes
 - Site Plan
 - Parking Plan
- 2.8. Since the submission of the planning application and further to consultation responses and officer comments, changes to the proposed layout of the development have been made to overcome some concerns in respect of:
- Drainage
 - Highways/road adoption
 - Noise
 - Ecology (BNG)
 - Open Space
 - Bin collection
 - Design and Layout

3. Description of the site and surrounding area

- 3.1. The site comprises the existing residential plot no. 68 Newbold Road and agricultural land to the south. The immediate surrounding land uses comprise residential development,

agriculture, and stables/paddock land. There is a garage workshop on Newbold Road to the north of the site.

- 3.2. The site lies on the gently rising slopes on the eastern side of the small tributary valley that stretches through the eastern side of Barlestone. The site generally falls from south-east to the north-west, and generally back towards the existing settlement edge and out towards the broader landscape to the south. A gentle localised ridge of higher ground lies beyond the site to the south and beyond this the land generally falls away to the south-west.
- 3.3. An existing PROW (Footpath S38) extends across the Site from the north-western side to the south-east corner. This provides a link between the existing settlement edge and Newbold Road and the wider landscape and a further PROW to the south of the Site. Public Footpath S38 is affected by the proposed development and would require diversion should the development be approved.
- 3.4. A small area of the site, in proximity to the agricultural buildings on-site, has a lawful use for the storage of motor vehicles (planning permission ref: 01/01037/COU) and comprises previously developed land.

4. Relevant planning history

- 4.1. 91/00592/4 – Erection of Bungalow (Outline) – REFUSED

01/00160/CoU – Change of Use of agricultural land to storage of vehicles – REFUSED

01/01037/CoU – Change of Use of land to car parking area for storage of vehicles – APPROVED

09/00529/GDO – Extension to existing agricultural building - WITHDRAWN

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. A further site notice and press notice was also posted as part of a re-consultation process in June 2024 and another site notice was posted in March 2025.
- 5.3. 34 objection comments have been received from local residents/neighbours, raising the following concerns:
 - The land is outside the village Boundary. It is NOT in the Local Neighbourhood village plan of which a democratic vote was made by the villagers. There are approved sites in the village that could be used instead of this site.
 - There are only two village stores and the co-op is not at all adequate enough now along with the fact that situated inside is the post office which causes long queues and waiting times.
 - The school would not be able to accommodate the additional pupils so parents would have to make alternative arrangements outside of the village for their children's education.
 - We have lost the local playgroup, and people are struggling to find somewhere for their little ones, why not build a playgroup.
 - There is also the issue of doctors appointments being delayed as the waiting time now is unacceptable to get to see a GP.
 - Nearest Chemist to Barlestone is over a mile away. No mention of any increase in size of chemist to accommodate increased population from the development.
 - Why is this application even being considered when it's outside of the Barlestone

neighbourhood plan settlement boundary? There are 99 new build houses being built on the Garden Farm site along Bagworth road which will no doubt have an enormous impact on the village as a whole.

- We are extremely concerned regarding the access on to an already really busy road in and out of the village, (on the brow of a hill and a bend) and the amount of extra cars this application would generate would make it highly dangerous.
- The proposed access has limited visibility.
- There would need to be traffic calming, double yellow lines in place or a roundabout built as there are so many near accidents on a daily basis with cars packed on the road, plus all the cars entering and exiting the Barlestone Garage is very hazardous.
- If this is to go ahead then a more permanent solution to speeding needs to be found as signs are ignored and police cameras are few and far between and don't actually address the problem.
- The beautiful countryside of Barlestone village will soon be lost and it will eventually become Barlestone Town and a concrete jungle.
- Sewerage concerns
- This application has a lot of houses and they appear to be very close to each other and are straight at the back of our garden and close to our fence causing loss of privacy as our garden slopes down to the fields.
- We are told to plant more hedges and trees for the environment and here we have ancient hedges and trees being dug up to make way for houses also the loss of wildlife, Bats fly about all night and there is an enormous amount of wildlife around the fields.
- The houses proposed are low grade and majority are not the size of property that the village requires.
- Additional information is required.
- The development is out of character and doesn't follow the line of the village.
- There are plenty of brownfield sites elsewhere, stop coming after small villages and making things more difficult without making any changes to existing infrastructure.
- Since the spate of building in the past 20 years there has not been a single new facility or improved road that has been built.
- Lack of infrastructure to support this development.

6. Consultation

6.1. No objection has been received from the following consultees:

- HBBC Conservation Officer
- LCC Ecology – subject to conditions
- LCC Archaeology – subject to conditions
- LCC Minerals and Waste
- LCC Drainage (LLFA) – subject to conditions
- Environment Agency
- Severn Trent Water
- Historic England
- NHS – subject to financial contribution of £56,144.00.
- LCC Planning Obligations Team – subject to financial contributions in respect of libraries, waste and education totalling £429,108.02
- Cadent Gas
- HBBC Housing Officer – subject to obligations
- HBBC Environmental Services – subjection to conditions
- HBBC S106 Monitoring/Open Space Officer – subject to obligations

- 6.2. Local Highway Authority – The most recent response from the LHA stated that amendments must be undertaken should the applicant wish the roads to be considered for adoption, as the layout of the site could be affected.
- 6.3. Ramblers Association – Objection. The proposed diverted route of the footpath is excessively long, and the proposed diverted route would be mainly along estate roads. For these reasons the Ramblers' will object to any Footpath Diversion Order associated with this application.

*The proposed route has been reduced in length as part of the revised plans submitted by the applicant. No further comments have been received from the Ramblers Association to date.

- 6.4. HBBC Waste Team – Objection. Issues with the proposed layout, including its adoptability, refuse vehicle access and turning, bin collection points and drag distances.
- 6.5. Barlestone Parish Council – Object. The members object to the application on grounds that it is not in the NDP – wish to refer planners to NDP and please note Barlestone is on track to meet current Borough housing allocation. Also, Barlestone Parish Council would like it noting that if this plan is successful the Barlestone council will be asking for full 106 monies.

Further response from Barlestone Parish Council received - It is felt that with the Garden Farm development and the application the Council has already agreed in Osbaston, it would be too much for the village to cope with to have this additional development.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

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

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

7.3. Barlestone Neighbourhood Plan

- Policy H2 – Settlement Boundary
- Policy H4 – Housing Mix
- Policy H5 – Affordable Housing Provision

- Policy H6 – Design Standards
- Policy ENV 7 – Notable Trees, Woodland and Hedges
- Policy ENV 8 – Biodiversity and Habitat Connectivity
- Policy ENV 9 – Bat Conservation
- Policy ENV 10 – Rights of Way
- Policy ENV 11 – Flood Risk
- Policy TR1 – Traffic Management
- Policy TR2 – Electric Vehicles

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highway Design Guide
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Landscape Sensitivity and Green Infrastructure Study for Leicester & Leicestershire (October 2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2024)
- Affordable Housing SPD (2011)
- Leicestershire Minerals and Waste Local Plan

8. Appraisal

8.1. The following represent the key issues in this case:

- Principle of development
- Housing land supply
- Housing mix and supply
- Landscape and visual impact
- Design and Layout
- Impact upon highway safety
- Heritage Impacts
- Archaeology
- Residential amenity
- Flood risk and drainage
- Ecology and biodiversity
- Minerals
- Planning Obligations
- Planning balance

Principle of development

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

- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS), the Site Allocations and Development Management Policies DPD (2016) (SADMP) and the Barlestone Neighbourhood Plan.
- 8.4. The Emerging Local Plan is due to cover the plan period 2024-2045. The previous public consultation on the Regulation 18 Draft Local Plan ran from Wednesday 31 July to Friday 27 September 2024. The latest Local Development Scheme (LDS) was published on 06 March 2025. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a further Regulation 18 consultation scheduled for September/October 2025, and the Regulation 19 consultation scheduled for around March/April 2026. Given the early stage of the Emerging Local Plan and outstanding evidence still to be undertaken, the emerging policies are attributed very limited weight.
- 8.5. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located on land adjacent to the settlement of Barlestone but is on land which is designated as open countryside. The proposed access for the site is to be taken from Newbold Road.
- 8.6. Barlestone is defined as a Key Rural Centre (Stand Alone) and these settlements are considered to be the most sustainable and able to accommodate additional development outside of the Hinckley Urban Area.
- 8.7. Policy DM4 of the SADMP states “that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 8.8. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and It can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation
- And
- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and
 - ii) It does not undermine the physical and perceived separation and open character between settlements and
 - iii) It does not create or exacerbate ribbon development
 - iv) If within a Green Wedge it protects its role and function in line with Core Strategy Policy 6 and 9 and
 - v) If within the National Forest it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

8.9. Policy H2 of the Barlestone Neighbourhood Plan states that:

‘Development proposals on sites within the Settlement Boundary will be supported where they respect the character of that area of Barlestone and comply with other Plan policies. Land outside the defined Settlement Boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.’

8.10. Whilst there is conflict with Policy DM4 of the SADMP and Policy H2 of the Barlestone Neighbourhood Plan, the proposed development is located on the edge of a key rural centre settlement, is not considered to be isolated, does not exacerbate ribbon development and is not within the National Forest. Part of the site also contains buildings and permission has been granted historically for vehicle storage.

8.11. The proposal therefore needs to be assessed against the material planning considerations set out in the below sections.

Housing land supply

8.12. 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.

8.13. The Planning Policy team are currently reviewing the revised NPPF (2024) and implications for the Council's Five Year Housing Land Supply. A revised position will be published by May 2025 once the monitoring for the 2024/25 year has been completed. It is however very likely that, with the revised housing need figure of 682 dwellings per annum from the Dec 2024 NPPF (649dpa + 5% buffer as per Para 78a), that the Council will be unable to demonstrate a Five Year Housing Land Supply once the revised position is published.

8.14. For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. In accordance with paragraph 11d) of the NPPF, the Council should 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.

8.15. 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 (8), 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”

8.16. Paragraph 61 of the NPPF sets out 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”.*

8.17. Paragraph 79 of the NPPF sets out 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.”*

8.18. 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.

8.19. 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”

8.20. The Barlestone Neighbourhood Plan was made in June 2022, and a lot has changed since the making of this plan, locally, regionally, and nationally. The NPPF has been updated (as of Dec 2024) this has consequences for the borough’s standard method calculation; as a result of this, our housing requirement has increased, and the planning policy team are working on the calculations presently. Leicester City’s ongoing Local Plan examination and issues with unmet needs have had an impact on the progression of the Local Plan and an impact on our overall housing figures. In addition, the allocations in the Barlestone Neighbourhood Plan were based on a housing figure derived from an external piece of evidence dated 2019 and population apportionment, rather than an indicative figure given to them by the LPA based on the local strategy for growth or other relevant evidence. The plan also has a plan period of 2020 – 2039, whereas the proposed new Local Plan has a plan period of 2020 – 2045. As a result, the Council considers that the Barlestone Neighbourhood Plan does not sufficiently fulfil paragraph 14b of the NPPF.

Housing mix and supply

8.21. Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a ‘very good’ rating against Building for Life, unless unviable. The Good Design Guide SPD also advocates the use of the Building for Life assessment.

8.22. Policy H4 of the Barlestone Neighbourhood Plan states that new development should provide for a mixture of housing types having regard to identified local housing needs. The provision of bungalows suitable for elderly people and dwellings of 2/3 bedrooms will be particularly supported. The inclusion of four-bedroom or larger houses in housing developments will be supported where they are subservient in number to one, two and three-bedroom accommodation and where there is a proven housing need.

8.23. Policy H5 of the Neighbourhood Plan comments about the nature of the affordable housing to be delivered on development sites. Its approach has been designed to ensure that affordable housing units directly address local housing needs and are incorporated in an attractive way into the wider site concerned.

8.24. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The overall housing mix (including affordable housing provision) comprises:

- 8x 1bed properties
- 10x 2 bed properties
- 31x 3 bed properties
- 6x 4 bed properties
- 3x 5 bed properties
- Total = 58 properties

8.25. The details submitted with the application indicates that the full 40% affordable housing requirement will be provided on site. This would give a total of 24 affordable housing units. The applicant has provided a breakdown of the affordable housing as follows:

- 8 one-bedroom properties,
- 8 two-bedroom properties and
- 8 three-bedroom properties.

8.26. Guidance in the National Planning Policy Framework states that:

“Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs across Social Rent, other affordable housing for rent and affordable home ownership tenures’.

8.27. Policy set out in the Core Strategy (policy 15), indicates that 40% of the dwellings in the rural areas should be for affordable housing, of which 75% should be for affordable rent and 25% for shared ownership. At the time of the initial application (2022), the policy relating to tenure required at least 10% of all housing on qualifying sites to be for affordable home ownership, and 25% of the affordable housing provision to be for First Homes. Negotiations around affordable housing provision on this site complied with this guidance and offered 6 properties as First Homes, 12 properties for affordable or social rent and 6 for shared ownership. While this guidance was removed in the most recently published National Planning Policy Framework issued in December 2024, the Council is still able to agree the provision of First Homes if it wishes. Subject to further consultation and discussion on this matter, the affordable housing tenure split for this application remains as 6x first homes, 12x affordable /social rent and 6x shared ownership.

8.28. As this site is in the rural area, the section 106 agreement should contain a requirement for applicants for rented properties to have a local connection firstly to the parish of Barlestone and secondly to the Borough of Hinckley and Bosworth. Local connection will be set as

people who have current residency, employment requirements, family connections or special circumstances

- 8.29. Subject to the affordable housing requirements being delivered through completion of a Section 106 legal agreement, this proposal is deemed to be acceptable with respect to housing mix and affordable housing provision.

Landscape and Visual Impact

- 8.30. Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.31. The application is accompanied by a Landscape and Visual Impact Assessment.
- 8.32. The site is not a designated landscape, nor does it have a special protected status at the national or local level.
- 8.33. Policy ENV 12 of the Barlestone Neighbourhood Plan identifies and seeks to protect 'Important Views' within and around the settlement. A series of 'Important Views' are located to the north and southwest of the settlement. None of the identified 'Important Views' include views of or towards the site or its immediate context.
- 8.34. The site lies within the 'Settled Forest Hills' Landscape Character Type (LCT) and within that 'B: Charnwood Fringe Settled Forest Hills' Landscape Character Area (LCA). The key characteristics of the Charnwood Fringe Settled Forest Hills LCA include:
- Gently undulating landform with small plateaus on higher ground and rising to the adjacent Charnwood Forest area to the east.
 - Contrast between areas which are visually open and enclosed depending on the elevation of the landscape and the presence of woodlands and vegetation.
 - Large scale irregular field pattern of mainly arable and some pasture, with smaller fields around settlements. Fields enclosed by hedgerows with scattered trees.
 - Dispersed pattern of former mining villages following a linear pattern on ridgetops, either located close to a colliery or providing housing for mine workers. Good public access and footpath network throughout, especially within National Forest area.
 - Predominantly rural landscape with arable and rough set-aside, influenced by industrial / urban features such as masts, poles and pylons.
- 8.35. The villages of Barlestone and Thornton are situated on raised ground of sand and gravels. Barlestone has its origins as a small agricultural village which retains a few historic buildings.
- 8.36. The site lies on the gently rising slopes on the eastern side of the small tributary valley that stretches through the eastern side of Barlestone. At this localised scale, the landform of the site generally falls from southeast to the northwest, and generally back towards the existing settlement edge and not out towards the broader landscape to the south. A gentle localised ridge of higher ground lies beyond the site to the south and beyond this the land generally falls away to the southwest.
- 8.37. The LVIA submitted with the planning application states that the majority of the existing mature hedgerows and trees on site will be conserved as part of the proposed

development. This will include all those hedgerows and trees lining the perimeter of the site, with a further number retained within the site and along the small watercourse. The proposals will also include areas of publicly accessible open space stretching across much of the southern part of the site. This will principally be designed and managed for biodiversity, landscape and recreational use and will include appropriate footpaths, seating and a play facility for children.

8.38. The value of the existing landscape has been assessed as Medium by the LVIA. The susceptibility of this landscape to the proposed development has also been assessed as Medium.

8.39. Views of the proposed development/site will be seen from the following points:

- Users of the PROW (footpath) crossing the site
- Users of other PROW (footpaths) to the south of the site
- Users of Newbold Road
- Properties immediately to the north of the site;
- Properties to the northeast and northwest of the site, largely on Newbold Rd and Brookside

Overall, the visible extent (or 'Zone of Visual Influence') of the proposed development is considered to be limited and localised, largely as a result of the underlying and surrounding landform; the presence of mature hedgerows and trees along the site boundary; and the adjoining and nearby settlement edge to the north.

8.40. With the mitigation proposed, the resultant landscape impact is considered to be minor-moderate. The site is not located within a sensitivity area as defined by the Council's Landscape Character Assessment. It is considered that the proposals would not have such a detrimental impact on landscape character or from a visual perspective to warrant refusal of the application in this case. It is therefore considered to be acceptable with development plan policy with respect to landscape and visual impact when taking account of other material considerations such as the 5-year housing land supply issue, the provision of 40% affordable housing, on site open space provision, S106 contributions etc.

Design and Layout

8.41. Policy DM10 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 of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.

8.42. Paragraph 139 of the latest NPPF states that:

'Development that is not well designed should be refused. Significant weight should be given to:

- *Development which reflects local design policies and government guidance on design, taking into account any local design guidance and SPDs such as design codes and/or*
- *Outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'*

8.43. Design objectives for Barlestone within the Council's Design Guide SPD are as follows:

- Protect the main approaches to the village with the visual links to the countryside, exploring ways of reintroducing more traditional rural and agricultural vernacular forms.
- Protect the landscape setting of the church, and the dispersed form/character of Church Farm and its outbuildings.
- Avoid extensions to ribbon development along main routes such as Newbold Road.
- Reintroduce more traditional built form into the village core, along areas such as Main Street, reflecting the historic precedent for smaller-scale vernacular cottages and picking up on important detailing from surviving structures such as the Methodist chapel.”

8.44. Policy H6 of the Barlestone Neighbourhood Plan states that development proposals will be supported where they meet the following nine design principles to a degree that is proportionate to the scale of the development:

- a) Proposals should respect the character and historic context of nearby existing development within the village. Proposals should demonstrate how they meet the design features as described in the Character Assessment (Appendix 5) and incorporate local materials where practicable. Contemporary and innovative materials and design will be supported where positive improvement can be demonstrated without detracting from the historic context. Care should be taken to ensure that the development does not disrupt the visual impact of the street scene or adversely affect any wider landscape views;
- b) Sufficient off-road parking should be provided at a minimum of the standards in the Leicestershire Highways Design Guide. In particular, there should be adequate parking areas for residents and visitors within each development;
- c) The proposal does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise;
- d) Proposals should be enhanced by landscaping with existing trees, protecting existing trees and hedges whenever possible to promote biodiversity. Where watercourses (either man-made or natural), dry ditches, or other water drainage exists, these must be retained. Wherever practicable, plots should be enclosed by native hedging, wooden fencing or walls in keeping with the local style;
- e) Development should incorporate sustainable design and construction techniques, to a minimum of the standards contained within the relevant Building Regulations in force at the time of development and proportionate to the scale of the development, to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology such as solar panels and rainwater harvesters;
- f) Proposals should provide species friendly features, such as holes in fencing for hedgehog movements and bat boxes as required with roof and wall construction following technical best-practice recommendations for integral bird nest boxes and bat breeding and roosting sites;
- g) Development should incorporate sustainable drainage systems such as use of water butts, permeable surfaces and balancing ponds to retard surges and to minimise the vulnerability to flooding and poor drainage. All major developments shall ensure that Sustainable Drainage Systems (SuDS) for the management of surface water run-off are put in place unless demonstrated to be inappropriate;
- h) The lighting design, location, type, lux levels of development proposals should take account of best practice including advice from the Institute of Lighting Professionals;
- i) Development proposals should make appropriate provision for the storage of waste and recycling.

8.45. The proposed house types comprise terrace, semi-detached and larger detached properties. There are six House Types proposed on site:

- House Type A – 2 bed, 2 storey, some terrace, some semi-detached pairs across the site with mono-pitch canopy above the front door

- House Type B – 3 bed, 2 storey, semi-detached pairs, with pitched roof canopy feature to front door and lintel detailing (street gable windows to Plots 14 and 16)
- House Type C – 3 bed, detached property with pitched roof canopy feature to front door, lintel detailing and chimney feature (street gable windows to Plots 30 and 55)
- House Type D – 4 bed, detached, double fronted property with pitched roof/flat roof canopy above front door, lintel detailing and chimney feature
- House Type E – 5 bed, large, detached properties, 2x L shaped with double garages, 1x double fronted, double bay window design with 2 chimney features
- House Type F - 1 bed, terrace/semis, mono-pitch roof canopy above front door and lintel detailing

8.46. The scale of residential development will be 2-storey, reflecting the surrounding built form of Barlestone and the existing dwellings located to the north of the application site.

8.47. A main spine road would provide access to the proposed development which leads south to a Crescent area within the site which hosts an arrangement of lime trees. Directly to the east of the Crescent is a further area of open space which proposes to accommodate the Children's Play Area and the orchard beyond.

8.48. The layout and the arrangement of the built form creates a network of street and spaces through the site which include back-to-back properties with a minimum separation distance of 20 metres. A number of plots face onto or towards open space to provide enhanced outlook for potential residents and a sense of surveillance for users of the open space. Consideration of the entrance to the site has been accounted for through the provision of trees and bulb planting.

8.49. The scheme has also made a modification to the length of the Public Right of Way through the site from 242 metres to 225 metres further to the comments received from the Ramblers Association. A separate process is required to permanently divert the footpath.

8.50. A drainage basin/SUDs feature is located to the northwest of the development site.

8.51. As part of the revisions to the design of the scheme, Plot 35 (House Type E) was re-orientated in order to face toward the development/open space areas, provide natural surveillance and include a more active frontage in this part of the development site.

8.52. Layout changes were also required in order to make the main spine road and Crescent suitable for adoption. This involved some further design changes. Adoption was deemed necessary to ensure that all dwellings could be accessed by the refuse team for waste/recycling collection. This has resulted in a revised scheme for 58 dwellings. The overall development has evolved to have a character that suits its semi-rural context, preserves a majority of the existing mature hedgerows and trees, include all those hedgerows and trees lining the perimeter of the site, with a further number conserved within the site and along the small watercourse, which helps to enhance the visual aesthetics of the site.

8.53. Overall, the proposal is considered to be acceptable with respect to design and layout considerations and accords with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016, Policy H6 of the Barlestone Neighbourhood Plan and the design requirements set out within the NPPF.

Impact upon highway safety

8.54. 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 highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

- 8.55. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.56. Paragraph 116 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 117(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.57. The local highway has been consulted on this application several times. Initially, a large amount of further information was requested, and this has resulted in amendments to the proposed layout.
- 8.58. Public Footpath S38 is affected by the proposed development. The LHA advise that a condition in respect of the treatment of the PROW including details of management during construction, proposed temporary route(s); any proposed permanent legal diversion is required in this instance.
- 8.59. On-plot parking has been provided in the form of hard standing, carports, and garaging. Car parking provision is provided as follows:
- 4 and 5 Bedroom detached houses – 3 off road spaces per dwelling
 - 1, 2 and 3 bedroom houses – 2 off road spaces per dwelling
- 8.60. Amendments have been made by the applicant to demonstrate that the main spine road within the development site is suitable for adoption. At time of writing the Committee report, the latest consultation response from the local highway authority was outstanding. An update will be provided on the evening of Committee. Subject to a positive response, it is recommended to Members that the application would be acceptable in highway and adoption terms subject to conditions and any revised S106 requests relating to highway matters.

Heritage Impacts

- 8.61. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.62. Paragraph 216 of the NPPF 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.
- 8.63. 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.

- 8.64. There are no designated or non-designated built heritage assets within the site boundary.
- 8.65. There are a small number of grade II listed buildings, including the Church of St Giles, and a number of non-designated heritage assets as identified on the Leicestershire Historic Environment Record and within the Barlestone Neighbourhood Plan, all of which are primarily located within the historic core of Barlestone which is c.0.5km west of the application site. There also a small number of listed buildings, including the grade II* Osbaston Hall, and the Osbaston Conservation Area located c.1km to the south-west of the application site.
- 8.66. The Conservation Officer has been consulted on this application and has no concerns from a heritage perspective. Due to a combination of the topography and presence of intervening built form and vegetation there is no particular inter-visibility between the application site and any built designated and non-designated heritage assets, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and none of these heritage assets would be sensitive to or affected by the proposed development within the application site. The proposed development will therefore have no impacts upon designated or non-designated heritage assets.
- 8.67. There are not considered to be any conservation or listed building assets affected by this proposal. The proposed development of the site is therefore in accordance with the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and conforms to the requirements of the NPPF and local planning policy with regard to Heritage considerations, specifically Policies DM11 and DM12 of the SADMP and the requirements of the NPPF.

Archaeology

- 8.68. 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.
- 8.69. 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.
- 8.70. The LCC Archaeology Team have been consulted on the application. The Leicestershire and Rutland Historic Environment Record (HER) notes that the application area lies within a landscape that appears favourable for prehistoric and Roman occupation. The applicant has submitted a revised archaeological desk-based assessment (ULAS Report Ref: 2024-031) and LCC Archaeology are generally supportive of its findings, which confirm the known archaeological potential for prehistoric, Roman and Medieval buried remains within the site. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application.
- 8.71. While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme. The NPPF states that Local Planning authorities should require developers to record and advance understanding of the

significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.

- 8.72. Subject to suitably worded conditions relating to a written scheme of investigation the Archaeology Team have no objections to the application being granted permission and it is considered that proposal accords with Policy DM13 of the SADMP and the requirements set out within the NPPF with respect to archaeological considerations.

Impact upon neighbouring residential amenity

- 8.73. 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.
- 8.74. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.75. Paragraph 135 (f) of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.76. Paragraph 198 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.
- 8.77. The Council's Environmental Health Team have been consulted on the application on a number of occasions and initially requested additional information with respect to noise. They stated that the proposed new access roadway to this development is to be routed in between two existing properties fronting onto Newbold Road. This would give rise to traffic noise into the rear gardens of these properties. They have recommended that noise mitigation measures are considered in the form of Acoustic Fencing to reduce the passing noise impact from vehicle movements into the rear garden areas.
- 8.78. A noise impact assessment (NIA) was submitted by the applicant.
- 8.79. Subsequently, the Environmental Health Team have raised no further concerns and are satisfied with findings and recommendations of the NIA. They have requested a number of conditions to help protect residential amenity for both existing residents and future occupiers of the site.
- 8.80. Garden amenity space is provided for all proposed properties on site and these are of a good size relative to the size of the dwelling. Separation distances where properties are designed in a 'back to back' arrangement are considered to be acceptable with respect to privacy and overlooking considerations and comply with the requirements of the Good Design Guide SPD.

8.81. Therefore, subject to conditions, this application is considered to be acceptable in amenity terms and in compliance with Policy DM7, Policy DM10 a and b of the SADMP, Policy H6 of the Barlestone Neighbourhood Plan, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

8.82. 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.

8.83. Policy ENV 11 of the Barlestone Neighbourhood Plan states that development proposals should demonstrate that:

- a) The proposal demonstrates resilience to future climate-change-driven flood risk during the lifetime of this Plan and beyond;
- b) The location takes geology, flood risk from rivers, other watercourses and surface water into account;
- c) A hydrological study, whose findings must be complied with in respect of design, groundworks and construction, is carried out;
- d) The design includes, as appropriate, Sustainable Drainage Systems, other surface water management measures and permeable surfaces; the appropriate discharge of surface water is key to mitigating the risk of flooding as a result of development and the impacts of climate change;
- e) The development does not increase the risk of flooding downstream;
- f) The development is not in an area of land likely to be required for future flood resilience, whether by 'rewilding' or infrastructural works.

Proposals for flood risk resilience and mitigation infrastructural works, including landscaping for attenuation in the floodplain, roadside culverts, etc. and for natural mitigation measures (watercourse 'rewilding', tree planting, etc.) will be supported.

8.84. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 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.

8.85. The site is located in Flood zone 1 – land with lowest probability of flooding. The LLFA confirmed that there is generally a low risk of surface water flooding, although there is a medium to high risk of surface water flooding associated with a watercourse to the north of the application site.

8.86. No objections have been received from the Environment Agency.

8.87. The LCC Drainage Team initially requested further information in relation to sustainable drainage systems on site. Specifically, sufficient treatment train details needed to be provided.

8.88. Further information was submitted by the applicant which demonstrated that surface water is to be discharged via Type C permeable paving in private driveways and an attenuation pond to the on-site watercourse at 16.5 l/s. Ground investigations suggests that infiltration would not be a feasible method of drainage the site. The LLFA are satisfied with the revised surface water information and have requested specific conditions in this regard to appropriately manage surface water matters within the locality.

- 8.89. Subject to conditions, the LLFA have no further objections and therefore the proposal is considered to satisfy Policy DM7 of the SADMP, Policy ENV 11 of the Neighbourhood Plan and the requirements of the NPPF with respect to flooding, drainage and surface water considerations.

Ecology and Biodiversity

- 8.90. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 187 of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.91. The Barlestone Neighbourhood Plan includes a number of policies relating to ecology and biodiversity – Policy ENV 8 and ENV 9. These policies seek to safeguard all significant habitats and species and improve habitat connectivity. Policy ENV 9 specifically relates to the protection and consideration of bats.
- 8.92. LCC Ecology have been consulted on the application. They have confirmed that the updated BNG metric and technical note (FPCR, May 2024), updated PEA (FPCR, May 2024) as well as the updated landscape plans are acceptable and no further protected species surveys are required.
- 8.93. Therefore, subject to conditions recommended by the Ecologist, this application is considered to be acceptable with respect to ecological matters and is in compliance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016, Policy ENV8 and ENV 9 of the Barlestone Neighbourhood Plan and the requirements of the NPPF.

Minerals

- 8.94. The Minerals and Waste Team at LCC were consulted on this application as part of the consultation process. They have raised no objections. The application site falls within a Mineral Consultation Area (MCA) for sand and gravel. However, given the location of the application site to sensitive receptors and the information included within the Phase II Ground Investigation Report, it is considered that this site is not likely to be viable for mineral extraction. Therefore, a Minerals Report is not required to be submitted.
- 8.95. It should also be noted that there no concerns were raised from a waste safeguarding perspective either.
- 8.96. No conditions have been requested by the Minerals Team in this case. As such, the application is considered to be acceptable in this regard and compliant with Development Plan Policy and the requirements of the NPPF.

Planning Obligations

- 8.97. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.98. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016 updates these standards and also identifies the costs for off-site and on-site contributions. The

contributions required for the various open space typologies for this development are set out below.

8.99. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 58 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

8.100. The application details confirm the provision of accessible public open space on site as shown on the submitted landscape and site plans. The minimum requirements of on-site open space should comprise:

- 216 sq m of Equipped Children's Play Space (Equipment for the LEAP should be a minimum cost of £39,296.88 and be included in the S106 agreement)
- 1008 sq m of Casual/Informal Space
- 2400 sq m of Accessible Natural Green Space

The scheme as submitted is deemed to be acceptable with respect to on-site open space provision and is overproviding with respect to on-site open space overall.

8.101. The application also results in the need for off-site contributions in respect of an outdoor sports contribution which is set out as a financial request in the list below.

8.102. The financial contributions and planning obligations sought are listed below with further detail provided in the following paragraphs:

- Affordable Housing – 40% (24 units)
 - 6 homes for First Homes
 - 12 homes for affordable rent
 - 6 homes for shared ownership
- Library Services (Newbold Verdon Library) – £1,630.68
- LCC Waste Management (Barwell HWRC) - £2,872.74
- Healthcare - £56,144.00 (Desford Medical Centre, Newbold Verdon Medical Practice & Market Bosworth Surgery)
- Primary Education (Barlestone Church of England Primary School) - £275,340.00
- Secondary Education (The Market Bosworth School) - £149,264.60
- Post 16 Education – no requirement
- On site Open Space provision in accordance with the landscape/site plan drawing as revised and submitted
- Off-site open space contributions for Outdoor Sports Provision of - £20,851.20 and maintenance contribution of £9,907.20
- On-site open space provision as set out above in paragraph 8.100
- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500
- Six-month bus passes, two per dwelling (application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of

sustainable travel modes other than the car. This can be supplied through LCC at (average) £490.00 per pass.

- Council's Monitoring Fees and site visit fees
- Legal Fees

8.103. In terms of library services, the nearest library to this development is Newbold Verdon Library and it is estimated that the total assumed occupancy of 162 arising from the development will create additional pressures on the availability of the facilities at that library, and others nearby. This contribution would be used at to provide improvements to this 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. **The total library contribution being sought is £1,630.68**

8.104. The nearest Recycling and Household Waste Site to this development is Barwell RHWS and the proposed development would create additional pressures on the site. This contribution would be used for site reconfiguration, including the development of waste infrastructure, to increase the capacity for this Household Waste and Recycling Centre, or any other HWRC directly impacted by this development. **The total waste contribution being sought is £2,872.74**

8.105. In terms of healthcare, it has been requested that funding is allocated to: Desford Medical Centre, Newbold Verdon Medical Practice & Market Bosworth Surgery. To develop one or all the named surgeries or alternatively use the contribution towards other Primary/Community healthcare infrastructure that will be directly impacted due to the increase in population linked to this housing development. For example, a new healthcare facility. **The requested contribution of £56,144.00 is sought and would be required prior to first occupation.**

8.106. In terms of Primary Education, The development yields 15 primary aged children. Barlestone Church of England Primary School is the catchment primary school for the development and has a net capacity of 210 places and there will be a deficit of 38 places if this development goes ahead. The overall position including all schools within a two mile walking distance of the development is that there is a deficit of 121 places. A total of 17 pupil places have been added that are being funded from S106 agreements for other developments in the area, leaving a deficit of 105 places. The 15 places created by this development cannot therefore be accommodated at nearby schools. **Therefore, a full request for contributions in respect of the primary education sector of £275,340.00 is justified.**

8.107. With respect to Secondary Education, The development yields 9 secondary aged children. The Market Bosworth School is the catchment secondary school for the development and has a net capacity of 860 places and there will be a deficit of 58 places if this development goes ahead. The overall deficit including all schools within a three-mile walking distance of the development is 132 pupil places. A total of 99 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 33 places. **Therefore, a full request for contributions in respect of the secondary education sector of £149,264.60 is justified.**

8.108. With respect Post 16 education, the development yields 2 post 16 aged children. Bosworth Academy is the catchment post 16 school for the development and has a net capacity of 401 places and there will be a deficit of 11 places if this development goes ahead. A total of 19 pupil places have been deducted that are being funded from S106 agreements for other developments in the area, leaving a surplus of 8 places. The 2

places created by this development can be fully accommodated at nearby schools.
Therefore, there is no claim for a developer contribution on this occasion.

- 8.109. As the proposed development is for less than 100 dwellings, **there is no request for contributions towards the SEND education sector.**
- 8.110. The Local Highway Authority have requested a number of planning obligations. Firstly, **Travel Packs are required in order to inform new residents from first occupation what sustainable travel choices are available within the surrounding area (can be supplied by LCC at £52.85 per pack).** If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500. **The Local Highway Authority has also requested six-month bus passes, two per dwelling (application forms to be included in Travel Packs and funded by the developer); in order to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. This can be supplied through LCC at (average) £490.00 per pass.**
- 8.111. The Council also require monitoring fees, site visit fees and legal fees to be paid by the applicant as part of any agreed Section 106 Agreement.
- 8.112. All of the above contributions are considered to meet the three tests and therefore will form part of a Section 106 legal agreement if Members are minded to approve the application. Subject to the signing and sealing of a Section 106 Legal Agreement the application is considered to be in accordance with Policy DM3 of the Site Allocations and Development Management Policies Development Plan Document, Policy 19 of the Core Strategy and the requirements of the NPPF.

Planning Balance

- 8.113. 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.
- 8.114. The housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.115. The Barlestone Neighbourhood Plan was made in June 2022 and a lot has changed since the making of this plan, locally, regionally, and nationally. The NPPF has been recently updated (2024) and this has altered the borough's standard method calculation; as a result of this our housing requirement is now higher than previously calculated and the planning policy team are working on a revised calculation. Leicester City's ongoing Local Plan examination and issues with unmet needs have had an impact on the progression of the Local Plan and an impact on the Borough's overall housing figures. In addition, the allocations in the Neighbourhood Plan were based on a housing figure derived from an external piece of evidence dated 2019 and population apportionment, rather than an indicative figure given to them by the LPA based on the local strategy for growth or other relevant evidence. The plan also has a plan period of 2020 – 2039, whereas the proposed new Local Plan has a plan period of 2020 – 2045. As a result, the Council considers that the Barlestone Neighbourhood Plan does not sufficiently fulfil paragraph 14b of the NPPF.

- 8.116. The provision of 58 dwellings (including 40% affordable housing) is considered to be a significant benefit of the proposal and weighs in favour of the scheme.
- 8.117. The impact on landscape and visual amenity has been assessed and is considered to be medium for this development proposal. In addition, the provision of much-needed housing types is considered to outweigh the landscape impact identified. Therefore, the adverse impact does not significantly and demonstrably outweigh the benefits in this case.
- 8.118. Subject to road adoption issues being resolved to the satisfaction of the LHA, the imposition of conditions and the signing of a Section 106 Legal Agreement for the required planning obligations, affordable housing provision and associated fees, this application is considered to be acceptable in planning terms and 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. Officer 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 **Approve Outline Planning Permission subject to a S106 Legal Agreement and Conditions.**
- 10.2 **That the Head of Planning be given powers to determine the final detail of planning conditions.**
- 10.3 **That the Head of Planning be given delegated powers to finalise the terms of the S106 agreement including trigger points, claw-back periods and updated contribution amounts.**

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 No M103 (90) 01
- Proposed Site Plan, Drawing No. M103 (90) 10 Rev J
- Landscape Strategy Plan Drawing No DR-L-0001 P09
- Landscape Typologies Plan Drawing No DR-L-0002 P09
- Arboricultural Assessment fpcr March 2025
- Garages - Garden Stores M103(PL)08
- House Types Plans F and A M103(PL)01
- House Types B and C M103(PL)02A
- House Types D and D1 M103(PL)03A
- House Types E1, E2 and E3 M103(PL)04A
- Revised House Type E3 M103 (PL)09
- Alternative Elevations F1-A1-B1-C1 H40(PL)05

Where the above plans and documents include proposed mitigation measures, these shall be implemented in accordance with the approved details, unless otherwise dealt with by conditions to follow.

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 proposed dwellings and garages have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document 2016.

4. The recommendations outlined in section 7 of the Noise Impact Assessment reference: P5840/2 revision date 10.03.2025 shall be implemented and completed before the development hereby approved, is first commenced and shall be thereafter maintained, unless otherwise agreed in writing by the LPA.

Reason: To protect residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016, Policy H6 of the Barlestone Neighbourhood Plan and the requirements of the NPPF.

5. 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.

Reason: To minimise disruption to neighbouring properties/residents of the site in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

6. Site preparation and construction shall be limited to the following hours;
- Monday – Friday 07:30 – 18:00
 - Saturday 08:00 – 13:00
 - No working on Sundays and Bank Holidays

Reason: To minimise disruption to neighbouring properties/residents of the site in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

7. The remediation works outlined in the submitted Phase II Ground Investigation Report ref 82207-06C and Remediation Statement ref: 82207-07C shall be carried out prior to any development works above foundation level. Verification of the agreed works shall be submitted and agreed in writing by the Local Planning Authority prior to the site first being occupied.

Reason: To protect residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016, Policy H6 of the Barlestone Neighbourhood Plan and the requirements of the NPPF.

8. 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 land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

9. No development shall take place until an ecological mitigation, compensation and enhancement strategy has been submitted to and approved in writing by the LPA. Any compensation or enhancement measures (such as integrated bird/bat features) need to be shown on all relevant submitted plans/elevations. All works are to proceed strictly in accordance with the approved scheme.

Reason: In order to help protect wildlife species and their habitats on site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

10. No development shall take place (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) has been submitted to and approved in writing by the LPA. The CEMP: Biodiversity shall include the following details:

- Identification of potentially damaging construction activities
- Identification of biodiversity protection zones

- Practical measures and sensitive working practices to avoid or reduce impacts during construction
- Timing of works to avoid harm to wildlife
- Responsible persons for overseeing sensitive works
- Use of protective fencing where required

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

Reason: In order to help protect wildlife species and their habitats on site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

11. No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the LPA. The LEMP shall include the following details:

- Description and evaluation of the features to be created/managed
- Aims and objectives of management
- Appropriate management options for achieving aims and objectives
- Prescriptions for management actions
- Work schedule
- Species/seed mixes to be planted/sown
- Ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

Reason: In order to help protect wildlife species and their habitats on site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

12. 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.

13. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on PRP drawing number 82207 024 rev. P5 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

14. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 59 metres in an easterly direction and 2.4 by 61 meters in a westerly direction have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

15. Each dwelling hereby permitted shall not be occupied until such time as the parking and turning facilities for the respective dwelling has been implemented in accordance with LE1 Ltd drawing number M103 (90) 10 Rev. J. 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 and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

16. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 20 metres of the highway boundary, nor shall any be erected within a distance of 20 metres of the highway boundary unless hung to open away from the highway.

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

17. 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 20 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

19. No development shall take place until a scheme for the treatment of the Public Right of Way S38 has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction, proposed temporary route(s); any proposed permanent legal diversion; and construction of the new route. Physical construction should address width, surfacing, drainage, structures, signposting, landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted Guidance Notes for Developers (<https://tinyurl.com/devprowguide>). Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: To protect and enhance Public Rights of Way and access in accordance with the requirements of the National Planning Policy Framework.

20. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

21. No trees and shrubs shall be removed on site during the bird nesting season (1st Feb - 31st Aug inclusive).

Reason: To ensure the development does not have a detrimental impact upon nesting birds in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

22. 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 NPPF.

23. 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 though 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 NPPF.

24. 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 NPPF.

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

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & 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 satisfactory archaeological investigation, recording, dissemination and archiving which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies DPD 2016 and the requirements of the NPPF.

26. No development shall commence on site until a scheme that makes provision for the secure storage of cycles for each dwelling 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 and the requirements of the NPPF.

27. The scheme shall be carried out in accordance with the approved landscaping plan. The soft landscaping shall be maintained for a period of 5 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.

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

28. No development shall commence until a scheme for the provision of Children's Equipped Play Space (LEAP) on site is submitted to and approved in writing by the local planning authority. The scheme shall include the number and type of play equipment items, their design, materials, surfaced path details to the LEAP and a timeframe for implementation. The scheme shall be implemented in accordance with the agreed details.

Reason: To ensure satisfactory and appropriate provision of on-site play space in accordance with Policy 19 of the Core Strategy and the requirements of the NPPF.

29. 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.

30. All windows provided to bathrooms and en-suites for each dwelling hereby approved shall be glazed in obscure glass before the dwelling is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To help 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 NPPF.

31. 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.

Informatives:

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.

Where construction work requires a public right of way to be temporarily diverted, at least 12 weeks beforehand, an application to networkmanagement@leics.gov.uk must be made for a Temporary Traffic Regulation Order. An order may last for up to six months. If further closure period(s) are needed, then that requires additional applications. Diverting a public right of way without a current authorisation is an unlawful highway obstruction.

Public path diversions for development need a separate application to the LPA as the legal process is distinct from the planning permission and any temporary diversion. Even when development is approved a permanent diversion application may bring objections from local interests or rights of way user groups, possibly leading to a public inquiry after which there is no guarantee of approval by the Secretary of State. Diversion applications must be submitted early in the process as a diversion order cannot be legally confirmed after on-site construction work is largely finished.

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions Prior to carrying out works, including the construction of access points, please register on www.linerearchbeforeudig.co.uk to submit details of the planned works for review, ensuring requirements are adhered to.