

Planning Committee 17 June 2025
Report of the Head of Planning



Hinckley & Bosworth
Borough Council

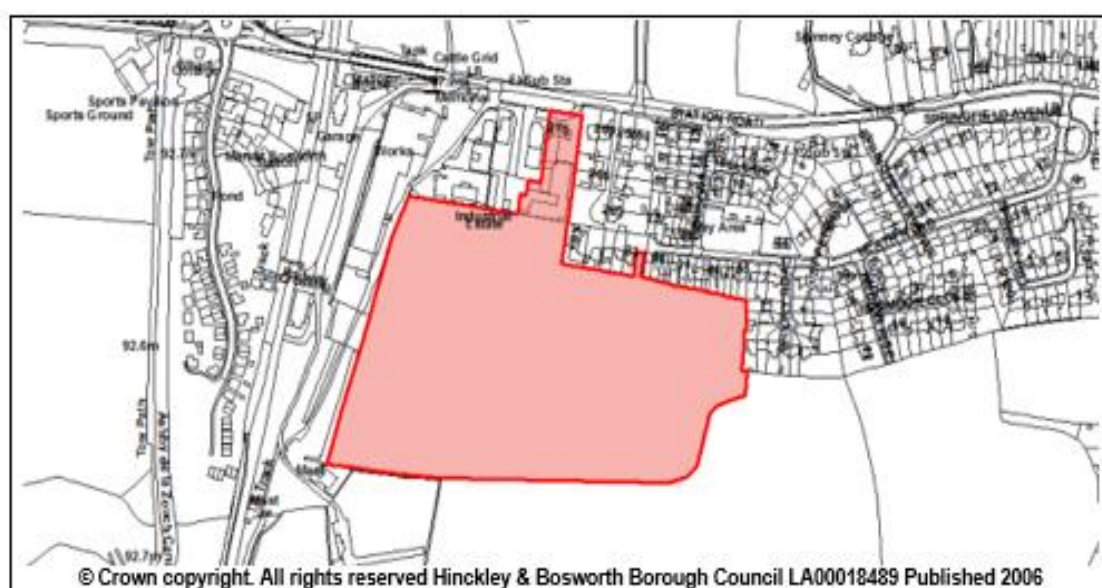
Planning Ref: 24/00560/HYB

Applicant: Miller Homes

Ward: Cadeby, Carlton, Market Bosworth and Shackerton

Site: Land off Station Road, Market Bosworth, Leicestershire

Proposal: Hybrid planning application seeking full planning permission for residential development of 135 dwellinghouses along with landscaping, public open space drainage infrastructure and new access following demolition of two existing dwellinghouses; and outline planning permission (all matters reserved except for point of access) for 0.6ha of employment uses (Classes E (g) (i, ii and iii), B2 and B8.



1. Recommendations

- 1.1. That the application be approved subject to:
 - Conditions outlined at the end of this report
 - The completion of a S106 Agreement to secure the required financial contributions and other measures detailed at paragraph 8.90 including affordable housing, education and health funding, highway funding, open space, maintenance and monitoring costs.
- 1.2. That the Head of Planning be given powers to determine the final detail of the conditions.
- 1.3. That the Head of Planning be given powers to determine the detailed terms of the S106 Agreement

2. Background

- 2.1. At the Committee meeting in February members resolved to granted permission subject to the completion of a S106 Agreement that included securing a total of 54

affordable housing units made up of 31 homes for rent, 13 discounted market homes and 10 shared ownership homes. Since then the applicant has contacted 13 Registered Affordable Housing Providers, none of which have expressed an interest in taking on the 31 homes proposed for affordable rent or the additional 10 shared ownership homes. The companies contacted and their reasons for not expressing an interest are set out below in a table supplied by the applicant.

No.	Registered Provider	Comment
1	Futures	Declined – They have informed that they will not be offering on this one due to the delivery time scales
2	NCHA	Declined – They have informed that they are not currently seeking s106 units. Only looking at 100% AH deals at present or if delivery is late 2026 onwards.
3	MTVH	Declined – They have advised that they are not currently seeking s106 units without significant additional funding.
4	Stonewater	Declined – They have advised that they are not currently seeking s106 units.
5	Midland Heart	Declined – They have advised that they are not currently seeking s106 units.
6	Platform	Declined – They have informed that the number of units is too low.
7	PA Housing	Declined – They have advised that they are not currently seeking s106 units.
8	Sage	Declined – They have informed that the number of units is too low.
9	Amplius (Longhurst)	Have not responded.
10	TRG	Declined – They have advised that they are not currently seeking s106 units.
11	Places for People	Declined.
12	EMH	Declined – They have advised that they are not currently seeking s106 units.
13	Orbit	Have not responded.

- 2.2. The applicant and the Council's Affordable Homes Officer have therefore sought to negotiate an alternative form of provision that is both at no additional cost to any party but also that does not disproportionately benefit any party, particularly the applicant.
- 2.3. It is now proposed therefore that the applicant will gift 16 of the one and two-bed dwellings (10 one-beds and 6 of the two-beds) to the Council for it to provide as affordable rented homes. The Council's Affordable Housing Officer considers that this represents a very good outcome for the Council considering the issues with registered providers outlined above. The figure is also subject to final validation to confirm that the financial outcomes are acceptable to the Council.
- 2.4. As this represents a significant change in how the affordable homes are to be provided the application must be brought back to Committee for decision. The February report has therefore been updated to reflect the current position with

changes provided below at paragraphs 3.2, 7.1, 7.12, 9.13, 9.23, 9.24, 9.26, 9.90, 9.95, and Condition 28 highlighted in bold. The recommendation remains unaltered.

3. Planning Application Description

- 3.1. The application is in two parts and seeks full permission for the erection of 135 dwellings (including 40% affordable housing), public open space and associated infrastructure that includes vehicular access, landscaping and a sustainable drainage system (SuDS), with outline permission being sought for up to 0.6 hectares of employment uses (Classes E (g) (i, ii and iii), B2 and B8). Class E (g) includes offices, research and development and industrial processes that can be carried out in any residential area without detriment to residential amenity by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. Class B2 is general industrial use and Class B8 is storage and distribution.
- 3.2. The application includes the demolition of a pair of semi-detached dwellings on the Station Road frontage to provide a new access and includes the demolition of existing commercial premises. The application provides a broad mix of dwellings including 40% affordable homes. The mix of dwellings is as follows:
- 13 one bed dwellings
 - 45 two bed dwellings
 - 52 three bed dwellings
 - 25 four bed dwellings
- In terms of tenure, **119 will be market homes and 16 will be for affordable rent.**
- 3.3. The proposed employment land is located to the west of the site adjacent to the existing commercial and industrial premises that are accessed from Station Road. A landscaped bund some 3m high that is to be topped with a 2m acoustic fence is proposed to the western boundary of the site and to part of the northern boundary between the existing industrial development to the west and the new 0.6 hectare employment zone. Acoustic fencing is also provided to the east of the access into the site.
- 3.4. Most of the proposed dwellings take their access from adopted roads which feature a main loop road and two secondary cul-de-sacs which are also to be adopted. A footpath link is provided from the development to Heath Road where there is an existing children's play area to the east of the junction of Heath Road and Godsons Hill. Given the proximity of the play area a trim trail is proposed on the site that runs along the southern and western boundary and between the proposed dwellings and the proposed employment area. A permissive footpath link is also shown to the eastern boundary of the site. A proposed surface water attenuation pond is located in the south west corner of the site to the south of the employment area. The attenuation pond is directly overlooked by seven of the proposed dwellings.
- 3.5. Significant new tree planting is proposed across the site, particularly between the proposed dwellings and the proposed employment area, between the proposed dwellings and the existing employment uses to the north, either side of the new access into the site and adjacent to the southern and eastern boundaries of the site with the farmland beyond.
- 3.6. The scale of the development is predominantly two storey, but with four bungalows and ten 2.5 storey dwellings. The overall design of the dwellings is traditional with 18 different house types being used with three different red bricks being used. There is a limited use of render in keeping with materials that feature within the vicinity of the site.

- 3.7. Solar panels will be installed on approximately 60% of the dwellings. Not every roof is able to accommodate solar panels due to orientation on the site, the roof type and the size of the dwellings. In addition, depending on Building Regulations updates, there may be a requirement that 60% of the properties be provided with Air Source Heat Pumps.
- 3.8. The applicant has advised that a range of energy reducing measures are incorporated into the design of the dwellings. These include:
- Optimisation of natural daylight
 - Maximisation of passive solar gains
 - High-performance glazing
 - 100% low energy light bulbs
 - High efficiency boilers
 - Ground floor insulation
 - Roof insulation
 - Electric vehicle charging points for every plot
 - Low water flow fixtures and water restrictors
- 3.9. Parking is provided at a rate of at least two spaces for every dwelling with at least three spaces for every four bed property. Garages have internal dimensions of 6m by 3m.
- 3.10. Key existing landscape features such as the single mature tree within the centre of the site, the existing perimeter hedgerows and trees and the existing hedgerow that runs north-south through the site are all retained, save for where the access road punctures the central hedgerow. Existing hedgerows are enhanced through supplementary native species planting.
- 3.11. The proposed new access arrangements include footway/cycle links to and highway improvements on Station Road which comprise the following works:
- A priority-controlled T junction access junction to Station Road (the main access into the site, which is lined on both sides with trees)
 - A pedestrian link to Heath Road
 - Introduction of bus stops on both sides of Station Road in the vicinity of the site
 - An uncontrolled pedestrian crossing facility on Station Road (dropped kerbs and tactile paving)
 - Traffic calming measures in the form of chicanes on Station Road
 - A relocation of the existing weight restriction on Station Road to ensure that the site is only accessed from the west and the A444 and not through the centre of Market Bosworth
 - Signage opposite the junction to direct HGVs back to the A444 when exiting the site
- 3.12. The application is accompanied by the following reports and documents:
- Planning Statement
 - Design and Access Statement
 - Archaeological Assessment
 - Heritage Statement
 - Biodiversity Net Gain Statement
 - Transport Assessment
 - Travel Plan
 - Framework Travel Plan
 - Flood Risk Assessment and Drainage Strategy

- Air Quality Assessment
- Utilities Information
- Phase 1 Ground Investigation Report
- Noise Assessment
- Landscape and Visual Impact Assessment
- Arboricultural Assessment
- Ecological Appraisal
- Mineral Assessment

4. Description of the Site and Surrounding Area

- 4.1. The application site covers an area of 7.12 hectares and is located to the west of Market Bosworth, which is identified as a Key Rural Centre in the Council's Core Strategy.
- 4.2. The site, which currently comprises two agricultural fields, existing industrial buildings and a pair of two storey semi-detached dwellings is surrounded by a mix of residential, employment and agricultural land uses with residential development to the north and east, farmland to the south and east and employment uses to the west. To the south-west corner of the site is a telecommunications mast and a Severn Trent Water pumping station.
- 4.3. There is an existing access to the larger of the two fields via an internal industrial estate road to the north-west corner of the site and the smaller field, which forms part of a much larger field, has an unused gated access from Heath Road.
- 4.4. The main developable part of the site is set back from Station Road by over 100 metres and the Ashby de la Zouch Canal, which lies within a dedicated conservation area, lies over 150 metres to the west at its closest point. Between the canal and the site is the Owl Homes development of 73 dwellings, the Battlefield rail line and the Churchill industrial premises. The Churchill site has permission for a new industrial building bordering the site in the south west corner (23/00646/FUL).
- 4.5. The site is generally flat but has a gentle fall from the east towards the south-west corner away from existing adjacent residential properties. The difference between the highest and lowest points on the site is approximately 9 metres. The larger field that forms the bulk of the site is surrounded by mature hedgerows with sporadic mature trees. There is a single mature tree in the centre of this larger field. The smaller parcel of land forms part of a larger field and so does not have any fencing or hedging on its southern boundary or part of its eastern boundary. The centre of Market Bosworth lies some 900 metres to the east.
- 4.6. The application site is located within Flood Zone 1 on the Environment Agency Flood Maps for Planning and while most of the site is at very low (less than 0.1%) annual risk of surface water flooding there is a broad swath running centrally across in the site from north-east to south-west that is at low (0.1% to 1%) annual risk of surface water flooding with a few small areas at medium annual risk (1% to 3%). Beyond the site to the south a small watercourse is at high risk (greater than 3%) but this does not affect the application site. There is an existing ditch running north-south across the site and then along the southern boundary to the east adjacent to the existing hedgerow that divides the two parcels of land and that runs along the southern boundary of the site.

- 4.7. There are no public rights of way on or adjacent to the site. The closest being public footpath (PRoW S72) which lies to the south-eastward of the site and is approximately 260 metres from the site at its closest point and with a mature hedgerow and mature tree planting approximately midway between the PRoW and the site boundary.

5. Relevant planning history

- 5.1. 84/0986/4 – Outline application for residential development on part of the site and extending over adjacent land – refused and subsequent appeal dismissed February 1985. The Inspector considered that due to the proximity of the appeal site to industrial premises and to the sewage treatment works, the proposed development would not provide the standards of amenity which occupiers would expect in a new residential development, and the proposed development would form a very noticeable intrusion into the countryside.

6. Publicity

- 6.1. The application has been publicised by sending out letters to the occupiers of 59 neighbouring properties. Site notices have also been posted within the vicinity of the site and a notice has been published in the local press.
- 6.2. Responses have been received from a total of 18 separate addresses. Of these there are nine objecting to the application, six in support and three responses are neutral. The following points have been raised:
- Traffic is already an issue in Market Bosworth, and this will increase the gridlock and chaos around school times
 - The off-site highway works are opposed as they may affect planned access upgrades to the Sidings land. Positive advice has already been received from Highways regarding these upgrades and the proposed changes could hinder my intended improvements
 - The number of dwellings on the site should not have been increased as it will add to traffic problems
 - HGVs should not be allowed to go through the town centre – a condition on construction traffic should be applied to the development
 - Residents at the end of Heath Road were previously assured that the existing bungalows would be backed on to by other new bungalows which would minimise privacy and security and reduce noise levels assuming bungalows would be occupied by older residents. The prospect of houses overlooking my existing small and exposed garden is distressing and causing great anxiety
 - Existing residents should be provided with a brick wall rather than the proposed acoustic fence
 - As the owner of Kyngs Golf and Country Club the application it must be ensured that the application does not adversely affect the ability to deliver the consented access arrangements for the golf course site in the future – particular the delivery of a right turn lane / ghost island arrangement on Station Road
 - There will be damage to the conservation and ecology of the area
 - There will be drastic changes to the landscape and view for the current population in Market Bosworth
 - Some of the proposed dwellings have insufficient parking
 - The layout fails to make provision for a pedestrian/cycle link between the south eastern and south western corners of the site – there is a clear potential to create a links to Sustrans Route 52 and the Ashby Canal towpath and the wider Public

Right of Way network – particularly as adjacent land is to be allocated for residential development in the update to the Local Plan

- There should be a route between the attenuation basin and the employment area to enable the possible future opening up of a pedestrian route through the site and across the railway and through the Owl Homes estate to the canal towpath
- The development should fund improvements to the existing bus service
- The proposed industrial space could have been used as a health centre / doctors' surgery
- The proposed industrial units need a limit on operating hours and delivery times
- There is insufficient infrastructure to cope with an increase in dwellings – schools are oversubscribed and the doctors' surgery won't be able to cope with the additional population, nor can it expand on its current site. Existing infrastructure should be improved before more houses are built
- There will be significant overlooking, overshadowing and loss of privacy to properties and gardens on Heath Road that back on to the site
- The scale and density of the scheme is too high for the town to absorb
- The Council had previously assumed that there was a dog walking route along the field edge behind houses on Heath Road and had installed a handrail over the culvert to make access safer – the lack of this route makes tree maintenance harder
- Existing trees and shrubs should be retained with a strong delineation between the development and agricultural land beyond
- There should be new tree and hedgerow planting adjacent to existing homes
- Fully support this development – it is supported and complies with Market Bosworth's Neighbourhood Plan which has the support of the local community. The site ensures that inevitable growth and development occurs in a sympathetic manner taking account of the unique nature of Market Bosworth
- Broadly in support with caveats
- Houses have been planned on this site for 30 years
- This is a well thought out and sympathetically designed development

7. Consultation

- 7.1. **Market Bosworth Parish Council** – The application appears to be robust, detailed and thorough. The Parish Council supports all the principles of development outlined in the planning application. Although it is proposed to deliver more homes than identified in the various iterations of the Market Bosworth Neighbourhood Plan, the application has considered the main parameters identified in the Neighbourhood Plan policies, the Station Field design Brief and the Hinckley and Bosworth Masterplan for Market Bosworth.

The indicative layout of the site is ideally suited to the rural environment as well as the road layouts in existing neighbouring developments. The Parish Council would urge that all the proposed planting identified on the illustrative landscape masterplan is made a condition of the development.

The Parish Council is pleased to see that the affordable homes include social housing of various types. In order that the social housing and affordable housing will benefit those in need within the community of Market Bosworth the Parish Council urges that the accommodation should be prioritised in accordance with the Neighbourhood Plan local connection criteria and secured via condition.

The Parish Council is concerned about the potential impact of heavy goods vehicles passing through the centre of town during construction. Such vehicle movements

would be a danger to pedestrians and experience shows that they would pose serious risk of damage to property. We urge that the weight restriction currently in force on Station Road be moved to start immediately east of the site entrance prior to commencement of construction, and we propose that a condition of development should be that all HGV movements into and from the site should be from the western approach only. Otherwise the Parish Council supports the proposed access and traffic management proposals on Station Road

The Parish Council would urge that during the construction phase best practice is adopted to minimise disruption, noise and disturbance with particular respect for the residents of the existing Springfield Estate, e.g. advance notice of pile driving and other potential major disturbance events.

The Parish Council has been consulted on the change to the affordable housing provision and has no objections but draws attention to the requirement for local connection criteria for the 16 affordable homes and to the need for bungalows to be included in the mix.

Officer comment: The 16 affordable homes would all be subject to local connection criteria, but the mix does not include any of the four bungalows on the site which would all remain as market homes as previously approved by Committee.

- 7.2. **LCC Highway Authority** – The Local Highway Advice (LHA) has confirmed that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

Based on the information submitted the development therefore does not conflict with paragraph 116 of the NPPF, subject to the conditions and planning obligations outlined.

The LHA advises that the proposed off-site highway works (detailed above at paragraph 2.8) are acceptable and appropriately mitigate the impacts of the proposed development on the local highway network.

Access to the site is proposed to be taken from Station Road, a C class road subject to a 30mph speed limit. At the request of the LHA the Applicant has undertaken a Road Safety Audit (RSA) which has not raised any problems with the proposed site access. Should a ghost right turn lane be required in the future for the Kyngs Golf Course then white lining would be required to ensure no conflict with vehicles turning right into the application site.

The LHA is content that the proposed visibility splays are acceptable.

The LHA welcomes the measures to reduce vehicle speeds on station Road and is aware that speeding traffic has been a longstanding local concern

The anticipated trip rates and trip distribution are considered acceptable, and the extension of the bus service (Arriva 153 service) will need to be secured.

- 7.3 **LCC Minerals and Waste** – The development site is located within a mineral safeguarding area for sand and gravel. The submitted minerals assessment is considered acceptable, and the Minerals Planning Authority have no objections or comments with regard to mineral sterilisation as it is considered that the proposal

would not conflict with Policy M11 of the Leicestershire Minerals and Waste Local Plan.

However, the development would result in the loss of a safeguarded waste site (ref HK20 – see Document S4/2015) but following the submission of further information it is confirmed that the Authority has no objections to the application.

- 7.4 **LCC Archaeology** – The site has archaeological potential for the prehistoric, Roman and early-medieval periods. Following the submission of a Written Scheme of Investigation, the undertaking of trial trenching, and the receipt of satisfactory assurances it is considered that given the results of the investigation and the nature of the resulting material, the post-excavation requirements will be met. It is therefore recommended that no further archaeological involvement will be required for the site.
- 7.5 **LCC Ecology** – The updated information is satisfactory and shows a slight increase in Biodiversity Net Gain for the proposal. There are no objections and conditions are recommended regarding a Biodiversity and Ecology Management Plan, a Construction Environmental Management Plan, precautionary reasonable avoidance measures, and bat-sensitive lighting.
- 7.6 **Lead Local Flood Authority** – It is noted that the site lies within Flood Zone 1 being at low risk of fluvial flooding with a low to medium risk of surface water flooding. The proposals seek to discharge at 21.2 litres per second via pervious paving and a wet detention basin to the on-site watercourse at the south-west corner of the site. The housing element will outfall into the detention basin at 5 litres per second and will utilise its own attenuation to achieve this. The Applicant has submitted amended information which has satisfied previous concerns. The LLFA therefore advises the LPA that the proposals are considered acceptable subject to conditions regarding surface water drainage.
- 7.7 **LCC Planning Obligations** – The development yields 37 primary aged children. St Peters Primary Academy is the catchment primary school for the development and has a net capacity of 252 places and there will be a surplus of 14 pupil places if this development goes ahead. There are no other primary schools with a two mile walking distance of the development. The 37 pupils generated by this development can therefore be fully accommodated in nearby schools. Therefore, there is no claim for a developer contribution on this occasion.

The development yields 21 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 64 places if this development goes ahead. There are no other secondary schools within a three mile walking distance of the development. A total of 18 pupil places have been deducted that are being funded from S106 agreements for other developments in the area, meaning the overall deficit is 46 pupil places. The 21 places created by this development cannot be accommodated in nearby schools. Therefore a part request for contributions in respect of the secondary education sector of £364,205.62 is justified.

The development yields 5 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 84 places if this development goes ahead. A total of 16 pupil places have been deducted that are being funded from S106 agreements for other developments in the area, meaning an overall deficit of 68 pupil places. The 5 places created by this development cannot therefore be accommodated at nearby schools.

Therefore a full request for contributions in respect of the post 16 education sector of £77,810.50 is justified.

The County Council seeks developer contributions towards the cost of expanding special school provision for developments of 100 dwellings or more. The development yields 0.44 primary aged and 0.49 secondary aged SEND children. The nearest SEND provision to the development is The Dorothy Goodman School which has a capacity of 430 places and there will be a deficit of 50 places if this development goes ahead. Including all of the SEND schools in the vicinity of the development the overall deficit is 75 pupil places. A total of 10 pupil places have been deducted that are funded from S106 agreements for other developments in the area, meaning an overall deficit of 65 pupil places. Therefore a full request of £29,079.96 for primary SEND education and £39,787.13 for secondary SEND education is justified.

The total request for education across these sectors for the proposed development equals £510,883.21. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling, or enhancing existing facilities at either the named catchment school within the Department for Education approved planning area serving the development, or any other school within the locality of the development, including the construction of a new school.

Having investigated the impact on Early Years education of the proposed development it is determined that the development will see an increase of 10.37 Early Years children to the area, and therefore, a full contribution will be required to ensure there is childcare available to meet this demand. There are currently two providers within a one-mile distance of the site, providing a total of 44 places. There are no surplus places. There are four other housing developments in the area with a total of 319 dwellings which creates 27.11 places. Therefore a full contribution of £190,351.72 is sought in respect of Early Years education.

A contribution of £3,880.40 is sought to provide improvements at Market Bosworth Library and its facilities to account for the increase in members of the library as a result of the development.

A contribution of £6,686.55 is sought to provide improvements at Barwell Household Waste and Recycling Centre to account for the increased usage as a result of this development.

The total contribution requested by the County Council is £711,801.88.

- 7.8. **Environment Agency** – No formal comments to make as the site lies within flood zone 1 and therefore there are no fluvial flood risk concerns. Advice is provided regarding foul drainage.
- 7.9. **Canal and River Trust** – No comments to make.
- 7.10. **NHS England** – Based on census data a household averages 2.42 patients per dwelling. A development of 135 dwellings will result in a population increase of 327 patients. A contribution of £104,544 is requested by the Integrated Care Board for the use of the Market Bosworth Surgery on Back Lane, the Newbold Verdon practice or any other healthcare infrastructure impacted by the development. It is requested that the contributions are released prior to first occupation.

- 7.11. **HBBC Conservation** – To adequately meet the requirements of paragraph 200 of the NPPF a proportionate Heritage Statement has been prepared to accompany the application. The statement established that the following heritage assets have the potential to be sensitive to the development of the site through changes within their settings:

Designated Heritage Assets:

- Coton Priory Farmhouse (Grade II Listed Building)
- Outbuilding at Coton Priory Farm (Grade II Listed Building)
- Former Dairy at Coton Priory Farm (Grade II Listed Building)
- Farm Building at Coton Priory Farm (Grade II Listed Building)
- Ashby Canal Conservation Area

Non-Designated Heritage Assets:

- Ashby and Nuneaton Joint Railway
- Market Bosworth Station
- Signal Box
- Station Master's House
- Goods Shed

The Statement has combined the assessments of the designated heritage assets located at Coton Priory Farm and the non-designated heritage assets located at the Railway Station owing to their close proximity, functional relationships and crossover settings.

The Statement concludes that the application site comprises a neutral element within the setting of the listed buildings at Coton Priory Farm, the Ashby Canal Conservation area and the non-designated heritage assets of the Ashby and Nuneaton Joint Railway, whereby the site makes no contribution to the significance of these heritage assets. The proposed development will result in negligible to small visual changes within their settings, but this will be seen within the context of existing development and will not affect how their respective significance is appreciated or understood. The proposed development will therefore not cause harm to the significance of any of the designated and non-designated heritage assets.

The assessment contained within the Heritage Statement and the conclusion that the proposal will not cause harm to the significance of any of the designated and non-designated heritage assets is agreed with and consequently it is considered that the proposal accords with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document, Section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

- 7.12. **HBBC Affordable Housing** – As this scheme is in a rural area, policy set out in the Core Strategy (policy 15), indicates that 40% of the dwellings should be for affordable housing. Of these properties, 75% should be for social or affordable rent and 25% for intermediate tenure. This will mean that 54 dwellings should be for affordable housing.

To comply with this guidance, which supersedes the tenure mix set out in the Core Strategy, the following number of properties in each tenure should be provided:

- **31 properties for social and/or affordable rent**
- **13 discounted market dwellings with a 30% discount on open market value**
- **10 properties for shared ownership**

At 11 September 2024 the Council's Housing Register had 371 households in need for affordable homes to rent in Market Bosworth. The figures below are for those with a connection to the borough and for those with a connection to Market Bosworth

- 1 bed property – 203 – 15
- 2 bed property – 95 – 5
- 3 bed property – 51 – 2
- 4+ bed property – 22 – 1

The space standards and distribution of the affordable housing throughout the site are acceptable, as is the suggested mix of property types.

As the site is in the rural area of the Borough, the Section 106 agreement should include a cascade that the affordable housing for rent is offered firstly to people with a local connection to Market Bosworth, and secondly to people with a connection to the Borough of Hinckley and Bosworth, as set out in the Council's allocations policy. Any First Homes should meet the national standards for a local connection.

The Applicant has evidenced the problems that they have had in attracting Registered Provider interest in the site. It is known that many Registered Providers are at capacity. Given the pressures on our housing register and temporary accommodation requirements, the option of converting all 54 affordable properties to an affordable home ownership product is not preferred. Following discussions with the Applicant the gifting of 16 dwellings to the Council for occupation at affordable rent is a very good outcome for the Council considering the issues with registered providers outlined above. The figure is also subject to final validation to confirm that the financial outcomes are acceptable to the Council.

- 7.13. **HBBC Compliance and Monitoring** – No objections subject to all open space typologies being provided in accordance with the Council's standard requirements. The requirement for equipped children's play space can be dealt with via a contribution being made to the existing equipped children's play space at the junction of Heath Road and Godsons Hill and through the provision of the trim trail on site – the sum of those costs though must as a minimum be the equivalent to the total sum that would be required if the equipped play space had to be provided on site.
- 7.14. **HBBC Drainage** – No objections subject to conditions regarding surface water drainage.
- 7.15. **HBBC Environmental Health** – No objections subject to conditions regarding contamination, noise attenuation, lighting, working hours of any commercial/industrial premises and a Construction Environmental Management Plan.
- 7.16. **HBBC Waste Management** – No objections subject to a condition regarding provision for waste and recycling storage and collection.
- 7.17. **Market Bosworth Society** – We would not usually comment on plans that are not within the Conservation Area or on the approaches but given that this is a major development it is worthy of comment. Overall the members of the Society are in favour of this development. Several took part in formulating the Neighbourhood Plan and many subsequently voted to designate this land for development.

The Society is delighted to see that most trees are to be retained, particularly those that are mature or vintage. The lining of the new roads with trees is important as it

would retain the character of the town. A green canopy is valued by the community and is also important in reducing global warming.

The Society would like to see more bungalows available on the site.

Visitor parking spaces should be provided at the expense of a few houses.

The number of affordable homes should be reduced and replaced with some retirement type homes.

Provision should be made for children's play areas within the site.

8. Policy

8.1. 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 17: Rural Needs
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

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

- Policy SA5: Land South of Station Road and Heath Road, Market Bosworth
- 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

8.3. Market Bosworth Neighbourhood Plan (2015)

- Policy CE4: Trees
- Policy BD1: Affordable Housing
- Policy BD2: Site Allocation south of Station Road and Heath Road
- Policy BD3: Design guidelines for site allocation south of Station Road and Heath Road

8.4. Market Bosworth Neighbourhood Plan Review 2020-2039 – The Review is currently at examination stage. While there are several unresolved objections to certain policies, these do not relate to the current site or to its allocation for development. Therefore the following policies are considered relevant to the application and can be afforded considerable weight:

- Policy CE4: Trees and Hedgerows
- Policy CE6: Provision for Wildlife in New Development

- Policy BD1: Affordable Housing
 - Policy BD2: Site Allocation South of Station Road and Heath Road
 - Policy BD3: Design Guidelines for Site Allocation South of Station Road
- 8.5. Leicestershire Waste and Minerals Local Plan (2019)
- Policy M11: Safeguarding of Mineral Resource
- 8.6. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2024)
 - National Planning Practice Guidance (NPPG)
 - National Design Guide (2019)
- 8.7. Other relevant guidance
- Good Design Guide (2020)
 - Land South of Station Road, Market Bosworth Development Brief Supplementary Planning Document (SPD) (2021)
 - Station Field Design Brief (2024)
 - Market Bosworth Design Codes (2023)
 - Leicestershire Highway Design Guide (2024)
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Study (2017)
 - Open Space and Recreation Study (2016)
 - Housing Needs Study (2024)
 - Leicestershire and Rutland Historic Environment Record
 - Environment Act (2021)

9. Appraisal

- 9.1. This is a hybrid planning application with the employment (0.6 hectare) element submitted in outline with all matters reserved except for access, and the housing element (135 homes) submitted in full. It is considered that the key issues in respect of this application are as follows:
- Principle of Development
 - Housing Mix and Supply
 - Impact upon Highway Safety
 - Impact on the Character and Appearance of the Area
 - Impact on Heritage Assets
 - Design and Layout
 - Residential Amenity
 - Flood Risk and Drainage
 - Ecology and Biodiversity
 - Archaeology
 - Infrastructure and Development Contributions
 - Planning Balance

Principle of Development

- 9.2. 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. Paragraph 2 of the National Planning Policy Framework (NPPF) repeats this and states 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.

- 9.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS), the Site Allocations and Development Management Policies DPD (2016) (SADMP), the Leicestershire Minerals and Waste Local Plan (2019) and the Market Bosworth Neighbourhood Plan (2015).
- 9.4. The emerging Local Plan for 2020-41 has been consulted on at Regulation 18 draft stage, with the consultation period ending in September 2024. The latest Local Development Scheme outlines further public consultation in 2025. Given the early stage of preparation, no weight is given to the emerging Local Plan in the determination of this application.
- 9.5. As set out above at paragraph 7.4 the Market Bosworth Neighbourhood Plan Review is currently at examination stage and while there are unresolved objections to some policies it is considered that these impact on the application site. It is therefore considered that some weight can be given to relevant policies of the Review as set out above at paragraph 7.4.
- 9.6. The Core Strategy (CS) sets out the settlement hierarchy for the Borough and Market Bosworth is identified within the CS as a Key Rural Centre. Policy 11 allocates land for the development of a minimum of 100 new homes and supports additional employment provision to meet local needs.
- 9.7. The site is allocated for a mix of development in the Site Allocations and Development Management Policies Development Plan Document and in the Market Bosworth Neighbourhood Plan and in the Neighbourhood Plan Review. In all cases the site allocation includes the site of the Churchill permission 23/00646/FUL referenced above at paragraph 3.4.
- 9.8. Policy SA5 of the SADMP states that proposals for the site should
 - provide between 0.5 hectare to 1 hectare of employment land
 - provide approximately 100 dwellings with a density in line with Core Strategy Policy 16, which requires a density of at least 30 dwellings per hectare
 - create a safe pedestrian access off Station Road and alternative pedestrian access into the site
 - provide some allotment provision with associated car parking facilities
 - provide open space and play space in line with Core Strategy Policy 19
 - provide affordable housing in line with Core Strategy Policy 15, which requires 40% provision
- 9.9. Policy BD2 of the Market Bosworth Neighbourhood Plan states that the development shall provide between 0.5 hectare to 1 hectare of employment land, an area of open space and a minimum of 55 dwellings with an overall housing density in line with Core Strategy 16.
- 9.10. Policy BD2 of the Market Bosworth Neighbourhood Plan Review states that the site, which also includes the additional Churchill land, shall provide between 0.5 hectare

to 1 hectare of employment land and a minimum of 77 dwellings as well as open space. As set out above the proposed development meets the requirements of Policy BD2 of both iterations of the Neighbourhood Plan.

- 9.11. The Station Road Development Brief SPD is dated March 2021 and was prepared on behalf of the Borough Council and the Parochial Church Council, which owned the site. It sets out that the development proposals would be required to deliver approximately 100 dwellings, a minimum of 40% affordable homes, 0.5 to 1 hectare of employment land, 1.08 hectares of green space and play provision, a net gain in on-site biodiversity, allotment provision and associated car parking.
- 9.12. The SPD goes on to state that recent consultation had highlighted that allotments were no longer needed to be provided on site and that the need for new on-site play space or improvements to the nearby existing play space needed to be agreed at the planning application stage.
- 9.13. The proposal of 0.6 hectare of employment land and 135 dwellings at a density of 35 dwellings per hectare and so accords with Policy SA5. It proposes a trim trail on site and a financial contribution is to be made to improve the existing children's play area at the junction of Heath Road and Godsons Hill. **Affordable homes are not now to be provided at a rate of 40% but an alternative and equivalent provision is set out above and below.**
- 9.14. It is considered that the development of the site as proposed is acceptable in principle in accordance with development plan policies and the requirements of the National Planning Policy Framework.

Housing Mix and Supply

- 9.15. The NPPF was updated in December 2024 and National Planning Practice Guidance revised the standard method for calculating the local housing need assessment. As a result, the Council must re-visit its five-year housing land supply (5YHLS) position. Whilst further assessments must be made, the Council are now unlikely to be able to demonstrate a 5YHLS, which is one of the circumstances where the tilted balance of Paragraph 11d) of the NPPF is engaged.
- 9.16. The tilted balance of Paragraph 11d) of the NPPF is also engaged due to the age of relevant housing policies within the Core Strategy.
- 9.17. The revised NPPF now states that when the tilted balance is engaged, decision making must have particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes. Overall, the NPPF now requires that as the Council can no longer demonstrate the necessary five-year supply of land for housing, additional weight should be given to housing applications that meet these requirements.
- 9.18. In light of this the provision of 135 dwellings to the Borough's housing supply is considered to attract significant weight in the planning balance.
- 9.19. 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 the Building for Life criteria – now Building for a

Healthy Life, unless unviable. A minimum density of 30 dwellings per hectare is required in rural areas, a lower density may be required where individual site circumstances dictate and are justified.

- 9.20. Paragraph 61 of the NPPF states that to support the Government's objective of significantly boosting the supply of homes, 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. This allows for the most recent evidence to be taken into account in decisions and thus Policy 16 of the CS is considered up to date in this regard.
- 9.21. The Applicant is proposing a density of 35 dwellings per hectare and a broad mix of housing sizes and types including a good proportion of one bedroomed properties including four bungalows.
- 9.22. Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%. The rest will be delivered in urban areas at a rate of 20%. The Borough has an unmet affordable housing need, and this is given significant weight in the planning balance. The Housing Needs Study (2024) identifies a Borough need for 430 affordable dwellings per annum. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.
- 9.23. Policy 15 of the Core Strategy requires that 40% of units on the site to be affordable, with a mix of 75% of those to be social or affordable rented and 25% intermediate tenure/shared ownership. The greatest need for affordable rented housing in the Borough is for smaller units of accommodation to assist single people or couples, or small families. **As set out above no Registered Affordable Housing Providers have expressed an interest in the site. As an alternative, the Council's Affordable Housing Officer has agreed with the Applicant that 16 homes will be gifted to the Council to operate at an affordable rent. The figure is also subject to final validation to confirm that the financial outcomes are acceptable to the Council.**
- 9.24. For this development, the mix of dwellings proposed by the applicant which includes a good number of one bedroomed properties, including three bungalows is welcomed. **The 16 gifted units will** first be offered to people with a connection to the parish of Market Bosworth, and secondly to people with a connection to the Borough of Hinckley and Bosworth.
- 9.25. Subject to the affordable homes being secured by a S106 Agreement, the proposal is deemed to be acceptable with respect to housing mix and affordable housing.
- 9.26. The provision of up to 135 dwellings, **16 of which would be affordable homes gifted to the Council**, is considered to be a significant benefit of the proposal that would positively contribute towards the Council's need for a 5 year supply of housing land and to the need for affordable homes within the borough.

Impact upon Highway Safety

- 9.27. Chapter 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that in assessing specific applications for development it should be ensured that sustainable transport modes are prioritised, that safe and suitable access to the site can be achieved for all users, that the design of streets, parking areas and other

transport elements reflect national guidance and that any significant impacts from the development on the transport network in terms of capacity and congestion, or on highway safety, can be cost effectively mitigated to an acceptable degree.

- 9.28. Paragraph 116 makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios.
- 9.29. 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)).
- 9.30. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 9.31. The applicant has been in lengthy discussions with the Local Highway Authority to overcome a number of detailed issues that were raised. In response the applicant has submitted additional technical information, road safety audits, and proposals for offsite highway improvements.
- 9.32. As a result of this additional information the County Highway Authority advice is that the impacts of development on highway safety would not be unacceptable and the impacts on the road network would not be severe. The application includes several off-site improvements as detailed below:
- A priority-controlled T junction access junction to Station Road (the main access into the site)
 - A pedestrian link to Heath Road
 - Introduction of bus stops on both sides of Station Road in the vicinity of the site
 - An uncontrolled pedestrian crossing facility on Station Road (dropped kerbs and tactile paving)
 - Traffic calming measures in the form of chicanes on Station Road
 - A relocation of the existing weight restriction on Station Road to ensure that the site is only accessed from the west and the A444 and not through the centre of Market Bosworth
 - Signage opposite the junction to direct HGVs back to the A444 when exiting the site
- 9.33. Given the views of the County Highway Authority, and subject to conditions, it is considered that the proposals accord with the requirements of the NPPF and Policy DM17 of the Site Locations and Development Management Policies Development Plan Document.

Impact on the Character and Appearance of the Area

- 9.34. Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.

- 9.35. Paragraph 139 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 9.36. 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 but on land that is allocated for mixed use development of the type proposed.
- 9.37. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 9.38. The Council's Good Design Guide (2019) identifies Market Bosworth as a large early medieval village (often considered a small market town) and states that the design objectives include protecting the quality of the main approaches through appropriate levels of setback, mature boundary treatments, dispersed built form and the integrity of the hall and church.
- 9.39. As set out above the site is allocated for employment and housing development in both the SADMP and the Market Bosworth Neighbourhood Plan. The neighbourhood Plan at paragraph 6.2 sets out the key considerations affecting the site which include issues such as the landscape within the site and views to the site. It points out that the site is adjacent to the open countryside to the south-west of Market Bosworth and that the A444 provides attractive long distance views of St Peter's Church spire and the wooded hillside (north of Station Road) from south of Sibson, which is approximately 3 miles away from the site.
- 9.40. At 6.2k the Neighbourhood Plan states that the site is situated in a location that will not impact significantly on those important long distance views. It goes on to state that the existing industrial estate is well screened from the A444 and the Wellsborough Road and that the natural landscape for the proposal would similarly screen this approach. It points out that the site is set back from and therefore largely hidden from Station Road.
- 9.41. This development is for 135 homes with an average density of approximately 35 dwellings per hectare and for up to 0.6 hectares of employment floorspace. The proposed development is predominantly two storey with some three storey properties where rooms are provided in the roof space and a smaller number of bungalows. This serves to break up rooflines, add interest to the development and avoids a sterile homogeneity to the development. The employment land is appropriately located to the west of the site where it would be adjacent to the existing employment development. The access into the site from Station Road is treelined on both sides. Extensive tree planting is proposed, particularly between proposed residential development and existing employment uses, between proposed dwellings and the proposed employment use, and between the proposed dwellings and the farmland to the south and east. The existing landscape features within the site, the single mature tree within the site and the single hedge that runs north south through the site are

retained and enhanced by making them focal points within the development with a landscaped pedestrian route running through the site alongside the retained hedge to provide a pedestrian link to Heath Road and the existing play area at the junction of Godsons Hill and Heath Road, as well as running around the eastern, southern and western perimeters of the site within a landscaped setting.

- 9.42. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the application. Given that the site is allocated for residential and employment development it has not in this case been independently reviewed. The LVIA concludes that with regard to the wider landscape character of the area there would be a negligible adverse effect in the long term and that for the more local landscape character there would be a minor adverse effect in the long term. Given that the site is changing from farmland to built development this degree of harm is inevitable. The LVIA concludes that with regard to visual effects these would be limited and that where there would be views these are often against a backdrop of existing industrial and residential development. Overall the LVIA concludes that the proposed landscaping mitigates the effects of development and that combined with the limited visibility of the site, potential adverse impacts will be minimised. Officers do not disagree with these conclusions.
- 9.43. Overall, it is considered that the site is capable of accommodating the development proposed without resulting in any significant adverse landscape or visual effects to the wider area. In the longer term it is considered that the effect on the character and appearance of the area and on the wider landscape will be limited. The proposed development is considered therefore to broadly accord with the requirements of the Market Bosworth Neighbourhood Plan, Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document.

Impact on Heritage Assets

- 9.44. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 9.45. Chapter 16 of the NPPF provides national policy on conserving and enhancing the historic environment. In determining planning applications, paragraph 203 of the NPPF advises local planning authorities to take account of
- a. The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b. The positive contribution that conservation of heritage assets can make to sustainable communities including their economic viability; and
 - c. The desirability of new development making a positive contribution to local character and distinctiveness.
- 9.46. Paragraph 212 of the NPPF requires that great weight is given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance. Paragraph 213 requires that any harm to the significance of a designated heritage asset has clear and convincing justification and Paragraph 215 states that where a proposed development will lead to less than substantial harm to a designated heritage asset, the harm should be weighed against the public benefits of the proposal. Paragraph 216 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 directly or indirectly affect 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.

- 9.47. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals which have the potential to affect a heritage asset, or its setting will be required to demonstrate:
- a. an understanding of the significance of the heritage asset and its setting; and
 - b. the impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
 - c. how the benefits of the proposal will outweigh any harm caused; and
 - d. any impact on archaeology in line with Policy DM13.
- 9.48. Policy DM12 requires all development proposals to accord with Policy DM10 and states that development proposals should ensure that development proposals should make every effort to retain the significance of locally listed heritage assets.
- 9.49. Relevant heritage assets are listed above at paragraph 6.11. In this instance the closest designated heritage asset to the site is the Ashby de la Zouch Canal Conservation Area. There are no listed buildings within the vicinity of the site. Non-designated heritage assets are separated from the development by existing and proposed industrial buildings.
- 9.50. The Council's Conservation Officer has assessed the submitted Heritage Statement and considers that the proposal will not cause harm to the significance of any designated or non-designated heritage assets. Consequently it is considered that the proposal accords with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document, Section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Design and Layout

- 9.51. Policy DM10 of the adopted 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 that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 9.52. Policy BD3 of the adopted Market Bosworth Neighbourhood Plan provides design guidelines for the site allocation under Policy BD2. It states that development proposals should address four issues. These are:
- Ensuring clear and safe separation of heavy goods traffic and work vehicles from provision for pedestrians and cyclists;
 - Ensuring that the visual impact of the development is minimised and that it relates sensitively to the surrounding area and that building heights are in general conformity with the surrounding residential area;
 - Incorporating and enhancing existing landscape features and providing green space both within the new development and on the boundaries to provide a buffer against surrounding areas; and
 - Reducing the density adjacent to the open landscape to create a gradual transition from built area to more open green space.

- 9.53. Policy BD3 of the Market Bosworth Neighbourhood Plan Review states that the development proposals should address the 17 issues identified in the Station Field Design Brief. It states that the Design Brief is an integral part of Policy BD3 and should be used in conjunction with the Market Bosworth Design Codes. The first four of the 17 issues are the same as those in the adopted version of Policy BD3. The additional 13 issues are:
- That the design of the eastern part of the site is sensitive to existing and adjoining properties and minimises visual impact
 - That affordable housing is fully integrated throughout the site
 - That a mix of house types and sizes is provided to meet the future needs of households in Market Bosworth
 - That pedestrian and cycle links are provided to adjoining residential area to the east to reduce reliance on the private car
 - That a legible street pattern is provided in accordance with Manual for Streets which links the residential properties to services and facilities
 - Providing garages large enough to be useable with internal dimensions of 6m by 3m
 - Providing off street parking in accordance with Manual for Streets
 - Providing vehicle and safe pedestrian link to station Road
 - Providing a landscape buffer between the employment land (existing and proposed) and the proposed dwellings
 - Designing a 'gateway' for the development onto Station Road to announce the development, which is largely hidden from view
 - Ensuring that the proposed open space / play provision are well overlooked
 - Retaining a publicly accessible space between the development and the open countryside
 - Ensuring that the landscape design within the site links green spaces with green corridors through the built area to enhance biodiversity and create a high quality environment
- 9.54. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment.
- 9.55. The employment element of the application is in outline with only the means of access being sought for approval under this application. This means that all other matters, including design and layout, apart from the principle of the employment use, its general location in relation to existing development and the proposed dwellings, and the means of access, would be considered under a separate reserved matters application
- 9.56. Nineteen different house types are proposed which is considered to provide a good degree of variation and interest. This includes houses with three floors of accommodation as well as four bungalows. Houses feature brick detailing that includes projecting bay windows, soldier courses, eaves detailing, arched brick headers and a limited use of render. The predominant facing material is red brick with three different bricks being used. This is in keeping with the prevailing character of dwellings in the local area.
- 9.57. Boundary treatments include 1.8m close boarded fencing with 1.8m brick walls being provided to publicly prominent boundaries.

- 9.58. Open spaces are provided within and around the site with existing hedgerows and trees being retained and extensive new tree planting being proposed, particularly to the access from Station Road, between the new housing and the proposed and existing employment uses and to the open farmland to the south and east.
- 9.59. A range of parking solutions are provided, and garages are of a size considered useable for larger cars and meet the requirements of both the Neighbourhood Plan Review and the Leicestershire Highway Design Guide.
- 9.60. Acceptable waste bin storage and collection points have been provided and will be secured via condition.
- 9.61. The submission documents set out that the design and layout of the proposed has taken account of all relevant local policy background and guidance as well as national design guidance such as Building for a Healthy Life. It is considered that the 17 issues referred to in Policy BD3 of the Neighbourhood Plan Review are met.
- 9.62. Taking all relevant matters into account it is considered that the design and layout of the proposed development accords with the requirements of Policy SA5 and DM10 of the SADMP, Policies BD3 of both the adopted and review versions of the Market Bosworth Neighbourhood Plan. the Good Design Guide and national planning policy and design guidance.

Impact upon Residential Amenity

- 9.63. 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.
- 9.64. 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.
- 9.65. Paragraph 135 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.
- 9.66. 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.
- 9.67. There are residential properties which immediately adjoin the site on the Station Road frontage to the east of the access, on Heath Road that borders the northern edge of the developable area of the site and on Priory Road on the eastern boundary of the site. Objections have been received relating to overlooking and loss of privacy and the application has been amended to address these concerns. These amendments have resulted in a reduction in the number of dwellings from 138 to 135 and the

replacement of two two-storey dwellings with two bungalows. The requirement for a minimum back to back distance of 21m between properties that directly face each other is achieved with a handful of exceptions. These are considered acceptable though as these relate to instances where a bungalow faces an existing bungalow or where an existing property has extended unusually close to its rear boundary. For the proposed new dwellings there is just one case where the interface distance falls below the standard 21m distance.

- 9.68. All proposed dwellings have gardens that are at least 7 metres in depth. While the vast majority of dwellings meet the Good Design Guide's general guideline with regard to minimum garden sizes there are thirteen properties that fall below these guidelines. These are mainly on the western edge of the development nearest the existing and proposed employment uses where a terraced form of development that addresses the acoustic related constraints of the site.
- 9.69. While there is not 100% compliance with the guidelines set out in the Council's Good Design Guide, the main reason for this results from the need to address noise issues and it is not considered that the small degree of departure from these guidelines is so harmful as to warrant refusal or further amendment of the application.
- 9.70. The Council's Environmental Health Officer has reviewed the submitted Air Quality Assessment and noted that mitigation is required to reduce noise impact from adjacent commercial operations. A 3m high landscaped bund topped by 2m high acoustic fencing is required on the western and part of the northern boundaries of the site. An acoustic fence is also to be provided to the east of the access road. As a result the submitted noise assessment concludes no dwellings will require acoustically upgraded features. The Environment Health Officer has raised no objection subject to a number of conditions that includes noise mitigation, contamination, lighting, working hours and a Construction Environmental Management Plan.
- 9.71. Subject to these conditions it is It is considered that the proposed development is acceptable in amenity terms and in complies with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

- 9.72. 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.
- 9.73. 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 applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity.
- 9.74. The whole of the site lies within Flood Zone 1 on the Environment Agency Flood Maps for Planning being at low risk of fluvial flooding. A significant proportion of the site is subject to a low risk of surface water flooding and the submitted Flood Risk Assessment sets out that the site levels will be designed such that dwellings are not at risk of surface water flooding. It should be noted that Heath Road, to the north-west of the site is currently as high risk of surface water flooding but that this is limited

to the carriageway with existing houses being elevated sufficiently so that they are at no risk. In these circumstances a condition regarding levels is appropriate.

- 9.75. As this is a greenfield site surface water runoff rates will be restricted to the greenfield equivalent to ensure that the rate of surface water run-off from the site does not increase as a result of the proposed development. The proposed drainage strategy will comprise a piped network with an outfall to the watercourse located along the site's southern boundary. Attenuation for the site will be provided in an online detention basin in the south-west corner of the site.
- 9.76. The drainage strategy provides attenuation suitable to store surface water drainage from the impermeable areas up to the 1 in 100 year event plus a 40% allowance for increase in projected volumes due to climate change and 10% increase in impermeable areas due to 'urban creep'.
- 9.77. Both the LLFA and the HBBC Drainage Officer advise that the proposals are acceptable subject to conditions to secure a surface water drainage scheme, management and maintenance of surface water and infiltration testing. No objections have been received from Severn Trent and the scheme accords with the Environment Agency standing advice given that all dwellings and gardens would be within flood zone 1. Subject to the suggested conditions, it is considered that the proposed development would satisfy Policy DM7 of the SADMP and the NPPF.

Ecology and Biodiversity

- 9.78. 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 development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 9.79. National legislation now requires 10% increase in biodiversity as a result of the proposed development. This can be provided on site, on neighbouring land that an applicant controls or via a financial contribution to provide an increase elsewhere. In this instance the net gain is provided on site.
- 9.80. The ecology reports submitted with the application indicates that the site is predominantly arable farmland and industrial/residential development with other habitats including buildings, hedgerows, deciduous trees, a single ditch and scrub. One hedgerow within the site is a potential Local Wildlife Site and minor losses to this hedgerow, as a result of providing vehicular access, will be mitigated through additional hedgerow planting. The County Ecologist has assessed the information and considers that the report is satisfactory subject to conditions.
- 9.81. A full biodiversity net gain (BNG) metric has been submitted and reviewed by the County Ecologist and is acceptable. This shows a 10.1% gain in habitat units and a 56.07% gain in hedgerow units. The proposals will therefore achieve more than a 10% net gain in biodiversity.
- 9.82. Subject to the condition requirements this application is considered be acceptable with respect to ecology and biodiversity matters and complies with Policy DM6 of the SADMP and the requirements of national legislation.

Archaeology

- 9.83. 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. Paragraph 207 of the NPPF also reiterates this advice.
- 9.84. 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 and that in weighing applications that directly affect non-designated assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 9.85. In line with the NPPF Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 218 states that local planning authorities should require the developer to record and advance understanding of the significance of any heritage assets to be lost in a manner proportionate to their importance and the impact, and to make this evidence and any archive publicly accessible. It is also pointed out that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
- 9.86. In accordance with the requirements of the County Archaeologist a written scheme of investigation has been submitted and trial trenching undertaken. The County Archaeologist is satisfied that the post-excavation requirements will be met, and, on that basis, they are satisfied that no additional archaeological involvement will be required for the site.
- 9.87. It is therefore considered that the application meets the requirements of Policy DM13 of the Site Allocations and Development Management Policies Development Plan Documents and of the National Planning Policy Framework.

Infrastructure and Development Contributions

- 9.88. 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. 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.
- 9.89. 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.
- 9.90. The contributions sought are detailed below:
- Health - Market Bosworth or Newbold Verdon surgeries - £104,544.00
 - Libraries - Market Bosworth Library - £3,880.40

- Waste - Barwell HWRC - £6,686.55
- Early Years Education - £190,351.72
- Primary Education - St Peters Primary Academy – no requirement
- Secondary Education - The Market Bosworth School - £364,205.62
- Post 16 Education – Bosworth Academy - £77,810.50
- Primary SEND Education - Dorothy Goodman School - **£29,079.96**
- Secondary SEND Education - Dorothy Goodman School - **£39,787.13**
- Affordable Housing provision – **16 homes gifted to the Council for affordable rent**
- Travel Pack provision of £52.85 per dwelling/employee - £7,134.75 (residential only)
- Bus Pass provision of £510 per person/employee (maximum of two per dwelling) - £137,700 (residential only)
- Travel Plan Monitoring Fee - £11,337.50
- **Appointment of a travel plan coordinator from commencement of development until five years after completion of the last unit**
- Bus stop provision on Station Road and extension of the existing Arriva 153 bus service to these stops
- Off-site highway improvements
- Traffic Regulation Order associated with relocating the existing weight restriction - £7,500
- Off site outdoor sports contribution - £46,915.20
- Off-site outdoor sports maintenance contribution - £22,291.20
- Off-site equipped children's play space contribution – up to a maximum of £88,417.98 (to be determined taking account of the on-site equipped play provision)
- Off-site equipped children's play space maintenance contribution – up to a maximum of £42,670.80 (to be determined taking account of the on-site equipped play maintenance)
- On-site equipped play space maintenance
- On-site informal play space maintenance
- S106 monitoring fees

The total S106 financial contribution resulting from the development of 135 dwellings is at least £1,180,313 and doesn't take into account the additional contributions required for the employment site, the costs of the affordable housing provision, the costs of the bus stops and bus service extension, **the travel plan coordinator** and on site open space provision and maintenance.

- 9.91. All the above contributions are considered to meet the tests for planning obligations and should therefore form part of the Section 106 legal agreement to be formulated should the application be approved. The applicant has expressed their willingness to enter into such a legal agreement and as such the application is considered to comply with the requirements of Policy DM3 of the SADMP and Policy 19 of the Core Strategy.

Conclusions and Planning Balance

- 9.92. 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.

- 9.93. The Council cannot demonstrate a 5-year housing land supply and 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. It is necessary therefore to consider that 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.
- 9.94. The site is allocated for mixed development in the Site Allocations and Development Management Policies Development Plan Document and in both the adopted and review versions of the Market Bosworth Neighbourhood Plan. Development of the site has been proposed for many years. Development of the site is clearly acceptable in principle.
- 9.95. The provision of 135 dwellings, **of which 16 are to be affordable homes gifted to the Council for occupation at an affordable rent**, is considered to be a benefit of the proposal to which significant weight in favour of the scheme is attached.
- 9.96. The proposed development is not considered to have a significant harmful effect on the character and appearance of the countryside. In this regard it would be broadly acceptable and consistent with the requirements of Policy DM4 and Policy DM10 of the SADMP. The development would also be broadly consistent with the environmental protection aims of the NPPF.
- 9.97. The effects of this proposed development in relation to access are not considered to pose an unacceptable impact on highway safety, in accordance with the requirements of Policy DM17 of the SADMP.
- 9.98. The proposal would cause no harm to any heritage assets.
- 9.99. The character of the site would change considerably and while this results in some short term harm this is largely mitigated in the longer term.
- 9.100. There is some minor degree of harm caused as a result of the minor degree of non-compliance with the Council's guidelines on separation distances and garden sizes. These are guidelines though and while this is a greenfield site only moderate weight is afforded to this issue.
- 9.101. The delivery of market and affordable housing is a significant benefit of the scheme to which significant weight should be given. Other benefits of the scheme include an overprovision of public open space beyond what is required to mitigate the scheme, the likely job creation that results from the employment land and the economic and social benefits through the construction of dwellings and from subsequent activities of future residents in the local area. These benefits are each considered to attract moderate weight.
- 9.102. As the tilted balance applies, paragraph 11(d) of the NPPF requires that 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. Taking into account the site allocation, the housing land supply position and the need for affordable homes within the borough, it is considered that the limited adverse impacts of the proposed development would not significantly and demonstrably outweigh the considerable

benefits when assessed against the policies in the NPPF when taken as a whole. Therefore, planning permission should be granted in this instance.

10. Equality implications

- 10.1 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.

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

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

- 10.4 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).

11. Recommendation

- 11.1 **That the application be Approved** subject to:

- the conditions set out below
- the entering into of a S106 Agreement to secure the required financial contributions and other measures set out above at paragraph 8.90 that include affordable housing, education and health funding, highway funding, open space, maintenance and monitoring costs, bus stops and the extension of the existing 153 bus service
- Authority to determine the final details of the conditions and of the S106 Legal Agreement be delegated to the Head of Planning

11.2 Conditions and Reasons

1. No development associated with the OUTLINE element of the consent shall commence until details of the layout, scale, appearance, landscaping (hereafter called the reserved matters) have been submitted in writing to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

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

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

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

3. The development to which the FULL planning permission relates 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.

4. The development to which the FULL planning permission relates shall be carried out in accordance with the submitted application details, as follows:

- Site Location Plan – n2258 001 (21.08.24)
- Coloured Planning Layout – n2258 008-01 Rev D (20.03.25)
- Technical Planning Layout – n2258 008 Rev E (15.05.25)
- Boundary Treatments Plan – n2258 008-02 Rev D (20.03.25)
- Materials Plan – n2258 008-03 Rev D (20.03.25)
- Surface Materials Plan – n2258 008-04 Rev D (20.03.25)
- Car Parking Plan – n2258 008-05 Rev D (20.03.25)
- Public Open Space Typologies Plan – n2258 008-07 Rev C (20.03.25)
- House Type Pack Market Bosworth March 2025 Rev C (20.03.25)
- Proposed Access Junction Layout – ADC3326-DR-002 Rev P6 (10.12.24)

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

5. The development to which the OUTLINE element of the consent relates shall be carried out in accordance with the submitted application details as follows:

- Site Location Plan – n2258 001 (21.08.24)
- Coloured Planning Layout – n2258 008-01 Rev D (20.03.25)
- Technical Planning Layout – n2258 008 Rev E (15.05.25)
- Proposed Access Junction Layout – ADC3326-DR-002 Rev P6 (10.12.24)

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

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

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

7. A Landscape and Ecological Management Plan for each employment and residential phase, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted for the relevant phase in writing to and approved in writing by the Local Planning Authority prior to the occupation of the relevant phase. Each phase of development shall be carried out in accordance with the approved Plan.

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

8. No external lighting of the site shall be installed on either employment or residential phase until details for the relevant phase have been submitted in writing 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) and demonstrate that the lighting will not cause harm to protected species or their habitats (bats). The lighting shall provide street lighting to all unadopted carriageways. The lighting shall be installed, maintained and operated in accordance with the approved.

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

9. Notwithstanding details shown on the approved layout plans, no development above floor plate level shall commence on either employment or residential phase until a scheme that makes provision for waste and recycling storage and collection across the relevant phase has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details and shall be maintained as such in perpetuity.

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

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

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

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

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

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

12. The employment or residential phase shall not be first occupied until a Verification Report relating to that phase has been submitted in writing to and approved in writing by the Local Planning Authority. The Verification Report shall be written by suitably qualified persons and shall include details of the remediation works and quality assurance certificates to show that the works have been carried out in full accordance with the approved methodology. Details of any post-remedial sampling and analysis to show that the site has reached the required clean-up criteria shall be included in the Verification Report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that the 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 Development Plan Document (2016).

13. Prior to commencement of development on either employment or residential phase a Construction Environmental Management Plan for the relevant phase shall be submitted in writing to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises, and on the environment shall be prevented or mitigated from dust, odour, noise, smoke, light, land contamination and construction activities. 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 the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Site preparation and construction shall be limited to the following hours;
Monday - Friday 07:30 - 18:30

Saturday 09:00 - 14:00
No working on Sundays and Bank Holidays

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

15. 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 Local Planning Authority. The CEMP shall include the following details:
- a) Identification of potentially damaging construction activities.
 - b) Identification of biodiversity protection zones.
 - c) Practical measures and sensitive working practices for reptiles and bats, to avoid or reduce impacts during construction.
 - d) Timing of works to avoid harm to nesting birds.
 - e) Responsible persons for overseeing sensitive works.
 - f) Use of protective fencing where required.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on the site in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. No development approved by this planning permission on either employment or residential phase shall take place until such time as a surface water drainage and foul sewage disposal scheme for the relevant phase has been submitted in writing to and approved in writing by the Local Planning Authority. Thereafter, surface water drainage shall not drain onto the public highway.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policies DM7 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. No development approved by this planning permission on either employment or residential phase shall take place until such time as details in relation to the management of surface water on the relevant phase during construction of the development has been submitted in writing to and approved in writing by the Local Planning Authority.

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

18. No occupation of the development on either employment or residential phase 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 relevant phase have been submitted in writing to and approved in writing by the Local Planning Authority.

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

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

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

20. No development shall commence on either employment or residential phase until such time as a construction traffic management plan for the relevant phase, 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 in writing 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 unsuitable roads and lead to on-street parking problems in the area in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

21. No part of the development hereby permitted on either employment or residential phase shall be occupied until such time as the access arrangements for the relevant phase shown on ADC drawing number ADC3326-DR-002 Rev P6 have been implemented in full.

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

22. No part of the residential development shall be occupied until such time as the offsite highway works shown on ADC drawing number ADC3326-DR-002 Rev P6 including the footway extension to Godsons Hill, bus stops, traffic calming, uncontrolled pedestrian crossing and relocation of the weight restriction have been implemented in full.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

23. No part of the residential development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 73 metres to the west and east of the site access have been provided. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway / verge / highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

24. No part of the development hereby permitted on either employment or residential phase shall be first occupied until an amended Framework Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets for the relevant phase has been submitted in writing to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

25. 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 10 metres of the highway boundary, nor shall any be erected within a distance of 10 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, and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the National Planning Policy Framework (2024).

26. Prior to commencement of the residential phase a Biodiversity Enhancement Management Plan that demonstrates how a Biodiversity Net Gain of at least 10% shall be achieved on the site shall be submitted in writing to and agreed in writing by the Local Planning Authority.

Reason: To ensure that the development provides biodiversity enhancement in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework (2024).

27. Prior to the occupation of each dwelling on site full fibre broadband connection shall be available and ready for use in relation to each such dwelling/unit.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 119 of the National Planning Policy Framework (2024).

28. No residential development approved by this planning permission shall take place until a full scheme of soft landscaping works for the site **that includes full details of the approved trim trail equipment**, including an implementation and management scheme, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity with the submitted Illustrative Landscape Masterplan P24-1884 EN 0007 D 0001 received 10 December 2024 and in full accordance with any subsequently approved Landscape and Ecological Management Plan and any requirements for the provision of a 10% Biodiversity Net Gain on the site. Thereafter the development shall be carried out in full accordance with the approved scheme.

The soft landscaping shall be maintained for a minimum period of five years from the date of planting with the exception of any trees planted which shall be maintained for a minimum period of ten years from the date of planting. During these periods any trees or shrubs that die or that are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: In the interests of the character and appearance of the site and surrounding area and to ensure that the development provides biodiversity enhancement in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework (2024).

29. Any reserved matters application dealing with layout shall be accompanied by a noise investigation and mitigation strategy detailing how the occupants of the proposed dwellings and existing neighbouring residents shall be protected from noise from the employment uses hereby approved.

Reason: To ensure that the occupiers of the proposed development are adequately protected from the nearby noise source in accordance with the requirements of Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework (2024).

30. The residential development hereby approved shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Nineteen47 Car Parking Plan – n2258 008-05 Rev D. Thereafter the on-site parking and turning provision shall be kept available for such uses 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 the interests of highway safety and in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies

Development Plan Document and the National Planning Policy Framework (2024).

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

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

32. Prior to the commencement of development on either the employment or residential phases, including site works of any description, tree protection measures for each relevant phase, in accordance with Section 6 of the submitted FPCR Arboricultural Assessment dated July 2024, have been put in place. Such tree protection measures shall remain in place at all times during each phase of construction.

Reason: To ensure that trees on site that are to be retained are adequately protected during and after construction in the interests of visual amenity and biodiversity and to ensure a satisfactory form of development in accordance with Policies DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraphs 136 and 187 of the National planning Policy Framework (2024).

33. No development above floorplate level shall take place on either the employment or residential phases until samples of the types and colours of materials to be used on the external elevations and roofs of the relevant phase have been submitted to and agreed in writing by the Local planning Authority. Each phase of the development hereby approved shall be implemented in accordance with those approved materials.

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

34. No development above floorplate level shall take place on either the employment or residential phases until a scheme for secure and under cover cycle parking for the relevant phase has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

Reason: To promote travel by sustainable modes in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraphs 115 and 117 of the National Planning Policy Framework (2024).

35. The development shall be carried out in accordance with the recommendations contained within section 4 of the submitted FCPR Ecological Appraisal dated May 2024.

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

36. No dwelling hereby approved shall be occupied until acoustic fencing in accordance with the submitted Aecom Noise Impact Assessment dated May 2024 and the Coloured Planning Layout n2258 008-01 Rev B has been erected. Such fencing shall be maintained and remain in place thereafter in perpetuity.

Reason: In the interests of existing neighbours and future occupiers of the residential development hereby approved in accordance with policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 187 of the National Planning Policy Framework (2024).

37. Further to the requirements of Condition 26 no occupation on either employment or residential phase shall take place until a Habitat Management and Monitoring Plan for the site or for the relevant phase has been submitted to and approved in writing by the Local Planning Authority. The Plan shall demonstrate how the site or each relevant phase of the development shall be managed and maintained in order to ensure that the Biodiversity Net Gain secured by Condition 26 is maintained for at least 35 years from the date of this permission.

Reason: To ensure that the development secures long-term biodiversity enhancement in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework (2024).

38. No part of the development hereby permitted shall be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on the highway boundary on both sides of each private drive/shared private drive with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

Reason: In the interests of highway safety and in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document and the National Planning Policy Framework (2024).

39. Prior to the first occupation of any part of the development hereby permitted, a Public Transport Strategy shall be submitted to the Local Planning Authority, agreed in writing and implemented in full to provide public transport along Station Road in order to serve the development and to take into consideration the wider local bus network. The submitted scheme shall include:

- Hours of operation and service frequencies (minimum hourly service Monday – Saturday 7am-7pm)

- Measures to cover the full operation of the service for the minimum period of the duration of the Framework Travel Plan
- Routing of the service
- Details of any impact on the existing wider bus route/service in order to provide the extended service
- Provision of necessary off-site infrastructure, including two new poles and flags, raised kerbs, information display cases and bus stop markings on Station Road.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document and the National Planning Policy Framework (2024).

40. No dwelling here by approved shall be occupied until a hard surfaced footpath link to Heath Road, that is appropriately illuminated with street lighting, as shown on the Technical Planning Layout n2258 008 Rev C, has been implemented in full to link with the existing adopted highway. The link shall remain open and available for use at all times thereafter.

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 the interests of highway safety and in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document and the National Planning Policy Framework (2024).