

**Planning Committee 12 August 2025**  
**Report of the Head of Planning**



**Hinckley & Bosworth**  
**Borough Council**

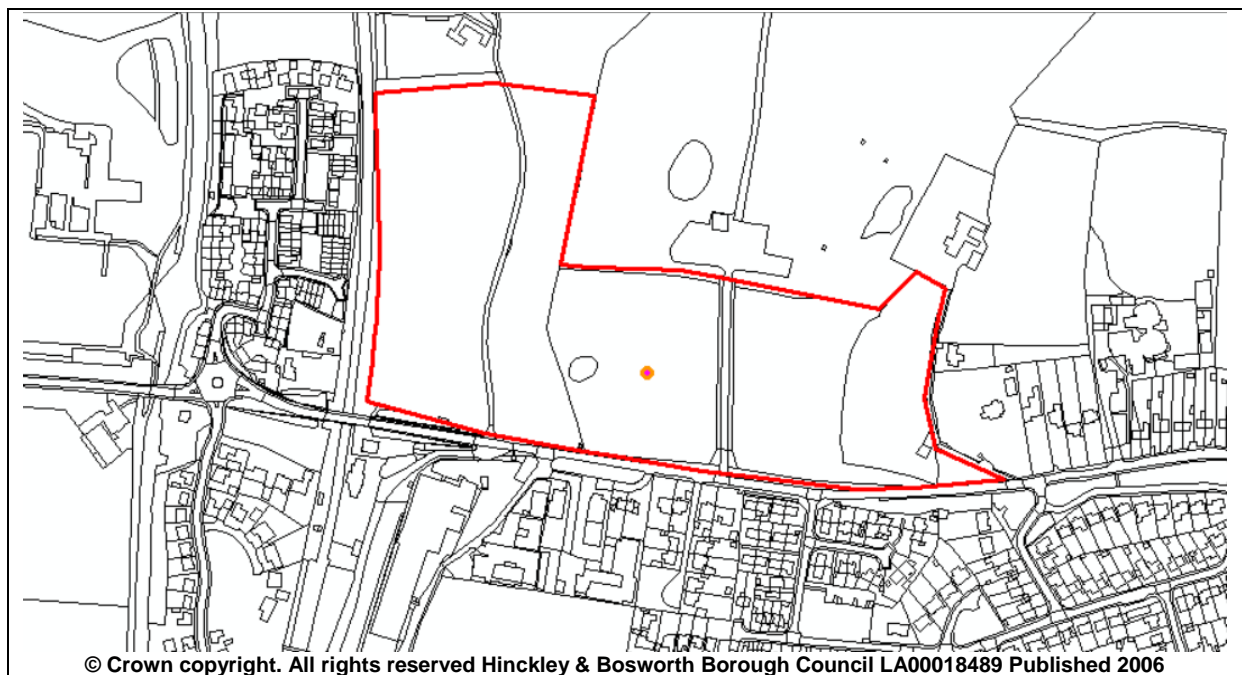
**Planning Reference 24/01079/OUT**

**Applicant: Richborough, Clive Vero, Geoffery Malcolm Vero,  
Kathleen Ann Sheppard, and Leslie Alan James**

**Ward: Cadeby, Carlton, M Bosworth & Shackerstone**

**Site: Land north of Station Road, Market Bosworth**

**Proposal: Outline planning application for up to 126 dwellings (all matters reserved except access)**



**1. Recommendations**

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

- Planning reasons / conditions detailed at the end of this report; and
- The entering into of a S106 Agreement relating to affordable housing, highway improvements, open space provision and management and the financial contributions detailed below; and
- That the Head of Planning be given powers to determine the final detail of planning conditions and obligations and that outstanding highway matters are sufficiently controlled and resolved.

**2. Planning Application Description**

- 2.1.** This planning application seeks outline planning permission for the provision of up to 126 dwellings with associated access, landscaping, open space, and drainage at the Land north of Station Road, Market Bosworth. Only Access is sought for

approval within this outline application and all other matters are reserved. The scheme utilises an amended existing access onto Station Road, which also serves the Kyng's Golf and Country Club.

- 2.2. The precise appearance of the scheme is reserved for later approval. Therefore, the extent of the application is described and assessed via the indicative scales and appearance within the submitted plans. The application is accompanied by the following reports and documents:

- Acoustics Assessment
- Air Quality Assessment
- Arboricultural Impact Assessment (AIA)
- Biodiversity Impact Assessment (BIA) Baseline Visualisation
- BIA Baseline Condition Visualisation
- BIA Baseline Habitat Plans
- BNG Metric
- Design and Access Statement
- Development Framework Plan
- Ecology Note
- Ecological Impact Assessment (EIA)
- Flood Risk Assessment (FRA) and Drainage Strategy
- Geophysical Survey
- Geophysical Survey (Archaeology)
- Ground Investigation Desk Study
- Heritage Impact Assessment (HIA)
- Illustrative Masterplan
- Landscape Clarification Note
- Landscape Masterplan
- Landscape and Visual Impact Assessment (LVIA)
- Parameter Plan
- Photomontage Viewpoints
- Planning Statement (and addendum)
- Proposed Site Access Layout Plan
- Sequential Test
- Site Location Plan
- Statement of Community Involvement
- Swept Path Analysis Plans
- Transport Assessment
- Travel Plan
- Tree Protection Plan
- Topographical Survey
- Utilities Assessment

### **3. Description of the Site and the Surrounding Area**

- 3.1. The 7.9ha application site is located to the west of, and outside of, the identified settlement boundary of the Key Rural Centre of Market Bosworth in the designated

open countryside and the wider Natural England's National Character Area (NCA) 94 (Leicestershire Values,) and the Council's Bosworth Parkland Landscape Character Area (LCA).

- 3.2. The Market Bosworth Neighbourhood Plan (MBNP) (2025) identifies a key view ('Important View 1') along Station Road heading east passed the application site as well as a northern-facing key vista ('Vista 11') (now referred to as 'Vista I') from Godsons Hill that looks over the site. A new element of Vista I has been created within the newly adopted MBNP that faces north into the site from the existing access track to the west of the site.
- 3.3. The application site itself comprises a collection of pastoral fields and a pond, which clearly form part of the countryside that surrounds Market Bosworth. There are 18 individual trees along the southern boundary of the site that are protected via Tree Preservation Orders (TPOs) 75/00011/TPORD and 14/00001/TPORD. There is also a substation on the southern boundary of the site adjacent to Station Road. The site itself has a particular informal scenic quality on account of its role as an important part of the town's pastoral countryside setting that reflects the typical qualities of the Bosworth Parkland Character Area.
- 3.4. The site is relatively flat, but the land rises sharply near the eastern boundary of the site towards Market Bosworth and the residential properties beyond. The crest of the rising ground is defined by a dense copse of trees ("The wooded hilltop,") which provides a strong backdrop to the application site. Both Station Road and the wooded hilltop effectively contain the settlement edge here from the surrounding countryside. The wooded hilltop is integral to the locally distinctive character and appearance of the settlement's setting from a main approach along Station Road.
- 3.5. This part of Market Bosworth is varied in appearance, with housing and commercial development on the southern side of Station Road, which creates a suburban residential and industrial character to the area. This contrasts with the green, relatively undeveloped countryside character on the northern side of Station Road, to which the application site positively contributes and reinforces.
- 3.6. Station Road is adjacent to the southern boundary of the site and is an adopted 'C' road that is subject to a 30mph speed limit. The site benefits from two existing vehicular accesses onto Station Road. The most eastern vehicular access leads to Kyng's Golf and Country Club to the north, which is an Open Space, Sports and Recreation Facility. The western track access leads to the dwellings at The Stables and Wharf Farm to the north respectively.
- 3.7. The land to north of the site at Kyngs Golf and Country Club has previously benefited from planning permissions for the creation of a golf clubhouse (08/00750/FUL), a multi-purpose golf clubhouse with six golf holiday homes (19/01437/FUL) and a 50-room golf and leisure accommodation facility (24/00019/FUL). 11 holiday lodges have also been permitted in the wider golf club site via applications 24/00026/FUL and 24/00769/FUL.

- 3.8. Public Footpath S70 runs northwest-to-southeast 250m to the northeast of the site through the Kyng's Golf and Country Club site. The western boundary of the site is bounded by the Battlefield Railway Line. Beyond this is a further residential estate within the identified settlement boundary of Market Bosworth.
- 3.9. The application site is identified as being in close proximity to a Local Wildlife Candidate Site and in an area known for Great Crested Newt Breeding Ponds. The site is also within an Airfield Safeguarding Area, a Mineral Safeguarding Area (MSA), and the Impact Risk Zone of the Asby Canal Site of Special Site of Scientific Interest (SSSI). Previously, part of the site received a Certificate of Lawful Existing Use for an airfield via 04/00796/CLU.

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

##### **4.1 21/00970/OUT**

- Residential development up to 105 dwellings (Use Class C3), public open space and associated infrastructure works (Outline – with access to be considered).
- Withdrawn
- 09.03.2022

##### **4.2 21/00024/PP**

- Residential development up to 63 dwellings with associated access, landscaping, open space and drainage infrastructure (Outline – access to be considered).
- Appeal Dismissed
- 02.02.2022

##### **4.3 20/01021/OUT**

- Residential development up to 63 dwellings with associated access, landscaping, open space and drainage infrastructure (Outline – access to be considered).
- Refused
- 08.06.2021

The application was refused for the following reason:

*“The development, due to its location in the open countryside, would be harmful to the character and appearance of the area and diminish the enjoyment users derive from the area especially in relation to Important View 1 and Vista 11 identified in the Market Bosworth Neighbourhood Plan. The development would therefore have a significant adverse effect on the intrinsic value, beauty and open character of the countryside which should be safeguarded first and foremost from unsustainable development and on important views and vistas. The development is therefore contrary to Policy DM4 Safeguarding the Countryside and Settlement Separation of the Site Allocations and Development Management Policies DPD July 2016 and Policies CE3 Important Views and Vistas and CE5 Landscape of the wider Parish of the Market Bosworth Neighbourhood Plan 2014 and this would significantly and*

*demonstrably outweigh the benefits when considered against the Framework as a whole.”*

**4.4 14/00674/FUL**

- Erection of 64 dwellings and associated works including 2 no. balancing ponds, formal play area space, public open space (revised proposal)
- Refused
- 05.03.2015

**4.5 13/00520/FUL**

- Erection of 65 dwellings and associated works including 2 no. balancing ponds, formal play area space, public open space
- Refused
- 11.02.2014

**5. Publicity**

5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site, and a notice was published in the local press.

5.2 A Borough Councillor called the planning application in to be determined via the Planning Committee.

5.3 In total, 42 members of the public from 38 separate addresses objected to the development. The reasons for the objections to the development are summarised below:

- Additional housing shall negatively impact upon tourism to the area.
- The application conflicts with the Market Bosworth Neighbourhood Plan
- The application does not provide sufficient detail in relation to archaeological, drainage, mineral and noise pollution impacts
- Environmental harm
  - Future occupiers would be dependent on private motorised transport
  - Harm to flora and fauna
  - Harm to protected wildlife species
  - Increased CO2 emissions from additional traffic and congestion
  - Loss of habitat
  - Loss of the rights of nature to exist on this land
  - Unsustainable location for new housing development
- Highway safety
  - Adverse impacts to emergency service movements
  - Dangerous site access
  - Exacerbation of existing highway issues such as traffic flow
  - Existing dangerous conditions of roadside grass verges
  - Existing indiscriminate parking issues
  - The footway into Market Bosworth is narrow and dangerous

- Increased congestion
- Limited visibility splays
- There's nowhere to park in Market Bosworth
- Pedestrian safety concerns
- Speeding along Station Road
- The Traffic Survey was undertaken in July when the schools were closed for the Summer
- Harm to the character of the area
  - Destruction of the visual amenity of Market Bosworth
  - Development of a greenfield site
  - The development is in the designated open countryside
  - Erosion of single-track farming roads
  - Harm to the rural character of the area
  - High density development
  - Irreversible loss of open space and valuable agricultural land
  - Loss of countryside
  - Loss of a protected vista
  - Overdevelopment of Market Bosworth
  - The site currently contributes to the 'greenscape' entrance of Market Bosworth
- Harm to the historic environment
  - Watering down the historic value of Market Bosworth
- Harm to the local economy
- Harm to residential amenity
  - Increased air pollution
  - Increased loneliness and isolation for future occupiers of the scheme
- Infrastructure
  - The application does not address the infrastructure issues in Market Bosworth
  - Exacerbation of parking issues within Market Bosworth
  - Extensive growth in Market Bosworth is not sustainable
  - Harm to local businesses due to insufficient parking in Market Bosworth
  - The housing stock of Market Bosworth has increased by 20% in a three-year period
  - Insufficient capacity at local doctors' surgery
  - Insufficient parking provision within Market Bosworth
  - Lack of infrastructure within Market Bosworth
  - Limited employment opportunities in Market Bosworth
  - Local schools are at capacity
  - Loss of farmland
  - Market Bosworth has exceeded its allocation of housing
  - Market Bosworth's infrastructure can't cope with further development
  - Many of the houses at the Owl Homes site are unsold
  - The central areas of Market Bosworth display a close resemblance to Piccadilly Circus
  - Too many houses have already been approved in this area
- Limited sustainable transport

- There isn't a bus route near the site
- Market Bosworth doesn't have a bus route to Hinckley
- Market Bosworth has no other public transport services (i.e., rail links)
- Loss of farming values
- Planning history
  - Allocating the application site for housing was rejected by the Market Bosworth Neighbourhood Plan
  - This is a rehash of the originally refused planning application
  - Outline planning permission has already been refused on this site
- The proposal takes no account of the community's vision and aims for the future of Market Bosworth
- Speculative development undermines the creation of the Market Bosworth Neighbourhood Plan
  - Permitting this application shall set a dangerous precedent in encouraging future speculative development, which will overwhelm the town

5.4 One member of the public has highlighted that they have a right of way through the site and the proposal includes areas of their land.

*The Planning Officer notes that rights of way and land ownership are legal matters that must be addressed outside of the planning process.*

5.5 No further responses have been received.

## 6. Consultation

### Market Bosworth Parish Council

6.1 Market Bosworth Parish Council submitted two objections to the planning application for the following reasons:

- The application is not appropriate
- Conflict with Planning Policy
  - The Applicant has failed to address the key issues in relation to the Market Bosworth Neighbourhood Plan (MBNP)
  - The development conflicts with the MBNP (2015) (notably Policies CE1, CE3, and CE5)
  - The development conflicts with the new 2025 version of the MBNP
  - The draft Allocation Map for the MBNP disregarded development on the northern side of Station Road as it would have, "An unacceptable impact upon the *landscape setting of Market Bosworth*."
  - The scheme does not fulfil any of the requirements of Policy CE5 of the MBNP
- Flooding concerns
- Harm to the environment
  - The development sits outside the identified settlement boundary of Market Bosworth

- The proposal is not sustainable
- Harm to the character of the area
  - The Applicant has failed to provide any evidence as to how the development addresses Character Area J of the Market Bosworth Design Code
  - The application has not satisfactorily identified any measures or mitigation to address the harm to the character of the area
  - The density of the site shall not be in keeping with the character of the area
  - Harm to the designated open countryside
  - The distinct character approach to the town is highly valued by residents and visitors
  - Overdevelopment of a small rural settlement
  - Poor proposed layout
  - The proposal is not sensitive to the character of the area
  - Removal of existing trees from the site
  - The scheme is disproportionate to the scale of Market Bosworth
  - The scheme represents inappropriate speculative development
  - Significant adverse impacts to protected View 1 and Vista 11
  - The 3D visualisations clearly demonstrate the negative impact of the proposed built form on the protected views and vistas and the character approach to the town
- Harm to the historic environment
  - Harm to the adjacent railway bridge
  - Harm to the Battlefield Line railway
  - Harm to the landing strip, which is an Asset of Local Heritage Value within the 2025 version of the MBNP.
- Harm to residential amenity
  - Air and noise pollution from the Battlefield Line
- Harm to tourism in Market Bosworth
- Highway safety concerns
  - The details within the Travel Plan are skewed and inaccurate
  - Significant increases to vehicle movements to and from the site
- Infrastructure concerns
  - Limited employment opportunities
  - Limited public transport
  - Market Bosworth has exceeded its identified Housing Needs Figure for the Plan Period by 42%
- Previous planning history
  - Housing developments have already been dismissed at appeal in this location
  - The current application is for twice as many houses as the previously dismissed appeal
- The scheme does not provide any public benefits
- The submitted details do not demonstrate an understanding of the impact of the development on the existing situation in the area



- The submitted details fail to demonstrate how the proposed development will relate to existing built development in Market Bosworth, its wider surroundings, and the existing landscape, including landform, topography, geography and ground conditions
- The Travel Plan and the Transport Plan are misleading
  - The bus stop near the site has not been used in several years
  - There is no guarantee that the bus service will be reinstated
  - Even if the bus service is reinstated it provides a minimal service along Station Road
  - Public transport is minimal
  - The TZ1 bus service only runs once a day between Market Bosworth and Twycross Zoo
  - Atherstone Railway Station has extremely limited parking facilities
  - The lack of cycle lanes within and around Market Bosworth make it dangerous to cycle outside of the main settlement
  - The distances to community facilities are understated and fails to consider the site-specific circumstances of the road network and the topography of the village
  - The anomalies in the Applicant's stated distance to local facilities demonstrates a lack of due diligence
  - There are no supermarkets in Market Bosworth
  - The Market Bosworth Marina café no longer exists
  - The Parish Council do accept that the data within the Transport Assessment and Travel Plans represents credible evidence from which a decision of this magnitude can be made
- The Landscape and Visual Impact Assessment (LVIA) and the Design and Access Statement (D&A) have not taken account of the comments made at the previous appeal
  - The Parish Council contend that the revised LVIA does not add anything further to the significant issues that were raised within the Parish Council's original comments

6.2 Within their objection to the proposal, Market Bosworth Parish Council referred to the 2025 version of the MBNP, and the associated Design Code and Landscape Review of the Parish, as well as the requirements of Paragraph 14 of the NPPF.

#### Carlton Parish Council

6.3 Carlton Parish Council objected to this application on the grounds that the site is not allocated for development within the Development Plan or 2025 version of the MBNP.

#### Market Bosworth Society

6.4 Market Bosworth Society objected to the development twice for the following reasons:

- The community voted against developing the application site at the referendum for the 2025 version of the MBNP
  - There is little appetite for this development
- Development has previously been refused at this site
- Harm to the character of the area
  - The development constitutes urban sprawl
  - Significant harm to the valued views and vistas within the site
- Harm to residential amenity
  - Air pollution
  - Noise pollution
- Highway safety concerns
  - Increased congestion
  - Increased vehicle movements
- Infrastructure concerns
  - Doctors, dentist, and schools are at capacity
  - There is little employment or entertainment opportunities in Market Bosworth
  - Limited parking availability in wider Market Bosworth
  - There are no significant health centres, supermarkets, or hospitals in Market Bosworth
  - There is no public transport options within Market Bosworth
- Loss of the landing strip heritage site
- Planning policy conflict
  - The proposal cannot meet the requirements of Policy DM3 of the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP)
  - The proposal conflicts with Policies DM4 and DM9 of the SADMP
  - The proposal conflicts with the Town and Country Planning Act 1948

#### The Battlefield Railway Line

6.5 The Battlefield Railway Line objected to the development for the following reasons:

- There is no mention of the operational railway within the submitted documents
- Safety concerns
  - The proposal is likely to interfere with the sighting of railway signals
- Drainage concerns
  - The existing culvert cannot cope with any increased volume of drainage
  - There is no report of risk management to the potential scouring of the Railway embankment or embankment failure with the likely changes in drainage.
  - There is no mention of what happens to the drainage culvert on the other side of the railway, where it goes, nor what capacity it is loaded to
- Harm to the existing bridge over the railway on Station Road
  - There is no mention of a condition assessment of the bridge
  - The bridge is likely to be damaged by piling
- Harm to future occupants of the scheme

- Air pollution from the Battlefield Railway Line
- Noise pollution from the Battlefield Railway Line
- Increased congestion on popular tourist event days associated with the Battlefield Railway Line

#### Summary of Statutory Consultees with No Objections to the Proposal

6.6 There have no objections to the application from the following consultants:

- East Midlands Airport Safeguarding Authority
- Environment Agency
- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
- HBBC's Drainage Department (subject to conditions)
- HBBC's Environmental Services' Department (subject to conditions)
- Leicestershire County Council (LCC)'s Archaeology Department (subject to conditions)
- LCC's Ecology Department (subject to conditions)
- LCC as the Lead Local Flood Authority (LLFA) (subject to conditions)
- Leicestershire Police (subject to conditions)
- Mineral and Waste Planning Authority (MWPA)
- Network Rail

#### Archaeology

6.7 The County Council's Archaeology Department highlighted that the Leicestershire and Rutland Historic Environment Record (HER) stated that the application site lies within an area of archaeological interest.

6.8 Whilst the County Council welcomed the submission of the archaeological desk-based and assessment of the geophysical surveys, the County Council confirmed that prehistoric remains or burials do not typically provide a strong geomagnetic response and are not usually identified by a geophysical survey. Therefore, geophysical surveys cannot therefore be used by itself to establish the absence of archaeological activity on the site, and it is generally recommended that such works are supplemented by a programme of intrusive trial trenching in order to test the results. Given the scale of the development, there remains potential for the presence of previously unidentified archaeological deposits within the development area.

6.9 However, following a review of the evidence contained within the HER, the archaeological information submitted by the Applicant, and the flexibility available as an outline planning application, the Archaeology Department considered that the archaeological potential of the site could be managed by way of a conditioned approach. The County Council strongly recommended that the required trial trenching should be undertaken prior to the submission of any forthcoming Reserved Matters application for this development, and the results of this work

should be submitted to the Local Planning Authority to assist in the determination of that scheme.

- 6.10 Therefore, the Archaeology Department stated that an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching followed, as necessary, by intrusive and non-intrusive investigation and recording is required via a pre-commencement planning condition, in order to define the full extent and character of the necessary archaeological mitigation programme. This programme of work should be completed in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority.

#### Conservation

- 6.11 The Council's Conservation Officer highlighted that there are no designated heritage assets within the site boundary, but there are a number within a proportionate study area around the application site. The Conservation Officer also confirmed that the development was not considered to have an adverse impact the setting of the Grade II\* Listed Church of St. Peter or the Ashby de la Zouch Canal Conservation Area, nor their character or significance.
- 6.12 The Conservation Officer also highlighted that although the suggested measures of commemorating the historic association of the landing strip with Group Captain Churchill via appropriate street names and/or an information board cannot be initiated on via a planning condition, such measures would be a desirable reflection of the interest of the site.

#### Drainage

- 6.13 The County Council as the Lead Local Flood Authority (LLFA) noted that the site is within Flood Zone 1 and is at low risk of fluvial flooding and a low-to-medium risk of surface water flooding within an existing flow path identified transecting the site east to west.
- 6.14 The Applicant submitted a sequential test, and an amended Flood Risk Assessment and Drainage Strategy Plan on 12 May 2025. Following this, the Council's Drainage Department confirmed that they had no objections to the development subject to three planning conditions in relation to the provision of a sustainable surface water drainage system, and details in relation to its long-term management, and the management of surface water during construction. The LLFA also recommended the approval of the proposal subject to four planning conditions, which included a requirement infiltration testing prior to the commencement of development, alongside four notes to the Applicant.

#### Ecology

- 6.15 Throughout the progression of this planning application, Leicestershire County Council's Ecology Department were consulted three times on the proposal. To

support the determination of the development, and at the request of the County Council, the Applicant submitted an Arboricultural Impact Assessment with Method Statement and Tree Protection Plan, a Bat Query Response, Biodiversity Impact Assessment Plans with visualisations, a Biodiversity Net Gain Metric, an Ecological Impact Assessment, and a Great Crested Newt Mitigation Note.

- 6.16 On 23 July 2025, the Ecology Department confirmed that they were satisfied that sufficient ecological information had been submitted to support the determination of the planning application.
- 6.17 The County Council stated that the submitted information provided certainty for the Local Planning Authority of the development's likely impacts on designated sites, protected and priority species and habitats, and the mitigation measures detailed within the Ecological Impact Assessment should be secured via planning condition to conserve and enhance the protected and priority species in the locality.
- 6.18 The Ecology Department stated that they were generally satisfied that the post-intervention biodiversity net gain values were realistic and deliverable at this stage, subject to the submission of the biodiversity gain plan in accordance with the statutory requirements of Schedule 7A of the Town and Country Planning Act 1990.
- 6.19 Therefore, the Ecology Department stated that the development was acceptable, subject to the six planning conditions that secure the mitigation measures identified within the Ecological Impact Assessment, a Construction Environmental Management Plan for Biodiversity, a Biodiversity Enhancement Strategy, a Wildlife Sensitive Lighting Design Scheme, a Landscape and Ecological Management Plan, and a Habitat Management and Monitoring Plan (HMMP).

#### Highways

- 6.20 Throughout the progression of this planning application, Leicestershire County Council as the Local Highway Authority have been consulted three times on this planning application. On 22 July 2025, the Local Highway Authority (LHA) did not consider the planning application as submitted to fully assess the highway impact of the proposed development.
- 6.21 Further amendments and information were requested in relation to the site access and bus stop locations, the future scenarios of the junction capacity assessment at Junction 10, and the Travel Plan.
- 6.22 The LHA confirmed on 23 July 2025 that the amendments to the Travel Plan can be secured via planning condition. Additional highways-related planning conditions and obligations are to be confirmed upon the receipt of the requested details that are to the satisfaction of the LHA.

#### Minerals

- 6.23 The County Council as the Minerals and Waste Planning Authority (MWPA) identified the site to be almost entirely located within a Mineral Safeguarding Area (MSA) for sand and gravel. At the request of the MWPA, the Applicant then submitted a Mineral Resource Assessment on 27 January 2025.
- 6.24 On 19 February 2025, the MWPA confirmed that the Minerals Resource Assessment was acceptable and that the MWPA are satisfied that prior extraction of mineral deposits that lie beneath the site would not be a viable operation to be carried out prior to development taking place.

#### Police

- 6.25 Leicestershire Police welcomed the design principles of discouraging criminal activity and the reference to the Secured by Design guidance on Page 71 of the Design and Access Statement. To ensure that the development meets the requirements of Secured by Design, Leicestershire Police requested a planning condition to ensure that details are submitted that demonstrate how the development will achieve the Secured by Design Award.

#### Pollution

- 6.26 On 09 December 2024, the Council's Environmental Health Department stated that the additional mitigation to industrial noise from JJ Churchill is required and an alternative ventilation strategy should be considered. Following further discussions with the Applicant, the Council's Environmental Health Department confirmed that noise from the road and the potential from industry can be controlled via planning condition.
- 6.27 Therefore, the Council's Environmental Health Department recommended six planning conditions that secured a Construction Environmental Management Plan, the limitation of site preparation and construction hours, the investigation of any potential land contamination prior to commencement and if identified during development, a scheme for the monitoring of landfill gas on the site, and a scheme for protecting the proposed dwellings from noise from the nearby roads and adjacent industrial estates.
- 6.28 The Applicant raised concerns with the requirement for a landfill gas condition and referred to the results of their ground investigation and gas monitoring works, which highlighted that there is no gas flow rates within the site and the site has very low CO2 rates.
- 6.29 Following further discussions with the Applicant and the Council's Environmental Health Department, on 14 February 2025, the Environmental Health Department confirmed that the landfill gas condition can be removed, and the pre-commencement land contamination condition can be revised to only refer to the area surrounding the electricity substation.

#### Public Open Space

- 6.30 On 05 December 2024, the Council's Section 106 Monitoring and Compliance Officer requested a revised Parameter Plan that satisfactorily provides the necessary Public Open Space requirements.
- 6.31 The Applicant submitted a revised Design and Access Statement on 16 May 2025, which demonstrated that the development could be provided with a sufficient provision of on-site public open space in accordance with Policies 11 and 19 of the adopted Core Strategy.

#### Other Consultees

- 6.32 The Canal and River Trust did not comment on the planning application.
- 6.33 National Grid and Severn Trent Water did not respond to the planning application.
- 6.34 No further responses have been received.

### **7. Policy**

#### 7.1 Core Strategy (2009):

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

#### 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

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

#### 7.3 Market Bosworth Neighbourhood Plan 2020 – 2039 (MBNP) (2025):

- Policy CE1: All New Development within Market Bosworth
- Policy CE3: Important Views and Vistas and Landscape Character
- Policy CE4: Trees and Hedgerows

- Policy CE5: Landscape of the Wider Parish
- Policy CE6: Provision for Wildlife in New Development
- Policy BD1: Affordable Housing
- Policy BD4: Heritage Asset Protection
- Policy DC1: Design Codes

The Market Bosworth Neighbourhood Plan (MBNP) was updated in light of the Examiner's comments in March 2025 and was subsequently approved at referendum on 10 July 2025. Therefore, the 2025 version of the MBNP forms part of the Council's Development Plan and attracts full weight in the planning balance.

#### 7.4 National Planning Policies and Guidance:

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

#### 7.5 Other Relevant Guidance:

- Affordable Housing Supplementary Planning Document (2011)
- Good Design Guide (2020)
- The Green Infrastructure Strategy (2020)
- Housing Needs Study (2019)
- Landscape Character Assessment (LCA) (2017)
- Landscape Review for Market Bosworth Neighbourhood Plan (2023)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Leicester and Leicestershire Authorities Statement of Common Ground relating to Housing and Employment Land Needs (June 2022)
- Local Development Scheme (LDS) (2025)
- Market Bosworth Design Codes (2023)
- Natural England's National Character Area Profiles (2014)
- Open Space and Recreation Study (2016)

#### 7.6 The Local Planning Authority are currently preparing their Emerging Local Plan. Paragraph 2.19 of the Council's Local Development Scheme (LDS) (2025) confirms that due to the additional housing sites that need to be identified as a result of the changes to the NPPF in December 2024, a further Regulation 18 consultation will need to be programmed into the remaining stages of the Local Plan's preparation. Given the above, the Emerging Local Plan is given no weight in the planning balance at this time.

## 8. Appraisal

### 8.1. The key issues in respect of this application are:

- Principle of development
- Housing land supply
- Design and impact upon the character and significance of the historic environment



- Impact upon the character of the area
- Impact upon the character of the area
- Design and layout
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Infrastructure and development contributions
- Planning balance

#### Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions. Paragraph 3 of the NPPF confirms that it should be read as a whole.
- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.5 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the Market Bosworth Neighbourhood Plan (MBNP).
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.7 Nevertheless, in accordance with Paragraph 232 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.8 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.

- 8.9 Policy 7 of the adopted Core Strategy states the Council will support housing development within the identified settlement boundaries of Key Rural Centres, such as Market Bosworth, which provide a mix of housing types and tenures as detailed in Policies 15 and 16 of the adopted Core Strategy.
- 8.10 The application site is not within the identified settlement boundary of Market Bosworth and therefore in the designated open countryside. Therefore, Policy 7 of the adopted Core Strategy is not applicable in these site-specific circumstances.
- 8.11 Key Policy Paragraph 110 of the NPPF confirms that the planning system should actively manage patterns of growth in support of promoting sustainable transport. Significant development should be focused on locations which are, or can be made, sustainable through limiting the need of travel and offering a genuine choice of transport modes. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 8.12 Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 187(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.13 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
  - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
  - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.14 Policy CE5 of the MBNP states that outside the development boundary, new development proposals that accord with national policy and the development plan for the area, and other policies within the MBNP, will not be resisted providing they:

- (a) Contribute to the local economy; or
- (b) Re-use or extend an existing building; or
- (c) Relate to sport or recreation land uses; or
- (d) Reflect Paragraph 84 of the NPPF if concerning a single dwellinghouse

Any housing proposal adjacent to the existing settlement boundary will be considered positively providing it is accompanied by an up-to-date housing needs assessment and providing any adverse impacts do not outweigh the benefits of the development.

- 8.15 Therefore, the proposed development does not relate to, or comply with, any of the criteria in Policy DM4 of the SADMP or CE5 of the MBNP, but this does not mean that the development is not sustainable.
- 8.16 For example, the proposal is for residential development, and it is adjacent to the identified settlement boundary of Market Bosworth. Therefore, in accordance with Policy CE5 of the MBNP, the application should be considered positively, subject to the provision of an up-to-date housing needs assessment and subject to the adverse impacts of the development should not outweigh the benefits of the development. These matters are discussed further within this report.
- 8.17 Importantly, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.18 In addition, Paragraph 6.24 of the Planning Statement highlights that the application site contains two sites were identified within the Strategic Housing and Economic Land Availability Assessment (SHELAA).
- 8.19 Appendix 3 of the SHELAA Report includes details of SHELAA sites AS105 and AS392, which were identified within the application site as being suitable, available, achievable, and overall 'developable,' within 15 years for up to 105 and 63 dwellings respectively.
- 8.20 However, Paragraph 2.3 of the 2022 SHELAA confirms that

*"The SHELAA is an evidence base document to inform plan making. It is not a decision-making document, and it does not in itself determine whether or not a site should be granted planning permission or allocated for development."*

- 8.21 With this in mind, classification of the site within the SHELAA report is not considered to be a material planning consideration because it is not land that has been formally allocated by the Council for housing.

- 8.22 Given the above, the Council considers that the proposal is offered no support by Policy 7 of the adopted Core Strategy, Policy DM4 of the SADMP or Policy CE5 of the MBNP and represents new development in the designated open countryside.
- 8.23 As such, the application does not accord with Development Plan Policy and is unacceptable in principle, subject to the assessment of all other material considerations, including the additional requirements of Policy DM4 of the SADMP and Policy CE5 of the MBNP. Other material considerations are set out within the next sections of the report.

#### Housing Land Supply

- 8.24 Chapter 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay. The overall aim should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.
- 8.25 In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.
- 8.26 Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.27 Paragraph 6.14.3 of the MBNP states that Market Bosworth Housing Needs Assessment (HNA) (2022), which was undertaken by AECOM, highlighted a residual requirement of 77 new homes to be created in Market Bosworth within the Plan Period up to 2039.
- 8.28 However, Paragraph 6.14.4 of the MBNP confirms that:

*"Further to the progression of both the Leicester City Plan and the Hinckley and Bosworth Local Plan, and further to relevant revised national policy, it is accepted that housing needs for the Neighbourhood Plan area are likely to change. Reflecting Market Bosworth's status as a Key Rural Centre, there will be a need to review the housing allocations for the Neighbourhood Plan area, in the near future.*

*Until such a review of the Neighbourhood Plan takes place, and the housing need for the area has progressed sufficiently through the Local Plan process to a point where it carries weight, windfall development proposals will not be resisted. Such windfall proposals need to be supported by a clear and up-to-date housing needs assessment and accord with all other policies within this Neighbourhood Plan."*

- 8.29 Paragraph 2.29 of the Planning Statement Addendum refers to the recently allowed appeal decision against the refusal of planning application 23/01229/OUT at the Land east of The Common, Barwell where the Council agreed to a total housing land supply of 3.55 years. The Supplemental Statement of Common Ground within this appeal confirmed that this position was agreed only for the purposes of that specific appeal based upon the Five-Year Housing Land Supply (5HYLS) Statement from 01 April 2023. Therefore, this housing land supply position does not reflect the current five-year housing land supply position and is not considered an appropriate basis to determine the current planning application on.
- 8.30 The Planning Policy Team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published in Summer 2025 once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.
- 8.31 However, as part of the planning appeal APP/K2420/W/24/3357570 at the Oddfellows Arms, 25 Main Street, Higham on the Hill, the Council have provided an indicative housing land supply figure via an Interim Five-Year Housing Land Supply Statement (2024 and 2025). When applying the standard method figure and the 5% buffer to the Council's requirement of land for housing, the Policy Team confirmed that, as of 29 July 2025, the Local Planning Authority could demonstrate a 3.89-year supply of land for housing. Paragraph 3.5 of this Statement confirms that these figures are indicative, and the supply figures are expected to decrease slightly as the monitoring exercise is further progressed.
- 8.32 In comparison to the circumstances of the dismissed appeal against the refused planning application 20/01021/OUT, the Local Planning Authority could demonstrate a 4.45-year supply of land for housing and therefore the weight afforded to the Council's shortfall in supply of land for housing has increased since the previous appeal.
- 8.33 Paragraph 3.19 of the Leicester and Leicestershire Authorities Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) highlights that Leicester City Council is estimated to have an unmet housing need of 18,700 dwellings up to 2036 as a reasonable working assumption. However, these figures are subject to testing through the Leicester Local Plan.
- 8.34 Paragraph 2.7 of Hinckley and Bosworth Borough Council's latest Local Development Scheme (LDS) confirms that the Council's apportionment of housing to address Leicester's unmet housing need has not been finalised. Therefore, whilst the Local Planning Authority accept that it is required to take on additional housing to meet the unmet housing needs of Leicester City Council, the exact quantum of housing has not been agreed between the councils. Therefore, the weight of the

benefits attached to this development meeting this unmet demand only attracts moderate weight in the planning balance.

- 8.35 In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.
- 8.36 For decision-taking, Paragraph 11(d) of the NPPF requires planning permission to be granted unless:
- i. The application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for refusing the development proposed; or
  - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.37 Footnote 7 of the NPPF confirms that areas and assets of particular importance include habitat sites (and those listed in Paragraph 189 of the NPPF) and/or designated as Sites of Special Scientific Interest (SSSI); land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in Footnote 75 of the NPPF); and areas at risk of flooding or coastal change.
- 8.38 Footnote 9 of the NPPF confirms that these key policies including Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficiently Supply of Homes), 91 of Chapter 7 (Ensuring the Vitality of Town Centres), 110 and 115 of Chapter 9 (Promoting Sustainable Transport), 129 of Chapter 11 (Making Effective Use of Land), and 135 and 139 of Chapter 12 (Achieving Well-Designed Places).
- 8.39 In this instance, Key Policy Paragraphs 66, 110, 115, 129, 135 and 139 apply in the determination of this planning application.
- 8.40 In situations where the presumption (at Paragraph 11(d) of the NPPF) applies to applications involving the provision of housing, Paragraph 14 of the NPPF states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
- (a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

- (b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

- 8.41 Whilst the MBNP has been updated in 2025, due to the changes in national policy and the Council's requirement to take on a portion of Leicester City Council's unmet housing need, the new Neighbourhood Plan does not meet its identified housing requirement. Therefore, Paragraph 14 of the NPPF is not engaged.
- 8.42 In light of the above, the 'tilted' balance of Paragraph 11(d) of the NPPF is engaged and the provision of up to 126 dwellings to the Borough's supply of land for housing is considered to attract significant weight within the planning balance.

#### Design and Impact upon the Character and Significance of the Historic Environment

- 8.43 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when determining applications for development which affects a Listed Building or its setting to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural and historic interest which it possesses.
- 8.44 Chapter 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.45 Therefore, in determining applications, Paragraph 212 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be.
- 8.46 Paragraph 216 of the NPPF highlights 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.

- 8.47 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and development affecting the setting of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.48 Policy BD4 of the MBNP confirms that proposals that result in harm to, or the unnecessary loss of, an asset of local heritage value will only be supported if it can be demonstrated that, on balance, the overall benefit outweighs any harm or loss.
- 8.49 There are no designated heritage assets within the site boundary
- 8.50 The previously refused scheme for up to 63 dwellings within this application site (20/01021/OUT) was predominantly sited to the south of the Kyngs Golf and Country Club and set back from Station Road by 19.5m. Paragraph 22 of the dismissed appeal decision (APP/K2420/W/21/3279808) confirmed that the Inspector did not consider the previous scheme to effect the setting or significance of designated and non-designated heritage assets in the locality.

#### *Designated Heritage Assets*

- 8.51 The Conservation Officer identified 52 Listed Buildings within a proportionate study area of the application site within the Market Bosworth Conservation Area, which is approximately 950m to the east of the application site.
- 8.52 Due to variations in topography and the presence of intervening built form and vegetation, there is no inter-visibility between the application site and the majority of the designated heritage assets identified within this search area, nor is there any known key historic functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and none of the heritage assets would be sensitive to, or affected by, an appropriate form of development within the application site.
- 8.53 However, the Conservation Officer highlighted that the development was considered to fall within the setting of the Grade II\* Listed Church of St. Peter, due to its visibility in the surrounding landscape. Nevertheless, there are no views of the church from or across the application site as a result of its topography and the intervening-built form and vegetation, which is 1.3km east of the site upon the ridge-top of the historic settlement core of Market Bosworth.
- 8.54 Given the above, the development is considered to comprise a neutral element of the wider setting of the Grade II\* Listed Church of St. Peter. Due to the very much peripheral nature of the site within any wider views of the Church tower and spire from the open countryside to the west, the relatively low site levels, and the presence of existing built form already being established in such views, the proposal is considered to result in only a minimum visual change within the wider setting of the Church.



- 8.55 As a result, the impact of the development upon the significance of the Grade II\* Listed Church of St. Peter is not considered to be more than negligible and is not considered to be adverse.

#### *Ashby Canal Conservation Area*

- 8.56 Due to the presence of intervening fields, the Battlefield Railway Line, and the built form, including at Pipistrelle Drive and along Station Road, there are no appreciable views to and from the application site and the Ashby Canal Conservation Area at their closest proximity to each other and to the south of Station Road.
- 8.57 As one travels north along the Canal towpath beyond Pipistrelle Drive views are opened up looking south-eastwards towards the site, but due to the distance involved, the lower level of the Canal and intervening vegetation, the site is not appreciable from either the towpath or the elevated position of Bridge 43.
- 8.58 As such, the site is not considered to form part of the surroundings of within which the Ashby Canal Conservation Area is experienced and due to the form of the development, the proposal is not considered to affect the character and contribution its setting makes to its significance.

#### *Landing Strip*

- 8.59 Since the appeal decision for planning application 20/01021/OUT, Appendix 1 of the MBMNP has identified the landing strip within the site as a non-designated asset of Local Heritage Value.
- 8.60 The Conservation Officer stated that a mown landing strip located within the central western section of the site was reputedly used as the landing strip for Group Captain Churchill DSO DFC when visiting the Churchill family business on the opposite side of Station Road during 1941 and 1942. The landing strip is not recorded on the Historic Environment Record (HER).
- 8.61 Whilst the landing strip is considered to be a feature of some local heritage interest, the Conservation Officer confirmed that such interest is not considered to have the level of significance required to warrant its identification as a local (non-designated) heritage asset, in particular as it is no longer maintained and therefore no longer discernible at ground level.

#### *Summary*

- 8.62 In summary, the development is not considered to result in any adverse impacts to the character and significance of the historic environment in accordance with Policy BD4 of the MBNP, Policies DM11 and DM12 of the SADMP, Chapter 16 of the NPPF, and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Design and Impact upon the Character of the Area

- 8.63 Key Policy Paragraph 139 of the NPPF states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.64 Key Policy Paragraph 129(d) and (e) of the NPPF confirm that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change, and the importance of securing well-designed, attractive, and healthy places.
- 8.65 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. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.66 Policy DM4(i) of the 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.
- 8.67 Policy DM10(c) of the SADMP highlights that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.68 Policy DC1 of the MBNP states that development proposals must demonstrate how they contribute positively to the MBNP's Character Areas. Development proposals will be supported where they are in conformity with the essential design considerations for the relevant Character Area, the general design principles set out in the Market Bosworth Design Codes (MBDC) (2023), and other Neighbourhood Plan Policies as applicable.
- 8.69 Policy CE1 of the MBNP confirms that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. Where new development would be visible from an adjacent Character Area, it should be sensitive to the principal characteristics.
- 8.70 Design Principal NE.1.1 of the Market Bosworth Design Code (MBDC) states that new development in Character Area J (Rural Land) should:
- Be designed sensitively at the edge of settlement locations to achieve a tactful transition from urban to rural and vice versa

- Retain the approach routes and the perception of a subtle transition between the rural and the settlement when arriving to Market Bosworth. If the new development serves as the access point to the village or an area of distinct character, new developments should visually acknowledge that fact
- Consider the effect upon views, topography, natural features and landscape setting of the new development, protecting and enhancing significant views

8.71 Policy CE3 of the MBNP states that development will be resisted if it has a significant adverse impact on an important view, vista, or the character of the Parish, unless it can demonstrate how that development is appropriate and considered sustainable development and can integrate with the character of the landscape setting whilst conserving, and where appropriate, enhancing the character of the landscape.

8.72 Policy CE4 of the MBNP require mature trees and woodland to be protected where possible. Development that results in the loss of, or damage to, Protected Trees and Woodlands will not be permitted unless a satisfactory scheme for the replacement of lost trees or mitigation of any damage to the landscape is agreed.

*Assessment of the Site's Contribution to the Character of the Area*

8.73 The application site is within National Character Area (NCA) 94. Natural England identifies seven key characteristics of the Leicestershire Vales National Character Area, three of which are considered to apply to the application site. These elements of the site are identified within Paragraph 5.4 of the Landscape Clarification Note.

8.74 The site is characterised by pasture and arable agriculture land and the eastern element of the site has a woodland character that is derived from the copse of trees on the ridge of the site towards the core of Market Bosworth. There are diverse levels of tranquillity in the area due to the contrast between busy urban areas on the southern side of Station Road and the rural and agricultural character of the application site. Therefore, the application site positively contributes to the Leicestershire Values National Character Area. The Inspector of the previously dismissed appeal against the refusal of outline planning application 20/01021/OUT supported this position at Paragraph 8 of their Decision ('the Appeal Decision').

8.75 Furthermore, the application site is identified as lying within the Council's Bosworth Parkland Landscape Character Area. The application site features the first key characteristic of this Landscape Character Area as it consists of rolling farmland with gentle slopes that rise and fall reaching a high point towards the centre of Market Bosworth. The rural character and sense of tranquillity within the site also contribute to one of the key sensitives and values of this Landscape Character Area. These elements of the site are identified within Paragraph 5.7 of the Landscape Clarification Note. Therefore, the application site positively contributes to the Bosworth Parkland Landscape Character Area. The Inspector also supported this position at Paragraph 8 of the Appeal Decision.

- 8.76 Within the Market Bosworth Neighbourhood Plan Area, the application site is adjacent to Character Areas A (Leisure and Tourism), B (Industrial), D (Suburban Residential), and H (Post-2000 Development). Although the application site is within Character Area J (Rural Land), this character area is only defined at Figure 12 of the MBNP as, *“All other land within the Neighbourhood Plan Area.”*
- 8.77 Notably, the application site does not feature any of the key characteristics of Character Areas B, D, or H. However, the site features two of the primary characteristics of Character Area A, which includes open landscape features such as open bodies of water and green countryside landscape, and large wide-open aspects within individual sites. Therefore, the application site positively contributes to the Leisure and Tourism Character Area within Market Bosworth.
- 8.78 Whilst the submitted Landscape and Visual Impact Assessment (LVIA) frequently refers to the, *“Peri-urban,”* context of the site, the LVIA fails to acknowledge the extent of this context, the rural character of the application site, and the comments of the Inspector within the Appeal Decision.
- 8.79 Paragraph 10 of the Appeal Decision states that whilst the existing commercial and residential development along this main pedestrian and vehicular route forms part of the views of the site and Important View 1:
- “Visually these elements are more discreet in the street scene given the positioning of buildings and existing planting.”*
- 8.80 Ultimately, Paragraph 8 of the Appeal Decision confirms that the site, *“Clearly forms part of the countryside, which surrounds Market Bosworth,”* and, *“The site itself has a particular informal scenic quality on account of its role as an important part of the Town’s pastoral countryside setting.”*
- 8.81 Paragraph 6.9.1 of the MBNP highlights that the setting of Market Bosworth is considered to be its most striking feature. Paragraph 9 of the Appeal Decision confirms that:
- “The relationship of the countryside with the existing built form is one of this Key Rural Centre’s important characteristics, which contributes significantly to its local distinctiveness.”*
- 8.82 Paragraph 6 of the Landscape Clarification Note confirms that the submitted LVIA:
- “Does not specifically state that the Site does not form an important rural setting to the town.”*

Therefore, the Applicant’s submitted details acknowledge that the application site contributes to the important rural setting of Market Bosworth.

- 8.83 The importance of the character of the site to Market Bosworth can be seen through the identification of important views and vistas into and adjacent to the application site within the MBNP.
- 8.84 In summary, the application site consists of green, undeveloped countryside that positively contributes to important rural and pastoral countryside setting of Market Bosworth, as well as the Rural Land and Leisure and Tourism Landscape Character Areas of Market Bosworth. The rural character of the application site also positively contributes to the wider Bosworth Parkland Landscape Character Area and the Leicestershire Vales National Character Area that all form part of the intrinsic value, beauty, open character, and landscape character of the designated countryside. This assessment of the application site was supported by the Inspector within the Appeal Decision.
- 8.85 Given the above, whilst the application site does not benefit from any national or local landscape designations to represent a 'valued' landscape for the purposes of Paragraph 187(a) of the NPPF, the application site positively contributes to the character of the area and is, "*Valued at local level*," and, "*Representative of the local landscape*," as stated at Paragraph 7.9 of the LVIA.

*Assessment of the Development's Impact on the Immediate Landscape*

- 8.86 As highlighted previously at Paragraph 8.22 of this Report, the proposal represents new residential development in the designated open countryside. This is considered to causes significant harm to the character of the countryside in principle.
- 8.87 Since the previous proposal within 20/01021/OUT, which was dismissed at appeal, the scheme has doubled in size and now incorporates the western field. Whilst the development is proposed to be set further back into the site, given the size and scale of the new proposal, it is considered that the extent of the impact of the scheme on the character of the site has significantly increased since the previous planning application.
- 8.88 Paragraph 12 of the Appeal Decision states that the introduction of detrimental urbanising features into this application site results in, "*Permanent change*," that would, "*Fundamentally*," alter the character of the application site. Given the substantial increases in size and scale of the proposal, the significant adverse impacts of the development to the character of the area that were identified by the Inspector are considered to have been exacerbated.
- 8.89 Whilst the officer assessment of the development within refused planning application 14/00674/FUL considered a residential development in this site to, "*Occupy a natural 'infill' to the north of Station Road*," members of the Planning Committee disagreed with this assessment and resolved to refuse the planning application, which was supported by the Inspector's assessment of the 20/01021/OUT development, which was of a similar size and scale.

- 8.90 As a result, the proposal is considered to significantly and adversely alter the rural character of the site, which is valued at a local level and positively contributes to the character of the wider area and the distinctiveness of Market Bosworth. This impact is further heightened by the scheme's impact on trees and hedgerows within the site.
- 8.91 Paragraph 4.2 of the Arboricultural Impact Assessment (AIA) confirms that Trees T1 to T21, T25 to T37, and T45 to T47, alongside the trees within Groups G1 and W1, Hedgerows H3, H4, H5, H8, H9, H10, and the southern section of H2 should be treated as protected by Tree Preservation Orders (TPOs) 75/00011/TPORD and 14/00001/TPORD.
- 8.92 Paragraph 5.5(i) of the AIA highlights the development results in the loss of six Category B trees, one Category C tree, and four sections of Category C hedgerow. Table 5 of the AIA clarifies that these sections equate to 3m of H1 and 30m of H2. It is noted that protected tree T37 and hedgerow H2 are proposed for removal.
- 8.93 As confirmed by Paragraph 6.2(i) of the AIA:
- "It is generally considered desirable for any Category 'A' and Category 'B' trees to be retained and appropriately integrated within the layout for new developments."*
- 8.94 As a result, Paragraph 5.5(ii) of the AIA considered the development to result in the moderate loss of arboricultural amenity value:
- "Given the significant number of established mature moderate quality trees."*
- 8.95 The only reasoning for the removal of these Category B and C trees and hedgerows provided by Table 5 of the AIA is to accommodate the proposed development.
- 8.96 The Category B trees are located along an indicatively tree lined street and therefore the Local Planning Authority do not consider there to be any suitable justification for the removal of these trees at this stage of the planning process for a development on a greenfield site.
- 8.97 Whilst substantial compensatory planting can be secured via planning condition as advised by Paragraph 1.1(vi) of the AIA, the development still results in the loss of several trees and hedgerow that positively contribute to the arboricultural and amenity value of the character of the surrounding area.
- 8.98 In summary, the proposal doubles the size and scale of the previously refused proposal and is considered to significantly and adversely alter the rural character of the site, which is valued at a local level and positively contributes to the character of the wider area and the distinctiveness of Market Bosworth. This significant harm is exacerbated by the unjustified removal of established mature trees and hedgerow, some of which are protected via TPOs, that positively contribute to the character of the site, the surrounding area, and the rural setting of Market Bosworth.

*Assessment of the Development's Impact upon Protected Views and Vistas*

8.99 Paragraph 4.39 of the LVIA confirms that the application site occupies the open green space visible beyond the foreground trees in Important View 1. Important View 1 extends eastward from Station Road's confluence with Carlton Road to the wooded area at the top of the hill along the eastern boundary of the application site.

8.100 Page 29 of the 2015 version of the MBNP highlights that Important View 1 is important to the character of the area because:

*"It shows how close the countryside is to the built form of the village and the fact that the settlement sits on an open wooded hilltop."*

8.101 This is supported by the Landscape Review for the MBNP (2023), which confirms that the positive features of View 1 are the:

*"Unobstructed view of straight road focusing view towards top of slope, woodland avenue and town; hedgerows, roadside trees, and shrubs."*

8.102 The 2015 version of the MBNP's description of the Important View was assessed by the Inspector at Paragraph 10 within the Appeal Decision, who confirmed that:

*"The main component and focus of Important View 1 is the appreciation of the commanding, exposed wooded hilltop which rises above the appeal site and screens much of the elevated part of the Town from views along the route of this Important View."*

8.103 However, Paragraph 13 of this Appeal Decision confirms that:

*"The contribution that the undeveloped appearance of the appeal site makes to the informal pastoral foreground and framing of the exposed wooded hilltop within Important View 1 is what sets this particular site apart from other undeveloped countryside sites surrounding the settlement."*

8.104 Therefore, whilst the exposed wooded hilltop is the main focus of Important View 1, the countryside setting and framing of this hilltop is significant and supports this feature to cumulatively create the importance of this view.

8.105 Since the previously dismissed proposal, the indicative layout of the scheme suggests that the built form within the centre of the site is set back by 63.3m from Station Road, in comparison to the previous set back of 23.4m within 20/01021/OUT, and the residential development on the western side of the site is set back by a minimum of 31.4m, which increases to 64m for the final 43.6m of the site heading west.

8.106 As per Paragraph 4.5 of the Planning Statement, it is considered that this proposed set back of this proposal shall retain views across to the upper slopes and wooded

hilltop area to the east., which is an improvement on the previously refused scheme in relation to its impact upon Important View 1.

8.107 Notwithstanding this, the proposal is still considered to fundamentally and detrimentally alter the informal pastoral foreground and setting to the wooded hilltop. This adverse impact can be seen via Photo Viewpoint 10 on Page 71 of the LVIA and Pages 5 and 6 of the Photomontage Viewpoints.

8.108 Ultimately, Paragraph 13 of the Appeal Decision highlights that:

*“The extension of this urbanised settlement edge beyond Station Road would be largely unbroken along the extent of Important View 1 despite the proposed mitigation measures.”*

8.109 The current proposal extends the width of unbroken urbanised settlement edge by a further 68.5m in comparison to the previously dismissed scheme. The built form within the current proposal extends approximately 264m in width across the site and this is considered to cause significant harm to the rural character of the site and Important View 1.

8.110 Whilst Paragraph 8.7 of the LVIA states that the scheme’s impact will also be softened by the proposed landscaping, vegetation cannot be relied upon to provide permanent or substantial buffers to views because they can be removed without planning permission, they are susceptible to disease, and they are ever evolving and reliant on regular maintenance to retain a consistent form. In addition, substantial compensatory planting along the boundary of the site as highlighted by Paragraph 1.1(vi) of the AIA could result in the degradation of, and the loss of, this Important View, which would result in further harm.

8.111 Furthermore, the set back of the development is indicatively filled with the provision of sustainable drainage systems, pedestrian and cycle routes, and areas of equipped public open space, as detailed within the submitted Development Framework Plan, the Landscape Masterplan, and Appendix 5 of the Flood Risk Assessment and Drainage Strategy.

8.112 Whilst this does not represent harm to the extent that is caused by two-storey residential development, this domestication and urbanisation of the site is considered to contribute to the adverse impact on the informal pastoral foreground of the application site and its contribution to the setting of the exposed hilltop, Important View 1, and the wider Key Rural Centre.

8.113 In summary, the scheme is considered to result in significant harm to Important View 1. This harm is continuous along the entire length of Important View 1 on this key area of Station Road, and this is considered to permanently and substantially erode the distinctive character and appearance of this part of the settlement’s edge. This serious effect is considered to be significantly adverse regardless of the season.



*Assessment of the Development's Impact upon Important Vista I*

8.114 Paragraph 4.41 of the LVIA confirms that the application site is located within the foreground of Important Vista I.

8.115 Page 32 of the 2015 version of the MBNP describes Important Vista I as:

*“Standing on Station Road pavement at the junction with Godsons Hill the vista starts with housing on the west side enclosed by trees, turning northwards to mature trees and wooded areas stretching across the golf course the land undulates with fields and woods to the horizon. Turning east across grazing land which rises up to woods with a couple of dwellings on the edge to the right. This vista is important because it gives extensive views of northwest Leicestershire.”*

8.116 The Landscape Review for the MBNP highlights that the positive features of this Important Vista are the:

*“Foreground and middle-distance views of grass field with hedgerows. Distant views of hedgerows and woodland on the skyline. To the east – built settlement.”*

8.117 It is noted that Important Vista I includes an additional Important Vista into the site near the existing track access. The Examiner of the MBNP highlighted that the revised details for Policy CE3 could be used as a ‘catch-all’ policy, which could be used to resist new development regardless of its ability to be sustainable or include mitigation.

8.118 Notwithstanding this, the wording of Policy CE3 of the MBNP has been updated since the Examiner’s comments, which now requires a proposal to demonstrate how it is appropriate and considered sustainable development, and how it can integrate with the character of the landscape setting whilst conserving, and where appropriate, enhancing the character of the landscape.

8.119 Therefore, the impact of this development on this Important Vista is assessed in accordance with the comments of the Inspector within the Appeal Decision and the updated wording of Policy CE3 of the MBNP.

8.120 Paragraph 11 of the Appeal Decision confirms that:

*“With the exception of the neighbouring golf club and existing dwellings on either side of Vista 11, this panorama is interrupted by built development, providing outward facing, wide horizontal countryside views, which are far reaching towards North West Leicestershire. This is why that particular extensive vista is identified by the MBNP as being important.”*

8.121 Through the reference to existing dwellings on either side of the Vista, it is clear that the Inspector considered the entire visual experience of the application site from the views of Woodlands and Spinney Cottage to the east and the Pipistrelle Drive

development to the west within their assessment of the development's impact upon this Important Vista.

8.122 In spite of this, Paragraph 6.14 of the Planning Statement suggests that:

*"The inclusion of additional land in the west of the site within the red line boundary has enabled built development to be contained to the less visible northwestern extents of the site, where much of the scheme will be screened and contained by the surrounding existing vegetation."*

8.123 Whilst the built form of the development has been set back slightly further from the public highway and relocated further to the west, it's considered that the development shall still detrimentally impact this panorama of wide horizontal countryside views. This impact is clear from Pages 8 and 11 of the Photomontage Viewpoints and Viewpoint 11 of the LVIA, and Viewpoints 9 and 11 of the LVIA highlight that the western side of the site remains visually prominent from public viewpoints along Station Road.

8.124 It is important to note that the surrounding existing vegetation referred to in Paragraph 6.14 of the Planning Statement does not refer to the site's southern boundary, which is adjacent to Station Road and is considered to form the key viewpoint of the site. This is evident due to the absence of discussion of vegetation along the southern boundary within the description of the site at Paragraph 3.2 of the Planning Statement. Although additional planting could reduce the impact of the development, this would also reduce the visibility of the Important View and Vista, which further contribute to the adverse impacts to these key protected views within Market Bosworth and the setting of the Key Rural Centre.

8.125 Although Paragraph 8.4 of the LVIA suggests that the informal pastoral foreground of Important Vista I is retained, this is contrary to the assessment of the Inspector within the Appeal Decision, who confirmed at Paragraph 15 that:

*"The pastoral foreground of this Vista would be replaced with a suburban housing estate and managed public open space."*

8.126 Furthermore, Paragraph 15 of the Appeal Decision states that:

*"It is evident that the location, scale, and form of development proposed would leave only a remnant of Important Vista 11 [now Vista I]... This means that the most important components of Vista 11 which the community has placed great value on through its designation in the MBNP would be almost totally lost."*

8.127 In summary, the scheme is considered to result in significant harm to Important Vista I. This level of harm is considered to have increased since the previously dismissed planning application and such harm remains visually prominent from public viewpoints along Station Road.

*Assessment of the Development's Impacts on the Wider Landscape*

- 8.128 To assess the impact of the development on the wider area, the Applicant has submitted an LVIA. Paragraph 6.1 of the LVIA highlights that the assessment utilises a Zone of Theoretical Visibility (ZTV), detailed in Plan 6 on Page 60 within Appendix 1 of the LVIA, which states that the development would be potentially visible within a 5km radius to a 1.6m high receptor.
- 8.129 To assess these potential views further, the LVIA identified 16 viewpoints as shown on Page 61 within Appendix 1 of the LVIA. Notably, and with the exception of Viewpoint 1, all these viewpoints are located along Station Road or Public Footpath S70.
- 8.130 As confirmed at Paragraph 6.5 of the LVIA, undulating topographic and intervening built form and vegetation, including the Pipistrelle development, assist to limit the potential for any distant views of the development from the west. These views are highlighted within Viewpoints 7, 8, and 9 in the LVIA. Therefore, it is considered that the development is only experienced once over the brow of the adjacent railway bridge to the west of the site. Given the above, it is not considered that the development results in any significant adverse impacts to the character of the area from long range views to the west of the site.
- 8.131 Furthermore, due to the intervening built form, vegetation, and topography of the area, it is considered that wider views of the site are limited from the east of the site and from beyond the existing structures on the southern side of Station Road. Therefore, the proposal is not considered to result in significant adverse impacts to the character of the area from these public viewpoints.
- 8.132 As the current scheme includes the western field, the scheme is considered to be more visually prominent from Public Footpath S70 as highlighted by Viewpoints 4, 5, and 6 of the LVIA. Given the above, and as per the assessment within Paragraph 9.3 of the LVIA, the development is likely to result in moderate adverse impacts to views from Public Footpath S70. Paragraphs 9.3 and 9.6 of the LVIA also confirm that the scheme is likely to result in moderate adverse and minor adverse impacts to views from this Public Footpath at the operational phase of development and at Year 15 respectively.
- 8.133 In light of the above, and in accordance with Paragraph 12 of the Appeal Decision, the main impact of the development is therefore considered to be its adverse effects on localised views from Station Road. Paragraph 6.30 of the LVIA highlights that this impact shall be primarily viewed by four main receptors from 14 of the 16 identified viewpoints: users of Leicester Round, Footpath S70, Kyngs Golf and Country Club, and Station Road.
- 8.134 To summarise, the development is not considered to result in any significant adverse impacts to the character of the surrounding area from wider views to the east, south, and west of the site. However, the scheme is considered to result in moderate adverse impacts from wider views to the north, including Public Footpath S70.

### *Assessment of the Development's Impacts on the Overall Landscape*

- 8.135 As highlighted previously within this Report, although the application site is bounded by built form on its eastern, southern, and western boundaries, the application site positively contributes to the character of the surrounding area, the setting of Market Bosworth, and the intrinsic value, beauty, open character, and landscape character of the designated countryside, including the wider Bosworth Parkland Landscape Character Area and the Leicestershire Vales National Character Area.
- 8.136 Whilst the application site does not benefit from any national or local landscape designations to represent a 'valued' landscape for the purposes of Paragraph 187(a) of the NPPF, the application site is valued at local level and is representative of the local landscape.
- 8.137 The proposal is double the size and scale of the previously dismissed scheme and is considered to result in significant harm to the character of the surrounding area and the designated open countryside. The adverse impacts of the development are heightened due to the scheme's significant harm to Important View 1 and Important Vista I, and the unjustified removal of established mature trees and hedgerow, that positively contribute to the character of the area.
- 8.138 This identified harm is not considered to result significant adverse impacts from wider views to the east, south, or west, but the scheme is considered to result in moderate adverse impacts to wider views from the north of the site, including Public Footpath S70.
- 8.139 To support the Local Planning Authority's assessment of the impact of the development, the Council sought professional landscape advice from Land Use Consultants (LUC). The overall conclusions at Paragraph 5.5 of LUC's review of the Applicant's LVIA highlighted that the originally submitted LVIA was not fully transparent in the formulation of its judgements and there were several instances where LUC considered the LVIA's assessment to underplay the effects of the development on visual receptors.
- 8.140 This can be seen by the fact that despite Paragraphs 9.3 and 9.6 of the LVIA highlighting that the development results in adverse impacts to the character of the area from several public views, Paragraph 10.15 of the LVIA concludes that views, *"Will not fundamentally change in character."*
- 8.141 The contradictory statements within the LVIA also fail to acknowledge Paragraph 12 of the Appeal Decision which considered that:
- "Even with mitigation, by Year 15 the proposed measures would not adequately address the permanent change in landscape character of the site from open rural pasture to a suburban housing development. The residual impact of this would be moderately adverse."*

- 8.142 Whilst it is appreciated that the development is indicatively set further back into the site in comparison to the previously refused development, the scheme is double in size and extends almost the entire width of the application site. This impact is evident within the submitted Photomontage Viewpoints, which demonstrate the scheme's fundamental and detrimental alteration to the character and appearance of the area shall still be prominent at Year 15. Paragraph 6.30 of the LVIA identifies that the key visual receptors of the impact of the development have key views of 14 of the 16 viewpoints.
- 8.143 Nevertheless, Paragraph 1.18 of the LVIA suggests that harm of the development shall be offset by the golf club development, which shall form the backdrop to views across the site, including from Important View 1 and Vista I.
- 8.144 The Kyngs Golf and Country Club site has received multiple planning permissions, which most notably includes the provision of a multi-purpose golf clubhouse via planning application 19/01437/FUL and a 50-room golf and leisure accommodation facility via 24/00019/FUL.
- 8.145 Importantly, it is noted that the golf clubhouse was approved prior to, and therefore would have been a material consideration within, the dismissed appeal decision for up to 63 dwellings within the site.
- 8.146 The clubhouse approved in 2019 was two-storey in massing on its principal elevation with a ridge height of 8.9m. The property was sited with its principal elevation facing southwest and was located 243.9m north of Station Road. The accommodation facility was approved with a single storey massing, which featured accommodation in its roof space and had a ridge height of 6.9m. This structure is set back from Station Road by 161.2m. It is also noted that these structures are both set behind the existing mature vegetation and hedgerow that is likely to limit views of the development.
- 8.147 Notwithstanding the above, Kyngs Golf and Country Club is one of the key features of Character Area A within the MBNP. Whilst a club house and accommodation facility have been approved within this site, these schemes had significantly different material considerations in comparison to this proposal, and, crucially, the acceptability of improving facilities within an established tourism attraction is not considered to justify a large residential development that has significant adverse impacts on the character of the area, nor Important View 1 and Important Vista I.
- 8.148 By virtue of these factors, the development at Kyngs Golf and Country Club is considered to have a materially different impact to the character of the area in comparison to the current proposal.
- 8.149 To further support the conclusion of the Council, LUC provided a File Note, which included a brief assessment of the development's impact on the character of the area. LUC confirmed that the scale of change was considered to be large, experienced over a long term and non-reversible. The development was also considered to obscure all views towards Kyngs Golf and Country Club and the

impact of the development would be experienced over a medium geographic extent of approximately 430m of Station Road.

- 8.150 However, LUC confirmed that the users of Station Road predominantly consist of motorists, cyclists, and pedestrians. This is supported by the Landscape Review for the MBNP, which highlighted that the key view receptors of Important View 1 and Important Vista I are car users, cyclists, and pedestrians. Given the above, LUC considered the user of Station Road to have a medium susceptibility to change.
- 8.151 In light of the above, LUC considered the overall effect of the development to be moderate to major harm at Year 1, which would reduce to moderate harm at Year 15 once vegetation within the site has matured and the proposal has become more assimilated into the surrounding landscape. This is contrary to the assertions of the Paragraphs 6.74 and 6.76 of the LVIA, which considered the development to only result in a minor adverse effect upon the landscape character of the site.
- 8.152 In summary, the scheme is considered to result in significant harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside, including Important View 1 and Important Vista I. It has been identified that the LVIA is likely to underplay the impact of the development on the character of the area. Ultimately, this harm is considered to be large, experienced over a long period of time, and non-reversible.
- 8.153 However, the character of the site is only valued at a local level, and the harm of the development is considered to have a medium geographic extent. The extent of this harm is predominantly experienced by users of Station Road, which have a medium susceptibility to change, and the users of Public Footpath S70, which the LVIA confirms shall experience moderate adverse impacts at Year 1 and minor adverse impacts at Year 15. By virtue of these factors, the overall effect of the development is considered to represent moderate to major harm at Year 1, which shall reduce to moderate harm at Year 15.
- 8.154 Therefore, the development is considered to be contrary to, and in conflict with, Policies CE1, CE3, and CE5 of the MBNP, Policies DM4 and DM10 of the SADMP, Chapters 12 and 15 of the NPPF, including Key Policy Paragraphs 129 and 135, the National Design Guide, and the Good Design Guide. In accordance with Paragraph 11(d) of the NPPF, the harm of the development shall be weighed against the planning benefits of the scheme.

#### Design and Layout

- 8.155 In accordance with Policy 16 of the adopted Core Strategy, all developments of 10 or more dwellings are also required to be assessed against the Building for Life design tool. Building for a Healthy Life is the latest iteration of that tool, and the submission of a Building for a Healthy Life Assessment at the Reserved Matters stage can therefore be secured via planning condition.

- 8.156 The Good Design Guide 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.
- 8.157 This is an outline application with all matters reserved except for access and scale. Therefore, the detailed layout and appearance considerations are not being assessed at this stage, however, they will form details at the Reserved Matters stage. Notwithstanding this, the indicative plans illustrate that the development will consist of 126 dwellings with access into the site from Station Road.
- 8.158 It is considered that the discussion of the detailed design of the development within the Design and Access Statement, which includes reference to three distinct character areas within the site, demonstrates that the scheme can be brought forward in a way that draws inspiration from the character and layout of the surrounding area and complements Market Bosworth's local character.

#### *Density*

- 8.159 Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 30 dwellings per hectare for developments within, or adjoining, Key Rural Centres. However, in exceptional circumstances where individual site characteristics dictate, a lower density may be acceptable.
- 8.160 The scheme develops 3.6ha of the 7.96ha site for residential properties. For 126 dwellings, the developed area shall have a density of 35 dwellings per hectare, which would slightly exceed the density requirements of the adopted Policy 16 of the Core Strategy.
- 8.161 Given the above, it is considered that the density is acceptable and compliant with Policy 16 of the adopted Core Strategy in these site-specific circumstances.

#### Impact upon Residential Amenity

- 8.162 Key Policy Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.163 Paragraph 14.2 of the SADMP states that new development should be located and designed in such a way that the amenity of both existing residents and occupiers is fully considered when assessing planning applications.
- 8.164 Policy DM10(a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters

of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

- 8.165 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.166 To protect the residential amenity of neighbouring dwellings, the Council's Environmental Health Department requested that a Construction Environmental Management Plan (CEMP) and restrictions on site preparation and construction hours are secured via planning condition.
- 8.167 The Parameters Plan suggests that that the residential development of the scheme shall be indicatively located at a minimum distance of 178m to the neighbouring residential properties to the east, and 72.8m to the neighbouring residential and industrial properties to the south. Therefore, it is possible for a detailed design of the development can come forward at the Reserved Matters stage that is not considered to result in any significant adverse impacts to residential amenity in these locations.
- 8.168 In addition, the Parameters Plan indicatively suggests that the residential development within the site shall be separated from the neighbouring dwellings along Pipistrelle Drive by a minimum distance of 25.9m, which includes the Battlefield Rail Line. This distance exceeds the minimum requirements of the Good Design Guide and therefore it is possible for a detailed design of the development can come forward at the Reserved Matters stage that is not considered to result in any significant adverse impacts to residential amenity along Pipistrelle Drive.
- 8.169 The closest residential property to the north of the site is The Stables, which is 35.4m north of the indicative built form of the proposal. This distance exceeds the minimum requirements of the Good Design Guide and therefore it is possible for a detailed design of the development can come forward at the Reserved Matters stage that is not considered to result in any significant adverse impacts to the residential amenity of The Stables.
- 8.170 In light of the above, the development is not considered to result in any significant adverse impacts to existing neighbouring residential amenity, subject to planning conditions.
- 8.171 The approved golf and leisure hotel at the Kyng's Golf and Country Club is 28.6m to the northeast of the indicative built form with the application site. The structure is single storey but has accommodation in its roof space. The permitted two-storey golf clubhouse and multi-functional venue within the Kyng's Golf and Country Club is 95.5m to the north of this indicative built form.
- 8.172 By virtue of their distance from the application site and their size and scale, the residential amenity of the future occupiers of the scheme is not considered to be



significantly adversely impacted by this tourism facility due to any overbearing or loss of light impacts, or any overlooking or loss of privacy impacts.

- 8.173 Paragraph 6.21 of the Design and Access Statement confirms that all dwellings within the site shall comply with Nationally Described Space Standards and Regulation M4(2) Standard and 5% to Regulation M4(3) Standard. This can be secured via planning condition to ensure that the development provides a high standard of amenity for the future occupants of the scheme.
- 8.174 The application has undertaken an Acoustics Assessment (AA) to determine the noise impact of the uses in the proximity of the site on the residential amenity of the future occupiers of the development. These uses include the industrial uses at JJ Churchill to the south of the site, the commercial use of the Battlefield Line Railway to the west of the site, and the use of the Kyng's Golf and Country Club to the north of the site. The AA was informed by an environmental sound survey that was undertaken between Thursday 27 June 2024 and Monday 01 July 2024.
- 8.175 Paragraph 5.17 of the AA states that, based on modelled sound levels, the most exposed receptors to the Battlefield Line Railway and the Kyng's Golf and Country Club are considered to a 'Low' risk to noise pollution during the daytime and a 'Negligible' risk to noise pollution during the nighttime.
- 8.176 When assessing the noise impact from JJ Churchill, Paragraph 5.6 of the AA states that in the scenario that the roller shutter door is closed, the operational noise from JJ Churchill is below the background sound level both during the day and nighttime.
- 8.177 However, in the scenario that the roller shutter door is open, Paragraph 5.7 of the AA suggests that the operational noise of the industrial use is expected to exceed the background sound levels by 7dB during the daytime and 14dB during the nighttime, which is considered to have an Adverse to Significant Adverse impact respectively in accordance with British Standard 4142.
- 8.178 However, Paragraph 5.10 of the AA highlights that at no point during the attended measurement period was noise from JJ Churchill audible.
- 8.179 Paragraph 7.5 of the Acoustic Assessment notes that there is no existing noise complaints associated with the JJ Churchill premises and there are existing dwellings much closer to the industrial use than those indicatively proposed within this development. Ultimately, Section 7 of the AA concludes that residential amenity can be protected through pragmatic internal and external mitigation measures and therefore the site is suitable for residential development. Paragraph 5.13 of the AA confirms that this should include acoustic ventilators and garden screening.
- 8.180 In light of this, and to protect the residential amenity of the future occupants of the scheme, the Council's Environmental Health Department has requested an investigation into land contamination within the site and a scheme for protecting the proposed dwellings from noise from nearby uses to be secured via planning conditions.

- 8.181 To summarise, it is therefore considered that the scheme, subject to the detailed matters to come forward at Reserved Matters stage, could be designed such to have a suitable relationship with the nearby residential units and shall protect the residential amenity of the future occupants of the scheme. Although concerns raised by the members of the public to the scheme have been taken into account, it is considered that the use of conditions, together with the Council's continued role in assessing detailed plans at Reserved Matters stage, ensures that sufficient scrutiny and control is retained to ensure all concerns are appropriately addressed.

#### Impact upon Parking Provision and Highway Safety

- 8.182 On 22 July 2025, the Local Highway Authority (LHA) did not consider the planning application as submitted to fully assess the highway impact of the proposed development. The Officer recommendations within this Report are therefore subject to the resolution of any final outstanding highways matters.
- 8.183 Key Policy Paragraph 115(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 115(d) of the NPPF, any proposal should ensure 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 through a vision-led approach.
- 8.184 Ultimately, development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.185 Policy DM17 of the SADMP states that development proposals need to demonstrate that there is not a significant adverse impact upon highway safety, and that the residual cumulative impacts of development on the transport network are not severe.
- 8.186 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)).

#### *Highway Safety*

- 8.187 The Local Highway Authority (LHA) have very recently advised as part of planning application 24/00560/HYB for 135 dwellings and up to 0.55ha of employment uses at the Land off Station Road, Market Bosworth that there are no specific trends within the Personal Injury Collision (PIC) data along Station Road, which the development within 24/00560/HYB could reasonably be expected to exacerbate.

- 8.188 Based on the LHA's own records, there are also no PIC's recorded along the length of Station Road during the last five years. The LHA's records are regularly updated and now include an additional two PICs on The Park, which were not identified as part of planning application 24/00560/HYB. Both PICs were classified as 'slight' in severity and occurred in September and October 2024. The LHA do not consider the current proposals to exacerbate any existing highway safety concerns.
- 8.189 Under these site-specific circumstances, the LHA advised that it does not require up to date PIC analysis that considers the most recent five-year period.

#### *Trip Generation and Distribution*

- 8.190 The Applicant has submitted updated trip rates that reflect those accepted by the LHA as part of planning application 24/00831/OUT, which estimates that a development for 130 dwellings would create 81 two-way vehicular movements in the peak AM period and 69 two-way vehicular moments in the peak PM period. The LHA accepted the revised trip rates as they reflected those accepted as part of other nearby developments.

#### *Junction Capacity Assessments*

- 8.191 The Applicant has undertaken study junction capacity assessments of the following junctions:
1. Site Access / Station Road Junction
  2. Station Road/ Back Lane/ Main Street/ Market Place Crossroads
  3. Station Road/ Sedgemere Road/ Wellsborough Road/ Pipistrelle Drive Roundabout
  4. Station Road/ Back Lane/ Southfield Way Crossroads
  5. Main Street/ Shenton Lane Priority Junction
  6. Market Place/ Shenton Lane Priority Junction
  7. Shenton Lane/ Warwick Lane Priority Junction
  8. Market Place/ Sutton Lane/ Rectory Lane Priority Junction
  9. Park Street/ Rectory Lane/ The Park Junction
  10. A447/ Bosworth Lane/ Bosworth Road/ Ashby Road Staggered Junction
- 8.192 The LHA accepted traffic count data from 03 July 2024 for Junctions 1, 2, and 3. For the remaining junctions, the Applicant has used data that was accepted by the LHA as part of application 24/00831/OUT, which has been accepted again by the LHA.
- 8.193 The Applicant has also considered the following committed developments within their assessments:
- 21/00379/FUL (73 dwellings at Sedgemere, Station Road, Market Bosworth)

- 23/00667/FUL (Change of use of dwelling to Special Educational Needs School at The Old Rectory, 8 Rectory Lane, Market Bosworth)
- 24/00019/FUL (50-room golf and leisure accommodation facility at Kyng's Golf and Country Club, Station Road, Market Bosworth)
- 24/00560/HYB (135 dwellings and 0.55ha of employment uses at Land off Station Road, Market Bosworth)

8.194 Furthermore, the following live developments have been considered by the Applicant:

- 24/00831/OUT (100 dwellings at the Land north of Shenton Lane, Market Bosworth)
- 23/01157/HYB (Golf, leisure, and health spa and up to 126 golf holiday lodges at Kyng's Golf and Country Club, Station Road, Market Bosworth)

8.195 TEMPRO traffic growth factors have been applied to the baseline counts to create forecast traffic flows at the future year of 2029, which have been accepted by the LHA.

8.196 The Ratio of Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically, a value of 0.85 is seen as the threshold of practical capacity, with results higher than this more likely to experience queuing or delay.

8.197 The RFC of Junctions 1, 3, 4, 5, 6, 7, 8, and 9 are not predicted to exceed 0.85 with the development in place in 2029, or under the 2029 sensitivity test scenario whereby the one-way system is in place within the centre of Market Bosworth. The LHA is therefore satisfied that these junctions will operate within capacity.

8.198 Junction 2 refers to the one-way system within the centre of Market Bosworth, which includes the highway between Main Street's junction with Back Lane and Main Street's junction with Park Street. The LHA has undertaken its own analysis of Junction 2 based on a methodology that models the Station Road/ Back Lane/ Main Street/ Market Place crossroads junction as a simple T-junction with Arm B being entering only and Arm A being exiting only. This has improved the results of the junction capacity assessment and therefore the LHA are satisfied that the proposal would not have a severe impact on the operation of the Station Road/ Back Lane/ Main Street/ Market Place crossroads junction.

8.199 Junction 10 of this analysis refers to the staggered junction at A4447, Bosworth Lane, Bosworth Road, and Ashby Road. At the time of the writing of this Report, further information is required to be submitted to fully assess the development's impact on this junction. The Officer recommendations within this Report are subject

to the resolution of this outstanding highway matters and confirmation of no objection from the LHA to the proposal.

#### *Off-Site Implications*

- 8.200 The development includes the widening of the public footway along the site frontage to 2m in width. This is welcomed by the LHA.

#### *Main Vehicular Site Access*

- 8.201 The development's primary vehicular access to the site is onto Station Road via the existing access that serves Kyng's Golf and Country Club. The proposal amends the access to form a ghost right turn lane, which is welcomed by the LHA. The proposed amendments to the site access have been subject to a Stage 1 Road Safety. The LHA have identified concerns with the swept path analysis of the proposed site access and advised that the junction radii and corner taper of the proposed access should be amended. The Officer recommendations within this Report are therefore subject to the resolution of these outstanding highways matters to the satisfaction of the Head of Planning who, following further consultation with the LHA, will consider if planning conditions and obligations can be used to resolve any final concerns.
- 8.202 As part of planning application 24/00560/HYB at the Land to the south of Station Road, Market Bosworth, visibility splays of 2.4m by 73m were accepted by the LHA along Station Road in each direction. Whilst the Applicant has based their visibility splays on data from an Automatic Traffic Count, the LHA have been unable to find the speed survey data within the Transport Assessment. Nevertheless, the LHA confirmed that visibility splays of 2.4m by 73m can be achieved in each direction from this site access, which is consistent with what has been accepted by the LHA as part of the neighbouring application. Therefore, under these site-specific circumstances, the speed survey data is not required and the vehicular visibility splays from the site access are considered to be acceptable.

#### *Track Assess*

- 8.203 The development includes a track access from Station Road to the west of the site, which provides vehicular access to the residential property, the Stables, to the north of the site and also provides pedestrian and cycle access to the development.
- 8.204 The LHA confirmed that it would not seek to adopt the track access, or any emergency access to the site given the scale of development proposed.
- 8.205 The Applicant has stated within their Transport Note that they do not hold any information in respect of the volume or type of vehicles which currently use the existing track access, but it is envisaged the level of use will not change as the access is only for the use of residents of Wharf Farm. Hub drawing number 005 Rev. A has also been submitted, which details a telescopic bollard would be installed at the access to prevent unauthorised use. In addition, the Applicant has

stated there appears to be no safety issue with the existing track access and that it is not proposed to be reconfigured.

- 8.206 The rising bollard location meets the requirements of the Leicestershire Highway Design Guide (LHDG) Standard Drawing SD/1100/09, whereby access gates are located 11m back from the kerb line. The Applicant would need to ensure that a vehicle (e.g. tractor and trailer) waiting to proceed down the private access does not block the Station Road carriageway.
- 8.207 In light of the above, the LHA stated that whilst it continues to see no need for the track access to be retained and the preference would be for this to be removed, it would be difficult to seek to resist the proposals on this element of the proposed development.

#### *Internal Layout*

- 8.208 The internal layout of the development is not for consideration at this stage.
- 8.209 However, it is considered that an internal layout that is created to an adoptable standard can be provided by the Applicant at the Reserved Matters stage of the development.

#### *Summary*

- 8.210 In summary, the Local Highway Authority do not consider the current proposals to exacerbate any existing highway safety concerns, and the development widens the public footway along the frontage of the site to 2m, which is welcomed by Leicestershire County Council. The development is expected to create 81 two-way vehicular movements in the peak AM period and 69 two-way vehicular movements in the peak PM period, and the Local Highway Authority are satisfied that this generation of traffic is not considered to adversely affect the capacity at nine out of the ten junctions within the Applicant's junction capacity assessments.
- 8.211 Furthermore, the Local Highway Authority confirmed that the proposed vehicular visibility splays from the access to the site onto Station Road are acceptable and they would not seek to resist the retention of the existing track access to the west of the site.
- 8.212 Ultimately, the Officer recommendations within this Report are therefore subject to the resolution of all outstanding highways matters.

#### Infrastructure and Development Contributions

- 8.213 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.

8.214 Policy 14 of the adopted Core Strategy requires developments to support accessibility within rural areas by:

- Supporting the delivery of a viable, high quality public transport network between the Key Rural Centres and their nearest urban centre and between the Rural Villages and their nearest Key Rural Centre or urban centre.
- Supporting the provision of accessible transport services for mobility impaired and rurally isolated residents.
- Delivering safe cycle paths as detailed in the Hinckley & Bosworth Council's Rural Parishes Cycling Network Plan. This will deliver safe routes to school, to residential and employment areas, Key Rural Centres/urban areas, community, and leisure facilities and into the countryside.

8.215 Developers will be required to contribute towards these initiatives through developer contributions and/or land where they meet the tests set out in National Guidance. New development that would prejudice their implementation will not be permitted.

#### *Affordable Housing*

8.216 Key Policy Paragraph 66 of the NPPF confirms that where major development involving the provision of housing is proposed, planning decisions should expect that the mix of housing required meets identified local need, across Social Rent, other affordable housing for rent and affordable home ownership tenures.

8.217 Policy 15 of the adopted Core Strategy states that developments in rural areas, including Market Bosworth) that provide 15 dwellings or more should allocate 40% of its units towards affordable housing. This is supported by Policy BD1 of the MBNP, which requires a 40% affordable housing provision on sites of 10 or more dwellings or more.

8.218 The Building for a Healthy Life Assessment (BfHLA) confirms that developments should be designed where it is difficult to determine the tenure of properties through architectural, landscape, or other differences. A range of housing typologies should also be supported by local housing needs and policies to help create a broad-based community and the affordable housing units should be distributed across the development.

8.219 In accordance with National Planning Policy, the Council's Affordable Housing Officer has confirmed that 51 affordable housing properties should be provided in the following tenure mix:

- 38 x Affordable/ Social Rent
- 13 x Shared Ownership

8.220 The Affordable Housing Officer confirmed that these affordable housing properties should include:

- 4 x one-bedroom, two-person rented properties
- A mixture of two-bedroom (four-person), three-bedroom (five-person), and four-bedroom (six-person) rented properties
- A mixture of two-bedroom and three-bedroom shared ownership properties

8.221 All properties should, where possible, meet the Nationally Described Space Standards. However, the specific type of affordable housing within this provision will be confirmed at the Reserved Matters Stage.

8.222 Therefore, it is considered that the development can provide a policy compliant provision of affordable housing in accordance with Policy 15 of the adopted Core Strategy and National Planning Policy. This provision towards affordable housing is given significant weight in the planning balance.

*Infrastructure Contributions:*

8.223 The following infrastructure contributions totalling £1,153,044.02 have been requested by the County Council, the Council's Section 106 Monitoring and Compliance Officer, and NHS England:

- |  |               |
|--|---------------|
| • Early Years Education (St. Peter's CoE Primary School)   | (£196,592.76) |
| • Healthcare (NHS England)                                 | (£97,574.40)  |
| • Libraries (Market Bosworth Library)                      | (£3,804.91)   |
| • Off-Site Outdoor Sports Contributions                    | (£43,787.52)  |
| • Off-Site Outdoor Sports Maintenance                      | (£20,805.12)  |
| • On-Site Public Open Space Contributions                  | (£82,523.45)  |
| • On-Site Public Open Space Maintenance                    | (£174,081.60) |
| • Post-16 Education (Bosworth Academy)                     | (£80,361.67)  |
| • Primary SEND Education (The Dorothy Goodman School)      | (£30,033.40)  |
| • Secondary SEND Education<br>(The Dorothy Goodman School) | (£41,091.62)  |
| • Secondary Education (The Market Bosworth School)         | (£376,146.79) |
| • Waste (Barwell Household Waste and Recycling Centre)     | (£6,240.78)   |

*Public Open Space (POS)*

8.224 Policy 11 of the adopted Core Strategy asserts that the Council will address the existing deficiencies, quantity and accessibility of green space and play provision within Market Bosworth. New green space and play provision will be provided where necessary to meet the standards set out in Policy 19 of the adopted Core Strategy.

8.225 Policy 19 of the Core Strategy identifies standards for play and open space within the Borough. Developments should accord with this 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 identifies the costs for off-site and on-site contributions.

- 8.226 The following on-site public open space provisions are therefore required:

<b>Public Open Space (POS) Provision Requirements</b>			
<b>POS Type</b>	<b>Equipped Children's Play Space (ECPS)</b>	<b>Casual / Informal Space (C/ S)</b>	<b>Accessible Natural Green Space (ANGS)</b>
<b>Provision per Dwelling (2.4 People per Dwelling) (sqm)</b>	3.6	16.8	40
<b>No. of Dwellings</b>	126	126	126
<b>Sqm to Provided</b>	453.6	2,116.8	5,040
<b>On-Site Provision per sqm</b>	£181.93	£4.44	£4.09
<b>Provision Contribution</b>	£82,523.45	N/A	N/A.
<b>Maintenance Contribution per sqm (Based on 20 Years)</b>	£175.60	£10.80	£14.20
<b>Maintenance Contribution</b>	£79,652.16	£22,861.44	£71,568.00
<b>POS Provision Total:</b>	£82,523.45		
<b>POS Maintenance Total:</b>	£174,081.60		

- 8.227 An off-site contribution of £43,787.52 (£9.05 per sqm) and a maintenance contribution of £20,805.12 (£4.30 per sqm) towards 4,838.4sqm (38.4sqm per dwelling) of outdoor sports provision should also be provided within an agreed Section 106 Agreement.

- 8.228 For clarity, Casual/ Informal Space relates to informal recreational spaces such as greens and pocket parks whereas Accessible Natural Green Space refers to publicly accessible woodlands, urban forestry, and/or grasslands.

#### *Summary*

- 8.229 In light of the above, planning obligations totalling £1,153,044.02 have been requested.
- 8.230 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. Therefore, subject to the above contributions,

the development is considered to comply with Policy DM3 of the SADMP, and Policy 19 of the Core Strategy.

#### Planning Balance

- 8.231 The 'tilted' balance is engaged whereby in accordance with Paragraph 11(d)(ii) of the NPPF, 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 this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.

#### *Policy Weighting*

- 8.232 Paragraphs 5.13, 5.14, and 5.27 of the Planning Statement highlights that Policies 7 and 14 of the adopted Core Strategy and Policy DM4 of the SADMP are out of date. It is accepted that in accordance with Paragraph 32 of the Appeal Decision that the weight afforded to Policy 7 of the adopted Core Strategy is reduced.
- 8.233 However, whilst it is not disputed by the Local Planning Authority that these policies are out of date, this does not suggest that Policies 7 and 11 of the adopted Core Strategy and Policy DM4 of the SADMP do not attract weight in the planning balance in light of its consistency with the NPPF in accordance with Paragraph 232 of the NPPF.
- 8.234 Whilst Policy 11 of the adopted Core Strategy highlights a minimum provision of 100 new homes within the Plan Period, this is not a maximum and does not restrict further residential development coming forward. Therefore, Policy 11 of the adopted Core Strategy is consistent with the NPPF and is afforded full weight in the planning balance.
- 8.235 The emphasis of Policy DM4 of the SADMP is to promote sustainable development proposals within the countryside and to safeguard it from unsustainable schemes, rather than to apply a blanket protection. In this regard, Policy DM4 is consistent with, and accords with, the NPPF, a view which has been supported by a number of Planning Inspectors such as within the appeal decisions for planning applications 17/00531/OUT, 18/00279/OUT, 19/00947/OUT, 19/01324/OUT, and 20/00102/OUT. Importantly, the previous Inspector gave great weight to the conflict with Policy DM4 of the SADMP at Paragraph 32 of the Appeal Decision.
- 8.236 Due to this strong conformity with the NPPF, Policy DM4 of the SADMP can therefore it can be afforded full weight within the planning balance.

#### *Benefits of the Development*

- 8.237 Paragraphs 2.5, 6.47, 6.49, and 6.50 of the Planning Statement identify social, economic, and environmental benefits of the development.

- 8.238 In comparison to the circumstances of the dismissed appeal against the refused planning application 20/01021/OUT, the Local Planning Authority could only demonstrate a 4.45-year supply of land for housing and the therefore the 'tilted' balance was also engaged.
- 8.239 In light of the latest revisions to the NPPF, Hinckley and Bosworth Borough's ability to demonstrate a five-year supply of land for housing and the Council's agreement in principle to take on additional housing to meet the unmet housing needs of Leicester City Council, the provision of up to 126 dwellings to the Borough's supply of land for housing is considered to attract significant weight within the planning balance. As the Council's supply in land for housing has decreased since the previous appeal within this application site, the weight afforded to this has increased.
- 8.240 The scheme provides a policy compliant level provision of affordable housing in accordance with Key Policy Paragraph 66 of the NPPF and Policy 15 of the adopted Core Strategy. It is therefore considered that this provision towards affordable housing attracts significant weight in the planning balance.
- 8.241 It is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupants' opportunity to act as new customers and employees for local businesses and services.
- 8.242 However, the economic benefits associated with the construction of the development are relatively short in duration. In accordance with Paragraph 30 of the Appeal Decision, the accessibility of the site to services and facilities negates harm from unsustainable travel patterns and is therefore neutral weight in the planning balance. No substantive evidence was provided to demonstrate that the appeal proposal is vital to support the viability and vitality of existing local services in a context of a shortfall in housing provision. Nevertheless, the scheme is for up to 126 dwellings, and it is considered that moderate weight should be afforded to the economic and social benefits of the proposal rather than the significant weight as suggested at Paragraph 6.48 of the Planning Statement.
- 8.243 Furthermore, the financial contributions and provision of public open space that the scheme is required to provide are needed to mitigate the impact of the development on local services and facilities. Therefore, the benefit of the planning obligations that the scheme is required to provide attract neutral weight in the planning balance.
- 8.244 The development is not considered to result in any adverse impacts to the character and significance of the historic environment, and it is considered that the scheme, subject to the detailed matters to come forward at Reserved Matters stage, could be designed such to have a suitable relationship with the nearby residential units and shall protect the residential amenity of the future occupants of the scheme. These impacts therefore make no material change to the existing situation in the area and

as a result these elements are considered to attract neutral weight in the planning balance.

#### *Harm of the Development*

- 8.245 Notwithstanding the above, the proposal represents new development in the designated open countryside and is unacceptable in principle. Based on the indicative information submitted as part of this application, the scheme is considered to result in significant harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside, including Important View 1 and Important Vista I. Ultimately, this harm is considerable, experienced over a long period of time, and non-reversible.
- 8.246 However, the character of the site is only valued at a local level, and the harm of the development is considered to have a medium geographic extent. The extent of this harm is predominantly experienced by users of Station Road, which have a medium susceptibility to change, and the users of Public Footpath S70, which the LVIA confirms shall experience moderate adverse impacts at Year 1 and minor adverse impacts at Year 15. By virtue of these factors, the overall effect of the development is considered to represent moderate to major harm at Year 1, which shall reduce to moderate harm at Year 15.

#### *Conclusion*

- 8.247 By virtue of these factors, the moderate long-term harm of the development of the character of the surrounding area must be weighed against the significant benefits associated with the provision of residential properties towards the Council's shortfall in housing, which has increased since the previous planning appeal within the site was dismissed, alongside the significant benefits attached to the provision of affordable housing to the Council's supply, and the moderate benefits afforded to the economic and social benefits of the proposed development.
- 8.248 In light of the above, and the 'tilted' balance required by Paragraph 11(d) of the NPPF, it is not considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole. As a result, it is recommended that, in accordance with Paragraph 11(d) of the NPPF that planning permission is granted.

## **9. Equality Implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:

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

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions and obligations.

## **11. Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report.
- The entering into of a S106 Agreement relating to affordable housing, highway improvements, open space provision and management and the financial contributions detailed above.
- That the Head of Planning be given powers to determine the final detail of planning conditions, obligations, and highways information; and
- The Local Highway Authority confirming that it is satisfied with the submitted details.

## **11.2 Conditions and Reasons**

1. An application for approval of reserved matters shall be made within two years of the date of this permission and the development shall be begun not later than 18 months 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.

2. No development shall commence until details of the layout, scale, appearance, landscaping, and access other than vehicular access (hereafter called the reserved matters) have been submitted 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, DM4, and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority as follows:

- Parameter Plan (005-01C) (02-1644) (submitted: 12.05.2025)
- Site Location Plan (P2 1644 002) (submitted: 26.11.2024)
- Topographical Survey (submitted: 26.11.2024)
- Tree Protection Plan V3 (8306) (submitted: 12.05.2025)

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

4. Prior to the commencement of development, a Written Scheme of Investigation (WSI) shall be submitted in writing to, and approved in writing by, the Local Planning Authority. For the land and structures that are included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

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

**Reason:** To ensure satisfactory archaeological investigation, recording, dissemination, and archiving in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies Development Plan

Document (2016), and Chapter 16 of the National Planning Policy Framework (2024).

5. Prior to the commencement of development, a scheme for the investigation of any potential land contamination around the existing electricity substation on the site has been submitted in writing to, and approved 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).

6. If during development contamination not previously identified is found to be present at the site no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted 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 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).

7. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP) shall be submitted to, and approved 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 the environment shall be prevented or mitigated from dust, odour, noise, smoke, light, and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the construction.

**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).

8. Prior to the commencement of development, a scheme for protecting the proposed dwellings from noise from nearby roads and the adjacent industrial estate, which includes remediation works where required and a programme of implementation, has been submitted to, and approved in writing by, the Local

Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

**Reason:** To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. Prior to the commencement of development, infiltration testing shall be carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element. These details shall be submitted to, and approved in writing by, the Local Planning Authority.

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

10. Prior to the commencement of development, a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to the commencement of development, details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided. The construction of the development must be carried out in accordance with these approved details.

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

12. Prior to the commencement of development, details in relation to the long-term maintenance of the sustainable surface water drainage system on the



development shall be submitted to, and approved in writing by, the Local Planning Authority. Details of the Sustainable Surface Water Drainage System Maintenance Plan should include responsibilities and schedules for routine maintenance, remedial actions, and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site. The development must be carried out in accordance with these approved details.

**Reason:** To establish a sustainable 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 sustainable drainage system within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include, but not be limited to, the following:
  - (a) Risk assessment of potentially damaging construction activities; and
  - (b) Identification of “biodiversity protection zones; and
  - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); and
  - (d) The location and timing of sensitive works to avoid harm to biodiversity features; and
  - (e) The times during construction when specialist ecologists need to be present on site to oversee works; and
  - (f) Responsible persons and lines of communication; and
  - (g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
  - (h) Use of protective fences, exclusion barriers and warning signs.

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

**Reason:** To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and

Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

14. Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by, the Local Planning Authority. The HMMP shall include, but shall not be limited to, the following details:
- (a) the roles and responsibilities of the people or organisation(s) delivering the HMMP; and
  - (b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan; and
  - (c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
  - (d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
  - (e) details of the content of monitoring reports to be submitted to the Local Planning Authority including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- Initial enhancements, as set in the HMMP, have been implemented; and
- Habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Local Planning Authority, in accordance with the methodology specified in the approved HMMP.

**Reason:** To enhance protected and priority species and habitats in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. Prior to the commencement of development, full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be

implemented in accordance with the approved details and the infrastructure must be fully available prior to the occupation of each dwelling/unit on the site.

**Reason:** To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with Paragraph 118 of the National Planning Policy Framework (2024).

16. Prior to the first occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but shall not be limited to, the following details:

- (a) Description and evaluation of features to be managed; and
- (b) Ecological trends and constraints on site that might influence management; and
- (c) Aims and objectives of management; and
- (d) Appropriate management options for achieving aims and objectives; and
- (e) Prescriptions for management actions; and
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); and
- (g) Details of the body or organisation responsible for implementation of the plan; and
- (h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.

**Reason:** To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and

Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

17. Prior to the first occupation of the development hereby permitted, a Lighting Design Strategy for Biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. The Strategy shall be in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) and shall include, but shall not be limited to, the following details:
  - (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - (b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

**Reason:** To protect protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

18. Prior to the first occupation of the development hereby permitted, details of external lighting across the site (including on any non-adopted highways and footpaths) shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation, a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles), and details of its maintenance and operation. The external lighting shall then be installed, maintained, and operated in accordance with the approved details prior to the first occupation of the development.

**Reason:** To ensure a satisfactory form of development and to create places that are safe, inclusive, and accessible, which promote health and well-being, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 135 of the National Planning Policy Framework (2024).

19. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, priority and threatened species shall be submitted to, and approved in writing by, the Local Planning Authority. The Biodiversity Enhancement Strategy shall be prepared by a suitably qualified ecologist and include, but shall not be limited to, the following details:

- (a) Purpose and conservation objectives for the proposed enhancement measures; and
- (b) detailed designs or product descriptions to achieve stated objectives; and
- (c) locations of proposed enhancement measures by appropriate maps and plans (where relevant); and
- (d) persons responsible for implementing the enhancement measures; and
- (e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

**Reason:** To enhance protected, priority and threatened species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

20. All mitigation measures and/or works shall be carried out in accordance with the details contained in Section 4 of the Ecological Impact Assessment (submitted: 26.11.2024).

**Reason:** To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

21. The development shall be carried out in full accordance with the Tree Protection Plan V3 (8306) (submitted: 12.05.2025), as well as Table 5 (Summary of Recommended Tree Works), Table 6 (Summary of Mitigation Requirements), Appendix C (Tree Constraints Plan V1) within the Arboricultural Impact Assessment, Method Statement, and Tree Protection Plan V4 (8306) (submitted: 12.05.2025).

None of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority for a period of five years from the date of this planning permission. If any trees or hedges to be retained die or are damaged, removed, or seriously diseased, a replacement shall be planted at the same place and that tree or hedge shall be of a similar size and species to the specific tree or hedgerow that requires replacing.

**Reason:** To ensure that the existing trees on the site are retained and protected in accordance with Policy C4 of the Market Bosworth Neighbourhood Plan (2025), and Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. Site preparation and construction shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday 09:00 – 14:00

No working on Sundays and Bank Holidays

**Reason:** To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. Any forthcoming Reserved Matters application shall include details of how the matters for which approval is being sought for the proposed development have taken into consideration and respond to the guidance within the National Design Guide (2019) and Building for a Healthy Life (2020).

**Reason:** To support the creation of high quality and sustainable buildings and places and 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), and Chapter 12 of the National Planning Policy Framework (2024).

24. Any forthcoming Reserved Matters application shall include details of the precise boundaries and quantities of the public open space typologies across the site in accordance with the Public Open Space Table at Paragraph 8.224 of the Officer's Report for this development hereby permitted.

**Reason:** To ensure a satisfactory form of development and to create places that are safe, inclusive, and accessible, which promote health and well-being for future users in accordance with Policies DM1, DM3, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 135 of the National Planning Policy Framework (2024).

25. Any forthcoming Reserved Matters application shall include details that demonstrate that all dwellings within the development comply with the minimum bedroom, storage, and internal area requirements of the Nationally Described Space Standards (2015).

**Reason:** To ensure that the development provides a high standard of residential amenity for the future occupants of the scheme in accordance with Paragraph 6.21 of the Design and Access Statement, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 135 of the National Planning Policy Framework (2024).

26. Any forthcoming Reserved Matters application shall include details of external lighting across the site (including on any non-adopted highways and footpaths). This information shall include a layout plan with beam orientation, a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles), and details of its maintenance and operation. The external lighting shall then be installed, maintained, and operated in accordance with the approved details prior to the first occupation of the development.

**Reason:** To ensure a satisfactory form of development and to create places that are safe, inclusive, and accessible, which promote health and well-being, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 135 of the National Planning Policy Framework (December 2023).

27. Any forthcoming Reserved Matters application shall include details for the adequate provision for waste and recycling storage of containers and collection across the site. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

**Reason:** To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

28. Any forthcoming Reserved Matters application shall include details for secure cycle parking in accordance with the guidance with the Good Design Guide

(2020), Leicestershire Highway Design Guide (2020), and the Building for a Healthy Life (2020).

**Reason:** To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 9 of the National Planning Policy Framework (2024).

29. No development above foundation level shall commence on site until details as to how the development will achieve the Secured by Design Award shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of each dwelling/unit on the site.

**Reason:** To ensure a satisfactory form of development and to create places that are safe, inclusive, and accessible where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience for future users of the development in accordance with Paragraph 135 of the National Planning Policy Framework (2024).

### Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [building.control@blaby.gov.uk](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.
2. This decision is conditional upon the terms of the planning agreement, which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended.) The Agreement runs with the land and not to any particular person having an interest therein.
3. Your attention is drawn to the Biodiversity Net Gain Condition within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: [https://www.hinckley-bosworth.gov.uk/info/200249/view\\_planning\\_applications\\_and\\_decisions/1476/does\\_the\\_property\\_comply\\_with\\_planning\\_conditions](https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions).
4. The Written Scheme of Investigation must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
5. The County Council's Historic and Natural Environment Team, as advisors to the Planning Authority, will monitor the archaeological work, to ensure that the



necessary programme of archaeological work is undertaken to the satisfaction of the Planning Authority.

6. Please note, the Council also requires monitoring fees for each planning obligation that is secured within a Section 106 Agreement, which include the following:
  - 51 to 150 dwellings: (£489 per obligation).
  - Site Inspection Fee: (£219 per visit).
  - Approval of Details/ Documents: (£327 per document).
  - Deed of Variation: (£649 per Section 106 topic).
7. Advice from Environmental Health should be sought via [esadmin@hinckley-bosworth.gov.uk](mailto:esadmin@hinckley-bosworth.gov.uk) to ensure that any investigation of land contamination is in accordance with their policy.
8. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for event durations up to the 24 hour (or longer where required) for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods with results ideally showing critical details only for each return period.
9. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
10. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.
11. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative

approach. Where infiltration is deemed viable, proposed infiltration structures must be designed in accordance with CIRIA C753 "The SuDS Manual" or any superseding version of this guidance.

12. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018).

If all, or part, of the new roads within the development are to be private (unadopted), then consideration will need to be given to the adequate and safe collection of domestic recycling, garden waste, and refuse at the adopted highway boundary (up to two bins per property at one time). It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.