

Planning Committee 7 October 2025

Report of the Assistant Director Planning and Regeneration

Planning Ref: 24/01158/OUT

Applicant: Richborough

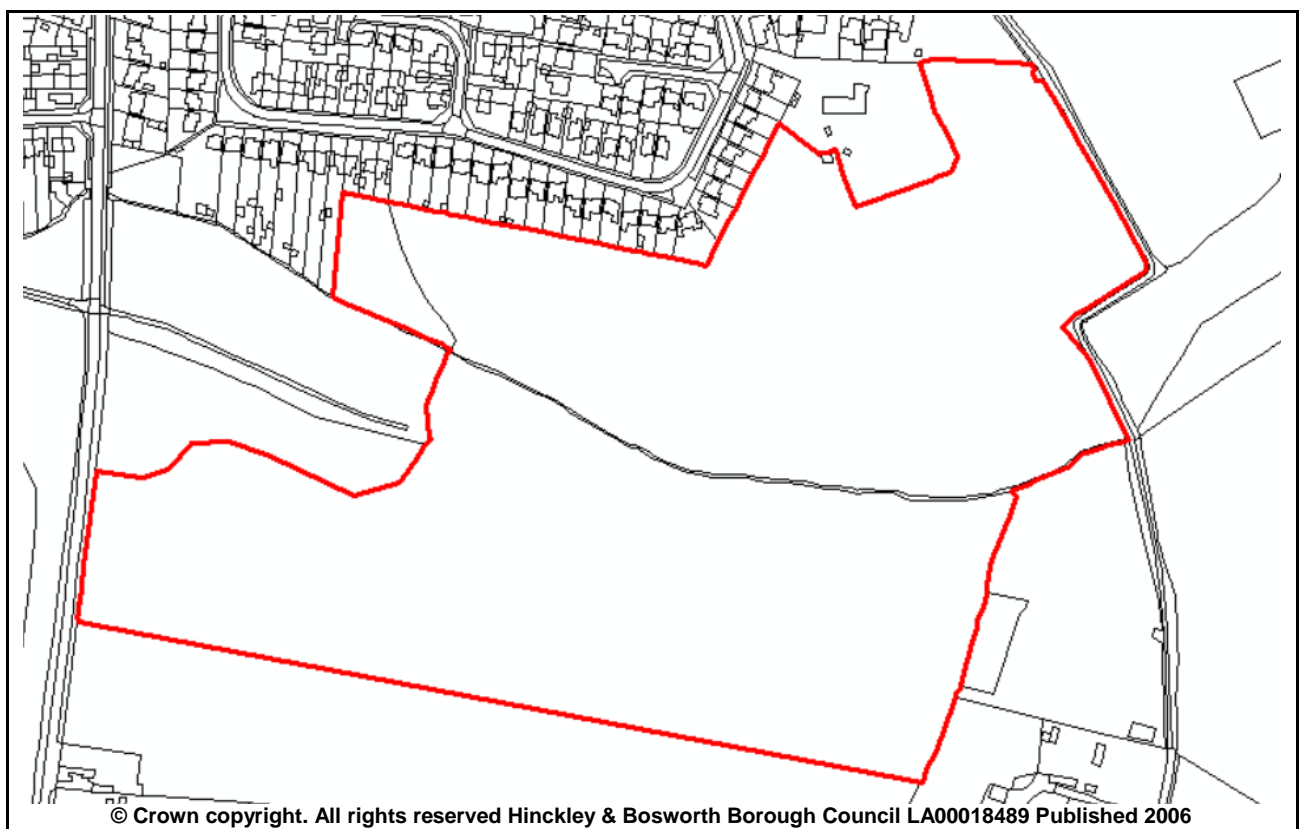
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth  
Borough Council

Site: Land off Brascote Lane, Newbold Verdon

Proposal: Outline planning application for up to 135 dwellings with associated landscaping, open space, drainage infrastructure and associated works (all matters reserved except for access)



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**1. Recommendations**

**1.1. Grant permission** subject to:

- A signed Section 106 Agreement (as per the Heads of terms set out in this report) and;
- Planning conditions outlined at the end of this report;
- That the Assistant Director Planning and Regeneration be given powers to determine the final detail of planning conditions and obligations

**2. Planning Application Description**

- 2.1. This application seeks outline permission for the residential development of up to 135 dwellings with associated landscaping, open space, drainage infrastructure and associated works.
- 2.2. Vehicular access is to be provided at two points through the Phase I development to the

south. The indicative landscape masterplan includes several areas of public open space integrating play space, as well as a link to footpath S26 to the northeast of the site. Attenuation ponds are proposed along the southern boundary of the site, and most of the existing hedgerows are retained apart from the access points.

- 2.3. The appearance, layout, scale and landscaping 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:

- Planning Statement
- Design and Access Statement
- Landscape Masterplan
- Transport Assessment
- Utilities Statement
- Travel Plan
- Heritage Statement
- Geophysical Survey
- Air Quality Assessment
- Sustainable Drainage Statement
- BNG Assessment
- BNG Metric
- Flood Risk Assessment
- Drainage Statement
- Landscape Visual Impact Assessment
- Arboricultural Impact Assessment
- Ecological Impact Assessment

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

- 3.1. The application site comprises 6.84ha of irregular shaped agricultural field, defined by the urban edge of Newbold Verdon to the north, hedgerows with numerous hedgerow trees to the east and west, and a vegetated stream corridor to the south. The site is adjoined by the rear property elevations and private gardens of Arnold's Crescent to the north, allotments on the periphery of Newbold Verdon to the west and the approved residential development extent of Phase 1 to the south. Arable fields and Alans Way Playing Fields are present to the south-east and east.
- 3.2. The site to the south (Phase 1) already benefits from reserved matters planning permission (24/00854/REM) for 239 dwellings. The Phase 1 land within the red line of this application is included as it provides access/egress to the public highway at Brascote Lane. The Phase 1 permission remains unchanged by this application.
- 3.3. There are no statutory landscape designations, and no designated or non-designated heritage assets within the vicinity of the site. The Grade I Newbold Verdon Hall and Grade II Listed Church of St James are located over 500 metres to the northwest and is divided from the site by built development. There are protected trees within the site boundary, however they are to be retained with root protection areas.

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

#### **22/00277/OUT**

- Proposed development of up to 239 dwellings (Outline – access only).
- Allowed at Appeal (Ref. APP/K2420/W/23/3331081).
- 17 May 2024

#### **24/00854/REM**

- Application for Reserved Matters (site layout, scale, appearance, and landscaping) of outline planning application 22/00277/OUT for 239 dwellings with associated internal road layout, car parking, drainage and landscaping
- Approved
- 19 March 2025

## **5. Publicity**

- 5.1. The application has been publicised by sending out letters to 47 neighbouring properties. Two site notices were also posted within the vicinity of the site, and a notice was displayed in the local press.
- 5.2. 51 objections from 40 different properties have been received. The following concerns were raised:
- Concern regarding number of major housing applications in Newbold Verdon
  - Visual amenity concerns/loss of “village feel”
  - Unsuitable road network
  - Flooding issues
  - Unsuitable parking in centre of the village/cars parked on pavements etc.
  - Insufficient school spaces
  - Insufficient doctor spaces
  - Insufficient public transport provision
  - Insufficient sewage capacity
  - Location of development does not fit the footprint of existing development
  - Risk to protected species
  - Neighbouring allotment will be put at risk
  - Cumulative impact of neighbouring development
  - Unsafe proposed access

## **6. Consultation**

### **6.1. Newbold Verdon Parish Council – *neutral***

*The Parish Council would like to submit the following comments regarding the above outline planning application for the development of 135 dwellings on land off Brascote Lane.*

#### *Impact on Local Infrastructure*

*The proposed development will place significant pressure on existing local infrastructure, including the primary school, doctor's surgery and local shops. We are particularly concerned about the ability of the Primary School to accommodate the increased number of children, as well as the capacity of the local doctors' surgery to meet the needs of a growing population. The increase in demand for essential services could adversely affect the quality of service provision in the village.*

#### *Cemetery Capacity*

*The cemetery in Newbold Verdon has relatively few plots left and with the proposed increase in the number of residents, this issue will only worsen. The Parish Council urges the planning authority to consider the provision of additional burial space in the area as part of the planning process.*

#### *Deviation from the Neighbourhood Plan*

*The Neighbourhood Plan (currently under review and planned to go to referendum in May) explicitly allocates a maximum of 80 houses for this site. The outline application proposes 135 houses, which is significantly more than the number specified in the Neighbourhood Plan. The Parish Council believes this substantial increase in housing goes against the intentions of the local community as expressed in the Neighbourhood*

*Plan and should not be approved without further consultation with local residents and stakeholders.*

#### S106 Funding

*The Parish Council is concerned that there has been no mention of S106 funding in the application. Given the scale of the development and the likely pressure it will place on local infrastructure, we strongly urge the planning authority to ensure that appropriate contributions are made to local services, including education, healthcare, and transportation.*

#### Traffic Impact

*The development will lead to increased traffic on Brascote Lane and through the village. We are concerned about the impact this will have on road safety, congestion, and the overall character of the village.*

#### Public Transport

*The application mentions the provision of bus passes for services to Hinckley. However, the Parish Council would like to highlight that the current bus service is limited and does not in fact go to Hinckley. As such, the provision of bus passes is unlikely to fully address the transportation needs of future residents. We recommend that further improvements to the local bus service be considered to ensure that the development is well-connected to Hinckley and surrounding areas.*

#### Archaeological Considerations

*The Parish Council fully supports the recommendation by the LCC Archaeology and Historical and Natural Environment Team for a more detailed archaeological survey of the site. Given the site's potential historical significance, we believe it is essential that a thorough investigation be carried out to identify and protect any important archaeological features before any development takes place.*

*In conclusion, we believe that the concerns outlined above need to be carefully considered. We respectfully request that these matters be taken into account in the planning process, and that any approval be contingent upon further discussions regarding the issues raised.*

*All of the above considerations are/will be exacerbated by the number of developments ongoing or in the pipeline for Newbold Verdon*

- 6.2. **Leicestershire County Local Highway Authority (LHA)** – The impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 116 of the NPPF, subject to conditions and/or planning obligations.
- 6.3. **Active Travel England** – Standing Advice.
- 6.4. **LCC Drainage** – no objection subject to conditions.
- 6.5. **LCC Minerals** – Initial request for a Minerals Assessment which was later withdrawn following evidence submitted by the Applicant in the form of a desk-based study has demonstrated that there is a lack of workable resource that would be viable for extraction that warrants safeguarding.
- 6.6. **LCC Archaeology** – No objection subject to condition (post determination trial trenching).
- 6.7. **LCC Ecology** – No objections subject to conditions.
- 6.8. **LCC Planning Obligations Team** request the following contributions:

- Libraries - Newbold Verdon Library £4,076.69
- Waste - Barwell HWRC £6,686.55
- Primary Education - Newbold Verdon Primary School £743,418.00
- Secondary Education - The Market Bosworth School £403,014.42
- Post 16 Education - Bosworth Academy £86,101.79
- Primary SEND Education - Dorothy Goodman School Hinckley £32,178.64
- Secondary SEND Education - Dorothy Goodman School Hinckley £44,026.74
- Early Years Education £210,635.10

**6.9. NHS Integrated Care Board – No objection**

To provide the required healthcare facilities to meet the population increase, an average build cost based on recent local examples of development work at surgeries for 326.70 patients is as follows:

Additional patients to be accommodated 327 x Standard area m<sup>2</sup>/person 0.08 x Cost of extension including fees £/m<sup>2</sup> £4,000 = Total cost £104,544.00.

**6.10. HBBC Drainage – No objection subject to conditions**

**6.11. HBBC Affordable Housing –**

As this scheme is in a rural area, policy set out in the Core Strategy (policy 15), indicates that 40% of the dwellings should be for affordable housing, of which 75% should be for affordable rent and 25% for shared ownership. This would give 54 dwellings for affordable housing split between 40 properties for social rent and 14 for shared ownership.

The need for rented housing in Newbold Verdon, as shown by the Housing Register on 8.1.25 is as follows:

Property size No. of Applicants interested in Newbold Verdon (of which, number with a connection to Newbold Verdon)

1 bed - 224 (11)  
 2 bed - 115 (9)  
 3 bed - 58 (1)  
 4+ bed 29 (2)  
 Total 426 (23)

The applicant has indicated that they will provide the full policy requirement of 40% affordable housing on site. The 2019 Housing Needs Study suggests the following mix of dwelling types to meet the need in the Borough:

	Market Affordable home ownership	Affordable housing (rented)	General needs	Older persons
1-bed	5%	20%	25%	40%
2-bed	35%	50%	35%	60%
3-bed	40%	25%	30%	30%
4+-bed	20%	5%	10%	0%

1-bedroom 5% 20% 25% 40%  
 2-bedrooms 35% 50% 35% 60%  
 3-bedrooms 40% 25% 30%  
 4+-bedrooms 20% 5% 10%

**6.12. HBBC Environmental Services – no objection subject to conditions.**

6.13. **HBBC Waste** – No objection.

6.14. **HBBC Conservation Officer:** No objection –

*After review of this application, the only designated heritage asset that has the potential to be affected by the proposal would be the Church of St James (Grade II listed building) in Newbold Verdon due to its visibility within the surrounding landscape, but due to the intervening distance and presence of existing built form the application site forms a very small part of the wider rural setting to the church only, and in my opinion it is a neutral element that makes no contribution to the building's significance. Therefore, the proposed development within the site will not impact on the significance of this listed building and the proposal will comply with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, Section 16 of the National Planning Policy Framework and Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.*

6.15. **Leicestershire Police** – no objection, request for a financial contribution of £60,674.59

## **7. Policy**

### 7.1. Core Strategy (2009)

- 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
- Policy 24: Sustainable Design and Technology

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

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

### 7.3. Leicestershire Minerals and Waste Local Plan (2019-2031)

### 7.4. National Planning Policies and Guidance

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

### 7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Housing Needs Study (2024)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide (LHDG) (2024)
- Landscape Character Assessment (LCA) (2017)
- 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)
- Open Space and Recreation Study (2016)

7.6. The Local Planning Authority is 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 are:

- Principle of development
- Housing Land Supply
- Design and Impact upon the Character of the Area
- Design and Layout
- Impact upon Residential Amenity
- Impact upon Parking Provision Highway Safety
- Ecology and Biodiversity
- Archaeology
- Trees
- Flooding/Drainage
- Infrastructure and development contributions
- Conclusion and 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.
- 8.3. The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP) and Leicestershire Minerals and Waste Local Plan.
- 8.4. 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.
- 8.5. 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.
- 8.6. 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.
- 8.7. 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 Newbold Verdon, 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 Newbold Verdon and therefore is in the designated open countryside. Therefore, Policy 7 of the adopted Core Strategy is not applicable in these site-specific circumstances.
- 8.11. 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. Given the above, the Council considers that the proposal is offered no support by Policy 7 of the adopted Core Strategy or Policy DM4 of the SADMP and represents new development in the designated open countryside.
- 8.15. 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. Other material considerations are set out within the next sections of the report.

### **Housing Land Supply**

- 8.16. 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.
- 8.17. 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.

- 8.18. 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.
- 8.19. HBBC's 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 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.
- 8.20. 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.
- 8.21. 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.
- 8.22. 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.
- 8.23. 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.
- 8.24. 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).
- 8.25. In this instance, Paragraphs 66, 110, 115, 129, 135 and 139 apply in the determination of this planning application.

- 8.26. 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 of the Area**

- 8.27. Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed places.
- 8.28. 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.
- 8.29. 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, taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.30. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment.
- 8.31. 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...”
- 8.32. This is supported by Policy DM4 of the SADMP, which states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
  - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
  - iii.) It does not create or exacerbate ribbon development.
  - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
  - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21
- 8.33. DM10 of the SADMP requires development to enhance the character of the surrounding area, appropriate use of building materials, high standards of landscaping, conservation of energy, and that natural surveillance, fire safety measures and the principles of secured by design is maximised. This is also supported through the Borough Council’s adopted Good Design Guide 2020.
- 8.34. The Site is situated entirely within the Newbold and Desford Rolling Farmland Landscape Character Area (LCA), albeit with the northern boundary abutting and occasionally extending into the Urban Character Area of Newbold Verdon. The site is typical of the wider landscape character area in terms of key characteristics present, with no fundamentally defining features. The surrounding landscape has a good network of public footpaths and recreational routes, with PRoW S26 running alongside and within the Site’s eastern boundary.
- 8.35. Visually, the site is contained by its boundary hedgerows and hedgerow trees, as well as the dwellings on Arnold Way to the north. Although the land surrounding the site is relatively open, the presence of layering of mature field boundary hedgerow vegetation and blocks of woodland means that there are few opportunities to view the site. Visibility of the Site is only possible from the existing settlement edge to the north (limited to directly adjacent properties only), the adjoining allotments and

Public Footpath S26 as it runs through the site's eastern extent. There are very limited glimpsed views of the eastern extent of the site from the Newbold Verdon Cricket Club (Alans Way Playing Fields) to the north-east, limited by the presence of intervening boundary vegetation. All other visibility is restricted to glimpses through gaps in hedgerows where the site is seen within the context of the existing backdrop of settlement and woodland beyond. With the addition of Phase 1 within the fields to the south of the site, availability of views and the feeling of openness will reduce further, particularly for those receptors to the west and south.

- 8.36. The application is supported by a Landscape and Visual Impact Assessment (LVIA) undertaken by Tyler Grange. The LVIA is accompanied by an assessment of 11 visual receptors, categorised into the Landscape and Character Area, Site Specific Landscape, Road Receptors, Public Right of Way Receptors, Recreational Receptors, and Residential Receptors.
- 8.37. The submitted LVIA acknowledges that development will change the site, however that change will be consistent with and will complement the existing townscape to the north (and south in Phase 1) in terms of use, pattern, grain, and appearance. It will also include the creation of areas of public open space which will contribute to the character of the landscape locally and connect to nearby recreational facilities such as Alan's Way Playing fields to the east and the 'Country Park' of Phase 1 to the south.
- 8.38. There will be some loss of hedgerow/tree belt vegetation along the southern site boundary to facilitate vehicular access, but the landscape masterplan layout shows there is an intention to ensure replacement planting which far exceeds the loss. The impacts on the landscape character of the site within the context of the Newbold and Desford Rolling Farmland LCA are considered to result in minor neutral residual effects (year 15) as only a very small proportion of the landscape character area will be changed, no fundamentally defining features will be lost, and those features that will change will be compensated for. Effects upon the landscape character of the site will be moderate adverse initially, which is unsurprising given the change from greenfield to built form. However, as proposed mitigation planting matures to reinforce landscape features and new built form assimilates into the existing settlement context to the north this is anticipated to reduce to a residual impact of minor adverse.
- 8.39. Some moderate-minor adverse residual visual effects will remain at year 15 for users of a 260m stretch of Footpath S26 as it passes directly along the site's eastern edge, which is expected given the proximity of receptors and the wholesale change of the Site from a pastoral field to built form. Beyond this, anticipated effects upon identified visual receptors are between minor to negligible.
- 8.40. A high-level review has predicted that residential receptors of Arnold's Crescent, backing onto the northern edge of the Site, would experience a moderate magnitude of change as a result of proposals at both Years 1 and 15. The residential amenity of these properties will however be considered within future masterplan development and at reserved matters stage.
- 8.41. Both the landscape and visual effects are very limited in geographic extent, and all effects are therefore localised to the site and its immediate context, affecting only a small number of existing residents, and users of only short sections of the public footpath routes surrounding the site. The proposal represents an opportunity to provide a characteristic settlement infilling between Arnold's Crescent Properties and the Phase 1 development to the south, that can provide enhancements to the landscape through the creation of a network of public open spaces, and new recreational links to walking routes and recreational facilities. The development would provide a transitional edge between the wider landscape to the south east and Phase 1 to the south and complements the existing built settlement edge and the rural context of the countryside to the south-east.
- 8.42. In summary, the scheme is considered to result in largely minor, but at most minor to moderate adverse harm to the character of the site, the surrounding area, and

the intrinsic value, beauty, open character, and landscape character of the designated countryside at year 15.

- 8.43. A series of landscape recommendations have been made as a result of the baseline landscape and visual appraisal work undertaken. The LVIA sets out that the incorporation of the recommendations into the final development layout would result in a scheme which would not cause any unacceptable adverse landscape or visual impacts on the Newbold and Desford Rolling Farmland character area, or on the visual amenity of nearby users of the landscape and townscape edge.
- 8.44. Whilst the proposed mitigation and siting of the proposed development with existing built form to the north and south would help to assimilate the proposed development into the landscape and wider area, there would still be some degree harm to the character of the area.
- 8.45. Therefore, the development is considered to be in conflict with Policies DM4 and DM10 of the SADMP, Chapters 12 and 15 of the NPPF, including 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**

- 8.46. 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.
- 8.47. 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.
- 8.48. 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 135 dwellings with access into the site from Phase 1.
- 8.49. It is considered that the discussion of the detailed design of the development within the Design and Access Statement and Landscape Masterplan demonstrates that a suitable scheme is feasible in terms of the design and layout.
- 8.50. 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. The scheme develops 3.46ha of the 6.84ha site for residential dwellings. For 135 dwellings, the developed area would have a net density of 39 dwellings per hectare, which would exceed the minimum density requirements of the adopted Policy 16 of the Core Strategy.
- 8.51. Given the above, it is considered that the density is acceptable and compliant with Policy 16 of the adopted Core Strategy.

### **Impact on Residential Amenity**

- 8.52. 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.

- 8.53. 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.
- 8.54. 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.
- 8.55. The indicative Landscape Masterplan suggests that a suitable 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 to the existing dwellings on Arnold's Crescent or future residents. Whilst the indicative built area backs on to existing dwellings to the north of the site, it is anticipated that gardens would back on to each other, affording sufficient separation distances between dwellings.
- 8.56. To summarise, 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. 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**

- 8.57. Section 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that in assessing specific applications for development it should be ensured that sustainable transport modes are prioritised, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas and other transport elements reflect national guidance. 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.
- 8.58. 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.
- 8.59. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, and does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.60. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.61. The LHA previously requested additional information was submitted by the Applicant within its observations dated 10th February and 8th August 2025. Most recently, the LHA required the Applicant to provide further improvements to the site access on to Brascote Lane, given the total number of dwellings which would be located off a single point of access. The applicant subsequently submitted a technical note and speed reduction scheme which has been assessed as part of the latest LHA response.
- 8.62. The LHA advised that a ghost right turn lane would be required for the proposed single point of access which would serve up to 374 dwellings. Following this, the applicant

proposed a package of speed reducing measures along Brascote Lane to help to achieve a compliant access in this location.

- 8.63. The LHA has advised that whilst the principle of the traffic calming scheme as proposed is deliverable, the Applicant will need to provide an independent Stage 1 Road Safety Audit. The proposals and specific details as to what measures are implemented may need to change following the RSA.
- 8.64. Conditions are recommended including compliance with the submitted plans, the provision and retention of visibility splays, internal access width, speed reduction measures, Travel Plan, site drainage, and treatment of the PROW. Subject to these conditions the proposal complies with policies DM17 and DM18 of the SADMP, and the relevant provisions of the NPPF and LHDG.

### **Ecology and Biodiversity**

- 8.65. Policy DM6 of the SADMP states that major development must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long term.
- 8.66. The application has been subject to consultation with the Leicestershire County Council Ecology Team who have confirmed there is no objection to the proposed development subject to conditions relating to Biodiversity habitats and Biodiversity Net Gain. Officers were satisfied that as a result a biodiversity net gain would be achieved on the site. The development therefore accords with Policy DM6 of the SADMP.

### **Archaeology**

- 8.67. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk-based assessment and where applicable a field evaluation. Paragraph 205 of the NPPF also reiterates this advice.
- 8.68. The submission includes a Heritage Statement and geophysics report, which has been reviewed by LCC Archaeology. There has also been consideration of the results of the trial trenching to the immediate south of the site, which did not identify positive evidence for archaeological activity on that site.
- 8.69. LCC Archaeology has recommended a pre-commencement condition for a programme of archaeological work, including a post-investigation assessment and analysis. As there is no objection to the proposal and agreement to the pre-commencement condition by the Applicant, the proposal is considered to accord with Policy DM13 of the SADMP and paragraph 205 of the NPPF in this regard.

### **Minerals**

- 8.70. The application site falls within a sand and gravel Mineral Safeguarding Area identified by Leicestershire County Council. Under Policy M11 of the Leicestershire Minerals and Waste Local Plan up to 2031, planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Resource Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.
- 8.71. LCC Minerals initially objected to the proposal on the basis that no Mineral Assessment was submitted, which is usually a requirement for non-mineral development within a Mineral Safeguarding Area.

8.72. In response, the Applicant submitted a Minerals Assessment Note, which involves a desk-based study. This note concludes that there is a lack of workable resource that would be viable for extraction that warrants safeguarding. Furthermore, there is no potential for sand and gravel resource to be worked in the land adjoining the site to the east due to proximity to residential dwellings, rendering any potential extraction at the site unviable.

8.73. The LCC Minerals Team were re-consulted and commented as follows:

*“Previous concerns relating to the potential for minerals sterilisation and conflict with Policy M11 of the Leicestershire Minerals and Waste Local Plan (adopted 2019) are now withdrawn. Having reviewed the submitted Minerals Assessment Note, the Mineral Planning Authority are satisfied that the applicant has demonstrated that sand and gravel underlying or adjoining the application site is not of any potential value and that there is a lack of workable resource that is viable. To conclude, we have no objection to the proposals from either a waste or minerals perspective.”*

On this basis, the proposal is not considered to conflict with Policy M11 of the Leicestershire Minerals and Waste Local Plan (adopted 2019) and are acceptable in this regard.

### **Flooding/Drainage**

8.74. Policy DM7 of the SADMP outlines that adverse impacts from flooding will be prevented. Developments should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated in line with National Policy. Policy DM10 outlines the requirement for an appropriate Sustainable Drainage Scheme.

8.75. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

8.76. The site is a greenfield totaling 14.3 ha in size with the developable area being circa 6.6ha. The site is within Flood Zone 1 (low risk of fluvial flooding) and at a low to medium risk of surface water flooding. The surface water proposals seek to discharge to four onsite attenuation basins before being discharged at a QBar discharge rate of 34.3l/s via detention basins to the onsite watercourse to the north of the site.

8.77. Conditions are recommended to ensure that no development can commence until a surface water drainage scheme and details of maintenance have been submitted and approved by the LPA.

8.78. HBBC's drainage officer has raised no objection owing to the above conditions.

8.79. No additional conditions are proposed by the LLFA. Therefore, subject to the aforementioned conditions, the development is considered to comply with Policy DM7 of the SADMP.

### **Infrastructure and Development Contributions**

- 8.80. 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.
- 8.81. 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.
- 8.82. 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*

- 8.83. 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.
- 8.84. Policy 15 of the adopted Core Strategy states that developments in rural areas, including Newbold Verdon, that provide 15 dwellings or more should allocate 40% of its units towards affordable housing.
- 8.85. 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.
- 8.86. In accordance with National Planning Policy, the Council's Affordable Housing Officer has confirmed that 54 affordable housing properties should be provided in the following tenure mix: 40 for Social Rent and 14 for Shared Ownership.
- 8.87. 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.
- 8.88. 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*

- 8.89. The following infrastructure contributions totalling £1,832,493.21 have been requested by the County Council, the Council's Section 106 Monitoring and Compliance Officer, and NHS England:

- Early Years Education (Newbold Verdon Primary School) (£743,418.00)
- Healthcare (NHS England) (£104,544.00)
- Libraries (Newbold Verdon Library) (£4,076.69)
- Off-Site Outdoor Sports Contributions (£46,915.20)
- Off-Site Outdoor Sports Maintenance (£22,291.20)
- On-Site Public Open Space Contributions (£88,417.98)
- On-Site Public Open Space Maintenance (£186,516.00)
- Post-16 Education (Bosworth Academy) (£86,101.79)
- Primary SEND Education (The Dorothy Goodman School) (£32,178.64)
- Secondary SEND Education (The Dorothy Goodman School) (£44,026.74)
- Secondary Education (The Market Bosworth School) (£403,014.42)
- Waste (Barwell Household Waste and Recycling Centre) (£6,686.55)
- Travel Packs (supplied by LCC at £52.85 per plot + administration charge of £500)
- Six-month bus passes (two per dwelling – can be supplied by LCC at £605 per pass)
- Sustainable Travel Accreditation and Recognition Scheme monitoring fee - £6,000
- Footpath S26 improvements (£64,306)

#### *Public Open Space*

- 8.90. 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.
- 8.91. 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.
- 8.92. The following on-site public open space provisions are therefore required:

<b>POS Type</b>	<b>Equipped Children's Play Space</b>	<b>Casual/Informal Space</b>	<b>Accessible Natural Green Space</b>
Provision per dwelling (2.4 people per dwelling) (sqm)	3.6	16.8	40
No. of dwellings	135	135	135
Sqm to be provided	486	2,268	5,400
On-site provision per sqm	£181.93	£4.44	£4.09
Provision contribution	£88,523.45	N/A	N/A
Maintenance Contribution per sqm (Based on 20 Years)	£175.60	£10.80	£14.20
Maintenance Contribution	£85,523.45	£24,494.40	£76,680.00
<b>POS Provision Total</b>	<b>£88,417.98</b>		
<b>POS Maintenance Total</b>	<b>£186,516.00</b>		

- 8.93. An off-site contribution of £46,915.20 (£9.05 per sqm) and a maintenance contribution of £22,291.20 (£4.30 per sqm) towards 5,84sqm (38.4sqm per dwelling) of outdoor sports provision should also be provided within an agreed Section 106 Agreement.
- 8.94. 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 grasslands.
- 8.95. The LHA have requested Travel Packs, Bus Passes, a Monitoring Fee for the Travel Plan, and a contribution of £64,306 towards appropriate surfacing of Footpath S26 and provision of appropriate street lighting.
- 8.96. 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.
- 8.97. Regarding the request by Leicestershire Police for a contribution of £60,674.59; HBBC do not consider the request to meet the planning obligations tests of para 58 of the NPPF as it has not been demonstrated that they are necessary to make the development acceptable in planning terms, directly related to the development and fairly and reasonably related in scale and kind to the development.

## **9. 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. Planning Balance**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are

considered to be out of date as they focused on delivery of a lower housing requirement than is now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 10.3. Newbold Verdon is a Key Rural Centre (standalone) and therefore has a reasonable provision of services/infrastructure to support the development, of which it provides to the settlement and the wider, rural hinterland. The proposed access is considered acceptable, and conditions have been included securing improvements to the footpath network, which is judged to be a public benefit beyond mitigation of the development itself. This is attributed moderate positive weight.
- 10.4. The provision of up to 135 dwellings (40% of which to be affordable units) is considered to be a significant social benefit of the proposal and weighs heavily in favour of the scheme.
- 10.5. Whilst the scheme does not fully comply with Policy DM4 of the SADMP, the long-term (year 15) impact on landscape and visual amenity has been assessed and is considered to be at worst moderate to minor adverse when viewed by users of PROW S26. The long-term level of effect and nature on most of the key visual receptors are negligible/minor for this development. Limited weight is therefore attributed to the conflict with DM4.
- 10.6. Other benefits of the scheme apart from the delivery of market and affordable homes include the relative accessibility to facilities and services, the likely increase in biodiversity on the site and the economic and social benefits through the construction of dwellings, the financial contributions as set out in paras 8.89 – 8.97 above and from subsequent activities of future residents in the local area. These benefits are considered to attract moderate weight.
- 10.7. As the tilted balance applies, paragraph 11(d) of the NPPF requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Taking into account the housing land supply position and the need for affordable homes within the Borough, it is considered that the adverse impacts of the proposed development would not significantly and demonstrably outweigh the benefits (identified above) when assessed against the policies in the NPPF when taken as a whole. The scheme is therefore deemed to be acceptable subject to conditions and the requirements and financial contributions as part of a signed Section 106 Legal Agreement.

### **Conclusion**

- 10.8. That the application be Approved subject to the conditions set out below and subject to the entering into of a S106 Agreement to secure the required financial contributions and other measures set out above at paragraph that include affordable housing, infrastructure and highway, open space, maintenance and monitoring costs.

## **11. Recommendation**

- 11.1. **Grant planning permission** subject to:

- The completion of a S106 agreement to secure the following obligations:
  - Affordable housing provision
  - Libraries - Newbold Verdon Library £4,076.69
  - Waste - Barwell HWRC £6,686.55
  - Primary Education - Newbold Verdon Primary School £743,418.00
  - Secondary Education - The Market Bosworth School £403,014.42
  - Post 16 Education - Bosworth Academy £86,101.79

- Primary SEND Education - Dorothy Goodman School Hinckley £32,178.64
  - Secondary SEND Education - Dorothy Goodman School Hinckley £44,026.74
  - Early Years Education £210,635.10
  - NHS ICB Contribution £104,544.00
  - Off-Site Outdoor Sports Contributions (£46,915.20)
  - Off-Site Outdoor Sports Maintenance (£22,291.20)
  - On-Site Public Open Space Contributions (£88,417.98)
  - On-Site Public Open Space Maintenance (£186,516.00)
  - Travel Packs (supplied by LCC at £52.85 per plot + administration charge of £500)
  - Six-month bus passes (two per dwelling – can be supplied by LCC at £605 per pass)
  - Sustainable Travel Accreditation and Recognition Scheme monitoring fee - £6,000
  - Footpath S26 improvements (£64,306)
- Planning conditions outlined at the end of this report
  - Power to determine the final details of the conditions to be delegated to the Assistant Director Planning and Regeneration

## 11.2. **Conditions and Reasons**

1. The Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

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

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 adopted 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, as follows:
  - Site Location Plan – Drg. No. 902832.36.01 Rev B - received 23/12/24
  - Proposed Access Strategy ( )

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

4. The first reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with the Council's adopted Development Plan and the most up to date Housing Needs/Market Assessments for the area.

Any and all subsequent reserved matters applications in relation to housing shall

accord with the approved details and shall be accompanied by a statement which demonstrates compliance with the approved mix.

**Reason:** To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy 2009.

5. Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall thereafter be carried out in accordance with the approved levels.

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

6. Each future reserved matters application in relation to housing, shall include a 'Building for a Healthy Life' assessment for the development. The details of the development shall incorporate the 12 considerations set out within the 'Building for a Healthy Life' document (Homes England) and parameters shall be agreed with the local planning authority and implemented on site in accordance with the approved details and retained thereafter.

**Reason:** To ensure the development is appropriate to the local area and meets amenity standards in accordance with policy DM10 of the Site Allocations and Development Management Policies DPD, Policy 16 of the Core Strategy, and the Good Design Guide SPD.

7. No development shall take place (including ground works or vegetation clearance) until a Construction Traffic and Environment Management Plan has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:
  - a. Identification of potentially damaging construction activities
  - b. practical measures and sensitive working practices to avoid or reduce impacts during construction on any protected species present.
  - c. timing of works to avoid harm to nesting birds
  - d. responsible persons for overseeing sensitive works
  - e. use of protective fencing where required
  - f. noise mitigation measures in accordance with the submitted noise impact assessment (Hepworth acoustics, received 29.05.25)
  - g. wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision
  - h. how the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, smoke, light and land contamination during site preparation and construction.

The approved CEMP shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the LPA. The agreed details shall be implemented throughout the course of construction for the whole development area.

**Reason:** To ensure that the development does not cause harm to any protected species or their habitats and to minimise disruption to the neighbouring residents in accordance with Policies DM6, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Government guidance contained within the National Planning Policy Framework.

8. Notwithstanding Hub drawing number T24516.001, no part of the development shall be occupied until such time as a scheme to reduce the speed of traffic on Brascote Lane in the vicinity of the site access which has been subject to a Stage 1 Road Safety Audit and Designer's Response has been submitted to and agreed in writing with the LPA. The approved scheme shall then be implemented in full prior to occupation of the first dwelling.

**Reason:** To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

9. Notwithstanding the submitted plans, the proposed two internal accesses to the development shall have a minimum carriageway width of 5.50 metres, a 2.0 metre wide footway on both sides and shall be surfaced in a bound material.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

10. No part of the development hereby permitted shall be occupied until such time as the access arrangements on to Brascote Lane shown on Hu drawing number T20517.001 Rev C have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

11. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 x 160 have been provided at the site access on to Brascote Lane. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

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

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

13. The Travel Plan shall be carried out in accordance with the details contained within reference T24516 (Rev. B dated 5th July 2024 and authored by Hub). A Travel Plan Co-ordinator shall be appointed from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial

measures.

**Reason:** To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (2024).

14. No development shall take place until a scheme for the treatment of the Public Right of Way Footpath S26 has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction (including proposed temporary route(s)); ensuring plans reflect the correct legally-recorded PRoW alignments, or any legal diversion order to ensure they do so in future; and any new construction works and other enhancement. Physical construction should address width, surfacing, drainage, structures, signposting, and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted guidance on Development and Public Rights of Way. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

**Reason:** To protect and enhance Public Rights of Way an access in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 105 of the National Planning Policy Framework (2024).

15. Prior The development shall not commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:
  - a) Description and evaluation of the features to be managed;
  - b) Ecological trends and constraints on site that may influence management;
  - c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
  - d) Description of the management operations necessary to achieving aims and objectives;
  - e) Preparation of a works schedule, including annual works schedule;
  - f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
  - g) Details of the persons responsible for the implementation and monitoring;
  - h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
  - i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain

**Reason:** To enhance biodiversity, and in accordance with the National Planning Policy Framework and paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990 and in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. No development approved by this permission shall be commenced until a scheme for the remediation of land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority.

The scheme of 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).

17. If during development, contamination not previously identified is found to be present at the site, no further development shall take place within the affected area until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with.

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

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

18. Site preparation and construction shall be limited to the following hours;

Monday - Friday 07:30 - 18:00

Saturday 08:00 - 13:00

No working on Sundays, Bank Holidays and Public Holidays

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

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

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

**Reason:** To ensure satisfactory archaeological investigation, recording, dissemination and archiving in accordance with Policy DM13 of the Site Allocations and Development Management Policies Development Plan Document (2016).

20. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of

surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

21. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details in perpetuity.

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

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

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

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

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

24. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the local planning authority.

**Reason:** To ensure that the development does not cause harm to any trees or protected species habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016, and to ensure that the development achieves Biodiversity Net Gain in accordance with paragraph 187 and 193 of the NPPF (2024).

25. 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.

### **Informatives**

1. This decision is also 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.
2. 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.
3. Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore, all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
4. Any highway that is not to be adopted by the Local Highway Authority should, as a minimum, be constructed to adoptable standards.
5. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>
6. To erect temporary directional signage, you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
7. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://www.leicestershirehighwaydesignguide.uk/>
8. Planning Permission is required for any construction access onto a classified road, unless it is in strict accordance with the development access planning approval. To carry out off-site works associated with a construction access onto a classified road, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit. However, if planning consent has not been secured in respect of the construction access, the section 184 application will be refused.
9. All S278 works in Leicestershire require core samples of the existing road pavement during the Technical Approval process. This is to ensure that the full area of existing carriageway is suitable for the intensification of use, and that there are no underlying road pavement issues which are not evident on the surface, for example a perished binder layer. The cores also assist with ensuring that the pavement design matches the existing, for example you may propose a 40mm surface course, but the existing is 50mm. We would not want a

10mm layer of existing material left in situ. Any UKAS accredited lab is suitable, their website has a useful search function that can filter geographically for local providers.

10. Confirmation that statutory undertakers are not affected by the works should be provided. This should be either a websearch plan showing that they have no assets in the area of works, or if they do have assets in the area a formal NRSWA C3 response from the Statutory Undertaker stating that they are unaffected. If Statutory Undertakers are affected please provide the response letter, estimate of works and plan of the works. This can be undertaken at the detailed design stage of the scheme.
11. For information at this stage, in accordance with LHDG Tables 3 and 4 the longitudinal gradient at junctions should not exceed 1:30 for the first 10m.
12. The existing drainage system should be proven by a CCTV survey to ensure it is running free of blockages and suitable for the proposed changes. The survey should cover the existing highway drainage system to where it outfalls / joins the Severn Trent Water system. A drainage system will be required to ensure that surface water from the development does not flow in to the highway. This can be undertaken at the detailed design stage of the scheme.
13. Full width carriageway resurfacing is required across the entire length of the proposed junction. This will eliminate joints and potential weak points in the carriageway and also reduce the chances of differential settlement. This can be allowed for at the detailed stage of the scheme.
14. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
15. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
16. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
17. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
18. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
19. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
20. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
21. The development is subject to the mandatory "biodiversity gain condition". A Biodiversity Gain Plan must be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of this development.

22. 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.
23. 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 while also considering urban creep and the potential for a surcharged outfall.
24. 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.
25. 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.
26. 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.
27. No trees and shrubs shall be removed on site during the bird nesting season (1st March to 31st July inclusive).