

Planning Committee 6th June 2023
Report of the Head of Planning (Development Management)

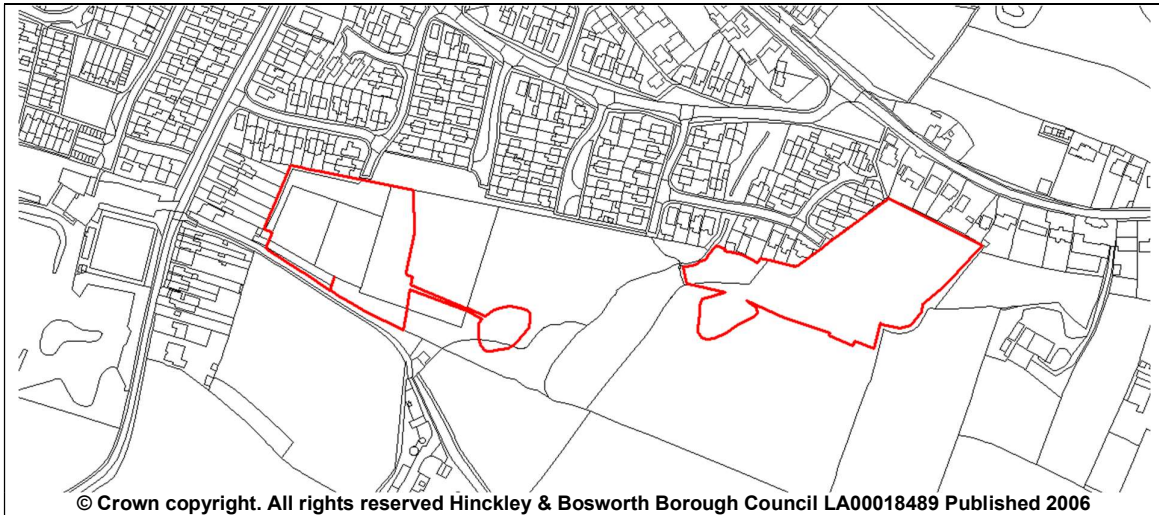


Hinckley & Bosworth
Borough Council

Planning Ref: 21/01389/OUT
Applicant: Mr James Ottewell
Ward: Barlestone Nailstone And Osbaston

Site: Land Off Spinney Drive and South of Brookside, Barlestone

Proposal: Residential development for up to 49 dwellings (Outline- access only)



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - Affordable housing at 40% (20 Units) with a split of 75% of the units as social/affordable rented and 25% of the units as intermediate tenure (shared ownership).
 - Location connection requirement for the affordable housing for rent and cascade mechanism.
 - The agreed s.106 will obligate the developer to provide the minimum policy requirements for Open Space, as well as to provide and then transfer the on-site open space area to a management company, or, in the alternative, request that either the Borough Council or the Parish Council maintain it.
 - Civic Amenity contribution of £2,426.97 towards Barwell Household Waste Recycling Centre
 - Library services contribution of £1,479.69 towards provision of additional resources at Newbold Verdon Library, Sparkenhoe
 - Education contribution of £447,364.27 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Barlestone Church of England Primary School or any other school within the locality of the development (£269,833.20) to accommodate 15 pupil places, The Market

- Bosworth School (£146,279.31) to accommodate 9 pupil places, and Bosworth Academy to accommodate 2 places (£31,251.76).
- NHS Health care contribution of £23,670.53 for improvements to Barlestone Surgery
- Travel Packs (1 per dwelling)
- 6 month travel passes (2 per dwelling)
- Planning conditions outlined at the end of this report

1.2. That the Planning Director be given powers to determine the final detail of planning conditions.

1.3. That the Planning Director be given delegated powers to determine the final terms of the S106 agreement including trigger points and claw back periods.

2. Planning application description

2.1. This application seeks outline planning permission for up to 49 dwellings. The matter of access is the only matter to be determined at this stage.

2.2. The application is supported by:

- Parameters plan
- Site location plan
- Design and Access Statement
- Planning and Heritage Statement
- Odour screening assessment
- Flood risk assessment
- Archaeological assessment
- Geophysical report
- Trial trenching report
- Ecological Appraisal
- Transport Statement
- Arboricultural Assessment
- Ground investigation report
- Landscape and Visual Appraisal

2.3. During the course of the application the applicant has responded to consultee comments and submitted a road Safety Audit and Designer's Response, as well as an Ecological Appraisal and Biodiversity Net Gain Report.

3. Description of the site and surrounding area

3.1. The application site is located towards the south of Barlestone and measures approximately 5.5 hectares in size and is broadly rectangular in shape and relatively flat in profile. The site is adjacent to Bosworth Road to the west, arable fields to the south and east, and existing built development to the north.

3.2. The proposed development parcels to the east and west of the site are located within the defined settlement boundary of Barlestone, with the remainder of the site outside and as such is located within open countryside.

3.3. The site boundaries are defined by the rear garden boundaries of No.'s 57-67 Bosworth Road to the west, to the south and east there is sporadic hedgerow and tree belt coverage, and to the north low hedgerow treatment with some trees separating the site from the southern edge of the settlement boundary of Barlestone.

4. Relevant planning history

14/00001/PP

- Erection of 49 dwellings with landscaped open space
Appeal allowed
18.08.2014

13/00025/PP

- Erection of 49 dwellings, landscaped public open space and creation of a formal wetland habitat with access
Appeal dismissed
18.08.2014

13/00735/FUL

- Erection of 49 dwellings with landscaped open space
Refused
11.12.2013

12/01029/FUL

- Erection of 49 dwellings, landscaped public open space and creation of a formal wetland habitat with access
Refused
28.06.2013

5. Publicity

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

5.2. 17 letters of objection have been received from local residents raising the following matters:

- Local infrastructure including schools and doctors are struggling
- Traffic and parking in Barlestone is at a dangerous level
- Walking routes will be ruined
- Noise and disturbance during construction
- Barlestone already has large development approved and is at capacity
- Wildlife habitats will be destroyed
- Drainage information needs to be explained
- The site is close to the sewerage station which can give off unpleasant smells
- Issue of re-routing culvert across the land south of Brookside has not been addressed
- Flooding risk
- Little green space left on the boundaries of the village
- The village will lose its character with further development
- Site access location is not indicated
- Climate change and air pollution impacts

6. Consultation

6.1. The following consultees raise no objection, some subject to conditions/S106 contributions:

- LCC Highways (S106 contributions and conditions)
- LCC Minerals
- LCC Ecology (conditions)
- LCC Archaeology
- LCC Drainage (conditions)
- Environmental Health Drainage (conditions)
- Coal Authority

- Environmental Services (Pollution) (Conditions)
 - HBBC Affordable Housing (S106)
 - HBBC Tree Officer
 - HBBC Waste Services
 - HBBC Conservation Officer
 - Ramblers Association
 - Severn Trent Water (informative)
- 6.2. LCC Developer Contributions – Education, Libraries and Waste contributions requested.
- 6.3. Barlestone Parish Council – Objection for the following reasons:
- Infrastructure unable to cope with additional development in Barlestone
 - Unsafe highway situation on Barton Road and Newbold Road
 - Road disruption to local residents, particularly HGVs
 - Proposed access arrangement is unclear
 - Request for traffic calming measures if approved
- 6.4 HBBC Compliance and Monitoring Officer (5/2/21) – seek clarification on what the open space will be.
- Based on 49 dwellings an area of equipped play space should be a minimum of 176.4sqm and Casual / Informal Open Space should be 823.2sqm. Equipment should cost approx. £32k The area allocated to POS has been provided in design and access.
- Concern that one parcel has open space and the other does not. Maintenance contributions, management etc should be detailed in the legal agreement. Outdoor sports contribution should be secured for sports within 1km of the site. Enhanced links to public footpaths should be considered.

7. Policy

- 7.1. Barlestone Neighbourhood Plan 2020-2039 - made June 2022
- Policy H2: Settlement Boundary
 - Policy H4: Housing Mix
 - Policy H5: Affordable Housing Provision
 - Policy H6: Design Standards
 - Policy ENV3: Protection of Sites of Natural Environmental Significance
 - Policy ENV4: Important Open Spaces
 - Policy ENV5: Built Environment: Local Heritage Assets
 - Policy ENV7: Notable Trees, Woodland and Hedges
 - Policy ENV8: Biodiversity and Habitat Connectivity
 - Policy ENV10: Rights of Way
 - Policy ENV11: Flood Risk
 - Policy TR1: Traffic Management
 - Policy TR2: Electric Vehicles
 - The proposed residential development areas fall within the Settlement Boundary (Policy H2), with the rest of the site falling outside.
 - Three site allocations are made in policy H2 to meet the minimum need of 57 new units by 2039 identified by Policy H1
- 7.2. 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

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

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

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5. Other relevant guidance/documents

- Good Design Guide (2020)
- Landscape Institute Technical Guidance Note 'Reviewing Landscape and Visual Impact Assessments and Landscape and Visual Appraisals' January 2020.
- Hinckley and Bosworth Landscape Character Assessment 2017.

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

Assessment against strategic planning policies

8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site

Allocations and Development Management Policies DPD (2016) (SADMP), and the Barlestone Neighbourhood Plan (BNP).

- 8.4. The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The site is included in this Draft as an emerging housing allocation for 49 dwellings (Land at Spinney Drive ref. BARL02H). The latest Local Development Scheme (LDS) was approved at Full Council on 13 December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 19 Consultation which is not scheduled until May-June 2024. The Replacement Local Plan is therefore delayed.
- 8.5. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The urban area is the focus for development and within the rural area the hierarchy of settlements is as follows; Key Rural Centres, Rural Villages and Rural Hamlets. Policy 11 of CS identifies Barlestone as a Key Rural Centre. To support local services and maintain rural population levels, the policy states that the Council will allocate land for at least 40 new homes. Developers will be required to demonstrate that the number, type and mix proposed will meet the needs of the village, taking account of the latest evidence, in line with policies 15 and 16 of the CS. These policies are considered in later sections of this report.
- 8.6. The development parcels of the site are located within the settlement boundary of the village and identified as 'Residential sites with planning permission' (BARL27PP) as set out in the SADMP inset map. The most recent permission (13/00735/FUL) for 49 dwellings has since expired. The site is also located within the Neighbourhood Plan settlement boundary. As such, residential development on this land is acceptable in principle subject to the proposal according with all other aspects of the Development Plan.

Housing Land Supply

- 8.7. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.8. Following two recent planning inquiries in November/December 2022 (Land at Sketchley Lane, Burbage) and February 2023 (Land east of The Common, Barwell) the Council has agreed through a statement of common ground a revised position on its 5-year housing land supply and the current figure is 4.76 years as of 31 March 2022. Due to this paragraph 11(d) of the NPPF is engaged. Therefore, this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.9. Paragraph 11d) of the NPPF states that, for decision makers:
“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*
 - 8.10. Footnote 8 in the NPPF states that the application of this approach “*includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years*”.
 - 8.11. Paragraph 60 of the NPPF sets out that “*it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay*”.
 - 8.12. Paragraph 77 of the NPPF sets out that “*To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years.*”
 - 8.13. Development on this site would contribute to the housing land supply and consideration should be given to paragraph 77 of the NPPF which states:

“To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability.”
 - 8.14. Therefore, currently the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
 - 8.15. The BNP identifies three sites for housing totalling 57 dwellings, exceeding the requirement of 40 homes set out in the CS. However, it also states that the Neighbourhood Plan is obliged to work within the broad housing requirements specified by HBBC.
 - 8.16. The provision of up to 49 dwellings, a proportion of which (up to 20) is to be Affordable Housing, is therefore considered to be a significant benefit and in light of the failure to deliver a 5-year supply it is considered that moderate weight should be given to the provision of the proposed dwellings.
- Strategic policies conclusion
- 8.17. In conclusion, the proposed development falls within the village boundary of Barlestone and will therefore be supported subject to proposals respecting the character of the area and complying with other relevant Policies in the Plan. The site is also allocated within the SADMP for 49 dwellings under reference BARL27PP as well as the Draft Regulation 19 Local Plan (2020-2039) as an emerging housing

allocation for 49 dwellings (Land at Spinney Drive ref. BARL02H). A second Regulation 19 Consultation is scheduled for May-June 2024, therefore the site's inclusion in the current draft is afforded limited weight.

- 8.18. The NPPF in paragraph 49(b) advises that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both the following are met:
- (a) "the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."
- 8.19. The current proposal for 49 dwellings is not considered to undermine the plan-making process. The site is a proposed allocation in the emerging Local Plan and so the consideration of this application does not pre-determine that process. The current development proposal for the site is therefore to be considered on its merits.
- 8.20. The presumption in favour of sustainable development in paragraph 11d of the NPPF 'the tilted balance' applies. Therefore, in principle, planning permission should be granted unless the presumption in favour of sustainable development can be displaced by any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. To achieve sustainable development, the NPPF states that the planning system has three overarching objectives; economic, social and environmental, which are interdependent. In summary, the proposal complies with the relevant Policies in the BNP and SADMP and is considered to represent sustainable development and is therefore judged to be acceptable in principle.

Housing mix and density

- 8.21. Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a 'very good' rating against Building for Life, unless unviable. A minimum density of 30 dwellings per hectare is required in rural areas, a lower density may be required where individual site circumstances dictate and are justified.
- 8.22. The Good Design Guide SPD advocates the use of the Building for Life assessment.
- 8.23. Policy H4 of the BNP relates to Housing Mix and states:
- New development should provide for a mixture of housing types having regard to identified local housing needs. The provision of bungalows suitable for elderly people and dwellings of 2/3 bedrooms will be particularly supported. The inclusion of four-bedroom or larger houses in housing developments will be supported where they are subservient in number to one, two and three-bedroom accommodation and where there is a proven housing need.*
- 8.24. Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The above policy allows for the most recent evidence to be taken into account in decisions and thus policy 16 is considered up to date in this regard.
- 8.25. The Parameters Plan indicates that the site will achieve a net density of 30 dwellings per hectare (based upon a developed area of 1.62ha on the combined 1.62ha development parcels). The final number, mix, density and layout will be determined

at reserved matters stage. The density meets the 30dph policy requirement and similar to the local context.

8.26. The applicant has not undertaken a Building for Healthy Life Assessment (the replacement for Building for Life). A detailed assessment should be provided at reserved matters stage.

8.27. In conclusion, the parameters plan shows that a mix of dwellings can be provided on site and a detailed scheme for housing mix can be secured by condition to be submitted at reserved matters stage, to secure compliance with policy 16 of the CS

Affordable Housing provision

8.28. Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%.

8.29. Policy H5 of the BNP states:

Affordable housing should be provided and delivered on residential development sites to meet the following criteria:

- they deliver the number and type of affordable homes as set out in Policy H15 of the adopted Core Strategy;
- they demonstrate how the proposal will meet the current and future housing needs of the parish as evidenced in the Parish Housing Needs Survey Report 2016 (Appendix 2) and the HBBC Housing Needs Study (2019) or any more recent document updating either of these reports;
- the affordable units should be integrated within the design and layout of a development such that they are externally indistinguishable from market housing on the same site; and
- wherever practicable, new affordable housing shall in the first instance be made available to eligible households with a connection to the Parish

8.30. The Borough has an unmet affordable housing need and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.

8.31. The development will meet the 40% requirement (20 homes) and the affordable housing officer has no objection to the proposal. The housing officer requires 75% social or affordable rent and 25% intermediate tenure (shared ownership). Properties for affordable housing should meet the larger property type for the bedroom size, so 1 bedroom 2 person properties, 2 bedroom 4 bedrooms, 3 bedroom 5 person and 4 bedroom 6 person. The homes should meet Nationally Described Space Standards (NDSS).

8.32. The application will deliver 40% affordable housing and therefore meets the requirements of policy 15 of the CS. The affordable housing provision will be secured by the S106 agreement. As this site is in the rural area, the section 106 agreement will contain a cascade that the affordable housing for rent is offered firstly to people with a connection to the parish, and secondly to people with a connection to the Borough of Hinckley and Bosworth.

Design and impact upon the character of the area (including landscape)

8.33. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and

application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.

8.34. The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment. The SPD sets out minimum separation distances between dwellings and a general guideline for garden sizes of 7.0m minimum length and size of 60sqm for a 2 bed house, and 80sqm for a 3 bed house. The SPD states the design objectives for Barlestone are to protect the main approaches to the village with the visual links to the countryside, protect the landscape setting of the Church, avoid ribbon development along Newbold Road and reintroduce traditional built form into the village core.

8.35. Policy H6 (Design Standards) of the BNP states:

Development proposals for one or more properties, replacement dwellings and extensions will be supported where they meet the following building design principles to a degree that is proportionate to the scale of the development:

- a) Proposals should respect the character and historic context of nearby existing development within the village. Proposals should demonstrate how they meet the design features as described in the Character Assessment (Appendix 5) and incorporate local materials where practicable. Contemporary and innovative materials and design will be supported where positive improvement can be demonstrated without detracting from the historic context. Care should be taken to ensure that the development does not disrupt the visual impact of the street scene or adversely affect any wider landscape views;
- b) Sufficient off-road parking should be provided at a minimum of the standards in the Leicestershire Highways Design Guide. In particular there should be adequate parking areas for residents and visitors within each development;
- c) The proposal does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise;
- d) Proposals should be enhanced by landscaping with existing trees, protecting existing trees and hedges whenever possible to promote biodiversity. Where watercourses (either man-made or natural), dry ditches, or other water drainage exists, these must be retained. Wherever practicable, plots should be enclosed by native hedging, wooden fencing or walls in keeping with the local style;
- e) Development should incorporate sustainable design and construction techniques, to a minimum of the standards contained within the relevant Building Regulations in force at the time of development and proportionate to the scale of the development, to meet high standards for energy and water efficiency, including the use of renewable and low carbon energy technology such as solar panels and rainwater harvesters;
- f) Proposals should provide species friendly features, such as holes in fencing for hedgehog movements and bat boxes as required with roof and wall construction following technical best-practice recommendations for integral bird nest boxes and bat breeding and roosting sites;
- g) Development should incorporate sustainable drainage systems such as use of water butts, permeable surfaces and balancing ponds to retard surges and to minimise the vulnerability to flooding and poor drainage. 23 Development

proposals should demonstrate that all surface water discharges have been addressed in a sustainable way so that discharge to the public sewerage systems is avoided. All major developments shall ensure that Sustainable Drainage Systems (SuDS) for the management of surface water run-off are put in place unless demonstrated to be inappropriate;

- h) The lighting design, location, type, lux levels of development proposals should take account of best practice including advice from the Institute of Lighting Professionals; and
 - i) Development proposals should make appropriate provision for the storage of waste and recycling.
- 8.36. Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.37. The site is located in open countryside across two development parcels split into western and eastern sections, each of a similar size with intervening open land, green infrastructure, SuDS and public footpaths S36 and S38. One parcel is accessed via Spinney Drive (west) and one via Brookside (east). The site is adjacent to existing housing development to the north and west and open countryside to the south and east.
- 8.38. The application is supported by a Design and Access Statement (DAS) and a Landscape and Visual Appraisal (LVA). The DAS identifies the constraints of the site as being the existing trees and hedgerows (to be retained), existing footpaths (retained or diverted) and the sewage treatment plant located approximately 130m to the south. Opportunities include the creation of a high-quality development that responds to local vernacular, enhancement of open space provision and creating an attractive defined edge to the village. The parameters plan indicates an area of public open space in the western parcel towards the northeast corner, with an area of green infrastructure and SuDs in the southeastern corner of the eastern parcel. Landscaping is proposed to all boundaries of the two parcels which face the countryside to the south and east, and existing hedgerows and trees are to be retained. Public footpath S36 (not within the site but on land under the applicant's control) is to be retained, whilst footpath S38 is to be retained but re-routed through the eastern parcel. The scale of the dwellings is likely to be two-storey to reflect the existing context.
- 8.39. The LVA sets out that the site is not subject to any landscape designations and the site is currently publicly accessible via footpath S38 in the eastern parcel. The site is within the national landscape character area 'Leicestershire and South Derbyshire Coalfield'. The LVA notes that the key characteristics of this character area includes small to medium fields with a wide variation in pattern, including low hedgerows with scattered hedgerow trees. An appropriate landscape strategy is to ensure that the siting and design of new development should complement the existing settlement pattern, to support the vision of the National Forest and maintain rural views including to Church spires and the agricultural rural setting. The Hinckley and Bosworth Landscape Character Assessment also includes a townscape character assessment (TCA) for Barlestone. This notes that a key sensitivity of the village is the rural setting, including the undeveloped gap between Newbold Verdon to the east and Hinckley Road to the west.
- 8.40. The LVA concludes that the development proposals address relevant planning policy, are responsive to the local landscape and townscape character and green

infrastructure of the site, respecting the aims of the Hinckley and Bosworth Green Infrastructure Strategy and Landscape Character Assessment publications.

- 8.41. The Hinckley and Bosworth Landscape Character Assessment identifies the 'key sensitivities and values' of the landscape character area, and these include woodlands, copses, individual trees, hedgerows (including field pattern) and river corridors, a dispersed pattern of settlements, recreational value of the footpath network, semi-improved grasslands and lowland meadows. These features of the landscape that are present within the site will be retained and supplemented with new native tree and hedgerow planting around the built development edges. The existing public open space at the site boundary will be improved and extended to provide a high quality new public space overlooked by the new properties. A public footpath passes through the eastern site parcel. The footpath route would be subject to a minor diversion to accommodate the proposed built development.
- 8.42. The LVA goes on to conclude that the site and its immediate context is of an urban fringe character with the surrounding landscape containing a mix of arable and grazing land with a dense network of hedgerows and trees, with the adjacent settlement edge modern in character. The immediate landscape value is therefore judged to be medium, with the site and its immediate settlement context having a low sensitivity to the proposed development, with the landscape features of the site having a medium sensitivity.
- 8.43. The proposal will have a minor adverse effect on the landscape, which would change to negligible in the longer term once hedgerows and trees have matured. The impact on the wider landscape character has been assessed as negligible, with the proposals well integrated within the existing landscape framework. The visual effects of the proposal are considered to be negligible to minor adverse on completion and by year 15. The only receptors identified within the site, the footpath just to the southwest of the eastern site parcel and at the settlement edge periphery, would be subject to greater effects. These range from minor-moderate/major adverse on completion and generally reduce to minor-moderate adverse by year 15 with the maturing of the landscape proposals. Only views from the rear of a small number of properties where they back on to the eastern development parcel may remain moderate/major adverse for those properties that currently have open rural views.
- 8.44. In summary, it is considered that the site's landscape character has the ability to absorb change through the introduction of green infrastructure, and that the landscape and visual effects from the proposed development would not give rise to any unacceptable landscape or visual harm. Therefore, the proposal is considered to comply with policy DM10 (c, d & e), the BNP the Good Design Guide SPD and the NPPF.

Impact upon heritage assets

- 8.45. Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications to pay special attention to the desirability of preserving or enhancing the character or appearance of any Conservation Area. Section 66 of the same Act places a duty on the local planning authority when determining applications that affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy DM11 states that the Council will protect, conserve and enhance the historic environment throughout the Borough. Development with the potential to affect a heritage asset or its setting will be required to demonstrate an understanding of the significance of the asset and its setting, the impact of the proposal on the asset and its setting, how benefits of the proposal may outweigh any harm caused and any impact on archaeology in accordance with policy DM13.

- 8.46. Policy DM12 states that 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.
- 8.47. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.48. Policies ENV5 and ENV6 of the BNP identify local heritage assets in Barlestone and ridge and furrow land in the parish. The site is not ridge and furrow and the impact on heritage assets is considered below.
- 8.49. The NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The NPPF states that considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (the more important the asset, the greater weight should be given to the asset's conservation). The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
- 8.50. There are no designated or non-designated heritage assets located within the application site. There are four grade II listed buildings located within Barlestone (The Manor House, The White House, Church Farmhouse and the Church of St Giles), the closest of those being the Manor House which is located approximately 150m north of the site access at Spinney Drive. The White House is approximately 250m north and the Church of St Giles and Church Farmhouse are approximately 450m north of the same access. As identified within the BNP there are also single and clusters of historic buildings, these being local (non-designated) heritage assets, located within and around the historic core of Barlestone, c.250m to the north of the application site at its closest point.
- 8.51. The Conservation Officer advises that there is no inter-visibility between the application site and any of the heritage assets identified above due to the presence of built form, vegetation and topography, 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 due to the form of the proposal it is considered that none of the designated or non-designated heritage assets would be sensitive to or affected by appropriate development within the application site. It is therefore considered that the proposal will have no effect upon the significance of any heritage assets, thus according with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 8.52. In relation to archaeology, the proposal includes an archaeological assessment, trial trenching report and geophysical report of the application area, revealing no significant archaeological remains. Therefore, the County Archaeologist recommends that the proposal will not result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. No further archaeological action is warranted in accordance with the NPPF paragraphs 194-195. The application is therefore considered to meet policies DM11, DM12 and DM13 of the SADMP, policies ENV 5 and ENV 6 of the BNP and national policy in the NPPF.

Impact upon neighbouring residential amenity

- 8.53. 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 with in the vicinity of the site.

- 8.54. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.55. Policy H6 (C) of the BNP states that development proposals for one or more properties should not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, daylight, visual intrusion or noise.
- 8.56. Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.57. Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.58. Paragraph 186 of the NPPF states that: "Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. [...] Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan".
- 8.59. The nearest residential properties to the site are the dwellings on the eastern side of Bosworth Road to the west, Spinney Drive to the north, Rushey Close to the north and Brookside to the north/north east. The Illustrative layout demonstrates that 49 dwellings can be accommodated on the site and that the minimum standards in the SPD can be achieved.
- 8.60. The site is located approximately 130m north of a sewage treatment works (STW) with the approximate closest point 80m for future residential dwellings. The applicant has undertaken an Odour Screening Assessment. The modelling results demonstrated that the highest 98th percentile odour concentrations would be experienced within a small area in the south east corner of the western group of residential dwellings accessed from Spinney Drive. The modelling shows that 98th percentile odour concentrations decrease with distance away from the STW. It is therefore considered there will be no overall significant effect on local amenity in terms of odour impacts during normal operation of the STW.
- 8.61. The Environmental Health officer raises no objection to the proposal, subject to conditions relating to contaminated land and a Construction Environment Management Plan with specified working hours.
- 8.62. With the imposition of conditions, the proposal is considered to meet policies DM10(a) and (b) of the SADMP, the BNP, the Good Design Guide SPD and national policy in the NPPF.

Impact upon ecology and trees

- 8.63. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.64. The BNP identifies local green spaces, sites of environmental significance and important open spaces (policies ENV1-4). The eastern part of the site is identified as a Local Wildlife Site and is adjacent to a site of biodiversity significance, both indicated under Policy ENV 3. According to this Policy, development proposals affecting the identified sites should safeguard and where practicable enhance their environmental features. To be supported development which would affect the identified sites should demonstrate that the development's value outweighs the natural environment significance of the site or features.
- 8.65. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.66. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.67. Public comments have raised concerns regarding the development of greenfield farm land, the loss of countryside, the impact on habitats and species and the potential loss of mature trees and hedgerows.
- 8.68. The applicant has submitted an Ecological Appraisal (FPCR, March 2021) and Arboricultural Assessment (FPCR, October 2021). The Ecological Appraisal states that no statutory sites will be lost as part of the proposals. Direct impacts to two non-statutory sites, Barlestone Wet Woodland and Marsh pLWS and Marsh and Grassland hLWS, will be limited in their extent and appropriate mitigation is recommended to ensure that key habitats are protected and retained.
- 8.69. The Arboricultural Assessment shows that 13 trees, 9 tree groups and 7 hedgerows were assessed. One oak tree is of high arboricultural value (T2) and is to be retained. The Tree Officer states that the site has a large number of Cat A and Cat B trees which should all be retained with suitable clearance from any development work. T6 and T7 should be retained as a pair with appropriate risk assessments undertaken on all trees to inform on any proposed design layout with adequate space for future growth, consideration of shade and compatibility. The root protection areas of retained trees will be considered when the layout is finalised at reserved matters stage and 'no-dig' construction will be required. Retained trees should be protected during construction and this can be secured by condition.
- 8.70. County Ecology initially advised that the Ecological Appraisal was conducted outside optimum survey time and should be updated with an April-October survey. A BNG assessment was also requested as well as a revised habitat survey. The updated surveys were provided, and County Ecology have stated that the information within the surveys address previous comments made by County Ecology, adding that a BNG assessment will need to be further refined prior to construction. Relevant conditions and informatives have been included below reflecting these requests.
- 8.71. In conclusion, subject to the conditions, the proposal is considered to satisfy policy DM6 of the SADMP, policies ENV7 and ENV8 of the BNP, and paragraph 174 of the NPPF.

Impact upon highway safety

- 8.72. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.73. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible. This would be assessed and secured at reserved matters stage.
- 8.74. Policy TR1 of the BNP seeks to minimise additional traffic generation/movement, not compromise existing off-road parking, provide necessary highway improvements and improve footways/cycleways to key village services where appropriate.
- 8.75. Paragraph 111 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.76. Objections to the application also raise concerns about the increase in traffic, impact and impact of construction traffic.
- 8.77. The applicant has submitted a Transport Statement (March 2021) in support of the proposal. Two 5.5m wide site accesses are proposed from Brookside for the eastern development parcel, whilst the western development will be accessed via Spinney Drive, serving 24 and 25 dwellings respectively. Other roads will comprise 7.5m wide shared surfaces and private drives.
- 8.78. The LHA advise that the new development access is off the existing stub arm of Spinney Drive, which could lead to confusion as to which direction of travel at the three-arm junction, north of the development access, has priority. This may increase the risk of collisions at the junction. The RSA recommends the junction should be re-assigned as a priority junction with the north/ south direction given priority and give way markings provided at the junction for eastbound traffic. The Applicant has accepted the recommendation; however no detailed drawing has been submitted.
- 8.79. The introduction of give way markings to assign junction priority would be supported by the LHA. It is considered a detailed drawing could be conditioned for approval and implementation prior to occupation of any dwelling. The final decision as to which arm of the junction could be made at this point following discussions with Leicestershire County Council. The final layout of the junction will depend on the proposed layout of the site and final number of dwellings accessed off this parcel of the overall site.
- 8.80. The Stage 1 RSA has also raised an observation in respect of parking over the footway close to the Brookside access. It is suggested that pedestrians are given crossing points to use both footways either side of the access should this parking continue. The Applicant has not responded to this observation. Nevertheless, this is an existing situation, however if the carriageway/ footway was extended into the site the LHA would anticipate that the increase in footfall/ vehicles could alter residents parking habits on the basis the road has become more of a through route. In addition, drivers should be parked in accordance with the highway code and not causing obstruction pedestrian footways, which would be a matter for the police.
- 8.81. Overall, the LHA are satisfied that a safe and suitable access could be provided off both Brookside and Spinney Drive and have no objections to the proposed

development subject to conditions and contributions advised below. Therefore, with the suggested conditions and the S106 obligations the proposal is considered to satisfy policies DM17 and DM18 of the SADMP, policy TR1 of the BNP, and the NPPF.

Sustainability of the location

- 8.82. Paragraph 79 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 8.83. The location of the site is adjacent to the existing settlement boundary and the design and access statement shows that the site is close to local facilities, for example the site is adjacent to a local shop to the south and approximately 800m from the primary school at its furthest point, and 500m to the Co-Op convenience store at its furthest point. The site layout shows that the site would include open space and pedestrian connections to the existing adjacent bus stops and the services in the village.
- 8.84. The recent appeal decision for a development of up to 176 dwellings on Land to the South of Cunnery Close, Barlestone (Council reference 20/00102/OUT – dated 6/7/21) considered the sustainability of the site. That site is located to the south-west of Barlestone, adjacent to the recreation ground. The Inspector concluded that the site had limited permeability and connectivity to the village but that it would be highly convenient for village facilities and journeys to local amenities. The Inspector noted that Barlestone has a deficit of local employment and that the bus service does not run before 9am and therefore residents would be heavily reliant upon private cars to access most services.
- 8.85. In terms of the permeability and connectivity of the application site, the separation of two distinct development parcels results in the containment of the proposed dwellings in their respective parcels, with neither area encroaching significantly into the countryside. As a result, each proposed dwelling would be a reasonable distance from the existing built-up area of Barlestone. Furthermore, footpath S38 is to be retained and diverted through the eastern parcel, retaining the pedestrian link through the site into Barlestone. Therefore, the connectivity and permeability of the site is considered to be good, particularly in comparison to the larger appeal site to the South of Cunnery Close.
- 8.86. The current application site is located south of bus stops on Newbold Road, served by the Arriva 153 service from Market Bosworth to Leicester. This service would allow commuting to these larger centres. Overall, the site is considered to be within a sustainable village and the location and scale of the development proposed will support local services and future residents will be able to utilise sustainable transport choices.

Flood risk and Drainage

- 8.87. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.88. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.

- 8.89. The site is located within flood zone 1 indicating a low probability of flooding. The Spinney Drive site is located entirely within an area of very low risk of surface water flooding.
- 8.90. The Brookside development site is located generally located in an area of low and very low surface water flood risk. However, an area at the southern extent of the site is located in an area of high and medium risk of surface water flooding. A culverted watercourse is located across this area of the site. This watercourse is to be opened as a result of this development which will reduce the risk of surface water flooding to dwellings in this area. Further dwellings located on the southern boundary will have a finished floor level a minimum of 300mm above the existing ground level to further mitigate against this risk of surface water flooding. As such the risk of surface water flooding is considered to be low.
- 8.91. The LLFA notes that the surface water drainage strategy proposes to discharge surface water drainage from both sites into an adjacent watercourse at two separate outfall locations limited to the Qbar runoff rate at 2.1 l/s for the eastern site and 2.3 l/s for the western site. Attenuation is proposed in the form of detention basins prior to the site outfalls. A culvert crossing the eastern site is proposed to be removed and flows rerouted into a new open ditch/swale subject to consent. The LLFA advise that the proposals are acceptable, and conditions are recommended to secure details of a surface water drainage scheme, surface water management, long-term maintenance details and infiltration testing. The Borough Councils Drainage Officer also recommends similar conditions.
- 8.92. Therefore, subject to the conditions, the proposal is considered to accord with policy DM7, policy ENV11 of the BNP, and national policy in the NPPF.

S106 Obligations

- 8.93. 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.
- 8.94. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.

The contributions sought are detailed below.

Play and Open Space

- 8.95. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identifies the requirements for open space, which is provided on site and what would be the requirements off site.
- 8.96. The applicant has allocated an area within the western parcel to POS within the Design and Access Statement.

- 8.97. The Open Space and Recreation Study (2016) requires developments of 10-200 dwellings to provide equipped open space on site with all dwellings within 100m of a LAP and 400m of a LEAP. The Open Space and Recreation Study (2016), highlights that all existing open spaces fall below the quality standards and that improvements are required. Residents in Barlestone are outside the catchment for natural and semi-natural open space.
- 8.98. The policy requirement would be for 176.4sqm of on-site equipped play and 823.2sqm of casual informal play space to be provided on site. An on-site maintenance contribution is applicable for the total open space that will be provided, to be determined at reserved matters stage.
- 8.99. No on-site outdoor sports provision is made and so a contribution is required towards off-site provision for sports within 1km of the site.
- 8.100. Given that the application is for outline planning permission, the sums of money above are indicative and will be dependant of final layout submissions, however, any agreed s.106 would obligate the developer to provide the minimum policy requirements.
- 8.101. The developer will also be obligated to provide and then transfer the on-site open space area to a management company, or, in the alternative, request that either the Borough Council or the Parish Council maintain it. If the land is transferred to the Borough Council or Parish Council, the open space area would be transferred to the relevant authority together with a maintenance contribution.
- 8.102. The provision of Play and Open Space is required for compliance with Policies 11 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities' health, social and cultural well-being and is therefore necessary. Core Strategy Policy 11 requires development in Barlestone to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative only layout of the proposed development suggests the provision of open space around the site to include a LAP, casual informal play and a large area of natural green space.
- 8.103. Using the adopted Open Space and Recreation Study (2016) the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

Civic Amenity

- 8.104. LCC Waste Management requested a contribution of £2,426.97 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate over 10 tonnes per annum of additional waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.
- 8.105. This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue

to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

Libraries

- 8.106. LCC Library services have requested a sum of £1,480.00 towards provision of additional resources at Newbold Verdon Library, Sparkenhoe, which is the nearest local library facility to the development.
- 8.107. The contribution towards addressing the impact of the development upon library facilities is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area. The Newbold Verdon Library is within 5.5km of the site, the request states that the proposed development will add 147 to the existing library's catchment population which would have a direct impact upon the local library facilities, this is accepted in this instance as the library is a reasonable distance away and bus access is available from the site boundary, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and relates to the number of dwellings proposed, therefore the contribution relates fairly and reasonably in scale and kind.

Education

- 8.108. LCC Children and Family Services has requested a contribution towards primary and secondary school education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution is £447,364.27 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Barlestone Church of England Primary School or any other school within the locality of the development (£269,833.20) to accommodate 15 pupil places, The Market Bosworth School (£146,279.31) to accommodate 9 pupil places, and Bosworth Academy to accommodate 2 places (£31,251.76).
- 8.109. The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and would address the impacts of the development on essential infrastructure within the local area. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

NHS ICB – Health Care

- 8.110. The development could result in an increased population of 117.6 patients. The GP service is the Barlestone Surgery, provided by the Ibstock and Barlestone Surgeries and this is the surgery that will be most impacted by the additional demand. The practice would need to improve and increase primary care services at the practice.

The cost of improvements to the premises to accommodate the additional patients is £23,670.53 and therefore this sum is requested to be secured in the S106 agreement.

- 8.111. The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local surgery at Barlestone, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.

Affordable Housing

- 8.112. See details in earlier section above.

Highways

- 8.113. See details in earlier section above.

Viability issues

- 8.114. The applicant has not raised viability as an issue for this proposed development.

Other matters

- 8.115. The Environmental Health Officer recommends the imposition of contaminated land conditions.

Equality implications

- 8.116. 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.
- 8.117. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 8.118. There are no known equality implications arising directly from this development.
- 8.119. 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).

9. Conclusion and planning balance

- 9.1 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.
- 9.2 The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focussed on delivery of a lower housing requirement than 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.
- 9.3 The proposed development is within the settlement boundary of Barlestone and is therefore compliant with policy H3 of the Neighbourhood Plan and adopted policies 7 and 11 of the CS and DM4 of the SADMP. Although out of date, these policies are in accordance with the Framework and have significant weight in the planning balance.
- 9.4 The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The site is included in this Draft as an emerging housing allocation for 49 dwellings (Land at Spinney Drive ref. BARL02H). The site's status as a draft allocation in the Regulation 19 Local Plan is afforded limited weight.
- 9.5 Of relevance to this proposal is the Government's commitment to significantly boost the supply of housing through the Framework. The proposal would result in the delivery of up to 49 houses (including up to 20 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in boosting the supply of housing in the Borough.
- 9.6 The proposal would have a minor adverse impact on the wider landscape and a negligible impact on the landscape character of the site. The proposal would have a visual impact on users of public footpaths and the most notable visual effects would be limited to the footpath, nearby road users and residents closest to the site (significant major to moderate adverse effect). The Illustrative Layout shows that the impacts can be minimised and mitigated by the recommended measures as set out in the LVA. This would accord with policy DM10 of the SADMP, the Good Design Guide SPD and the NPPF.
- 9.7 With the imposition of conditions and S106 contributions, the development will secure an appropriate mix and density of housing and provide 40% affordable housing. This would accord with policies 15 and 16 of the CS.
- 9.8 The proposal will have a neutral impact causing no harm to the significance of designated heritage assets. The site has been subject to trial trenching investigation which confirmed the site contains no significant archaeological remains. This proposal therefore accords with policies DM11, DM12 and DM13 of the SADMP and the NPPF.
- 9.9 The proposed development will not have an unacceptable impact upon amenity and would accord with policy DM10(a) and (b) of the SADMP, the Good Design Guide SPD and national policy in the NPPF.

- 9.10 The ecological impact of the proposal has been assessed and a net gain in biodiversity can be achieved. Existing trees and hedgerows will be retained other than for access routes. This would accord with policy DM6 of the SADMP and paragraph 174 of the NPPF.
- 9.11 The highways impact of the proposed development and the proposed access is acceptable, and this would accord with policies DM17 and DM18 of the SADMP and the NPPF.
- 9.12 The development will not have an adverse impact on flooding and surface water and foul drainage can be satisfactorily accommodated. This would accord with policy DM17 and the NPPF. The site is a mix of grade 2 and grade 3a and 3b agricultural land. The loss of this land is weighed in the balance of the merits of the scheme.
- 9.13 The proposed development will secure on-site and off-site open space provision, and contributions to civic amenity provision, libraries, local education services and highways infrastructure. This would accord with policy DM3 of the SADMP and the NPPF.
- 9.14 The benefits of the development include the delivery of housing, including affordable housing, and the site will help to meet the outstanding need for housing in Barlestone for the period 2020-39 early in the plan period. This is a significant benefit of the scheme. The development would provide employment in the construction period, and this is given moderate weight as it is time limited. The development would provide open space to this part of Barlestone and this is a benefit that carries moderate weight also. Although not yet fully evidenced, the biodiversity net gain of the scheme will be a benefit of moderate weight. The S106 contributions mitigate the effect of the development rather than provide new or enhanced facilities and thus have a neutral effect.
- 9.15 In conclusion, the proposal will result in minor harm to the local landscape and a degree of visual harm to users of local public footpaths, nearby road users and the residents closest to the site (major to moderate adverse effect). The most notable visual effects are localised to those closest to the site and can be minimised and mitigated as shown in the Illustrative Layout. In addition, the proposal will result in the loss of the small area of agricultural land. The limited adverse impacts are not considered to significantly and demonstrably outweigh the benefits of the development. Therefore, in accordance with paragraph 11(d) of the NPPF, it is considered that planning permission should be granted, subject to the conditions and S106 contributions set out in this report.

10. Recommendation

11.1 Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
- Affordable housing at 40% (20 Units) with a split of 75% of the units as social/affordable rented and 25% of the units as intermediate tenure (shared ownership).
- Location connection requirement for the affordable housing for rent and cascade mechanism.
- The agreed s.106 will obligate the developer to provide the minimum policy requirements for Open Space, as well as to provide and then transfer the on-site open space area to a management company, or, in the alternative, request that either the Borough Council or the Parish Council maintain it.
- Civic Amenity contribution of £2,426.97 towards Barwell Household Waste Recycling Centre

- Library services contribution of £1,479.69 towards provision of additional resources at Newbold Verdon Library, Sparkenhoe
- Education contribution of £447,364.27 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Barlestone Church of England Primary School or any other school within the locality of the development (£269,833.20) to accommodate 15 pupil places, The Market Bosworth School (£146,279.31) to accommodate 9 pupil places, and Bosworth Academy to accommodate 2 places (£31,251.76).
- NHS Health care contribution of £23,670.53 for improvements to Barlestone Surgery
- Travel Packs (1 per dwelling)
- 6 month travel passes (2 per dwelling)
- Travel Packs (1 per dwelling)
- 6 month travel passes (2 per dwelling)
- Planning conditions outlined at the end of this report

11.2 That the Planning Director be given powers to determine the final detail of planning conditions.

11.3 That the Planning Director be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

11.4 **Conditions and Reasons**

1. Application for the approval of reserved matters shall be made within three years 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 be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.
 - d) Scale of each building proposed in relation to its surroundings have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. Any 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 housing needs of the area. The development shall then be completed in accordance with the approved details.

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.

4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - Site Location Plan (9899-L-01 Rev A) received 19/11/21
 - Parameters Plan (9899-L-02 Rev A) received 19/11/21

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

5. Prior to the commencement of development, an updated Biodiversity Net Gain assessment will be submitted to and approved in writing by the local planning authority.

Reason: To ensure to net gain in biodiversity across the site in accordance with DM6 and DM10 of the Site Allocations and Development Management Policies DPD.

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

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

7. Any reserved matters application shall be accompanied by a Building for a Healthy Life Assessment of the proposal.

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 and the Good Design Guide SPD.

8. During the construction period, the existing trees and hedgerows to be retained (as identified in the Tree Retention Plan 9889-T-03, Page 22 of the Arboricultural Assessment, FPCR, October 2020, received 19/11/21), shall be protected in accordance with a Tree Protection Plan that has been submitted to and approved in writing by the Local Planning Authority. The protection measures/barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the

ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape in accordance with policy DM6 and DM10 of the Site Allocations and Development Management Policies DPD.

9. Any reserved matters application shall be in accordance with the recommendations in the Landscape and Visual Appraisal (FPCR, October 2021) received 19/11/21.

Reason: To ensure the development complements and enhances the character of the area and the local landscape and incorporates a high standard of landscaping in accordance with policy DM10 of the Site Allocations and Development Management Policies DPD and the NPPF.

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

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

11. Notwithstanding the recommendations within the preliminary investigation report carried out by Soiltechnics ref: STJ2278B-P01 V03, no development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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

12. 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 first dwelling being occupied.

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

13. Upon completion of the remediation works a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that 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).

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

The agreed details shall be implemented throughout the course of the development. Site preparation and construction shall be limited to the following hours;

Monday – Friday 07:30 – 18:00

Saturday 08:00 – 13:00

No working on Sundays and Bank Holidays

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

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

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

16. No part of the development accessed off Spinney Drive shall be occupied until such time as details of a priority junction at the Spinney Drive/ Spinney Drive junction have been submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall then be implemented in full prior to occupation of any dwelling accessed off Spinney Drive.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).

17. No part of the development hereby permitted and accessed off Brookside shall be occupied until such time as the access arrangements shown on MAC drawing number 378-TA10 Brookside 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 the National Planning Policy Framework (2021).

18. No part of the development hereby permitted and accessed off Spinney Drive shall be occupied until such time as the access arrangements shown on MAC drawing number 378-TA11 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 the National Planning Policy Framework (2021).

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD 2016 and the National Planning Policy Framework (2021).

20. No development shall take place until a scheme for the treatment of the Public Right of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their surfacing, width, structures, signing, landscaping, and management during construction, in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2021).

21. Any vegetation clearance across the site shall be undertaken outside the nesting season, which is generally recognised to be from March to August inclusive, unless it can be demonstrated through submission to the Local Planning Authority of an appropriate survey immediately prior to works commencing that nesting birds are absent or a method statement for works is agreed in writing with the local planning authority and fully implemented prior to works commencing.

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

22. No development shall commence until an updated walkover survey to confirm (or otherwise) the presence of badgers, otter and water voles on the site has been submitted to and approved in writing by the Local Planning Authority. If any of the protected species are present, the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method of protection). No development shall be undertaken except in accordance with the approved scheme of mitigation.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework.

23. The development hereby permitted shall be implemented in complete accordance with the recommendations set out in Section 6.0 of the submitted Ecological Appraisal. In particular this should include the retention of existing hedgerows and recommend mitigation where sections are lost, provision of 'dark' buffer zones and lighting strategies in relation to commuting and foraging bats; retention of trees where there is potential for roosting bats and habitat creation.

Reason: To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework.

24. 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.

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).

25. 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.

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

26. 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.

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).

27. 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).

28. Prior to the occupation of each dwelling/unit on site full fibre broadband connection should be available and ready for use.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2021).

11.5 Notes to applicant

1. 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.
2. The applicant should be aware the further approval of reserved matters should be sought before the development commences.
3. 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://resources.leicestershire.gov.uk/lhdg>
4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. 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://resources.leicestershire.gov.uk/lhdg>
6. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with construction works.
7. The Public Right(s) 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.
8. 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.
9. The Public Right(s) of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
10. 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 at least 12 weeks before the temporary diversion is required.

11. 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.
12. 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.
13. In relation to conditions 14 and 15 advice from Environmental Health should be sought via esadmin@hinckley-bosworth.gov.uk to ensure that any investigation of land contamination is in accordance with their policy.
14. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.