

Planning Statement

Land off Station Road,
Market Bosworth

Prepared by Fisher German LLP on Behalf of
Richborough Estates & Messrs Vero



Project Title:

Land off Station Road, Market Bosworth

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Appendix 1 – Committee Report 14/00674/FUL

01 Executive Summary

- 1.1 This Planning Statement has been prepared on behalf of Richborough Estates and Messrs Vero in relation to land north of Station Road, Market Bosworth. The planning application seeks outline planning permission for the erection of up to 63 dwellings, all matters reserved except for access.
- 1.2 Details relating to the appearance, layout, amount, and scale of development as well as landscaping within the site are to be the subject of subsequent reserved matters approval.
- 1.3 Market Bosworth is acknowledged to be a one of the Council's most sustainable rural settlements, only behind the urban areas of Hinckley, Burbage and Earl Shilton and Barwell, thereby forming a significant part of the settlement hierarchy for Hinckley and Bosworth. Despite this the town has seen little growth over recent decades and whilst the Core Strategy (2009) directed growth of some 100 dwellings to the town, the subsequent allocation to deliver this level of housing has not materialised. Furthermore, development proposals for 76 dwellings on land associated with Sedgemere, Station Road has recently been refused, further compounding the issues surrounding housing delivery within Market Bosworth.
- 1.4 Market Bosworth needs residential development to come forward to contribute towards sustaining and increasing the vitality and viability of its local services and facilities, thus contributing towards creating and maintaining a sustainable and balanced community and promoting a strong local economy. With development constraints to the east to the town, including parkland, conservation area, listed buildings, landscape, access and highway safety limitations, growth of the town is largely limited to the western edge of the town. As a result, the Neighbourhood Plan identified two potential sites for development, land north of Station Road (the application site), and land south of Station Road (the undelivered Local Plan allocation); both to the west of the town. Whilst the site to the south was eventually allocated, the application site is considered to perform highly in all of the technical criteria and, unlike the allocated site, the application site has no landowner issues or technical constraints that would delay delivery.
- 1.5 Officers have previously approved the principle of development of the application site, having recommended the grant of planning permission for the erection of 64 dwellings in 2014, subject to S106 agreement and conditions (Ref: 14/00674/FUL). In assessing the impact of those proposals, Officers "*considered that the proposed residential development would occupy a natural 'infill' to the north of Station Road*". Since that application land immediately north of the site has recently been granted planning permission for the erection of a multi-purpose golf clubhouse, formation of new car parking areas and access roads and the erection of 6 holiday

homes and associated ancillary works and landscaping (Ref: 19/01437/FUL). The scheme will create built form to the north of the application site, further establishing the well-contained natural 'infill' site to that previously assessed.

- 1.6 The proposed development will deliver a highly sustainable residential development within the infill site. It will have positive social, economic and environmental benefits, whilst also assisting the Council in boosting the supply of housing and the delivery of housing in future years, particularly in the context of an out-of-date Local Plan and an increased local housing need derived from the updated standard methodology. The National Planning Policy Framework (2019) contains a clear presumption in favour of sustainable development, where proposals accord with the Development Plan, with paragraph 11 stating that such development should be "approved without delay".
- 1.7 The application is supported by various detailed reports and surveys which consider the proposed development's impact on the site and its surroundings. All of these reports and surveys conclude that the proposal can be comfortably assimilated into its surroundings without any significant adverse impacts. Furthermore, there are no technical considerations or complications in respect of land ownership which would delay the delivery of the site or undermine it's viability.

02 Introduction

- 2.1 This Planning Statement has been prepared on behalf of Richborough Estates and Messrs Vero in relation to land north of Station Road, Market Bosworth. The planning application seeks outline planning permission for the erection of 63 dwellings.
- 2.2 All matters are reserved except access. Details relating to the appearance, layout, amount, and scale of development as well as landscaping within the site are to be the subject of subsequent reserved matters approval.
- 2.3 The application is supported by the following documentation:
- Site Location Plan
 - Land Use Parameter Plan
 - Illustrative Masterplan
 - Landscape and Visual Impact Assessment
 - Landscape Strategy Plan
 - Ecological Impact Assessment
 - Biodiversity Impact Assessment Calculations
 - Biodiversity Impact Assessment Visualization Plan
 - Tree Survey
 - Heritage Statement
 - Geophysical Survey
 - Transport Assessment
 - Travel Plan
 - Flood Risk Assessment & Drainage Strategy
 - Noise Assessment
 - Air Quality
 - Phase 1 Ground Investigation
 - Design and Access Statement
 - Statement of Community Involvement
- 2.4 This Planning Statement sets out the background relevant to the determination of application, by describing the site and its general locality, before setting out details of the proposed development. The Statement goes on to provide an overview of the planning policy context against which the development must be assessed, followed by a detailed consideration of the development

proposals against the policy context and all other relevant material considerations.

2.5 The benefits to be delivered by the development will substantially outweigh any minor residual impacts. It is considered that there are compelling grounds to grant planning permission for the proposed development, including:

- Construction of additional housing to significantly boost Hinckley and Bosworth Council's supply of both market and affordable housing, including a mixture of dwelling types and sizes, ranging from bungalows, flats, terraced units, semi-detached and detached family properties across 1, 2, 3 and 4 bedrooms;
- New public open space, including parkland, a LEAP and trim trail for both existing and future residents;
- The protection and enhancement of existing landscape and biodiversity habitats; and
- A boost to the local economy through employment and training opportunities during construction, increased spend from local residents in the local economy following completion, together with the delivery of New Homes Bonus.

03 Site and Surrounding Area

The Site

3.1 The site extends to 4.2 hectares (ha) and is located to the west of Market Bosworth, north of Station Road. The southern boundary of the site is defined by Station Road and existing residential and employment uses lie to the south of Station Road. Agricultural pastureland lies to the west with residential development beyond, woodland and residential development adjoins the eastern boundary of the site. Kyngs Golf Course and Country Club lies to the north of the site; this land has received planning permission for a new club house, holiday chalets and extensive carparking. The existing access to Kyngs Golf Course and Country Club runs through the site.



Figure 1: Site Location Plan

3.2 Due to the surrounding uses, the site is well contained with strong defensible boundaries, as a result of mature planting to the east, north and western boundaries, with the railway line and dense Pipistrelle Drive residential development also to the west. The existing built form to the south of Station Road, which includes the highly built-up industrial estate.

3.3 The site is well located to existing services and facilities within Market Bosworth. Services and facilities within the village centre are within walking distance of the site (approximately 800m east down Station Road). St Peter’s CE Primary Academy is approximately 400m from the centre of

the site. Station Road Industrial Estate is immediately south of the site, providing employment opportunities within walking distance. Existing bus stops, adjacent to the site, on Station Road provide regular access to Leicester City and the centre of Market Bosworth.

- 3.4 Vehicular access to the site is currently achieved via an existing access to the south of the site onto Station Road. This access is shared by the neighbouring golf club and will be retained and improved to serve the development. Access through to the golf club will also be retained as part of the development proposals.
- 3.5 The site is located approximately 300m from the nearest designated heritage asset, the Ashby de la Zouch Canal Conservation Area. A number of Listed Buildings are located in the Market Bosworth Conservation Area, which is approx. 750m to the east of the site.
- 3.6 The site is not subject to any statutory environmental designations. The ecology survey has identified that the majority of habitats onsite are generally of limited botanical interest and are of poor species diversity.
- 3.7 The Flood Risk Map for planning shows the site as lying within Flood Zone 1 (Low Probability of Flooding from rivers or sea). A small strip of land is at medium/high surface water flooding risk, though as demonstrated in the accompanying drainage strategy, this can be mitigated with standard on site water management systems.

Planning History

- 3.8 There have been a number of previous planning applications on various parts of the application site. Those of relevance to this application are discussed below.
- 3.9 Officers have previously approved the principle of development of this site, having recommended the grant of planning permission for the erection of 64 dwellings in 2014, subject to S106 agreement and conditions (Ref: 14/00674/FUL). In the report to Planning Committee (Appendix 1), Officers concluded that the scheme would contribute to the then, *“housing shortfall which would enhance the quality, vibrancy and health of the local community”*. In assessing the impact of the proposed development, Officers advised that the *“site is not a traditional, 'typical' and open countryside location, as it is located in close proximity to the existing pattern and grain of development to the west of Market Bosworth. As such, it is considered that the proposed residential development would occupy a natural 'infill' to the north of Station Road”*. Officers considered that any loss of views and vistas (which have sought to be protected through the current Masterplan) were *“not considered to be significantly harmful in environmental terms to detract from the overall social and economic sustainable benefits of the scheme”*.

- 3.10 It should be noted that land immediately north of the site has recently (in June 2020) been granted planning permission for the erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 holiday homes (C1) and associated ancillary works and landscaping (Ref: 19/01437/FUL). The implementation of this scheme will create built form to the north of the site. The site will therefore be more enclosed urbanised than when the site was previously assessed to be acceptable in the previous application.

04 The Proposed Development

- 4.1 Outline planning consent is sought for residential development on land north of Station Road, Market Bosworth, all matters other than access are reserved for future consideration. Details relating to the appearance, layout, scale, and landscaping within the site are to be the subject of subsequent reserved matters approval.
- 4.2 The application is accompanied by an Illustrative Masterplan which shows how the site could be developed for a scheme of 63 dwellings. The Masterplan shows the retention of existing trees and hedgerows and the creation of new landscape buffers and significant areas of open space. The Masterplan also illustrates the following key elements of the scheme:
- 63 dwellings, including a mixture of dwelling types and sizes, ranging from bungalows to family homes;
 - Up to 40% affordable housing;
 - Vehicular access onto Station Road;
 - Retained access to Golf Course;
 - Policy compliant housing mix and parking provision;
 - Layout to retain key site lines from Station Road, in line with the Neighbourhood Plan; and
 - Extensive new Public Open Space. including a LEAP and trim trail.
- 4.3 The proposal is shown on the following application plans:
- Site Location Plan;
 - Land Use Parameter Plan;
 - Illustrative Masterplan
- 4.4 The Illustrative Masterplan, which takes into consideration good urban design principles, is submitted for illustrative purposes to demonstrate how the site can accommodate the development proposals. This plan is not for approval at this stage, as the layout of the proposed development is reserved for subsequent approval.
- 4.5 The development will provide a mix of dwelling types and sizes, including bungalows, in response to the Council's adopted planning policies. The development will also include a policy compliant level of affordable housing (i.e. up to 40%) to contribute towards the need for affordable housing in Market Bosworth and the Borough as a whole. The tenure of the affordable housing required

on the site has been clarified by the Council's Strategic Housing and Enabling Officer as being 75% social rent and 25% intermediate and this is considered deliverable on the site.

Consultation

- 4.6 The proposed development has been subject to formal pre-application consultation with the Borough Council. Advice has been received from LCC (Leicestershire County Council) Highway Authority, LCC Ecology, HBBC (Hinckley and Bosworth Borough Council) S106 Monitoring Officer, HBBC Waste Services and HBBC Environmental Health. A pre-application advice meeting has also been held on 8th September 2020 with HBBC Officers to discuss the site and the development proposals.
- 4.7 The illustrative masterplan has been revised following receipt of the comments. In particular, the HBBC S106 Monitoring Officer welcomed the inclusion of a Local Equipped Area of Play (LEAP), however they advised that a preferred location would be to the north of its then proposed location, at the end of the secondary road proposed. This amendment has been included in the revised Illustrative Masterplan. The same Officer also advised that there is a shortage of open space facilities for older children in Market Bosworth and so have requested that teenage equipment should be included within the open space. As such, a new Trim Trail have been incorporated into the open space, close to the proposed LEAP.
- 4.8 In addition to the pre-application advice sought through HBBC, the Richborough Estates Team have also engaged with the local community. To inform the community about the new development proposals, a consultation leaflet was distributed in to residents within Market Bosworth inviting them to submit feedback between 22nd August and 9th September 2020. A weblink to Richborough Estates' website was also provided where further information regarding the proposals were located. Matters relating to the consultation and the responses received are fully detailed in the separate Statement of Community Involvement (SCI) submitted with the planning application.
- 4.9 It has been demonstrated that Richborough Estates has made considerable efforts to engage both the community and the Borough and County Council's in the formulation of the revised development proposals and that these efforts have helped to shape and influence elements of the scheme in order to address issues and concerns raised by respondents.

05 Planning Policy Context

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Hinckley and Bosworth Borough, material to this proposal comprises:

- Core Strategy DPD (Adopted December 2009)
- Site Allocations & Development Management Policies DPD (SADMP) (Adopted July 2016)
- Market Bosworth Neighbourhood Plan (MBNP) (Made September 2015)

5.2 It is noted and accepted by the Council that the housing policies in the Local Plan are out of date. The planning officer's report for the nearby site at Sedgemere, Station Road, Market Bosworth set out that *"housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure identified in the Government's Housing Delivery Test..... Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole."* This is applicable to both Borough level development plan documents and the MBNP, which is over five years old and therefore is no longer afforded the greater protection provided by paragraph 14 of the National Planning Policy Framework.

5.3 In addition, national government policy, principally the National Planning Policy Framework published in February 2019 (the Framework), is material to the determination of planning applications.

5.4 Limited weight can be given to the emerging Local Plan Review, given the early stage of its preparation and delays to the review as a result of Covid-19 restrictions. When such works can continue, evidence documents are likely to require updates which may further delay advancement of the review.

Core Strategy DPD (Adopted December 2009)

5.5 The Core Strategy DPD provides the overarching spatial strategy and vision for the development of the District up to 2026. The Plan contains a number of strategic policies to guide planning applications and subsequent development plan documents. Those policies which are considered

most relevant to the determination of this application are discussed in turn below, including to what extent they can be afforded weight. Whilst the Plan is not time-expired, it is necessary to consider each policy in respect of its consistency with the Framework and to what extent it could frustrate more up to date housing requirements.

5.6 The Core Strategy sets out at Table 1 that the current housing requirement is 9,000 dwellings over the period 2006-2026. This equates to 450 dwellings per annum, over the Plan period.

5.7 The Core Strategy identifies Market Bosworth as a 'Key Rural Centre'. The Core Strategy sets out that Key Rural Centres are "villages that have populations over 1500 people, have a primary school, local shop, post office, GP, community/leisure facilities, employment and a 6 day a week bus service (hourly). Key Rural Centres that provide localised provision of facilities permit access by foot, cycle and local bus and can minimise car journeys".

5.8 **Policy 7: Key Rural Centres** sets out that to support the Key Rural Centres and ensure they can provide key services to their rural hinterland the Council will:

- Support housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16.
- Support development under Policy 17: Local Needs

5.9 As set out at paragraph 5.2 of this Statement, the Council's housing policies (including the element of this policy which only allows housing within settlement boundaries) is now out of date. The remainder of the policy is however considered consistent with the aims and direction of the Framework and thus can be afforded some weight.

5.10 **Policy 11: Key Rural Centres Stand Alone** sets settlement specific policies for a number of the Key Rural Centres, which do not relate to the Leicester Urban Area or the National Forrest. In respect of Market Bosworth, the Council set out that to support local services and maintain rural population levels, the Council will.

- Allocate land for the development of a minimum of 100 new homes. Developers will need to demonstrate the housing proposed meets the needs of Market Bosworth, having regard for the latest Housing Market Assessment and local housing needs surveys.
- Support the improvement of GP facilities in Market Bosworth to support the increase in population.
- Address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Market Bosworth.
- Implement the Strategic Green Infrastructure Network detailed in Policy 20.

- Deliver safe cycle routes.
- Protect the fingers of green open land which penetrate towards the market place as these are important to the rural setting of the town.
- Seek improvements to the high school indoor sports facilities, outdoor pool and the playing fields near Bosworth Water Trust.
- Require new development to respect the character and appearance of the Market Bosworth Conservation Area by incorporating locally distinctive features of the conservation area into the development.

5.11 Whilst this policy can still be afforded weight in the determination of planning applications, the target of 100 dwellings for the village is clearly now out of date as this relates to the outdated housing requirement.

5.12 **Policy 15: Affordable Housing** sets out that the affordable housing target in the rural areas (including Market Bosworth) is 40% on sites of 4 dwellings or more. The tenure mix for all sites is 75% social rent and 25% intermediate housing. These figures may be negotiated on a site by site basis, taking into account identified local need, existing provision, characteristics of the site and viability.

5.13 **Policy 16: Housing Density, Mix and Design** states that the Council require a mix of housing types and tenures on all sites of 10 or more dwellings, taking into account the type of provision that is likely to be required. All proposals are required to meet a 'very good' rating (16 or more positive answers out of 20) against the Building for Life Criteria, unless it can be demonstrated that this is not viable on the particular site. Proposals for new residential development will be required to meet a minimum net density of at least 30 dwellings per hectare within and adjoining the Key Rural Centres. In exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable.

5.14 **Policy 17: Rural Needs** sets out that in Key Rural Centres, small scale developments that meet a 'local need' either through Local Choice or a Rural Exceptions Site, will be permitted subject to a number of criteria being met.

5.15 **Policy 19: Green Space and Play Provision** sets the standards in relation to the level of green space and play provision in the Borough to ensure all residents have access to sufficient, high quality, accessible green spaces and play areas.

5.16 **Policy 24: Sustainable Design and Technology** states that residential development in Rural Centres will be expected to meet the sustainability targets set out in Building a Greener Future.

The level is to be met will be set at time of determination of detailed planning permission or reserved matters.

Site Allocations & Development Management Policies DPD (Adopted July 2016)

- 5.17 The Allocations & Development Management DPD (SADMP) sets out detailed policies and allocations to deliver the requirements of the Core Strategy (2009), up to 2026. This includes detailed local allocations and site-specific policies to set the localised framework for delivery of new developments. The policies which are considered most relevant to the determination of this application are discussed in turn below.
- 5.18 A detailed Policies Map has been prepared alongside the SADMP. The Market Bosworth inset map shows the application site as being outside of, but adjacent to the Settlement Boundary for Market Bosworth and is therefore within the countryside. The site is not subject to any specific designations, but it is adjacent to a designated employment site, south of Station Road.
- 5.19 Provision is made in the SADMP for up to 163 dwellings in Market Bosworth, with two committed sites to deliver 63 dwellings and a mixed use allocation, to provide approximately 100 dwellings on land south of Station Road and Heath Road (Policy SA5).
- 5.20 **Policy DM1: Presumption in Favour of Sustainable Development** repeats the former Paragraph 14 of the Framework (now replaced by paragraph 11 of the 2019 Framework).
- 5.21 **Policy DM3: Infrastructure and Delivery** outlines that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism.
- 5.22 **Policy DM4: Safeguarding the Countryside and Settlement Separation** states that the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to state that development in the countryside will only be considered sustainable where:
- a) It is for outdoor sport and recreation purposes; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - c) It significantly contributes to economic growth; or
 - d) It relates to the provision of stand-alone renewable energy developments; or
 - e) It relates to the provision of accommodation for a rural worker.
- 5.23 As detailed previously, the Council have previously acknowledged this policy is out of date, due to the Housing Requirement within the existing Development Plan being out of date.

- 5.24 **Policy DM6: Sustainable Development** sets out that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value, including proposals for their long term future management. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.
- 5.25 **Policy DM7: Preventing Pollution and Flooding** states that adverse impacts from pollution and flooding will be prevented by ensuring that development proposals demonstrate that:
- a) It will not adversely impact the water quality, ecological value or drainage function of water bodies in the borough;
 - b) Appropriate containment solutions for oils, fuels and chemicals are provided;
 - c) All reasonable steps are taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion;
 - d) It would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity;
 - e) Appropriate remediation of contaminated land in line with minimum national standards is undertaken;
 - f) It will not contribute to poor air quality;
 - g) It will not result in land instability or further intensify existing unstable land; and
 - h) The development doesn't create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against in line with National Policy.
- 5.26 **Policy DM10: Development and Design** sets out that developments will be permitted providing that the following criteria are met:
- a) 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, air quality (including odour), noise, vibration and visual intrusion;
 - b) The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site;
 - c) It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features;
 - d) The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally;

- e) It incorporates a high standard of landscaping where this would add to the quality of the design and siting;
- f) It maximises opportunities for the conservation of energy and resources through design, layout, orientation and construction in line with Core Strategy Policy 24;
- g) Where parking is to be provided charging points for electric or low emission vehicles are included where feasible;
- h) An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority. Schemes should incorporate wildlife areas, ponds, swales and permeable paving where appropriate;
- i) It maximises natural surveillance and incorporates the principles of Secured by Design and has considered the incorporation of fire safety measures.

5.27 **Policy DM13: Preserving the Borough's Archaeology** states 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.

5.28 **Policy DM17: Highways and Transportation** outlines that development proposals will be supported where they:

- a) Seek to make the best use of existing public transport services and, where appropriate, provide opportunities for improving and sustaining the viability of those services;
- b) Seek to ensure that there is convenient and safe access for walking and cycling to services and facilities;
- c) Demonstrate that there is not a significant adverse impact upon highway safety; and in the case of development that generates significant movement;
- d) That the development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised;
- e) Where it can be demonstrated that the residual cumulative impacts of development on the transport network are not severe.

5.29 **Policy DM18: Vehicle Parking Standards** states that all proposals for new development will be required to provide an appropriate level of parking provision, justified by an assessment of the site's location, housing proposed and availability of other modes of transport.

Market Bosworth Neighbourhood Plan (2015)

5.30 The Market Bosworth Neighbourhood Plan 2014 – 2026 was Made in 2015, following a referendum in September 2015. It sets local non-strategic policies within Market Bosworth Parish. The policies of relevance to the determination of this planning application are considered below.

As the Neighbourhood Plan is over two years old, and the housing requirement within it is out-of-date, the presumption in favour of sustainable development applies.

- 5.31 **Policy CE1: Character and Environment** requires all new development in Market Bosworth to be in keeping with its character area (as defined in the Plan), in regard to scale, layout and materials to reflect local distinctiveness and create a sense of place.
- 5.32 **Policy CE3: Important Views and Vistas** outlines that development which harms important views and vistas, as illustrated on the associated Views and Vistas Map, will be resisted. Development which has a significantly adverse impact on important views or vistas will not be supported. It is noted that view 1 crosses the site frontage towards the town centre and vista 11 crosses the application site, northwards from Station Road. This is described in Section 6.1q of the Plan as being important, because it gives “*extensive views of north west Leicestershire*”. The accompanying documentation with this application confirms how development can be delivered whilst still maintaining this view and vista through the site.
- 5.33 **Policy CE5: Landscape of the Wider Parish** states that in the Countryside, outside the settlement boundary, new development will only be permitted where it contributes to the local economy, is for the re-use or extension of an existing building, is for sport or recreation or for a new dwelling in circumstances identified in paragraph 55 of the Framework. The policy goes on to state that in all cases development will only be permitted where it does not cause harm to the landscape or biodiversity of the countryside that cannot be effectively mitigated.
- 5.34 As already established, the Plan’s existing housing policies are now out of date, as are policies such as this which seek to put a blanket restriction on new housing development in the countryside.
- 5.35 **Policy BD1: Affordable Housing** sets out that all residential development of 11 or more dwellings should provide 40% affordable homes on-site. New affordable housing is to be prioritised to those who have a local connection and is to be spread throughout new developments in smaller clusters of four to six dwellings.

Local Plan Review

- 5.36 The Borough Council have commenced work on a review of their current Development Plan, however, as previously noted, little weight can be given to the emerging Local Plan Review, given the early stage of its preparation (no draft policies have been prepared to date) and delays to the review as a result of the Covid-19 lockdown. When work on the Local Plan Review can continue,

evidence documents may require updates which may further delay advancement of the review.

- 5.37 The Council's most recent consultation occurred between January and March 2019, on a 'New Directions for Growth' document. This followed an initial Scope, Issues and Options Consultation which was held in January and February 2018. Having regard for likely delays associated with the pandemic, it is not considered likely that an adopted Local Plan will be in place until late 2021 at the earliest.
- 5.38 In addition to the above, the Government have also published its proposed changes to the standard methodology. Using this methodology, the Local Housing Need for Hinckley and Bosworth increases from 452 dwellings per annum, to 889 dwellings per annum, an increase of just under 100%. Whilst the updates to the Standard Methodology have not yet been ratified, further alterations may be made prior to it becoming guidance, and transitional arrangements confirmed, it does however suggest a significant step change in delivery required in Hinckley and Bosworth, to meet housing need.

National Planning Policy Framework 2019

Achieving Sustainable Development

- 5.39 The National Planning Policy Framework (NPPF) sets that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 5.40 Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and to be pursued in mutually supportive ways. The first objective, an economic objective, seeks to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth. Secondly, the social objective supports strong, vibrant and healthy communities, by ensuring that a sufficient range of homes can be provided to meet the needs of present and future generations. Thirdly, the environmental objective of the planning system is to contribute to protecting and enhancing our natural, built and historic environment.
- 5.41 At the heart of the Framework is a presumption in favour of sustainable development. The Framework in paragraph 11 states "*plans and decisions **should apply a presumption in favour of sustainable development***".
- 5.42 As paragraph 11 goes on to state, for decision-taking this means:

- *“approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

5.43 Footnote 6 of the Framework sets out that the protected areas referred in (i) above include *“habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”*

5.44 Footnote 7 of the Framework explains that policies most important for the determination of the application for housing may be considered out of date wherein the Local Authority cannot demonstrate a five-year housing land supply or where the housing delivery test is less than 75% of the housing requirement over the previous three years.

5.45 Paragraph 14 sets out that where the presumption applies to applications involving the provision of new housing, the adverse impacts of allowing development that conflicts with a Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:

- a) “the neighbourhood plan became part of the development plan two years or less before the date on which the decision is made;*
- b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement;*
- c) the local planning authority has at least a three year supply of deliverable housing sites (against its five year housing supply requirement, including the appropriate buffer as set out in paragraph 73); and*
- d) the local planning authority’s housing delivery was at least 45% of that required⁹ over the previous three years.*

Decision-Making

- 5.46 Paragraph 38 of the Framework states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.
- 5.47 At paragraph 47, the NPPF also emphasises that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 12 sets out that this applies only wherein the development plan is up to date. Paragraph 212 sets out that the policies within the Framework are material considerations which should be taken into account in dealing with applications.
- 5.48 Paragraph 47 also sets out that decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 5.49 With regards to planning conditions and obligations, the Framework at paragraph 54 is clear that *“Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”*. Also, planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.50 Paragraph 56 states 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”*.

Delivering a Sufficient Supply of Homes

- 5.51 Paragraph 59 emphasises that it is the Government’s objective to significantly boost the supply of homes. Consequently, *“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”*.

Promoting Healthy and Safe Communities

- 5.52 This section of the NPPF sets out a number of principles to ensure that planning policies and decisions aim to achieve healthy, inclusive and safe places.

Promoting Sustainable Transport

5.53 The NPPF states that transport issues should be considered from the earliest stages of development proposals. In considering development proposals, paragraph 108 states that it should be ensured that:

- “a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) safe and suitable access to the site can be achieved for all users; and*
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.*

5.54 Paragraph 109 states 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”.*

Achieving well-designed places

5.55 The NPPF notes that good design is a key aspect of sustainable development because it *“creates better places in which to live and work and helps make development acceptable to communities”.* Paragraph 127 states that policies and decisions should ensure developments will meet several criteria, including that they function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history including surrounding built environment and landscape, establish a strong sense of place and optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development.

Meeting the Challenge of Climate Change, Flooding and Coastal Change

5.56 This section of the NPPF sets out ways in which planning can support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It also highlights that planning should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Conserving and Enhancing the Natural Environment

5.57 Paragraph 170 of the Framework sets out a number of ways in which planning policies and decisions should contribute to and enhance the natural and local environment.

5.58 When determining applications, paragraph 175 states that local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity”.*

Implementation

5.59 Annex 1 of the Framework confirms that the policies within it are material considerations which should be taken into account in dealing with applications from the day of its publication. It also notes that “Plans may also need to be revised to reflect policy changes which this replacement Framework has made”.

5.60 Paragraph 213 states that existing policies in Local Plans should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

National Planning Practice Guidance (NPPG)

5.61 This online Guidance was launched in March 2014. The NPPG is not intended to make any changes to the Framework but seeks to bring together planning practice guidance for England, previously published only in separate documents, in an accessible and usable way. The NPPG is a live document and is updated regularly.

5.62 Paragraph 002 of the PPG relating to Planning Obligations sets out that planning obligations assist in “*mitigating the impact of unacceptable development to make it acceptable in planning terms*”. Additionally, it states that, “*planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms They must be:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development”.*

06 Planning Assessment

- 6.1 The description of development for which outline planning consent is sought is: “*Outline planning application for residential development of up to 63 dwellings, all matters are reserved except for access*”.

Principle of Development

- 6.2 Officers have previously approved the principle of development of this site, having recommended the grant of planning permission for the erection of 64 dwellings in 2014, subject to S106 agreement and conditions (Ref: 14/00674/FUL).
- 6.3 In assessing the impact of those proposals, Officers advised that the “*site is not a traditional, 'typical' and open countryside location, as it is located in close proximity to the existing pattern and grain of development to the west of Market Bosworth. As such, it is considered that the proposed residential development would occupy a natural 'infill' to the north of Station Road*”. Officers considered that any loss of views and vistas (which have sought to be protected through the current Masterplan) were “*not considered to be significantly harmful in environmental terms to detract from the overall social and economic sustainable benefits of the scheme*”. Nothing has changed in this regard therefore the Council’s views on the site’ s development should remain.
- 6.4 It should also be noted however, that land immediately north of the site has recently (in June 2020) been granted planning permission for the erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 holiday homes (C1) and associated ancillary works and landscaping (Ref: 19/01437/FUL). The implementation of that scheme will create built form to the north of the application site and will therefore create an even more contained natural ‘infill’ site to that previously assessed.
- 6.5 Section 38 of the Planning and Compulsory Purchase Act 2004 requires that planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Hinckley and Bosworth is the Core Strategy (Adopted 2009), the Site Allocations & Development Management Policies DPD (SADMP) (Adopted 2016) and Market Bosworth Neighbourhood Plan (MBNP) (Made 2015).
- 6.6 The National Planning Policy Framework 2019 (NPPF) is material to the determination of this planning application. To ensure that sustainable development is pursued in a positive way, it

contains a presumption in favour of sustainable development at its heart. Paragraph 11 requires that plans and decisions should “*apply a presumption in favour of sustainable development*”. For decision making, this means that where the policies which are most important for determining the application are out-of-date, granting permission unless:

- i) *“the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”.*

6.7 Footnote 6 to paragraph 11 sets out what specific designations qualify as protected areas or assets. The application site is not protected by any specific designations which would warrant protection under footnote 6 of the Framework, meaning the first criteria is not applicable. The second criteria requires the decision maker to apply a planning balance, but the test is weighted towards approval, as in order to refuse the application, the Council must demonstrate that the approval would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole.

6.8 It is acknowledged that the Council consider that they are able to demonstrate a five year housing land supply (utilising the standard methodology as outlined by Planning Practice Guidance). Nevertheless, the Council accept that the housing policies within the Plan are **out of date**, as they focus on the delivery of a lower housing requirement than required by the current standard methodology. This position was confirmed in the Committee Papers for the Planning Committee on the 18th August 2020. The papers state:

*“Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years supply of deliverable housing at 1st April 2020. **However, the housing policies in the development plan are considered to be out of date as they focused on delivery of a lower housing requirement than required by the up-to-date figure.** Therefore, the application should be determined in accordance with Paragraph 11(d) of the Framework whereby permission for sustainable development should be granted unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole”.¹*

6.9 In the context of the above, the decision of the Secretary of State, dated 29th July 2020, in respect of Appeal Reference: APP/M1005/W/18/3198996 (Land at Amber Hills, Whitehouse

¹ (Paragraph 8.6 – 8.7 18th August 2020 Planning Committee Public Document Pack) (our emphasis added).

Farm, 153 Belper Lane, Hilltop, Belper) in Amber Valley District is of relevance. In coming to his decision, the Secretary of State sets out that even if the Council were able to demonstrate a five-year housing land supply, as the policies most important of the determination of the application were already out-of-date, the presumption in favour of sustainable development is engaged.

- 6.10 Market Bosworth is acknowledged to be a sustainable settlement, and Hinckley and Bosworth's Core Strategy Policy 7 identifies the settlement as a Key Rural Centre. Key Rural Centres are sustainable locations for new development and qualify as such due to having populations of over 1,500 people and a wide range of local services and facilities. However, part of Policy 7 restricts new housing development to only land within settlement boundaries. As this element of the policy controls the location of housing based on an outdated housing requirement, and is now out of date, it cannot be afforded weight in the determination of this application.
- 6.11 Another policy important for the determination of this application is SADMP Policy DM4: Safeguarding the Countryside and Settlement Separation. This policy restricts housing development in the countryside (outside of defined settlement boundaries) to a select number of uses, not including residential. As this policy is also tied to the delivery of the Core Strategy housing requirement it is also out of date.
- 6.12 On the above basis that the Development Plan's housing policies are acknowledged to be out of date, it is agreed that the presumption in favour of sustainable development is engaged, and as such this planning application should be approved unless the adverse impacts, of which there are few, significantly and demonstrably outweigh the benefits.
- 6.13 Also of relevance to the determination of this application is the recently published proposed changes to the standard methodology. The propose update to the methodology increases the Housing Need for Hinckley and Bosworth from 452 dwellings per annum, to 889 dwellings per annum, an increase of just under 100%. Whilst the updates to the Standard Methodology have not yet been ratified, further alterations may be made prior to it becoming guidance and transitional arrangements still to be confirmed, it does suggest a step change is required in housing delivery and if housing isn't increased in the short-term, the Council will struggle to continue to be able to demonstrate a five-year housing land supply and eventually fall foul of the Housing Delivery Test. Sustainable sites, such as this application site, will therefore be required to support the delivery of housing need.

- 6.14 Delivery in the rural areas is essential for ensuring the continued vitality of settlements. The CLA report *Strong Foundations: Meeting Rural Needs*² outlines the significant issues for rural communities when described as unsustainable by development plan documents, unduly restricting their growth. The lack of affordable or entry level housing means younger people are often unable to find local accommodation, forcing them to move away from their homes to find suitable accommodation. Moreover, the lack of new development including bungalows or other dwellings suitable for downsizing means many older people who wish to remain in their home villages will have no suitable options to downsize and as such will instead remain over occupying larger family homes.
- 6.15 The above issues are set out in the Market Bosworth Neighbourhood Plan, which acknowledges the town's housing issues including affordability, especially for first-time buyers and younger people, as well as an ageing population wanting to downsize.
- 6.16 Market Bosworth is one of the Council's most sustainable rural settlements, only behind the urban areas of Hinckley, Burbage and Earl Shilton and Barwell, thereby forming a significant part of the settlement hierarchy for Hinckley and Bosworth. Despite this, and the issues highlighted above, the town has seen little growth over recent decades. The Core Strategy (2009) directed growth of 100 dwellings to the town, with the Site Allocations & Development Management Policies DPD (SADMP) (July 2016) allocating Land South of Station Road and Heath Road for approximately 100 dwellings, despite the Neighbourhood Plan having allocated the site for just 55 dwellings the previous year (2015). At the time of writing no planning application has been made. The allocated site is made up of a number of landowners with demolition of industrial units on third party land required to facilitate access to the rear of the industrial estate to bring forward the site. The deliverability of the allocated site is therefore challenged with an alternate site required to bring forward much needed residential development. Furthermore, development proposals for 76 dwellings on land associated with Sedgemere, Station Road has been refused, further compounding the issues surrounding housing delivery within Market Bosworth.
- 6.17 Market Bosworth needs residential development to come forward to contribute towards sustaining and increasing the vitality and viability of its local services and facilities, thus contributing towards creating and maintaining a sustainable and balanced community and promoting a strong local economy. It has not grown over the past few decades and with development constraints to the east to the town, including parkland, conservation area, listed buildings, landscape, access and highway safety limitations, growth of the town is largely limited to the western edge of the town.

² <https://www.cla.org.uk/strongfoundations>

As a result, the Neighbourhood Plan identified two potential sites for development, land north of Station Road, and land south of Station Road; both to the west of the town.

6.18 The selection of the site to the south of Station Road as the single allocation in the town was based on community feedback. Having reviewed Appendix A2 of the Neighbourhood Plan which identifies a number of criteria that the two sites were compared against, it is considered that the application site should score much higher than set out. The scoring and commentary do not take account of the fact that:

- development can be brought forward immediately without any technical or land ownership issues, assisting in meeting immediate housing need;
- economic growth will be created through construction activities and once occupied residents will contribute to local expenditure;
- noise assessments demonstrate that acceptable external and internal noise levels of can be achieved on the development in respect of noise arising from JJ Churchill and road noise;
- development will retain the valued view and vistas and will create publicly accessible parkland and woodland with elevated views across the wider landscape;
- development along both sides of Station Road from canal into towards centre of settlement would be in keeping with the historic town which already has development to the north of Station Road;
- built form is to be set back from Station Road at the south western corner, on the approach into the settlement, to soften the town's built-up edge;
- existing footways along the northern side of Station Road will be widened along the site frontage to enhance pedestrian safety and enhancing walking routes; and
- provision of secure cycle storage and details of local cycle routes to residents.

6.19 Unlike the allocated site, the application site has no landowner issues or technical constraints. The site is considered natural 'infill' development, with the proposed tree lined access drive improving the appearance of the adjacent Kyngs Golf Course and Country Club and its consented development proposals for a new club house, holiday chalets and extensive carparking.

6.20 The site has already been assessed as acceptable in principle, evidenced by the recommendation for approval in the 2014 application and the latest SHELAA (2017/2018) assesses the site (AS392) as suitable, available and achievable and as a result is identified as being developable with a timeframe for development between 2023-2027.

6.21 As set out above, on the basis that the Development Plan's housing policies are acknowledged to be out of date, the presumption in favour of sustainable development is engaged, The benefits

to be delivered by the development, as outline below, will substantially outweigh any minor residual impacts.

Scheme Benefits

6.22 We consider that the site and proposals are in accordance with the NPPF's aim of sustainable growth and significantly boosting the supply of homes. The following clear, Economic, Social and Environmental benefits will be derived from the proposed residential development in Market Bosworth.

Economic Benefits

6.23 The economic benefits of the proposed development would be considerable. The development of up to 63 dwellings will make a contribution towards meeting local housing need and demand but will also make a valuable contribution to the local viability and vitality of Market Bosworth as a sustainable and balanced community.

6.24 The development will deliver economic benefits as summarised below:

- **A Boost to the Local Economy** - The construction activities associated with the development will represent an investment in the local area and will create jobs in the short term for the duration of the construction activities. Once occupied, the development will house economically active residents who will contribute towards annual household, retail, leisure and services expenditure in the locality.
- **New Homes Bonus** – The new dwellings will also provide Council Tax receipts to South Northamptonshire Council, along with New Homes Bonus which provides a much-needed source of funding for the Council to spend as it sees fit on the delivery of its services.
- **Buying and Selling New Homes** – There is an economic benefit through the buying and selling of new homes. There are parties involved in all stages of the process which involves financial transactions e.g. sales agents, solicitors, banks. This in itself increases economic activity. In addition, new residents would be purchasing furniture and white goods which assists the local economy.
- **Financial Contributions for Associated Infrastructure** – The development will deliver specific funding towards additional facilities in line with the planning policy and commensurate with the scale of the proposed development and local capacity.
- **Other** – Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of relevance, necessity and reasonableness, consideration will be given to their inclusion.

6.25 These benefits of the proposed development contribute to the economic role of sustainable development defined within the NPPF, contributing to a strong, responsive and competitive economy. These are a further significant benefit to the proposed development.

Social Benefits

6.26 The social benefits associated with the proposed development are multiple-faceted and include:

- **Location** – The site adjoins the settlement of Market Bosworth which provides a range of services and facilities including a doctors' surgery, dentist, veterinary practice, police and fire stations, library, parish hall, convenience foodstore, post office, restaurants and takeaways, public houses and a hotel. There are a number of educational facilities within the town including a nursery school, play school, primary school, secondary school and a fee-paying school. In addition to the schools' sports facilities there are football, cricket, tennis and bowls club grounds, livery stables, fishing ponds and a water park providing access to various water sports. The nearest bus stops to the site are located on Station Road, adjacent to the existing access to the site, less than 100m from the centre of the development. These bus stops are served by the 153 service which runs between Market Bosworth, Desford and Leicester, which has a variety of employment opportunities and larger retail facilities. The new residents will support and help sustain local services and facilities, contributing to the creation of sustainable communities. In addition the location of the proposed development, immediately adjacent to an established residential area, will ensure the creation of an integrated community.
- **Open Space** – A key feature of the proposed development is the creation of a significant area of new public open space within the site; approximately 2.15 ha. In addition to meeting the needs arising from the occupiers of the proposed development, the new open space will provide an accessible resource for existing residents in the local area. The open space also provides an area of landscape buffering which will soften the appearance of the development and provide an opportunity for ecological enhancement. The open space has been located to retain important views from Station Road.
- **Sustainable Transport** – The site is located within walking distance of facilities within the town, further supporting active lifestyles and encouraging an alternative to the car. The proposals will make provision for free bus taster passes providing six-months of unlimited travel across Leicester for each dwelling, as well as upgrades at the two nearest bus stops to provide raised height kerbing level access, as well as shelters (if practical) and timetable cases. These represent significant additional social benefits, not just to new occupiers of the development, but to those in the locality as well.
- **Supply of Market Housing** – The proposed development will make a positive contribution to the supply and delivery of market housing. The site is available and deliverable and makes a short term contribution to housing supply. The development will provide additional housing in one of the most sustainable Key Service Centres. Whilst the exact mix and type

of housing to be provided will be considered in greater detail during subsequent reserved matters applications, it is considered this development will be able to provide a range of dwellings including smaller properties, bungalows and family housing. The delivery of houses in this location will enable the younger generation of Market Bosworth to have the opportunity to remain in their local rural community with quality sustainable and affordable homes located within a sensitively designed setting.

- The delivery of new market housing at a time when the Council's housing policies are out of date, should be afforded significant weight, particularly as this site has the potential to deliver quickly having regard for the lack of constraints. Furthermore, given the proposed increases to Local Housing Need, it is essential that the Council take a proactive approach to consenting new residential development now to ensure they can continue to demonstrate a robust housing land supply and Delivery Test result.
- **Delivery of Affordable Housing** – There is a high demand in Market Bosworth for affordable properties and the waiting list shows that there is an acute housing need. The proposals will deliver 40% affordable housing to support local affordable needs, in accordance with local policy. The provision of up to 25 affordable units at the site represents a significant positive benefit of the proposed development. This is a tangible benefit and merits significant weight.
- **Education** – Financial contributions may be required by the Local Education Authority if school expansion is required to accommodate the additional children generated directly by this scheme.

Environmental Benefits

6.27 This planning statement and the supporting technical documents which accompany the application explain how environmental factors have been taken into account to ensure sustainable development. Mitigation has been included within the scheme to ensure conservation and enhancement of key features:

- **High Quality Sustainable Design** – The proposed development represents a high quality sustainable development that responds positively to its built and natural setting. The development will provide an accommodation and tenure mix to meet the needs of the community including bungalow provision.
- **Protection and Enhancement of Existing Landscape Features** – The proposed development will retain the majority of the existing trees and hedgerows onsite. The mature woodland to the east will be retained and supplemented with new tree planting within open space to strengthen wooded character and backdrop, all publicly accessible by new paths off Station Road.

- **Flood Risk and Drainage** – A full flood risk assessment has been undertaken demonstrating no increased risk of flooding will arise from the development. A Sustainable Urban Drainage System, including an attenuation pond is proposed as part of the comprehensive drainage strategy to the south western part of the site.
- **Protection and Enhancement of Existing Biodiversity Habitats** – The layout shown within the Illustrative Masterplan has been informed by the recommendations of the Ecological Impact Assessment. The proposed development layout and landscaping will provide an overall net gain in habitat of +16.74%. This incorporates the retention of existing woodland habitat, enhancement of grassland species with species rich seeding and careful management, as well as the creation of ponds. helping to create an attractive environment with clear biodiversity benefits.
- **Mitigate Climate Change** – The proposed development will seek to mitigate climate change through reducing CO2 emissions by building new homes in a sustainable and accessible location, thus reducing the reliance to travel by private car. In terms of resilience to climate change impacts, the scheme has been designed to take this into account, notably through the provision of a drainage strategy as described above and detailed within the Flood Risk Assessment.

6.28 In summary, the benefits of the scheme are significant and include the sustainable delivery of open market and affordable housing in a high quality development; investment creation, new open space and support for local services and facilities, which should be given significant weight.

6.29 Adverse impacts of the scheme are negligible and mitigation measures are proposed to ensure that any impact can be ameliorated. The illustrative masterplan is based on a detailed understanding of the site and its surroundings and is informed by a comprehensive suite of technical assessments, which ensure that the design is robust and deliverable. This is discussed in greater detail below.

Technical Assessments

6.30 A number of detailed technical assessments, surveys and reports have been commissioned to inform the proposed development, as listed in Section 2 of this Statement. The outputs of these reports, including any required mitigation measures, have been summarised below. For further information on any of these topics, please refer to the full reports directly.

Landscape and Visual Impact

6.31 The Landscape and Visual Impact Assessment (LVIA) confirms that the site does not lie within a landscape that is recognised at either a national or local level for its landscape value or quality.

- 6.32 The LVIA notes that the Neighbourhood Plan describes the various 'Indicative Character Areas' within the Market Bosworth development plan boundary, although doesn't characterise the site itself. However, the site sits between a 'Post-2000 Development' site to the west, to the south of a 'Leisure & Tourism' area (the golf club), and to the west and north of the 'Suburban Residential' character area. The Leisure and Tourism area to the north has planning consent or the development of the redevelopment of Kyngs Golf and Country Club and new lodges.
- 6.33 To the south west lies an 'Industrial' area which comprises a number of commercial businesses accessed off Station Road. The intervening vegetation and built form separates the site from this area and negates any potential impact on the area.
- 6.34 Of note, the document includes a 'Proposals' plan, highlighting key 'Important Views' and 'Important Vistas' for consideration. View 1 is taken from the Railway Bridge to the west of the site and includes views of part of the site on the raised ground. Also noteworthy is 'Vista 11' which is taken from Station Road facing north across the site. Supporting policy CE1 Character and Environment states seeks to ensure that new development proposals are inkeeping with the character area that they are within or adjacent to, whilst Policy CE3 Important Views and Vistas seeks to resist development proposals that would harrn the designated views and vistas. The illustrstaive masterplan has been designed to take account of these key views and vistas.
- 6.35 The LVIA sets out that through the design of the proposals, the development includes measures that are effective in helping to assimilate the development into the landscape, including the following:
- Retained views of the upper slopes on the approach to Market Bosworth from the west (identified as key 'View 1' within the Neighbourhood Plan). This is to be achieved with a development set back from Station Road to avoid interrupting views;
 - Open space alongside Station Road retained as a parkland character with open views across area of grassland and specimen trees with pathways connecting open space. Properties fronting open space beyond private driveways provide an attractive frontage;
 - Sloping land to the east of the site to be retained as public open space to maintain north-facing views from Godsons Hill (identified as key 'Vista 11' within the Neighbourhood Plan);
 - Bungalows fronting open space allow views beyond the site and consented golf club chalets to the wider countryside to the north;
 - Creation of publicly accessible open space with elevated views across the wider landscape to the north from the hillside east of the site. Areas of Open space accessed by new paths off Station Road;
 - Hilltop woodland retained and supplemented with new tree planting within open space to strengthen wooded character and backdrop;
 - Boundary hedgerow to the north maintained and enhanced with hedgerow tree planting to provide a soft edge and buffer with the consented development and golf club to the north;

- Hedgerow to the eastern site boundary enhanced with new hedgerow tree planting to soften development edge, whilst retaining views across open space towards the wooded backdrop on Godsons Hill;
- Trees within the site retained in open space to the east of the development and supplemented with new trees to reflect field boundaries. Trees scattered to allow intervisibility and retain views across the site to the wider landscape to the north.
- Avenue tree planting centrally within the site will provide a high quality strong sense of arrival to both the site and the consented Kyngs Golf and Country Club to the north;
- Opportunities to provide marginal vegetation associated with attenuation features and existing pond for wildlife and biodiversity enhancements; and
- Wildflower / meadow grassland to areas of public open space to provide amenity and wildlife benefits.

6.36 The LVIA establishes that the proposed development will only result in predominantly localised impacts on the landscape character of the site that are of no greater than a localised Minor-Adverse effect. Furthermore, at a wider scale, the development will give rise to Negligible landscape effects due to the nature of the proposals; introducing no incongruous features into the area.

6.37 The visual assessment highlights the relatively limited extent of views in which the development will be visible. The surrounding undulating topography, existing woodland blocks and existing built form, in addition to the consented Kyngs Golf and Country Club scheme to the north, places the site in a peri-urban context. Where the site is visible from local footpaths and routes, residual effects have been assessed as being no greater than Moderate Adverse and are limited to localised impacts.

6.38 The proposed scheme has been assessed through the LVIA to give rise to localised Moderate Adverse landscape and visual effects and therefore does not result in significant effects on the intrinsic value, beauty, open character and landscape character of the countryside.

Ecology

6.39 An Ecological Impact Assessment (EclA) has been submitted with the application. This sets out that the application site comprises one improved grassland field and one poor semi improved grassland field, bounded by species poor hedgerows and palisade fencing along the southern boundary. During the initial site survey, one pond was recorded onsite. Further surveys were undertaken and Great Crested Newts were confirmed onsite. An EPSL Licence will be applied for to mitigate the loss of a breeding pond and terrestrial habitat and translocate the newts out of the area of construction.

6.40 The proposed site layout and landscaping enhancements will provide an overall net gain in habitat of +16.74%. This incorporates the retention of existing woodland habitat, enhancement of grassland species with species rich seeding and careful management, as well as the creation of ponds that will be designed sensitively to the local ecology.

Trees

6.41 A Tree Survey has been undertaken which identified 23 individual trees on site, 2 tree groups and 5 hedgerows and 1 woodland. The quality of specimens is outlined below:

- 3 trees were classified as Category A.
- 14 trees were classified as Category B
- 4 trees were classified as Category C
- 3 trees were classified as Category U
- 1 woodland was classified as category A
- 2 tree groups were classified as category B

6.42 These categories allow for informed decisions to be made regarding the retention or removal of tree specimens and has influenced the design of the site to ensure the retention of higher quality trees. The Illustrative Masterplan has also had regard to the root protection areas as identified within the Tree Survey Plan.

Heritage and Archaeology

6.43 The submitted Heritage Statement confirms that there are no designated heritage assets within the site and the proposed development will have no impact on the setting of any designated heritage assets in the wider vicinity. Previous archaeological trial trenching adjacent to the site did not produce evidence to suggest the probable presence of archaeological assets within the site.

6.44 A Geophysical Survey was completed in July 2020. This survey, which is submitted in support of this application, identifies no features of clear archaeological interest. The only feature identified is the remnants of medieval agricultural practices, i.e. ridge and furrow. This however is no longer visible above ground and has presumably been removed through the agricultural use of the land. Given the lack of visible remains, the ridge and furrow is considered to have no archaeological interest and is not assessed to be a non-designated asset. The site is considered to have low potential for significant (i.e. non-agricultural) remains of all periods. Any surviving remains are likely to be of local interest and would only be significant for their archaeological interest and potential to contribute to local research agendas.

6.45 An Archaeological Officer commenting on the previous application on the western part of the site, (Ref: 14/00674/FUL) recommended the site be subject to a topographical earthworks survey, due to degraded remains of ridge and furrow. However, the Heritage Assessment confirms that the remains have since been degraded further and LiDAR data gives a better record than what would be achieved by a topographical survey. Furthermore, given the results of the Geophysical Survey completed in July 2020, which shows no obvious targets for trial trenching, we do not consider any further intrusive fieldwork to be necessary ahead of the proposed development.

Traffic and Highways

6.46 A Transport Assessment and Travel Plan also accompanies the application submission. This considers the potential transport and highways impacts of the proposals including the impact of the development generated traffic on the surrounding road network, and also the implications for travel by non-car modes. The Transport Assessment demonstrates that the site is located in a sustainable location with a range of local facilities, including Market Bosworth Town Centre, schools and various healthcare and leisure facilities. The closest bus stops are within 100m from the centre of the application site and are proposed to be upgraded as part of the development.

6.47 As set out previously, this is an outline planning application with all matters other than access reserved for future determination. The existing vehicular access point on Station Road is to be improved to serve the proposed the development. This includes the widening of the access to 6m, with 10m radii and 2m wide footways on either side of the carriageway.

6.48 A Junction Capacity Assessment has been undertaken for the site access at Station Road and the Station Road/ Wellsborough Road/ Pipistrelle Drive roundabout. The capacity assessments have been completed having regard for the increased usage in a post development scenario, including committed development such as that proposed at Kyngs Golf Club. Sensitivity testing utilised a year 2030 base date, inclusive of committed sites. The results of the capacity assessments show that both junctions operate well within capacity, having regard for future likely traffic scenarios. At peak times, one vehicle would leave the site every three minutes. This is not considered to have any material impact on the operation of the highway network.

6.49 Overall, the Transport Assessment demonstrates that the proposed development would not have a material adverse impact on the safety or operation of the local highway network. The evidence utilised in support of this application is prior to Covid-19 pandemic and are considered to be appropriate for this application.

6.50 The Travel Plan, which sets out a number of measures to promote sustainable modes of travel including cycling, walking and use of public transport. The measures include the provision of two 6-month "taster" bus passes per dwelling and upgrades to the two nearest bus stops to the site.

Flood Risk and Drainage

- 6.51 A Flood Risk Assessment and a Preliminary Drainage Strategy has been prepared and is submitted with this application. The Flood Map for Planning shows that the site is entirely within Flood Zone 1 (Low Probability), land defined as having less than a 1 in 1000 annual probability of river or sea flooding. Land to the west of the site is at medium to low risk of surface water flooding, however this has been mitigated through the proposed drainage strategy, which directs excess surface water runoff to an attenuation pond to the southwest of the site. Water will be stored here during flood events and discharged at greenfield runoff rates. Whilst the site is located close to the canal network, the site is not considered to be at risk of flooding due to the distance and terrain between the site and the canal watercourse.

Noise

- 6.52 A Noise Assessment was undertaken by Air Acoustic for a proposed scheme at the site (ref 14/00674/FUL). The report considered the effects of noise on the proposed residential development, taking into account potential noise effects from the road and the 24-hour operations at the JJ Churchill site on the south side of Station Road, south west of the development. It noted that the assessment demonstrated that acceptable external and internal noise levels can be achieved for residents subject to appropriate noise mitigation, dealt with by way of planning conditions. The mitigation measures were limited to improved window specifications for dwellings facing Station Road and provision of a 1.8m high close board fencing to some garden boundaries. Based on Google images and a recent site visit, the surrounding environment, including the frontage of the JJ Churchill facility does not appear to have changed since the original report was undertaken.
- 6.53 The new proposals reduce the extent of the developable area than the layout analysed within the previous noise assessment, with the extent of development at least 70m further east than previously. Further to this, the distance between the JJ Churchill site and the nearest proposed dwelling has increased from approximately 48m to 110m, with the new scheme also positioning properties slightly further from the road.
- 6.54 Taking the above into consideration and due to the previous scheme falling within acceptable noise limits (subject to standard mitigation measures) and the surrounding environment having not changed, it is considered that for the new proposed development noise exposure remains low with relevant noise standards met and the site would not be subject to unacceptable noise constraints, subject to some standard mitigation.

Air Quality

- 6.55 An Air Quality Assessment is being undertaken with reference to the Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) – Land-Use Planning & Development Control: Planning for Air Quality 2017 (EPUK Guidance).
- 6.56 There are currently no Air Quality Management Areas or areas of concern within the The site is located in the Hinckley and Bosworth area or near to the proposed development. Therefore, a screening assessment has been undertaken using the DMRB screening tool including a construction dust assessment.
- 6.57 Environmental Protection UK (EPUK) and the Institute of Air Quality Management (IAQM) guidance ensures air quality is adequately considered in the land-use planning and development control processes. The guidance clarifies when an air quality assessment is required and what it should contain. It sets out how impacts should be described and assessed. Importantly it sets out a recommended approach that can be used to assess the significance of the air quality impacts, taking account of the advice issued by IAQM. An important focus of this guidance is on minimising the air quality impacts of all developments for which air quality assessments have been requested by the planning authority; this will be through good design and application of appropriate mitigation measures.
- 6.58 The impact of the proposed development will not have an adverse impact on air quality and will not result in any new exceedance of the air quality objective. Dependent upon the level of predicted impact a suitable mitigation strategy may be identified and is likely to include best practice measures such as electric vehicle charging provision and travel planning.

Ground Conditions

- 6.59 The Ground Conditions Desk Study Report identified that the risk of the site being considered contaminated with regard to human health is very low. The sensitivity of the proposed use with regard to contamination is considered high based on the proposed residential end use.
- 6.60 A number of minor features which have the potential to act as a source of contamination, including unspecified ground working in the eastern portion of the site. Based on the scale of this feature and location (outside of the proposed developable area) is risk of this feature impacting the site is considered very low.
- 6.61 Historical records have indicated that a number of small structures were present across the site. No evidence of these features were noted during the site walkover, however the ground may have

been disturbed locally in this area. The risk of these features impacting the site is considered very low.

- 6.62 A pond and electrical substation were noted on site records in the western portion of the site. It was not possible to confirm the presence of these features during the site walkover. The risk of these features impacting the site is considered very low at this stage.
- 6.63 The site is generally considered to be at a low risk of soil contamination, however for confirmatory purposes it would be prudent to undertake chemical testing across the site for commonly occurring contaminants. Site investigation works should be targeted towards the potential soil contamination sources identified above.
- 6.64 No significant potential sources of ground gas have been identified on the site or in the surrounding area. However, any made ground associated with the infilled ground working in the eastern portion of the site may have the potential to act a source of ground gas. Gas monitoring is recommended to establish the gassing regime of the site.
- 6.65 The risk of the site being considered contaminated with regard to Controlled Waters is considered very low. The site is classified as Secondary Aquifer associated with the underlying geology.
- 6.66 Site investigations are recommended to confirm the potential risk to the identified receptors are at an acceptable level, and that no remedial action is required.

Design

- 6.67 The proposed development has been designed to ensure that it will successfully integrate into its surroundings, both in terms of the existing important features of the site and how the development will integrate into the wider area.
- 6.68 The Design and Access Statement demonstrates that the Illustrative Masterplan is founded on a number of key design principles in order to achieve a high quality, sustainable residential development.
- 6.69 The proposals have adopted a landscape driven approach and will include significant levels of high quality public open space. This will include a new equipped play area with further natural play areas, trim trail, amenity space and a number of attenuation and biodiversity ponds, embracing the site's ecological assets as a setting for new family homes.

6.70 The scheme has emerged through a thorough process of design development and through a comprehensive public and stakeholder consultation process. This has been discussed in detail within the Design and Access Statement, which accompanies the planning application.

07 Conclusion

- 7.1 This Planning Statement has been prepared in support of an outline planning application for a residential development on land off Station Road, Market Bosworth.
- 7.2 Market Bosworth is acknowledged to be a one of the Council's most sustainable rural settlements, only behind the urban areas of Hinckley, Burbage and Earl Shilton and Barwell, thereby forming a significant part of the settlement hierarchy for Hinckley and Bosworth, and thus is suitable and capable of accommodating sustainable development.
- 7.3 The Station Road site is in a sustainable location, and has been accepted as such by Officer's, evidenced by the recommendation for approval in the 2014 application.
- 7.4 The proposed development will deliver a highly sustainable residential development with positive social, economic and environmental benefits, whilst also assisting the Council in boosting the supply of housing and the delivery of housing in future years. By approving the development proposals at Station Road, this will contribute towards sustaining and increasing the vitality and viability of the local services and facilities, thus contributing towards creating and maintaining a sustainable and balanced community and promoting a strong local economy.
- 7.5 As expanded on in Section 6 above, the scheme will deliver a number of benefits for the future and existing local community, which will include:
- Construction of additional housing to significantly boost Hinckley and Bosworth Council's supply of both market and affordable housing, including a mixture of dwelling types and sizes, ranging from bungalows, flats, terraced units, semi-detached and detached family properties across 1, 2, 3 and 4 bedrooms;
 - New public open space, including parkland, a LEAP and trim trail for both existing and future residents;
 - The protection and enhancement of existing landscape and biodiversity habitats; and
 - A boost to the local economy through employment and training opportunities during construction, increased spend from local residents in the local economy following completion, together with the delivery of New Homes Bonus.
- 7.6 The Council recognise that the housing policies in the development plan are out of date as they focus on delivery of a lower housing requirement than required by the current standard methodology figure. The application should therefore be determined in accordance with

Paragraph 11(d) of the Framework, and planning permission granted. This Statement and the technical reports submitted with this application confirm that the adverse impacts of granting planning permission for the proposed development will not significantly and demonstrably outweigh the significant benefits which will be delivered as a result of the new housing proposed. The proposals are therefore considered to constitute sustainable development and should be approved without delay in accordance with paragraph 11 of the NPPF, subject to the imposition of appropriate conditions and a S106 obligation.

Appendix 1

Committee Report 14/00674/FUL

Item: 01

Reference: 14/00674/FUL

Applicant: Charles Church North Midlands

Location: Land At Station Road Market Bosworth Leicestershire

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

Target Date: 8 October 2014

RECOMMENDATION:- Grant subject to S106 obligations and subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major application.

Application Proposal

Full planning permission is sought for the erection of 64 dwellings and associated works including 2 no. attenuation ponds, formal play space, public open space and an equipped play area. The scheme proposes 38 open market dwellings and 26 affordable dwellings.

This is a revised proposal following refusal of planning application 13/00520/FUL. This application was refused at Planning Committee on 04 February 2014 for the following three reasons:-

1. In the opinion of the Local Planning Authority the proposed development will result in an adverse urbanising effect of the landscape, resulting in harm to the intrinsic character and beauty of the countryside, contrary to the requirements of Saved Policy NE5 of the adopted Hinckley and Bosworth Local Plan (2001) and the requirements of Paragraph 17 of the National Planning Policy Framework.
2. In the opinion of the Local Planning Authority the proposed development would fail to deliver sustainable development in so far as it would restrict the growth of existing businesses through introducing a residential use in close proximity to a noisy industrial use. Furthermore, the applicant has failed to satisfactorily demonstrate how noise generated by the nearby JJ Churchill factory could be satisfactorily mitigated to safeguard residential amenity. Approval of the proposal would therefore be contrary to Saved Policy BE1 (criterion h) of the Hinckley and Bosworth Local Plan (2001) and Paragraphs 17 and 19 of the National Planning Policy Framework.
3. In the opinion of the Local Planning Authority the proposed development would bring forward significant residential development on an unallocated site ahead of full consideration and consultation of the Site Allocation and Generic Development Control Policies DPD and would undermine the aspirations to bring forward the community's preferred site for new housing development as set out in the emerging Site Allocations and Development Management Policies DPD and

the emerging Market Bosworth Neighbourhood Development Plan. The proposal if approved would therefore be contrary to the principles of the National Planning Policy Framework with regards to plan making and consultation.

The applicant has submitted an appeal against the Council's decision to refuse application ref. 13/00520/FUL and a public inquiry is scheduled for 09 - 11 September. Prior to the appeal being heard the applicant has decided to resubmit a revised proposal reducing the number of dwellings by one unit from 65 to 64 dwellings and making revisions to the layout to re-locate plots 13 - 18 further back into the site in an attempt to overcome the noise concerns that were raised previously. These revisions present the Council with an opportunity to consider the merits of the planning application afresh against all material planning considerations.

Vehicular access is proposed from the existing access which serves Kyngs Golf Club off Station Road to the south east of the site.

Off-site works to Station Road include the widening of an existing footway to 2.5 metres to the east of the access site and to the west of the access site, up to the byway and access for Wharf Farm, in addition to a new junction layout including a ghost island right turn.

Application 13/00778/FUL for additional formal play space adjoining the on-site formal play space was approved previously but would be linked to this application through the S106 Agreement.

The Site and Surrounding Area

The site is roughly rectangular in shape measuring approximately 2.97 hectares and bounded by mature hedgerows to the north and west. A mature hedgerow which runs through the site is set to be retained and an existing pond utilised and enlarged for the central attenuation zone.

The site is bound to the north by the Kyngs Golf and Country Club, to the south by Station Road and to the east and west by agricultural fields.

The site is located outside the settlement boundary of Market Bosworth, as defined by the adopted Hinckley and Bosworth Local Plan Proposals Map (2001).

Technical Documents submitted with application

Access Proposals
Arboricultural Survey
Archaeological Survey
Design and Access Statement
Ecological Appraisal
Flood Risk Assessment
Great Crested Newt Survey
Planning Statement
Statement of Community Involvement
Transport Assessment
Travel Plan.

Relevant Planning History:-

14/00001/TPORD	Tree Preservation Order	10.04.14
13/00520/FUL	Erection of 65 dwellings and associated works including 2 balancing ponds, formal play area space, public open space.	Refused 11.02.14
13/00778/FUL	Development for 664 sqm of formal play space, linked with application 13/00520/FUL	Approved 11.02.14

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Consultations:-

No objection subject to conditions have been received from:-

Environment Agency
Severn Trent Water
Director of Environment and Transport (Highways)
Directorate of Chief Executive (Ecology)
Directorate of Chief Executive (Archaeology)
Head of Community Services (Pollution)
Head of Corporate and Scrutiny Services (Tree Officer)
Head of Community Services (Land Drainage)
Head of Business Development and Street Scene Services (Waste Minimisation).

Site notices and a press notice were displayed. In addition neighbours immediately adjoining the site were consulted.

Market Bosworth Parish Council raises the following objections:-

- a) open intrusion into the countryside
- b) inadequate drainage and risk of flooding
- c) proposed attenuation zones will be bogs
- d) community involvement document is incorrect
- e) housing mix proposed is unsuitable for the needs of the town
- f) the S106 money would not help relieve pressure on existing services
- g) highway safety issues on Station Road
- h) design of the dwellings is poor
- i) premature to the emerging Neighbourhood Plan
- j) responsibility for maintenance of hedgerows and open space.

Market Bosworth Neighbourhood Forum raises the following objections:-

- a) application is premature to the emerging Neighbourhood Plan
- b) would significantly jeopardise the Neighbourhood Plan making process
- c) the Borough Council nominated Market Bosworth to the vanguard neighbourhood plan
- d) the emerging plan is at an advance stage but has not been adopted
- e) the proposal would destroy a key approach and view into town from the west and remove a key vista to the north
- f) contrary to emerging policies of the Neighbourhood Plan
- g) contrary to the NPPF
- h) contrary to the principles of localism
- i) the Planning Minister has recently written a statement to support neighbourhood planning.

Market Bosworth Society raises the following objections:-

- a) number of dwellings being proposed for the site too high - housing needs remains at no more than 41
- b) public consultation - no provision of bungalows
- c) public highway - remaining stretch of footway is still inadequate
- d) no acknowledgement of the amount of S106 funding which will be required to cover the expansion of services
- e) no reference to a routing restriction
- f) no mention of vehicle washing facilities
- g) no mention of who will take responsibility for the management and maintenance of green spaces and boundaries
- h) dwellings will only exacerbate the current parking problems with parking in the centre
- i) previous recommendations on this site was for a 40 metres set back from Station Road to preserve the green aspect of this approach to the town and horse chestnut trees and to allow the carriageway to be widened and construction of an off-road footway and cycleway - this is still viable and could be achieved if numbers were reduced to 41
- j) 70% of respondents from the public consultation did not support this development.
- k) landscape impact, views into the site from surrounding public rights of way
- l) the development at the adjacent Waterside site was a brownfield redevelopment
- m) the town is actually the size of a village

- n) the approaches to Market Bosworth are important green fingers providing a transition between town and countryside
- o) application would be premature to the Neighbourhood Plan.

David Tredinnick MP has raised the following objections:-

- a) this revised proposal is subject to an appeal
- b) should as a matter of principle refuse
- c) neighbourhood Plan does not allocate site
- d) principles of localism must be upheld
- e) firms on the industrial estate will be forced to relocate
- f) proposal will result in landscape impact
- g) flooding problems will be created
- h) concern with the way plans have been displayed on the website, some from the previous proposal.

Councillor Michael Mullaney has raised the following objections:-

- a) the previous planning application was refused by Planning Committee
- b) the Neighbourhood Plan Forum has spent time engaging showing that 64% of residents supported the site to the south of Station Road
- c) the site south of Station Road would allow local firms to expand creating a boost to the local economy
- d) site south of Station Road is consistent with the Council's preferred site allocation
- e) the land north of Station Road is protected by the NDP's Views and Vistas map
- f) the site proposed is outside of the settlement boundary.

12 letters of objection were received from local residents. Summary of comments received:-

- a) any houses above the residual is unnecessary and unsustainable
- b) Market Bosworth cannot cope with additional housing and population
- c) current open green spaces in Market Bosworth should be preserved, ruining natural beauty
- d) ruining the approach into Market Bosworth
- e) new residential development is not required - vacant properties at Pipistrelle Drive development and Sedgemere development has not commenced
- f) creating a ribbon development is exercising bad planning
- g) would destroy a greenfield site
- h) outside the settlement boundary
- i) open aspect from the canal disappearing
- j) unacceptable impact upon the landscape setting
- k) style of houses are not in keeping with Market Bosworth
- l) the statement on public consultation is inaccurate and misleading
- m) the developer has not participated in the neighbourhood plan process and ignored requests and have not engaged with a significant proportion of the local population
- n) the formal consultation for the 2009 Site Allocations and Development Control Policies DPD resulted in clear preference for land behind the industrial estate
- o) NPD public event and website poll all show a clear preference for the land to be developed south of Station Road
- p) mixed use development being brought forward to the south of Station Road through the Market Bosworth plan offers the potential to meet the needs of existing and future employers and other community benefits

- q) It is premature to consider this application; wiser to await the outcome of the neighbourhood plan
- r) site is liable to flooding with springs and high water table
- s) additional water will be brought through the pipe out onto land
- t) the proposed sewage pumping station needs to have adequate storage capacity.
- u) Increase in traffic
- v) access to Churchill site must not be restricted, layout does not show the Churchill entrance
- w) creating an additional 130 cars travelling up and down through the village
- x) a routing restriction for vehicles over 7.5 tons should be agreed
- y) poor pedestrian access between the north west part of the development to schools and local service centre
- z) footpath too narrow and not fit for purpose
- aa) lorry washing facilities should be put on site
- bb) housing too close to engineering firm could result in future complaints and impact upon their operations - a greater buffer/distance is required
- cc) site has a pond and wildlife which has not been considered
- dd) wildlife will no longer have anywhere to live
- ee) need for bungalows
- ff) does not provide the kind of dwellings needed by the community
- gg) health and education will not be able to cope
- hh) private right of way between two play areas.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012
 The National Planning Practice Guidance (NPPG) 2014
 The Community Infrastructure Levy (CIL) Regulations 2010.

Hinckley & Bosworth Core Strategy 2009

Policy 7: Key Rural Centres
 Policy 11: Key Rural Centres Stand Alone
 Policy 15: Affordable Housing
 Policy 16: Housing Density, Mix and Design
 Policy 17: Rural Needs
 Policy 19: Green Space and Play Provision.

Hinckley & Bosworth Local Plan 2001

Policy RES5: Residential Proposals on Unallocated Sites
 Policy IMP1: Contributions Towards the Provision of Infrastructure and Facilities
 Policy REC2: New Residential Development - Outdoor Open Space Provision for Formal Recreation
 Policy REC3: New Residential Development - Outdoor Play Space for Children
 Policy NE5: Development within the Countryside
 Policy NE12: Landscaping Schemes
 Policy NE14: Protection of Surface Waters and Groundwater Quality
 Policy BE1: Design and Siting of Development
 Policy BE16: Archaeological Investigation and Recording
 Policy T5: Highway Design and Vehicle Parking Standards.

Supplementary Planning Guidance/Documents

New Residential Development (SPG)
Play and Open Space (SPD)
Affordable Housing (SPD).

Other Material Policy Guidance

Site Allocations and Development Management Policies Development Plan Document (Pre-Submission)

Strategic Housing Land Availability Assessment (2010)

The SHLAA Review was published in October 2010 and the proposed site forms part of the site assessed under reference AS392. The site was identified as suitable, available and achievable and as a result identified as being developable with a timeframe for development between 2015 - 2020. The SHLAA has been updated in September 2013 and the site is still identified as suitable, available and achievable and is also still developable. The timeframe for development is 2018 - 2023.

Appraisal:-

The main considerations in the determination of this application are:-

- principle of development
- housing land supply
- prematurity
- Impact upon the character and appearance of the countryside
- overall appearance, scale, design and layout
- Impact on residential amenity
- highway considerations
- drainage and flood risk
- archaeology
- ecology & trees
- affordable housing
- Infrastructure improvements.

Principle of Development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).

Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:

- approving development proposals which accord with the development plan without delay
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole
- specific policies in the NPPF indicate development should be restricted.

Core Strategy

Policy 7 of the Core Strategy states that in Key Rural Centres housing will be provided within settlement boundaries to provide for a mix of housing. Market Bosworth is defined as a Key Rural Centre due to the local services and facilities it has in place.

Policy 11 of the Core Strategy states that through the plan period land will be allocated for a minimum of 100 dwellings to be provided within Market Bosworth that could not be met within the existing settlement boundary as defined in the 2001 Local Plan in order to maintain rural population levels. The residual requirement as of 01 April 2014 is 43 dwellings.

Emerging Site Allocations & Development Management Policies Development Plan Document (DPD)

The emerging DPD was published in draft form in January 2014. The consultation period ended in March and responses are being considered before submission to the Secretary of State. Given that this document is emerging and has not been through examination in public the weight that can be afforded to it is limited at this stage.

The Site Allocations DPD identifies land to be allocated for housing in Market Bosworth to meet the Core Strategy housing figure identified in Policy 11.

The Pre-submission version of the Site Allocations DPD, unlike the preferred options version, does not identify the application site as a residential site to meet the Core Strategy housing requirement for Market Bosworth. Instead a site to the south of Station Road titled MKBOS02: Land South of Station Road and Heath Road has been identified. This is a mixed use allocation with an accompanying policy titled SA2: Land South of Station Road and Heath Road, Market Bosworth. This policy informs the allocation and requires the following:-

- provision of between 0.5 ha to 1 ha of additional B1, B2 and B8 employment land
- provision of a minimum of 42 dwellings
- provision of doctors surgery or alternative community facility
- allotment provision
- a safe pedestrian access off Station Road
- open space in line with Policy 19 of the Core Strategy.
- affordable housing provision in line with Policy 15 of the Core Strategy.

The justifications for this amendment from the preferred options document to the pre-submission version are identified in the Site Allocations Rural Justification Paper and are as follows:-

- Preferred option public consultation responses indicate a preference for this site for residential development over the previously identified preferred option site MKBOS01 and Alternative Options 1 and 2.
- The Employment Land and Premises Review (July 2013) recommends a 0.5-1 ha extension to Station Road Industrial Estate. The allocation of this site for mixed uses enables this extension to be brought forward and the extension enables access to the residential development to the east.
- The Landscape Character Assessment (July 2006) identifies that the landscape setting of Market Bosworth should be protected including open land which penetrates the town centre. The site would be largely screened by the public highway to the north, presenting the least visually intrusive option and would not impact on open land penetrating toward the Market Place.

The Pre-submission Site Allocations DPD was approved at Full Council on 21 January 2014 to proceed to public consultation and subsequent submission to the Secretary of State. The public consultation ran from February to March 2014. The representations received are currently being considered as it is likely that the plan is expected to be submitted to the Secretary of State later in 2014. An examination in public is then likely to be held in the first half of 2015.

However, even if that document were approved, this does not mean that speculative applications for housing developments on other sites within or close to the settlement should not be approved. Such applications need to be considered on their merits against all relevant policies and other material planning considerations taking into account the presumption in favour of sustainable development.

Housing Land Supply

Paragraph 47 of the NPPF states that local authorities should identify and update annually a supply of deliverable sites sufficient to provide five years worth of housing against their housing requirements. They should also provide an additional buffer of 5% (moved forward from later in the Plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, authorities should increase the buffer to 20% (moved forward from later in the Plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.

When the previous application was considered the Council had a five year supply of housing sites. At that time the Council was projecting significant delivery of the planned number of dwellings later in the plan period at the two SUEs at Barwell and Earl Shilton. This is known as the residual method (Liverpool) where early shortfalls in housing delivery are made up later in the plan period. Whereas the alternative method, which the recently published National Planning Practice Guidance (NPPG) advocates, is that where possible the past undersupply of housing should be dealt with within the next five years (the Sedgefield approach). Due to the outcome of several recent appeals, and the delays with the delivery of the two SUEs the Council accepts the latest approach as set out in the NPPG that the Sedgefield approach is now the most appropriate method of calculating housing land supply to boost the supply of housing and make up the shortfall in providing deliverable sites.

Therefore as of April 2014, the Borough Council does not have a five year supply of deliverable housing sites.

Paragraph 49 of the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing should not be considered up to date if the local authority cannot demonstrate a five year supply of deliverable sites.

The housing supply policies as set out in the Core Strategy are not considered to be up-to-date. The presumption in favour of sustainable development as set out in Paragraph 14 of the NPPF therefore applies.

Paragraph 14 states that there is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. This means:

- approving development proposals which accord with the development plan without delay

- where the development plan is absent, silent or relevant policies are out of date, granting permission unless
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole
- specific policies in the NPPF indicate development should be restricted.

Where the Council does not have a five year housing supply, in accordance with Paragraphs 49 and 14 of the NPPF housing proposals must be considered in the context of the presumption in favour of sustainable development to help significantly boost the supply of housing.

Local Plan

The site lies outside of the current settlement boundary of Market Bosworth, as defined on the proposals map of the adopted 2001 Local Plan and is therefore within an area designated as countryside. Saved Local Plan Policies NE5 and RES5 therefore apply.

Both Saved Policies NE5 and RES5 of the adopted Local Plan seek to protect the countryside for its own sake and state that planning permission will only be granted for development subject to certain criteria. The criteria do not include residential development. However, in light of the recent Stanton under Bardon appeal decision (ref: APP/K2420/A/13/2200224) Policies RES5 and NE5 are not considered to be consistent with the intentions of the NPPF when considering residential development, and as such these policies afford only limited weight in consideration of the application.

The Planning Balance

There are three core strands underpinning the presumption in favour of sustainable development as set out within the NPPF which give rise to the need for planning to perform a number of roles. These considerations are economic, social and environmental. Paragraph 8 of the NPPF sets out that these roles should not be undertaken in isolation because they are mutually dependent. Therefore these roles need to be balanced and a cost benefit analysis undertaken to determine whether a development is considered to be sustainable. The NPPF clearly defines the three dimensions of sustainable development as follows:-

Economic - It is considered that the local economy would benefit through the creation of jobs for the construction of the development itself, as well as securing financial contributions for the provision and future maintenance of local infrastructure.

Social - The scheme provides for a mix of both market and affordable housing, which is appraised below, appealing to a wider spectrum within the local market and appealing to groups who may have otherwise been excluded from the locality. There is a range in the type, mix and design of the dwellings. Overall, the scheme would contribute towards a housing shortfall which would enhance the quality, vibrancy and health of the local community.

Environmental - The dwellings proposed would be built to reflect the character of the surrounding area and this point is appraised in further detail below, in addition to the impact of the development upon the countryside and local environment.

Summary

In summary, in accordance with Saved Policies NE5 and RES5, residential development is not supported outside the settlement boundary. However, these

policies are considered to have limited weight and the NPPF states that in the absence of a five year supply of housing sites, housing applications should be considered in the context of the presumption in favour of sustainable development. This is a key material consideration which should be afforded significant weight.

It is clear following recent appeal decisions such as those at Three Pots and Workhouse Lane, Burbage and Main Street, Stanton-under-Bardon that the onus of the Council achieving a five year supply of deliverable housing sites applies Borough wide.

In the absence of a five year supply of housing sites, the settlement housing targets as set out in the Core Strategy can be afforded little weight. Furthermore, the housing requirements as set out in Policy 7 is expressed as a minimum to allow the spatial distribution of housing to be revised as necessary to meet the Council's full objectively assessed housing need.

The proposal would help to meet the Council's housing shortfall and would contribute towards achieving a five year supply of housing land. The development is therefore considered to be acceptable in principle subject to all other material considerations being addressed.

Prematurity

Paragraph 216 within Annex 1: Implementation of the NPPF provides guidance on the issue of attributing weight to an emerging plan. It states:-

From the day of publication, decision-takers may also give weight (unless other material considerations indicate otherwise) to relevant policies in emerging plans according to:-

- a) the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given)
- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given)
- c) the degree of consistency of the relevant policies in the emerging plan to the policies in this framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).

This advice is largely repeated through the NPPG in relation to prematurity but also adds the following:-

"in the context of the Framework and in particular the presumption in favour of sustainable development - arguments that an application is premature are unlikely to justify a refusal of planning permission other than where it is clear that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, taking the policies and any other material consideration into account. Such circumstances are likely, but not exclusively, to be limited to situations where both:

- a) the development is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions above the scale location or phasing of new development that are central to an emerging neighbourhood plan
- b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area."

The NPPG also states that refusal on the grounds of prematurity will seldom be justified before the end of the local planning authority publicity period in the case of a

Neighbourhood Plan. When permission is refused on prematurity grounds, the planning authority will need to indicate clearly how the grant of planning permission for the development would prejudice the outcome of the plan-making process.

The former Planning Minister Nick Boles affirmed this position in parliament on 17 July 2013 where he stated the following:-

"I want to share with my right hon. and hon. friends the difficulty of the position that some of them want the Government to take, which is the suggestion that an emerging plan should immediately be given substantial weight in any decision on a planning application. That could simply create the problem that every community in the country that wanted to oppose a development might start the process of working up a neighbourhood or local plan and then take their own sweet time about it. That would immediately create an opportunity for communities to block all development by simply saying that they were engaged in a plan-making process. That is why there must be a sense that a plan has reached a relatively advanced stage before it can be given substantial weight."

Therefore when determining the weight to be attributed to an emerging NDP and whether prematurity could be applied to this application a number of issues must first be examined:-

1. the stage of preparation of the plan with weight to be attributed if the emerging plan is considered to be at an advanced stage
2. the level of unresolved objections to policies within the plan
3. the consistency of the policies within the plan to those within the NPPF
4. whether granting permission for this application would prejudice the outcome of the NDP making process.

These four points are addressed in relation to Market Bosworth NDP below.

1. The Stage of Preparation of the Plan.

The Market Bosworth Neighbourhood Area was first designated for the purposes of neighbourhood planning in February 2012.

Since then the Market Bosworth Neighbourhood Forum has undertaken a number of public consultation events to gain the views and aspirations of the local community to feed-in and develop the form and content of the NDP. This has led to the development of the Consultation Draft Market Bosworth Neighbourhood Plan. This draft NDP went out to public consultation through the Pre-submission Consultation stage (Regulation 14) in June 2014 and was completed on 25th July 2014. This stage is a compulsory consultation stage which is required before the draft NDP is submitted to the local planning authority under Regulation 15. Therefore the emerging NDP must complete the following stages before being 'made' as an extant planning document by the Borough Council.

- Regulation 15 - Forum to submit to the local planning authority:-
 - the draft NDP (amended to have regard to the previous consultation findings)
 - a consultation statement identifying who was consulted, the response and how this has been dealt with through the plan
 - a statement explaining how the plan meets the basic conditions.

- Regulation 16 - Publication Stage in which the LPA publicises and consults on the draft NDP.
- Regulation 17 - Submission Stage in which an examiner is appointed by the local planning authority.
- The Referendum (regulated by Neighbourhood Planning Referendum Regulations 2012) in which the community of Market Bosworth vote in favour (or not) for the plan.
- Regulation 19 & 20 - The 'Made' Stage in which the Borough Council votes to 'Make' (adopt) the plan, subject to a favourable referendum vote.

As noted above "refusal on the grounds of prematurity will seldom be justified before the end of the local Planning authority publicity period." Therefore for a plan to be considered to be at an 'advanced stage' it should be at the end of the local planning authority publicity stage (Regulation 16). The NDP is currently at the Regulation 14 stage and it is considered to be a number of weeks before the NDP will reach the end of the publicity stage (this stage involves a minimum six week consultation period).

2. The Level of Unresolved Objections

It is currently not possible for the Borough Council to assess the level of unresolved objections to the policies in the emerging NDP. This is only achievable once the Neighbourhood Forum has completed their pre-submission consultation and submitted their consultation statement to the local planning authority under Regulation 15, in addition to the completion of the local planning authority publicity stage (Reg 16). This is highlighted through the NPPG which states

"The consultation statement submitted with the draft neighbourhood plan should reveal the quality and effectiveness of the consultation that has informed the plan proposals."

As such little to no weight should be attributed to the policies in the emerging plan because the level of objections to its policies are currently unknown. The exception to this is the Borough Council's consultation response to the Neighbourhood Forum's Pre-submission consultation which has resulted in a number of significant objections which have yet to be resolved.

3. The Consistency of the Policies with the NPPF

The consistency of the emerging policies of the NDP is not formally assessed until the plan is submitted to the examiner at the Submission Stage (Regulation 17). Therefore it is considered that very limited weight can currently be attributed to the emerging policies of the NDP as the consistency of the policies with the NPPF is unknown.

Notwithstanding this, the Borough Council have undertaken a preliminary assessment of this consultation draft of the NDP through the pre-submission consultation (Regulation 14) in regards to its consistency with the NPPF. Through the Borough Council's formal consultation response, a number of consistency issues have been identified which in particular includes the Allocation Policy BD2, Landscape Policy CE4 and Local Green Space Policy CE2. In particular the policies

do not provide exception criteria to establish when it would be considered appropriate to develop a site and also fail to provide a practical framework within which decisions of planning applications can be made with a high degree of predictability and efficiency.

4. Whether Granting Permission Would Prejudice the Outcome of the NDP Making Process.

The proposed scheme includes the provision for 64 dwellings to the north of Station Road which would contribute to the minimum residential requirement of 100 dwellings for Market Bosworth as set out in the Core Strategy. This site is not identified for any specific purpose other than identifying a vista across the site from Station Road, providing a view of the golf course and countryside beyond. Whilst the proposed scheme could adversely affect this vista, this must be balanced against the benefits of the proposal. In addition the housing figure is set as a minimum to enable flexibility for sustainable growth over the plan period. Whilst the NDP seeks to allocate an alternative site to meet its housing requirement, the promotion and development of that other site is not considered to prevent further sustainable development in Market Bosworth from coming forward.

This is recognised in the Consultation Draft NDP through the following statements:-

"The Plan is not a rigid 'blue-print', with flexibility being required as further challenges and opportunities arise over time"

"The Community recognises that housing development can bring wider benefits that support sustainable, mixed and inclusive communities and a well-balanced population which is vital to the on-going viability of local services and prosperity of the area in light of the community's increasingly ageing population"

Summary

The NDP can not currently be considered to be at 'an advanced' stage as it hasn't been submitted to the local planning authority for the publication stage (Regulation 16). The level of unresolved objections has not yet been established as the Consultation Statement has not been produced and emerging policy conformance with the NPPF has yet to be assessed by an examiner. In addition, the NDP provides no allocation for the application site, other than the vista over the golf course and countryside and seeks to support sustainable development.

While the community's views about the importance of the NDP to the local area, in light of the issues raised above, it is considered that little weight should be attributed to the emerging Market Bosworth NDP at this stage of plan preparation.

The former Planning Minister Nick Boles recently released a Written Ministerial Statement on Neighbourhood Planning on 10 July 2014. The Statement relates to "giving particular scrutiny to planning appeals in, or close to, neighbourhood plan areas". This is proposed to be through the recovery of planning appeals i.e. Ministers making appeal decisions rather than the Inspectorate for residential development of over 10 units in areas where a qualifying body has submitted a neighbourhood plan proposal to the LPA or where a NDP has been 'made'.

This Statement relates to the recovery (determination by the Secretary of State) of planning appeals and not planning applications. In addition, this recovery mechanism would only be applicable for appeals where an NDP has been submitted to the local planning authority i.e. the Publication Stage (Reg 15) or where the NDP has been

'Made' (Reg 19 and 20). Therefore this Ministerial Statement is not material to the consideration of this application.

Impact upon the Character and Appearance of the Countryside

In policy terms lies outside of the defined settlement boundary for Market Bosworth and is therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside and support thriving rural communities within it. Paragraph 109 states that the planning system should protect and enhance valued landscapes.

The design criteria i-iv within Saved Policy NE5 remain generally relevant to development within the countryside and consistent with the NPPF. The Policy states that development will only be permitted where the following criteria are met:-

- a) it does not have an adverse effect on the appearance or character of the landscape
- b) it is in keeping with the scale and character of existing buildings and the general surroundings
- c) where necessary it is effectively screened by landscaping or other methods
- d) the proposed development will not generate traffic likely to exceed the capacity of the highway network or impair road safety.

The site is bound to the south by Station Road and beyond Station Road to the south of the road by residential properties. To the south west of the road is a designated employment site. Due north of the application site is the Kyngs Golf and Country Club. The land immediately adjoining the site to the west (beyond application ref: 13/00778/FUL) is not subject to this application and remains in its existing agricultural use. To the west of this lies the Battlefield Line Railway and beyond this the residential development on land known as Waterside Mede adjacent to Beaulah House (ref's: 02/00845/OUT; 03/00652/REM; 04/00577/REM). The land immediately adjoining the site to the east is not subject to this application and remains in its existing agricultural use.

Accordingly whilst the site would still be bound immediately to the east and west by agricultural land, the land immediately beyond, to both sides is residential, with the land to the south residential and industrial in use. It is therefore considered that this site is not a traditional, 'typical' and open countryside location, as it is located in close proximity to the existing pattern and grain of development to the west of Market Bosworth. As such, it is considered that the proposed residential development would occupy a natural 'infill' to the north of Station Road.

It is recognised that the introduction of residential dwellings at two storeys in height would compromise the views and openness of vistas when looking north into the countryside from Station Road and whilst the layout does still provide some views to the north through gaps in dwellings the overall visual outlook would be impacted upon to a point whereby it would not comply with design criterion (a) as set out in Policy NE5 of the Local Plan and the desire to protect valued landscapes as set out in Paragraph 109 of the NPPF.

However, on balance whilst it is accepted that the proposal would compromise a view and vista that is of value to the local community, the loss of this view is not considered to be significantly harmful in environmental terms to detract from the overall social and economic sustainable benefits of the scheme.

Housing Mix

Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. In addition this policy requires at least 30 dwellings to the hectare to be achieved within Key Rural Centres unless individual site characteristics indicate otherwise.

The application proposes 64 dwellings on a 2.98 hectare site equating to a net density of 21.6 dwellings per hectare.

In this case, it is considered the characteristics of the site justify a lower density. The site is located on the edge of the settlement where the surrounding densities are lower. Given that the site would be on the edge of the countryside this density allows wider open spaces which will contribute to the character of the development. It is therefore considered that a higher density would be to the detriment of the surrounding countryside. This lower density scheme is therefore considered more suitable in this location.

The proposed mix is envisaged to include detached, semi-detached and terraced dwellings as indicated on the layout plan, including both private market and affordable units which would comply with the requirements of Policy 16. The detailed mix of house types would be agreed as part of a reserved matters submission.

Overall Appearance, Design & Layout

The layout proposes a main access road off Station Road, running to the eastern periphery of the site - with a road running east to west through the centre of the site and four smaller roads from this creating smaller cul-de-sac style areas.

The on site informal equipped and un-equipped play space is located within the centre of the site and formal play space to the west. Plots 9 - 12, 38 - 42 and 18 provide natural overlooking upon the central play space.

Plots 4 - 6 and 60 - 64 provide a strong attractive tree lined frontage to the east of the site, whilst plots 1 - 4 and 12 face Station Road, creating a strong defined streetscene.

The revised layout repositions plots 13 - 18 further back into the site away from Station Road behind a landscaped area.

All private amenity spaces are provided to the rear of the plots and dwellings which occupy prominent positions on corner plots have been carefully considered to ensure that there are no dull or blank frontages. The external amenity spaces proposed are commensurate in size to the dwellings that they serve, and the differing sizes provide greater choice for future occupiers.

The surrounding area consists of single and two-storey proportions to the south of Station Road, with the Pipistrelle Drive development consisting of 2-storey and above.

The scheme proposes a mixture of 2, 3 and 4-bed detached, semi detached and terraced dwellings of predominantly two storey proportions, so is considered reflective of existing surrounding dwellings. There are 2 plots (plots 60 and 64) which are of 2 and a half storey proportions (two storey with accommodation in the roof slope) however they occupy key focal views and are located to the eastern periphery

of the site - and not on the Station Road frontage and are therefore considered to be acceptable on this basis.

In terms of footprint, the proposed dwellings occupy fairly similar footprints to dwellings on Station Road. It is considered that the footprint and configuration of plots 1 - 4 and 12 -17 facing the road frontage are acceptable in this setting, as they are reflective of the existing surrounding dwellings.

In relation to the visual appearance of the built environment, there are a range of house types proposed within the scheme. Each house type proposes different materials and design features such as bay windows, canopies, dormers, arched and flat brick headers, brick and stone cills and other brick detailing which adds additional interest to the external appearance of the site as a whole. Some house types include external chimney stacks, to reflect the local vernacular.

In respect of other visual elements there is a mixture of frontage, side and rear parking with single and double garages providing both natural surveillance and attractive streetscenes. The subservient scale, roof design and architectural detailing on the garaging is reflective of the style of the dwellings to which they serve.

Details have not been provided in respect of existing and proposed finished floor levels. Accordingly a condition to this affect is recommended.

Accumulatively as a result of the differing styles, features, materials and sizes it is considered that an attractive scheme would be provided that would meet the requirements as set out in Policy BE1 (criterion a) of the Local Plan.

Hard and Soft Landscaping

In respect of other visual elements there is a mixture of frontage parking, and single and double garages which are subservient in scale and using similar materials to the proposed dwellings. Parking areas and roads are broken up with both hard surfaced and permeable materials-which will be secured by way of condition.

The application shows indicative landscaping details. It is considered necessary to impose a planning condition which secures comprehensive details of all landscaping on site to ensure that it is reflective of this countryside setting. Tree species will be negotiated once a comprehensive landscaping plan has been submitted to the Local Planning Authority, which will be secured by way of a planning condition.

In respect of the future maintenance of the landscaped areas a separate condition requiring a landscape management scheme to be submitted to and approved in writing to the Local Planning Authority is suggested. It is considered that this should include the retention of one owner and maintenance and re-stocking regime over a 20 year time period.

Policy NE12 criterion (d) requires that the application be accompanied by details of the proposed arrangements to ensure that continued maintenance of landscaping. As such it is considered necessary to impose a condition ensuring that the scheme is maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Elevational details have not been provided in respect of the 1.8 metre high brick wall or timber and therefore a condition is suggested to secure these details for approval in order to ensure that the fencing is appropriate in its appearance.

The proposal is therefore considered to comply with Saved Policies NE12 and BE1 in terms of visual appearance and landscaping.

Affordable Housing

As the scheme is in a rural area, Policy 15 of the adopted Core Strategy indicates that 40% of the dwellings should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. For this site based on 64 dwellings, the provision should be for 26 affordable units; 19 units for social rent and 7 for intermediate tenure.

As of July 2014 there are 258 waiting list applicants broken down into the following need categories: 116 require 1 bedroom properties, 88 require 2 bedroom properties, 45 require 3 bedroom properties and 9 require 4 or more bedroom properties.

The developer has offered a mix of 12 x 2 bedroom houses and 7 x 3 bedroom houses for social rent and 3 x 2 bedroom houses and 4 x 3 bedroom houses for shared ownership.

The tenure split, design and location of affordable housing units within the scheme has been considered by the Council's Housing and Enabling Officer who is satisfied with the proposed mix given which will help to meet the housing need in Market Bosworth where small family and starter sized homes are more desirable. The affordable housing has been spread around the site in small clusters which is the preference of social housing providers and is considered to represent the best form in terms of mix.

As the site is also located within a rural area a local connections policy to Market Bosworth will be included within the S106 Agreement to require applicants in the first instance to have a connection to Market Bosworth and then to the Borough.

There is a high demand in Market Bosworth for affordable properties and the waiting list shows that there is an acute housing need. The applicant is proposing to deliver 40% affordable housing which meets the requirement as set out in Policy 15 of the Core Strategy.

It is considered that the delivery of 40% affordable housing in this rural area is a key material consideration that weighs favourably in the balance of meeting the social needs of sustainability as supported by the NPPF.

Impact on Residential Amenity

Policy BE1 (criterion i) states that development proposals should not detrimentally impact upon residential amenity.

The residential dwellings most immediately impacted upon as a result of the proposal would be those to the south of Station Road, given their proximity to the site, however given that they are sited on the opposite side of the road it is considered there is adequate distance to ensure that there would not be any significant adverse impacts upon the occupiers of the neighbouring dwellings as a result of this scheme.

All other neighbouring dwellings are located at sufficient distances away not to be impacted upon as a result of the proposal.

The internal arrangements of the plots within the site are not considered to give rise to any significant overbearing, overlooking and overshadowing upon the future occupiers.

In summary, the proposal is considered to have minimal impacts upon the amenities of existing and future neighbouring residents, subject to the imposition of planning conditions. As such the scheme is considered to be in accordance with Saved Policy BE1 (criterion i) of the Local Plan and would not have a significant detrimental impact upon residential amenity.

Noise

Saved Policy BE1 (criterion h) states that planning permission will be granted where the development is not adversely affected by activities in the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development.

Reason for refusal 2 of the previous application related to noise impact. It was considered that the previous layout would restrict the growth of existing businesses through introducing a residential use in close proximity to a noisy industrial use and that the applicant had failed to satisfactorily demonstrate how noise generated by the nearby JJ Churchill factory could be satisfactorily mitigated to safeguard residential amenity.

A Noise Impact Assessment has been prepared and submitted by the applicant. The Head of Community Services (Pollution) has considered the assessment and accepts that the assessment uses a worst case scenario and that with appropriate mitigation to attenuate the noise from Station Road and the industrial estate that the noise levels contained within the current guidance documents can be achieved.

The proposed revised layout which increases the separation distance between the adjacent industry and the road for plots 13 - 18. The Noise Impact Assessment does assess a worst case scenario based upon noise data provided by the adjacent industry for their noisiest operation.

The applicant has provided noise predictions based upon the measured noise levels from road traffic noise and the predicted potential worst case scenario of industrial noise.

In respect of internal noise levels, the report predicts that using upgraded double glazing good internal noise levels as described in BS8233 can be achieved on plots 13 - 23 however should windows be opened then noise levels will exceed acceptable levels and mitigation is required at these locations.

In respect of external noise levels it is considered that the frontage of plots 13 - 17 would not be used for amenity but would rather comprise front pathways with limited exposure and so amenity should not be assessed here. The structure of plots 13 - 23 will provide protection to the rear gardens and a suitably located acoustic fence is proposed to ensure that noise within garden areas from the road and industry fall within guideline noise levels.

As the frequency and duration of Churchill's provided worst case noise levels can not be predicted, or determined, it is recommended that a precautionary approach should be taken. The scheme of mitigation to be used should include non-opening acoustically treated glazing, together with mechanical ventilation, to the facades of

plots 13 to 23 that face the factory and the road. Acoustic fencing will be incorporated in the boundary treatment of areas not protected by the structure of plots 13 - 18.

Accordingly the Head of Community Services (Pollution) raises no objection to the scheme, subject to the imposition of a noise attenuation condition to secure the suggested mitigation measures.

The mitigation measures proposed will ensure that future occupiers would not suffer from noise nuisance. In addition, the ongoing commercial and economic uses at the adjacent industrial estate including J.J. Churchill will not be compromised. The proposal is considered to be in accordance with Policy BE1 (criterion h) and that this revised layout overcomes and allows suitable mitigation methods to be imposed to deal with the previous reason for refusal.

Highway Considerations

Saved Policy T5 seeks to ensure that development proposals do not impact upon highway safety, the satisfactory functioning of the local highway network and provide sufficient levels of parking.

The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objection to the scheme,

The scheme proposes at least 2 no. car parking spaces per dwelling. Open market dwellings all have detached garaging with larger dwellings having double garages. Overall the parking provision is commensurate to the number of bedrooms proposed.

The scheme has been considered by the Director of Environment and Transport (Highways) who raises no objection to the scheme, subject to the imposition of planning conditions, subject to conditions and concludes that the road network is considered capable of serving the additional development in terms of capacity. The application site is located within a reasonable walking distance to the town centre, and off-site works are proposed to provide a right-turn ghost island which is acceptable from a safety and capacity point of view.

The Director of Environment and Transport (Highways) has requested that a 2.5 metre wide footway should be provided across the blue/red line frontage of the site. This has been provided and is shown on the proposed layout plan.

In summary, the Director of Environment and Transport (Highways) has no objection subject to the imposition of planning conditions. Accordingly, subject to the imposition of planning conditions the scheme is considered to be in accordance with Saved Policy T5 of the Local Plan and overarching intentions of the NPPF.

Drainage and Flood Risk

Saved Policy NE14 of the Local Plan states that development proposals should provide satisfactory surface water and foul water measures.

The application has been accompanied by a Flood Risk Assessment and the scheme has been considered by the Environment Agency, Severn Trent Water and the Head of Community Services (Land Drainage).

No part of the site is located within a flood risk zone.

No objection has been raised subject to a condition requiring drainage plans for the disposal of surface water and foul sewage being submitted prior to the commencement.

In respect of foul sewage the scheme proposes an on site foul water pumping station which would be adopted by Severn Trent Water..

In summary, Severn Trent and the Head of Community Services (Land Drainage) have no objection to the scheme, subject to the imposition of planning conditions. Accordingly it is considered that the proposed works will be in accordance with Saved Policy NE14 of the Local Plan and overarching intentions of the NPPF.

Archaeology

The application has been accompanied by an Archaeological Survey in conformity with Saved Policy BE14 of the Local Plan. Paragraph 128 of the NPPF states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation. Saved Policy BE16 states that the Local Planning Authority will seek to enter into a legal agreement or impose conditions requiring that satisfactory archaeological investigation and recording be carried out.

The scheme has been considered by LCC Archaeology who raises no objection subject to conditions for an appropriate programme of archaeological mitigation, in the form of a Ridge and Furrow Earthwork Survey to be undertaken prior to the commencement of development.

In summary subject to the imposition of a planning condition the scheme is not considered to have any significant detrimental impacts upon archaeological sites of importance and is therefore in accordance with Saved Policies BE14 and BE16 and the overarching intentions of the NPPF.

Ecology & Trees

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.

The application has been accompanied by an Ecological Appraisal and Great Crested Newt Survey. LCC Ecology has considered the revised proposal and has confirmed that the Great Crested Newt Survey is satisfactory and recommends that a condition be imposed ensuring the development is undertaken in accordance with the mitigation strategy set out within the Great Crested Newt Survey Report and Mitigation Strategy.

A Tree Preservation Order has been made on the site covering seven trees to the frontage of Station Road. All trees will be retained and protected with the exception of T5 a Horse Chestnut which would have to be removed. A suitable replacement will need to be provided to compensate for this loss through the landscaping plan which has been conditioned. The Council's Tree Officer has considered the proposal based on the previous tree survey and method statement that was prepared for the previous site layout. Given that the site layout has now changed it is considered appropriate to request an updated tree survey and arboricultural method statement including tree protection measures for all retained trees to BS5837:2012. by way of condition.

The proposed development is not considered to have any significant detrimental impacts upon ecology or protected species that cannot be successfully mitigated and is therefore in accordance with the guidance as set out within the NPPF.

Developer Contributions

Due to the scale of the proposal developer contributions are required to mitigate the impact of the proposed development upon existing community services and facilities. The general approach to developer contributions must be considered alongside the requirements contained within the Community Infrastructure Levy Regulations 2010 (CIL). The regulations confirm that where developer contributions are requested they need to be necessary, directly related and fairly and reasonably related in scale and kind to the development proposed.

Play and Open Space

Policy 19 of the Core Strategy and Saved Local Plan Policies REC2 and REC3 seek to deliver open space as part of residential schemes. Policies REC2 and REC3 are accompanied by the SPD on Play and Open Space and Green Space Strategy 2005-2010 & Audits of Provision 2007 (Update).

As the proposed development is for housing a requirement for a contribution towards the provision and maintenance of play and open space in accordance with Saved Policies REC2 and REC3 is required.

Saved Policy REC2 states that for developments of 20 and 100 dwellings, pro rata provision for open space will be sought. However, it may be that the area of land which could be provided in relation to such development would not be of practical value as public open space for formal recreational activities. In such instances the Local Planning Authority may alternatively seek to negotiate a financial contribution towards the provision of new recreational facilities within the vicinity of the site or towards the improvement of existing facilities in the areas.

The formal open space is to be secured through this application and partly through application ref: 13/00778/FUL which was previously permitted for additional formal open space.

This site provides 1936 square metres of formal play space (with the adjacent development providing 664 square metres of formal play space).

Accumulatively the two applications provide a total of 2,600 square metres which meets the requirements of the amount of formal play space required for a development of 64 dwellings. It is considered on implementation that there would be users as a result of the development and that a maintenance contribution would be required to ensure that the quality of these spaces would be retained.

Accordingly this application, in direct correlation to the adjacent site would provide an area of formal play space for users as a result of the development and the existing community.

Given that the scheme provides the full 2,600 square metres as required by Policy REC2 then there is only a maintenance contribution to be taken over a 20 year period which equates to £34,320.00.

The application proposes to provide 325 square metres of equipped play space within the site (LEAP), which is the requirement for a development of this size. It is considered on implementation that there would be users as a result of the development which would add to the wear and tear of this equipment and therefore a maintenance contribution would be required to ensure that the quality of these spaces would be retained.

Given that the scheme provides the full 325 square metres as required by Policy REC3 then there is only a maintenance contribution to be taken over a 20 year period which equates to £45,955.00.

The scheme proposes to provide 1,064 square metres of informal children's play space which is in excess of the area required for a development of this size (which is 960 square metres). It is considered on implementation that there would be users as a result of the development and that a maintenance contribution would be required to ensure that the quality of these spaces would be retained.

Given that the scheme provides (and exceeds) the square metres as required by Policy REC3 then there is only a maintenance contribution to be taken over a 20 year period which equates to £11,278.40.

The onsite play and open space is required to be maintained in perpetuity. The developer is required to fund the maintenance over a 20 year period when the land is to be transferred over to the Parish Council or Borough Council, otherwise the developer may retain the public space in private ownership and maintain it accordingly.

It is considered that the play and open space contribution is necessary to make the development acceptable in planning terms, is directly related to the development and fairly and reasonably relates in scale and kind to the proposal, and a contribution is justified in this case. Accordingly the scheme would meet the requirements of Policy 19 of the Core Strategy, Saved Policies REC2 and REC3 Local Plan and the Play and Open Space SPD. The play and open space contributions will be secured through the S106 Agreement.

Education

A contribution request has been made from the Local Education Authority based on Department for Education cost multipliers on a formula basis. A contribution of £185,840.79 is sought for primary education provision at St. Peter's Church of England Primary Academy. A contribution of £191,096.26 is sought for secondary education at The Market Bosworth School and Bosworth Academy. No contribution is sought for upper school education at Bosworth Academy as there is currently a surplus of places. The total contribution request is £376,937.05. The contribution would be used to accommodate existing capacity issues created by the proposed development. The request is directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of receipt of the final payment.

Libraries

A contribution request has been made from Leicestershire County Council Library Services for £3,890.00 for use of provision and enhancement of library facilities at Market Bosworth Library and to provide additional lending stock plus audio visual and reference materials to mitigate the impact of the increase in additional users of the

library on the local library service arising from the development. It is considered that the library request has not demonstrated whether the contribution is necessary and how increasing lending stock would mitigate the impact of the development on the library facility.

Civic Amenity

A contribution request has been made from Leicestershire County Council Environmental Services for £3,529.00 for enhancing the waste facilities at Barwell Civic Amenity Site including providing additional waste collection points and compaction equipment. It is estimated that there will be an additional 19 tonnes of waste generated by the development or an increase of 0.2% and given that figure, it is difficult to see that a contribution is necessary or fairly related to this development as the impact from this development would be minimal.

Transport

A request has been made from Leicestershire County Council Highways for Travel Packs including bus passes at two per dwelling for a six month period to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. The Travel Packs are to be funded by the developer with two application forms for bus passes at £325.00 per pass.

Improvements are sought to two bus stops on Station Road close to the site access (including providing raised and dropped kerbs to allow level access) at £3,263.00 per stop or £6,526.00 in total. Contributions are also sought to equip the bus stops with bus shelters at £4908.00 per shelter and information display cases at £120.00 per display. As occupiers of the proposed dwellings are likely to use the existing public transport facilities in close location to the site, it is considered that the increase use of the bus stops would lead to a need to provide better level access for disabled users and an enhancement in the facilities. It is considered that the request is directly, fairly and reasonably related in scale and kind to the development proposed

Police

Leicestershire Constabulary have requested a total contribution of £20,463.00 for 40% of a new member of staff, vehicles, additional radio capacity, police database capacity, control room telephony, ANPR cameras, mobile CCTV, improvements at police premises and hub equipment. It is accepted that the NPPF supports the creation of sustainable, healthy and safe communities which in the first instance should be achieved through good design and reducing opportunities for crime. This would be supported by policing and as such Police contributions could be justified to be necessary. However, it is not considered that the Police have adequately demonstrated that the contributions requested are directly related in scale and kind to the development proposed, particularly when it is unclear exactly how 40% of a staff member would be deployed and how this development could require improvements to Force HQ in Enderby as opposed to there being community policing improvements in Market Bosworth itself. As such the contribution request is not considered to be CIL compliant.

Health

A request has been received from NHS (Leicestershire and Lincolnshire) for £15,030.00 to be spent on upgrading the existing consultation rooms at Market Bosworth GP Surgery to provide an enhanced range of treatment rooms to provide a greater range of services to meet the needs of the increased population within

Market Bosworth as a result of this development. It is considered that this contribution request is directly, fairly and reasonably related in scale and kind to the development proposed.

Other Matters

Some residents have raised concern that the proposal is contrary to the Government's localism agenda. The Government has made it clear, however through the Housing and Growth Ministerial Statement (6th September 2012), that alongside the communities' power to plan comes the responsibility to meet the development and growth needs of communities and to deal effectively with proposals that will deliver homes, jobs and facilities.

In addition, concerns relating to property devaluation and loss of views are not material planning considerations.

In response to wildlife concerns, the appellant has conducted an ecological survey which has been considered and found that the development would not adversely affect wildlife or protected species.

Concerns were expressed over traffic generation and the visibility of the proposed vehicular access, together with the associated congestion and highway safety. The Highway Authority has not objected to the scheme subject to conditions to cover aspects such as the visibility of the access and parking requirements.

Representations have been received referring to the recent appeal at Crowfoot Way, Broughton Astley, Leicestershire (ref: APP/F2415/A/12/2183653) which was dismissed despite Harborough district not having a five year supply of housing sites. This appeal was recovered and The Secretary of State considered that the adverse impacts of the appeal proposal, especially in terms of the conflict with the Broughton Astley Neighbourhood Plan, would significantly and demonstrably outweigh the benefits in terms of increasing housing supply. He therefore concludes that there are no material circumstances that indicate the proposal should be determined other than in accordance with the development plan. The key difference in this instance is that the Broughton Astley Neighbourhood Plan was adopted as part of the development plan whereas the Market Bosworth Neighbourhood Plan, for the reasons discussed above, is not considered to carry material weight at this stage as it has not been to referendum or submitted to the examiner and consequently does not form part of the development plan.

Representations have been received in respect of the scheme not providing bungalows. The Council's Housing and Enabling Officer has confirmed that whilst there is evidence in the housing needs survey for bungalows, this is only one source of evidence and that there should be a balance between the need to both meet the identified local need and the wider housing needs in the borough. The Council's Housing and Enabling Officer has pursued the option of bungalows, however the applicant has confirmed that providing bungalows would reduce the overall 40% affordable housing offer. Accordingly the Council's Housing and Enabling Officer wishes to maintain the current offer of the full 40% affordable housing requirement for a mix of 2 and 3 bedrooled family homes. The Council's Core Strategy Policy requires the mix of 75% for social rent and 25% for intermediate tenure. The Section 106 Agreement will contain a requirement for applicants in the first instance to have a local connection to Market Bosworth.

Concerns have been raised in respect of the routing of construction traffic especially through the town centre. The Borough Council would not be able to impose a condition as it would be difficult to differentiate between the general traffic and the specific construction traffic, and therefore it would not be enforceable. This would not be in accordance with the tests as set out in the NPPG and the same argument in respect of enforceability would apply for a Section 106 Agreement.

Drainage and flooding issues have been discussed above. Concern has been raised in respect of existing drainage issues within the vicinity of the site. It should be noted that the Environment Agency and Severn Trent Water have raised no objection and are satisfied with the technical solutions proposed to deal with surface water run off through SUDs and foul water sewage proposals.

Concern has been raised in respect of the impact of the proposed development on the industrial estate directly opposite the site on Station Road. As discussed above a full Noise Impact Assessment has been carried out and it is considered that suitable mitigation methods can deal with any potential impact which is considered to be unlikely. It should be noted that commercial/industrial sites commonly are located close to residential areas in other parts of the Borough where impacts are minimal. There are existing dwellings close to the industrial estate at present along Station Road and to the south east along Heath Road. It is therefore not considered that the employment premises would be impacted upon or their existing operations limited in any way by the proposed development.

Environmental Impact Assessment

The proposed development has been screened as part of the Environmental Impact Assessment Regulations 2011. The scale of the development proposed would not be a Schedule 1 development but would fall under Schedule 2 as it is considered to be an urban development project where the area of the development would exceed 0.5 hectares. Accordingly the proposal has been assessed under the criteria as set out in Schedule 3. Overall it is not considered to the scale, magnitude and characteristics of the development proposed, including consideration of the environmental sensitivity of the area that the proposal would constitute Environmental Impact Assessment development within the meaning of the 2011 Regulations. As such an Environmental Statement is not required.

Conclusion

In conclusion, the proposal would be contrary to the development plan in so far as it does not comply with Saved Policies RES5 and NE5 of the Local Plan which respectively seek to contain new housing within the settlement boundary of the village and strictly limit new development within the countryside.

Such issues are considerations that normally would weigh against such a proposal. However, the Borough does not have a five year housing land supply. As a consequence, Paragraph 49 of the NPPF directs that development plan policies governing housing land supply, such as Policy RES5 of the Local Plan, should not be considered up to date. In these circumstances, full weight may not continue to be given to relevant policies of the development plan, as Paragraph 215 of the NPPF makes clear. This is an important material consideration.

Policy 11 of the Core Strategy which sets out the allocation for Market Bosworth of a minimum of 100 dwellings, which has not yet been met, is relevant and adds weight to the merits of the proposal.

The NPPF specifically states at Paragraph 49 that decision takers should consider housing applications in the context of the presumption in favour of sustainable development in the absence of a five year supply of deliverable housing sites.

The NPPF sets out that a balancing exercise must be undertaken in respect of the sustainability of the proposed development. The proposed development would be located in a reasonably sustainable location within a Key Rural Centre. The delivery of housing would bring economic and social benefits, in providing both market and affordable housing. The level of affordable housing proposed at 40%, meeting the policy requirement, is considered to be a significant material consideration that weighs heavily in the balance. The development would not impact upon ecology, archaeology or heritage. It is recognised that the proposal would have an adverse impact upon the landscape and wider views of the countryside from Station Road; however overall the proposal is not considered to have significant environmental impacts that would outweigh principally the social benefits and secondly the economic benefits of the proposal in contributing towards the supply of housing.

On the issue of prematurity, it is considered, based on the most up to guidance as set out in the NPPG, that neither the emerging Site Allocations DPD nor the emerging Neighbourhood Plan are sufficiently progressed at this time to be afforded enough weight to justify refusal on the grounds of prematurity.

Collectively the above factors weigh heavily in favour of recommending that permission be granted. In reaching this recommendation the views and concerns raised by local residents have carefully been taken into account.

RECOMMENDATION:- Grant subject to S106 obligations and subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

That subject to an Agreement under Section 106 of the Town and Country Planning Act 1990 and Section 111 of the Local Government act 1972 or receipt of an acceptable Unilateral Undertaking under S106 of the Town and Country Planning Act 1990 to provide affordable housing and financial contributions towards play and open space, education and travel, the Chief Planning and Development Officer shall be granted delegated powers to grant planning permission subject to the conditions below.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it would contribute to the Core Strategy allocation, would not have an adverse impact upon the character and appearance of the countryside flooding, ecology, biodiversity and archaeology, highway safety or residential amenity and would contribute to the provision of affordable housing and other infrastructure and services.

Hinckley and Bosworth Local Plan (2001):- RES5, IMP1, REC2, REC3, NE5, NE12, NE14, BE1, BE16, T5 and T9.

Local Plan 2006 - 2026: Core Strategy (2009):- Policies 7, 12,15,16,17 and19.

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details received by the Local Planning Authority on 10 July 2014, as follows:-
 - Site Location Plan 1:1250
 - Dwg No. EMS.2289_03-2 Rev G Planning Layout 1:500
 - Dwg No. A078810-35-18-004 Rev A Proposed Site Access 1:1000
 - Dwg No. CC654/MB/654 Plots 21 & 22 Elevations & Plans 1:100
 - Dwg No. CC654-OP/MB/654/OP Plots 23 Elevations & Plans 1:100
 - Dwg No. CC767/MB/767 Plots 48 & 58 Elevations & Plans 1:100
 - Dwg No. CC767-OP/MB/767-OP Plots 49 & 59 Elevations & Plans 1:100
 - Dwg No. CC978B/MB/978B Plots 9, 42 & 45 Elevations & Plans 1:100
 - Dwg No. CC978B-OP/MB/978B-OP Plots 6, 18, 20, 26 & 50 Elevations & Plans 1:100
 - Dwg No. CC98-OP/MB/98-OP Rev A Plots 3,19 & 27 Elevations & Plans 1:100
 - Dwg No. CC98/MB/98 Plots 5, 10, 40 & 56 Elevations & Plans 1:100
 - Dwg No. CC1274-OP/MB/1274-OP Rev A Plots 7, 11, 38, 39, 57 & 62 Elevations & Plans 1:100
 - Dwg No. CC1274/MB/1274 Plots 2, 8 & 41 Elevations & Plans 1:100
 - Dwg No. CC1585/MB/1585 Plots 1 & 61 Elevations & Plans 1:100
 - Dwg No. CC1763/MB/1763-2 Plots 4 & 12 Elevations 1:100
 - Dwg No. CC1763/MB/1763-1 Plots 4 & 12 Plans 1:100
 - Dwg No. CC/Burleigh-OP/MB/Burleigh-1/OP Plot 60 Plans 1:100
 - Dwg No. CC/Burleigh-OP/MB/Burleigh-2/OP Plot 60 Elevations 1:100
 - Dwg No. CC1763-OP/MB/1763-2/OP Plot 63 Elevations 1:100
 - Dwg No. CC1763-OP/MB/1763-1/OP Plot 63 Plans 1:100
 - Dwg No. CC/Burleigh-OP/MB/Burleigh-2/OP Plot 64 Elevations 1:100
 - Dwg No. CC/Burleigh-OP/MB/Burleigh-1/OP Plot 64 Plans 1:100
 - Dwg No. AF/654/MB/AF654 Rev A Plots 13, 14, 24, 30, 35, 36, 43, 51 & 52 Elevations & Plans 1:100
 - Dwg No. AF/654-OP/MB/AF654-OP Plots 15, 25, 31, 37, 44 & 53 Elevations & Plans 1:100
 - Dwg No. AF/767-OP/MB/AF767-OP Rev A Plots 17, 29, 34, 47 & 55 Elevations & Plans 1:100
 - Dwg No. AF/767/MB/AF767 Plots 16, 18, 32, 33, 46 & 54 Elevations & Plans 1:100
 - Dwg No. MB/DGS Garage to Plots 2, 3, 5, 6, 10, 11, 18, 19, 27, 28, 41, 42, 57 & 58 Elevations & Plans 1:100
 - Dwg No. MB/DG Garages to Plots 1, 4, 12, 60, 61, 63 & 64 Elevations & Plans 1:100
 - Dwg No. MB/SG Garage to Plots 7, 8, 9, 20, 38, 39, 42, 45, 50 & 62 Elevations & Plans 1:100

- 3 No development shall commence above base course until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings, garages and pumping station shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 4 No development shall commence until elevation details and materials for all boundary treatments are submitted to and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.
- 5 No development shall commence until the 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 approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.
- 6 Notwithstanding the submitted plans no development shall commence until comprehensive details of hard and soft landscape works have been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. These details shall include:-
 - a) Planting plans
 - b) Written specifications
 - c) Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
 - d) Maintenance schedule
 - e) Implementation programme
 - f) Areas to be grassed
 - g) Treatment of hard surfaced areas (including the footway access from the site to Station Road).
- 7 The approved soft and hard landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
- 8 Prior to the commencement of development a scheme for protecting the proposed dwellings from noise from the adjacent industrial estate, nearby road and proposed pumping station, which includes remediation works where required and programme of implementation shall first be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed to achieve good internal noise levels as detailed in BS8233 and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.
- 9 No development shall commence until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the

hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the Local Planning Authority.

The scheme and mitigation measures shall subsequently be implemented in accordance with the approved details prior to the occupation of the first dwelling and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

The scheme shall include:-

- a) Surface water drainage system/s to be designed in accordance with either the National SUDs Standards, or CIRIA C697 and C687, whichever are in force when the detailed design of the surface water drainage system is undertaken.
 - b) Limiting the surface water run-off generated by all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 - c) Provision of surface water run-off attenuation storage to accommodate the difference between the allowable discharge rate/s and all rainfall events up to the 100 year plus 30% (for climate change) critical rain storm.
 - d) Detailed design (plans, cross, long sections and calculations) in support of any surface water drainage scheme, including details on any attenuation system, and the outfall arrangements.
 - e) Details of how the on site surface water drainage systems shall be maintained and managed after completion and for the lifetime of the development, to ensure long term operation to design parameters.
 - f) Retention of existing on site drainage ditches, associated pipework and flood flow routes.
 - g) Finished floor levels are set no lower than 150mm above external finished ground levels, and above the top water level of storm water storage facilities where applicable.
- 10 No development shall commence until a scheme for foul drainage has been submitted to and approved in writing by the Local Planning Authority and the works shall be implemented in accordance with the approved details. The details shall demonstrate that any additional flows discharging into the foul drainage network will not cause deterioration in the discharge quality or operation of any existing storm overflows/combined sewer overflows upstream or downstream on the network, or cause an increase in spill frequency or volume in the foul drainage system.
- 11 No development shall commence until a programme of archaeological work including a Written Scheme of Investigation have first been submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with the approved Written Scheme of Investigation and the approved programme of archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.
- 12 No development shall commence until a detailed construction environmental management plan has first been submitted to and approved in writing by the Local Planning Authority and the development shall be implemented in accordance with the approved scheme. The details shall include:-

- a. how, during the site preparation and construction phase of the development, the impact on local residents and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination
 - b. a plan showing how such controls will be monitored
 - c. procedure for the investigation of complaints.
- 13 No dwelling hereby approved shall be occupied unless and until a scheme providing for waste and recycling storage points across the site shall first be submitted to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities for residents/collection crews, and adequate collection point space at the adopted highway boundary. The collection points should be implemented prior to the first occupation of the dwellings to which they serve.
- 14 No dwelling shall be occupied unless and until the highway works as shown on approved plans Figure 2 Proposed Site Access Drawing No.004 Rev A and Frontage Footway Drawing No. 1612-201 Rev B have been provided and are available for use.
- 15 No dwelling shall be occupied unless and until car parking provision has been provided within the respective curtilage of each dwelling in accordance with Planning Layout Drawing No. EMS.2289_03-2 G. The parking spaces so provided shall thereafter permanently remain available for vehicular parking.
- 16 No development shall commence on the site until such time as a construction traffic/site traffic management plan, including wheel cleansing facilities and vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and timetable.
- 17 Prior to the commencement of development a scheme, in the form of a retractable bollard, to prevent residential traffic using the access to the west of plot 23 shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented and maintained thereafter. The bollard shall be kept in place except such times when access is required for maintenance of the foul water pumping station and open space.
- 18 The development hereby permitted shall be carried out in accordance with the Great Crested Newt Survey Report and Mitigation Strategy by FPCR dated October 2013 (including the mitigation measures detailed within it), Pond Location Plan Figure 1 Drawing no. MLB/RJS; GCN Capture Proposals Figure 2, Drawing no. 5356-E-02; Newt Culvert Design Figure 3, Drawing no. RLS/SLS and Design Drawing Figure 4, Drawing no. 5356-E-02.
- 19 Prior to the commencement of development a Tree Survey and Tree Protection Plan including hedgerows to be retained shall be prepared to BS5837:2012 and submitted to and agreed in writing by the Local Planning Authority. The development shall then be carried out in accordance with the agreed details.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 4 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 5 To ensure that the development has a satisfactory external appearance to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 6 In the interests of visual amenity, to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 7 To ensure the long term future for all landscaped areas including the future maintenance of these areas in accordance with Policy NE12 of the adopted Hinckley and Bosworth Local Plan 2001.
- 8 To safeguard the amenities of the future occupiers of the proposed dwellings, in the absence of submitted details to accord with Policy BE1 (criterion h) of the adopted Hinckley and Bosworth Local Plan 2001.
- 9 To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem, protect the water quality, minimise the risk of pollution and ensure future maintenance of the surface water drainage system to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan 2001 and guidance contained within the National Planning Policy Framework.
- 10 To protect the water quality and minimise the risk of pollution to accord with Policy NE14 of the adopted Hinckley and Bosworth Local Plan and guidance contained within the National Planning Policy Framework.
- 11 To ensure satisfactory archaeological investigation and recording in accordance with Policies BE14 and BE15 of the adopted Hinckley and Bosworth Local Plan 2001.
- 12 To ensure the protection of neighbouring residential amenity during construction to accord with Policy BE1 (criterion i) of the adopted Hinckley and Bosworth Local Plan 2001.
- 13 In the interests of visual amenity and to ensure there is adequate facilities for waste and recycling storage to accord with Policy BE1 (criterion a) of the adopted Hinckley and Bosworth Local Plan 2001.
- 14 In the interests of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.

- 15 To ensure a satisfactory standard of off-road vehicle parking in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 16 In the interests of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 17 To prevent general usage of a substandard access in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan 2001.
- 18 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.
- 19 In the interests of ecology and biodiversity in accordance with Paragraph 109 of the National Planning Policy Framework.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Simon Atha Ext 5919