

PLANNING POLICY COMMENTS

Application No: 20/01021/OUT

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

Location: Land At Station Road Market Bosworth Leicestershire

Case Officer: Sharon Wilkinson

Pre-application advice was sought for this proposal and the Planning Policy Team were consulted and provided a response. This response builds upon the previous response provided.

The proposal and its location

This proposal is for residential development of upto 63 dwellings, at Land off Station Road, Market Bosworth. It is proposed on grassland, outside of the designated settlement boundary of Market Bosworth. It is bordered by residential properties, employment uses, a golf course and agricultural fields.

Market Bosworth is a Stand Alone Key Rural Centre in the centre of the borough; these are settlements outside the National Forest and away from the edge of Leicester that provide services to their rural hinterlands. The focus for these villages will be on consolidating and improving the existing services within the village and maintaining the strong sense of individual settlement identity.

Five Year Supply

In the most recently published Residential Land Availability Statement (RLA) 2019-20 the five year supply position as at 1 April 2020 has been confirmed as the below. The RLA can be viewed and downloaded [here](#).

1 April 2020 five-year housing land supply position		
		Dwellings
a	Borough Housing Requirement (standard method and affordability ratio) Total Required (x5)	452 dwellings per annum 2,260 dwellings
b	Deliverable housing supply required for 5 years with additional 5% buffer (5% of annual requirement of 452 dwellings = 23 dwellings)	475 dwellings per annum 2,375 dwellings

c	Housing Supply (1 April 2020 – 31 March 2025) Row 2. Large Sites = 1,918 dwellings + Row 3. Small Sites + Windfall = 381 + 146 = 527 dwellings + Row 4. Barwell Sustainable Urban Extension = 0 dwellings + Row 5. Earl Shilton Sustainable Urban Extension = 0 dwellings	2,445
d	Overprovision/Shortfall (b -c)	+70
e	Number of years supply (c / 475 dwellings per annum)	5.15

If the Council were not able to demonstrate a five year supply, Paragraph 11 of the NPPF would apply. In particular 11d states that 'policies which are most important for determining the application are out-of-date' and permission should be granted unless criteria i) or ii) are met. Footnote 7 clarifies that this includes 'situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites'. Furthermore, a key consideration for this application is whether there are any adverse impacts in approving the proposal which significantly and demonstrably out weigh the benefits when assessed against the Framework. This is reiterated in Policy DM1 of the SADMP.

At 5.15 years, this is a very marginal five year supply and therefore these policy comments are made in light of this to determine if this site may be considered sustainable development.

Sustainable Development

The three objectives to achieving sustainable development (NPPF, paragraph 8) are identified as economic, social and environmental in which the planning system should seek gains jointly and simultaneously. The applicant should demonstrate how the following have been considered to establish the sustainability merits of the scheme and how it conforms to Paragraph 11 of the NPPF and relevant policies of the SADMP.

An economic objective:

'to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure'

The proposal is for a residential development which comprises of approximately 63 dwellings. Residential development in general can bring economic benefits through the construction phase and supported jobs in the wider employment chain, and increases the local population which use local shops and services. The site is within a reasonable distance of the Market Place District Centre, which this proposal would support. Furthermore, increased demand for existing community and social facilities can lead to greater opportunity for self-investment and longer term sustainability.

A social objective:

'to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being'.

Market Bosworth has an identified District Centre. These centres are bigger than local and neighbourhood centres and usually comprise groups of shops often containing at least one supermarket or superstore, and a range of non-retail services, such as banks, building societies and restaurants, as well as public facilities such as a library. The District, Local and Neighbourhood Centre Review (2015) found that the catchment area for the Market Bosworth District Centre provided adequate retail coverage for these settlements. It also found that in comparison to the 2012 Study the Market Bosworth District Centre retained its 0% vacancy rate with many retailers remaining in-situ. A small number of retailers had relocated within the immediate centre, typically to larger premises suggesting a level of maturity not seen in other centres of this size. This shows that the District Centre is performing successfully. In a recent site survey (2019) undertaken by the planning policy team the following uses were found within the Centre: a doctor's surgery; cafes/restaurants; take away restaurants; banking; general store; pharmacy; newsagent; hairdressers/barbers; pubs; butcher's shop; greengrocers; estate agents; offices; solicitors; clothes shop; gift shop; accountants; beauticians; and a travel agent. The site is in a reasonable distance from the District Centre. The findings of the Study show that the village has an abundance of accessible community facilities which would be in easy access of any new residents at the proposed development. In addition to this, any new residents would support these facilities and keep them thriving and strong within village life.

The Community, Cultural and Tourism Facilities Review (2013) identifies that Market Bosworth is well served by facilities and the planning application site is within the facility catchment areas illustrating that residents of the scheme would be within walking distance of congregational community facilities and healthcare.

The Strategic Housing and Enabling Officer should be consulted to establish the appropriate type and tenure of the affordable housing.

Deliverable residential development should be considered favourably within Market Bosworth to help maintain and support local services which serve the local community.

An environmental objective:

'to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy'

The Phase 1 Habitat Survey (2020) can be downloaded [here](#). The site, referenced as site 20 in the study, has been assessed as green in the RAG assessment of sites. The site is also within 5km of the Ashby Canal SSSI. The studies conclusion in the assessment of the site is as follows:

'The woodland to the east of the site and pond to the west provide the primary source of ecological value within the site. Phase 2 surveys should focus on bats, birds, badgers and GCN.

Any future development should seek to:

- Retain all woodland on the site to retain levels of this priority level habitat in the area.*
- Protect woodland on eastern boundary by ensuring appropriate buffer to prevent any damage caused by any stage of the development.*
- Retain pond on western boundary of site to ensure continued potential for biodiversity.*
- Expand pond area with wetland planting surrounding to encourage invertebrates.*
- Improve grassland to create meadow areas which are lacking in the area.*
- Strengthen hedge in the south eastern boundary of the site by filling gaps with native species to form natural barrier between woodland and main road bordering the site.*
- Incorporate biodiverse green infrastructure such as green roofs and trellises, SuDS, planting for pollinators and hedge lined walkways within the development, which link to the wider landscape.*
- Protection measures to be implemented during construction should be prescribed in a Construction Ecological Management Plan (CEcMP). This should incorporate best practice construction methods, reasonable avoidance measures and cross-reference any protected species licence or hedgerow notice requirements, as appropriate.*
- Ensure appropriate management of wildlife-rich habitats in the long-term. Any Landscape & Habitat Management Plan (LHMP) covering retained and created habitats should include appropriate monitoring and remedial measures.*

In conclusion it is considered that residential development may be delivered at this site without adverse ecological impacts on the assumption that:

- Any proposals are informed by detailed ecological survey to inform impact assessment in accordance with the mitigation hierarchy.*
- Robust mitigation is developed to address any unavoidable impact on protected or notable, habitats or species.*
- Locally-appropriate enhancement is incorporated within the development design. The Draft Environment Bill 2018 proposes BNG at 10%.*

It is noted that contrary to the advice in the Habitat Study, the pond to the west is not to be retained. Having read the response from LCC Ecology it appears they are satisfied that the new ponds being created will offset this loss as it is in poor quality and the Great Crested Newts will be moved.

The proposal retains all existing trees and hedgerows and maintains a parkland character to the east which was identified as important in the Habitat Study.

Policy DM6 (Enhancement of Biodiversity and Geological Interest) of the SADMP applies to this proposal. DM6 states: *"Major developments in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services."* The Ecological Impact Assessment submitted sets out a range of measures which will be used as mitigation such as planting additional hedgerows, enhancing existing hedgerows, erection of bat and bird boxes, planting of fruit trees, retention and enhancement of grassland and the creation of wetland habitats.

Development in the countryside

The site is located within the countryside and therefore the site should be assessed against Policy DM4 of the SADMP to help consider the environmental strand of sustainability. Policy DM4 states that *'to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.'* It then sets out what is considered sustainable development; residential development is not included within this list.

In terms of criteria i), the Landscape Character Assessment (2017) can inform the assessment of this criteria. Market Bosworth and the application site falls within Landscape Character Area C: Bosworth Parkland. Of particular note the Study identifies the following as being important to the local landscape character:

5) Mature trees and ancient woodland are an important habitat for many species including bats and birds. Hedgerows and trees are important features, creating structure and pattern to the landscape.

7) The quintessential East Midlands landscape of mixed farming with pasture, arable and ridge and furrow providing a strong sense of place as well as field patterns, country houses, canals and rivers. The attractive villages and small towns feature many notable older buildings including Market Bosworth and its landscape setting of fields and trees.

8) The rural setting and views to the church spire in Market Bosworth.

The Study also undertook an Urban Character Assessment of Market Bosworth and makes recommendations (page 109) in relation to new development on the existing urban structure. The recommendations in this Study should inform the assessment of the impact of the proposed development. It sets out the following:

- 1) Prioritise local distinctiveness in every element of change and future development.
- 2) Ensure that new development is carefully designed to respect its surroundings and setting.
- 3) Maintain the well-integrated appearance of the town in the wider landscape through maintaining the pattern of building heights which mean that trees are the dominant features and the rooftops are only visible in filtered views, with the church spire remaining as a landmark feature above the wooded skyline. Encourage opportunities to enhance biodiversity including connecting clusters of woodland and natural management along the canal corridor.

The findings of the Landscape Character Assessment should be used to inform the assessment of Criteria i) of DM4 and can also aid the assessment of the design of the proposal against DM10.

In terms of DM4 criteria ii) consideration should be given in relation to whether the proposal undermines the physical and perceived separation and open character between Market Bosworth and neighbouring settlements. The nearest settlement is Carlton which is quite a distance and therefore the proposal does not impact on criteria ii). In terms of criteria iii) the site proposal does not create or exacerbate ribbon development. The site does not fall within a Green Wedge or the National Forest and therefore criteria iv) and v) do not apply.

Quantum of the proposed housing development

It is accepted that the housing figures set out in the Core Strategy are out of date; however it is important to note that the housing requirement for Market Bosworth was for a minimum of 100 dwellings and as of the 31st March 2019 only 85 dwellings have been completed for the plan period. A site was allocated in the Market Bosworth Neighbourhood Plan and the SADMPDPD (MKBOS02); however this site has not been delivered to date, however the Station Road Development Brief Masterplan Supplementary Planning Document is currently being consulted upon (end date 22nd December 2020)

Strategic Housing and Economic Land Availability Assessment (SHELAA)

The site was assessed in the SHELAA 2017-18 and can be identified as AS392 it was found that the site was developable and could accommodate an estimated number of 77 dwellings per hectare.

Availability/ Achievability	
Market Interest	High
Timeframe for development	6-10 years:2023-2027
Estimated number of dwellings	77
Estimated Density	30dph
Estimated Build Rate	40 pa
Suitable	Yes
Available	Yes
Achievable	Yes
Excluded from consideration	No
Comment	The access to Market Bosworth Golf Club that transects the site may reduce the residential capacity. The varying site levels may also reduce
Overall assessment	Developable
Additional information	

A copy of the assessment pro-forma is appended to these comments.

Open Space

The Open Space and Recreational Facilities Study (2016) shows that Market Bosworth has a quantitative shortfall in facilities for young people and only a marginal supply of amenity green spaces. It is noted that a LEAP is to be provided as part of the scheme, as part of this it is recommended that provision is included for young people's play space to address the current deficiency in Market Bosworth.

	Provision standard	Total size (ha)	Existing per 1000	Surplus/Deficit
Formal Parks	0.83	3.51	1.67	6.09
Country Parks	None			
Natural Areas*	2			

Green Corridors	None			
Amenity Areas	0.6	1.99	0.95	0.73
Children's Play Areas	0.04	0.24	1.11	0.12
Facilities for teenagers	0.038	0.00	0.00	-0.08
Outdoor Sports Facilities	1.92			
Allotments	0.31	6.56	3.13	6.00
Cemeteries and Churchyards	None			
Civic spaces	None			

Market Bosworth Neighbourhood Plan (2015)

Market Bosworth Neighbourhood Plan was made in 2015 and is nearly 5 years post adoption. In February 2019 the Group were advised that there was potential for some of the policies within the Plan to become out of date due to the age of the Plan and it does not have protection from paragraph 14 of the NPPF.

The Market Bosworth Neighbourhood Plan housing figure is based on the Borough Council's housing policies contained within the Core Strategy. As highlighted above, the Core Strategy housing policies are considered to be out of date and therefore it is reasonable that the housing requirement set out within the 'made' Market Bosworth Neighbourhood Plan are afforded limited weight. The Case Officer may wish to consider that in the absence of an up to date housing target for the neighbourhood area whether an indicative housing distribution figure based on population is appropriate (this was a suggestion by the Examiner during the Hearing into the Burbage Neighbourhood Plan on 3rd March 2020). Based on the population based method, as of 2017 the population of the borough (using ONS data) is estimated to be 111,370 and Market Bosworth Parish as 2,247 (2.01% of the borough population). The current housing need for the borough calculated using the standard methodology 8,588 over the period 2016-2039. Market Bosworth Parishes share of this would be approximately 173 dwellings over this period or 191 dwellings with a 10% buffer.

Although the housing policies contained within the Neighbourhood Plan are considered out of date other policies which are included within the NDP may be relevant to this application.

Policy CE1 on the Neighbourhood Plan is relevant to this application, although the application is not within a character area it is adjacent to Character Area A and D. Policy CE1a states that where new development would be visible from an adjacent character area it should be sensitive to the principal characteristics. The key characteristics of these areas are set out in the NDP on pages 13 and 15 and should be considered through the application process.

The Proposal's Map contained within the Market Bosworth NDP (page 23) sets out key views and vistas some of which apply to the application site (view 1 and vista 11). Policy CE3 Important Views and Vistas applies to these designations. This policy sets out that development which harms the views or vistas should be resisted and new development will not be supported if it has a significantly adverse impact on the important view or vista. The Neighbourhood Plan sets out the context for these views on page 29 and vistas on page 32. View 1 is as you approach Market Bosworth from the west and the predominant feature of this view is the wooded area at the top of the hill. The NDP highlights that this view is important because it shows how close the countryside is to the built form off the village and the fact that the settlement sits on an open wooded hilltop. Vista 11 is from standing on Station Road pavement at the junction with Godsons Hill, the vista starts with housing to the west which are enclosed by trees, turning northwards to mature trees and wooded areas across the golf course. Turning east across grazing land which rises up to woods. The NDP states that this vista is important because it gives extensive views across north-west Leicestershire. Landscape impact is subjective and Policy CE3 does not contain assessment criteria to establish what would be considered a 'significantly adverse impact'. However, policy DM4 of the Site Allocations and Development Management Policies DPD is helpful and this is considered above in these comments. Paragraph 84 of the Neighbourhood Planning NPPG states that: *'There is no requirement to review or update a neighbourhood plan. However, policies in a neighbourhood plan may become out of date, for example if they conflict with policies in a local plan covering the neighbourhood area that is adopted after the making of the neighbourhood plan. In such cases, the more recent plan policy takes precedence'*. As highlighted above Policy DM4 provides criteria to assess whether a proposal would constitute sustainable development and criteria i) in this policy gives guidance on how this can be assessed against policy CE3 and the proposal.

In terms of the conformity of CE3 against the revised NPPF caution should be taken in relation to its weight and it is recommended moderate weight is given. A similar policy to CE3 was included within the Burbage Submission Version DPD (Policy 10) and the Examiner's Report introduced a wording amendment so that the policy included the following *'which cannot be mitigated, will not be supported'*. This was inserted to ensure the NDP allowed for sustainable development which is a NDP Basic Condition and which is why it is recommended that the case officer should also look at how the impact of the development can mitigate any potential negative impact on the views and vistas rather than a blanket approach to resist.

The applicants Design and Access Statement (paragraph 6.17-6.18) addresses the impact on view 1 and vista 11 and how the development has been designed to maintain the view and vista through building lines, soft edges, single storey buildings and the open space to the east. Subject to the case officer's views on site it is felt that the applicant has adequately considered the impact of the proposal on the views and vistas to mitigate impact.

Market Bosworth Neighbourhood Plan Review

In relation to the Market Bosworth NDP Review, it is at the very early stages and has not progressed any further since the pre-application advice was issued. A revised document has not been consulted upon or the type of review to undertake agreed.

In regards to how to apply the Market Bosworth Neighbourhood Plan Review against paragraph 48 of the NPPF an assessment is made below.

Criteria a) stage of preparation of the emerging plan

The Review is at the very early stages of preparation and limited weight should apply.

Criteria b) unresolved objections

As highlighted above the Review is at the very early stages of preparation and it is unclear as to what the degree of change will be and therefore it is not possible to conclude on this criterion.

Criteria c) degree of consistency of emerging plan with the framework

The 'made' Neighbourhood Plan was produced against the 2012 NPPF. Since the Plan was adopted the NPPF has been revised and additional national and local guidance and plans published. In order to support the Review process we have advised the Group that they assess all aspects of the current plan to ensure that they are in line with national policy and guidance set out in the NPPF and NPPG to ensure the plan would meet the basic conditions.

In relation to all three criteria of paragraph 48 (NPPF) the conclusion is that only limited weight can be attributed and this is the position which should be taken in regards to weight attributed to the Market Bosworth Neighbourhood Plan Review as a whole.

Concluding points

As highlighted above, the Borough Council has a marginal five year supply of housing; however it remains the case that a key consideration for this proposal is whether there are any adverse impacts in approving the proposal which significantly and demonstrably outweigh the benefits when assessed against the Framework and whether the proposal is considered sustainable development. Based on the information submitted there are no policy objections to the principle of residential development on this site subject to the findings of the case officer, and in consultation with any other relevant stakeholders.

Policy Officer: Rachel Dexter

Date: 26th November 2020

Appendix 1: SHELAA 2017/18 Proforma

Strategic Housing and Economic Land Availability Assessment Proforma 2017/18			
General			
Parish	Market Bosworth		
As Ref	392		
Related/Previous Site References	EOI 158, EOI 239, EOI 557	Grid Reference	X 439602
			Y 303226
Site Description	Land south of Golf Club Station Road Market Bosworth	Site size	4.08ha
Current Site Uses	Agricultural Grassland	Adjacent Site Uses	Residential Agricultural Golf Course
Land Type	Greenfield		
Site Location	Adjacent to settlement boundary		
Character of surroundings	Urban/Rural Fringe		
Accessibility			
Distance to Bus Stop from centre of site	Within 400m	Distance to Bus Stop from site access	Within 400m
Distance to Primary School from centre of site	Within 400m	Distance to Primary School from site access	Within 400m
Distance to Local Centre from centre of site	Over 800m	Distance to Local Centre from site access	Over 800m
Distance to Post Office from centre of site	Over 800m	Distance to Post Office from site access	Over 800m
Distance to Health Centre from centre of site	Within 1000m	Distance to Health Centre from site access	Within 1000m
Distance to Secondary School from centre of site	Within 1500m	Distance to Secondary School from site access	Within 1500m
Distance to open space from centre of site	Within 400m	Distance to open space from site access	Within 400m
Additional Accessibility information			
Constraints			
Identified Red constraint			
	Mitigatable	Comments	
Land & Soil Constraints	None known		

Environmental	<p>Some mature hedgerows border the site.</p> <p>Site identified as having significant heritage potential. Appropriate consideration and pre-application investigation of the site may be required.</p> <p>Extended Phase 1 Habitat Survey (2014) identifies site to be of relatively low ecological value, further investigation may be required.</p>
Topographical	<p>Varying site levels.</p> <p>11kv powerline borders the site</p>
Planning Policy	<ul style="list-style-type: none"> • Core Strategy 2009 • Site Allocations and Development Management Policies DPD 2016 • Other relevant local plan policies may apply • <u>Any relevant supporting evidence base studies</u>
Accessibility	<p>Current access road running through site.</p>
Availability/ Achievability	
Market Interest	High
Timeframe for development	6-10 years:2023-2027
Estimated number of	77
Estimated Density	30dph
Estimated Build Rate	40 pa
Suitable	Yes
Available	Yes
Achievable	Yes
Excluded from consideration	No
Comment	The access to Market Bosworth Golf Club that transects the site may reduce the residential capacity. The varying site levels may also reduce
Overall assessment	Developable
Additional information	