

Planning Committee 25 May 2021
Report of the Planning Manager

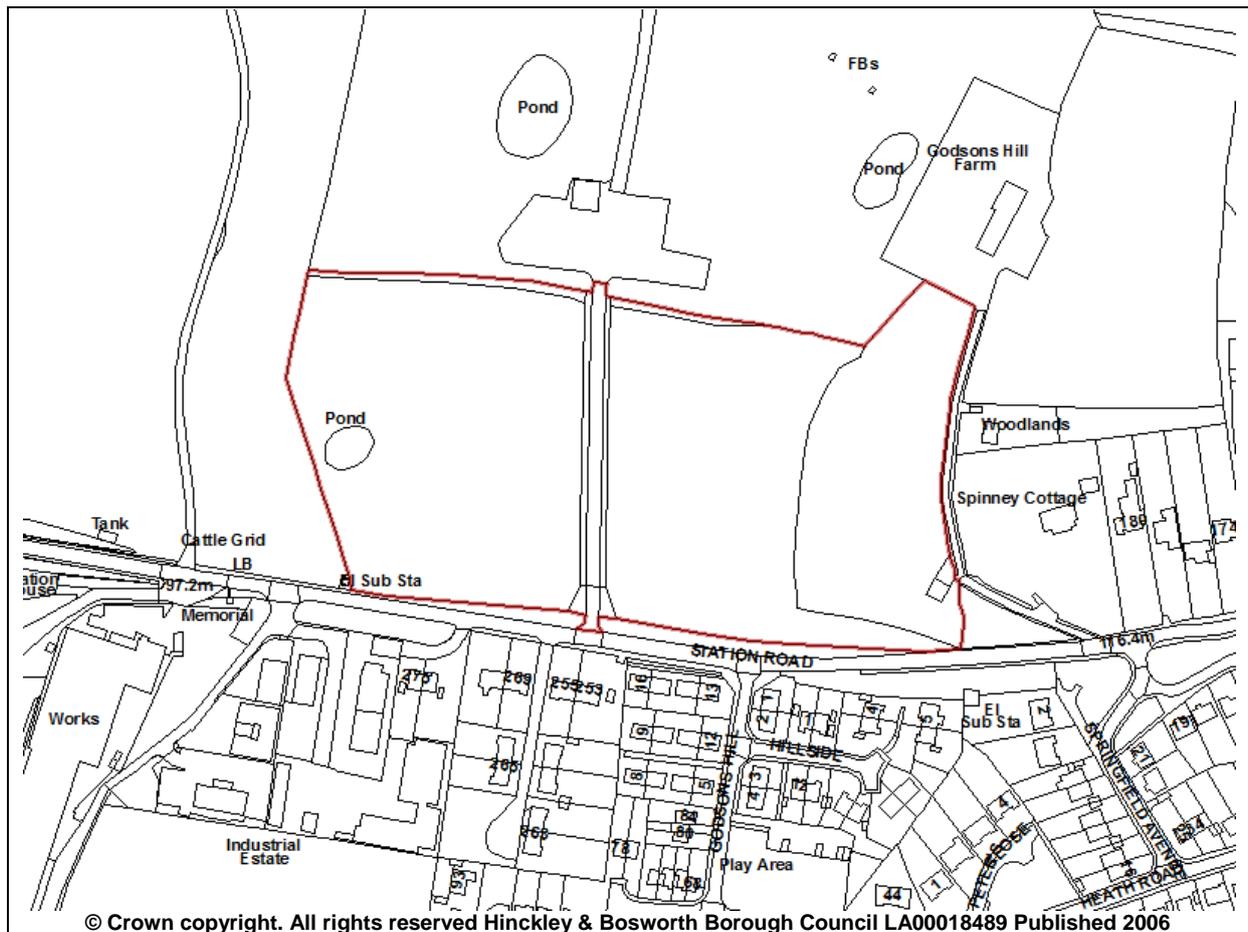


Hinckley & Bosworth
Borough Council

Planning Ref: 20/01021/OUT
Applicant: Richborough Estates & Messrs Vero
Ward: Cadeby Carlton M Bosworth & Shackerstone

Site: Land At Station Road Market Bosworth Leicestershire

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



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 6 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing (25 units) with a split of 75% of the units as affordable rented and 25% of the units as shared ownership
 - Affordable rented mix shall comprise: 6 x 1 bed 2 person flats or quarter houses; 3 x 2 bed 4 person bungalows; 6 x 2 bed roomed 4 person houses and 4 x 3 bed roomed 5 person houses

- Shared ownership mix shall comprise: 2 x 2 bed 4 person bungalows and 4 x 2 bed houses
 - £1,900.00 for library facilities at Market Bosworth Library
 - £3120.00 towards improving existing waste facilities at Barwell HWRC
 - £31,897.68 towards the cost of providing additional accommodation for 153 patients at Market Bosworth GP Surgery
 - On-site Open Space requirement of 500m² of equipped play area and Trim Trail with equipment to a minimum value of £90,965 and maintenance costs of £87,800; 1058m² of Casual/Informal Play Space and maintenance costs of £11,426 and 20042m² of natural green space along with maintenance costs of £284,596.40
 - £303,350.20 towards primary and secondary school education in Market Bosworth
 - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass
 - Travel Plan monitoring fee of £6,000
- Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning application description

- 2.1. This application seeks outline planning permission for up to 63 dwellings with associated access, public open space and drainage infrastructure. All detailed matters are reserved for later determination, except access. The site has an area of approximately 4.2 hectares.
- 2.2. Access to the site is proposed off Station Road. A detailed access plan accompanies the application showing the upgrade of the existing access to Kyngs Golf Club with the provision of a 6.0m wide carriageway, 10m kerbed radii and 2.0m wide footways on both sides of the access road fronting the development. This vehicular access is included in the red line planning application site boundary. The access proposals are in line with those conditioned as part of planning permission ref: 19/01437/FUL for the erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas, access roads and the erection of 6 golf holiday homes. Pedestrian links are also shown onto Station Road from the open space.
- 2.3. As the application is in outline format, the proposed housing mix is unknown. However, the applicant has stated that 40% of the housing to be provided would be affordable housing and so if 63 dwellings were to be provided this would result in 38 market dwellings and 25 affordable units.
- 2.4. An indicative development framework and a parameters plan have been provided. The indicative framework shows the layout of up to 63 dwellings on a developable area of 2.04 ha. The parameters plan shows the area of development which includes an area where the height of the dwellings would be restricted to 5.5 metres to their pitch and three areas of open space totalling 2.16 hectares.
- 2.5. The application is supported by the following technical documents:
- Design and Access Statement
 - Landscape Strategy
 - Noise Report and Assessment

- Biodiversity Metric 2.0 Calculation Tool
- Heritage Statement
- Air Quality Assessment
- Existing Site Sections
- Topographical Survey
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Tree Survey
- Planning Statement
- Geotechnical Desk Study Report
- Landscape and Visual Impact Appraisal
- Geophysical Survey
- Ecological Impact Assessment
- Flood Risk Assessment
- Land Use Parameter Plan
- Illustrative Masterplan

3. Description of the site and surrounding area

- 3.1. The application site comprises 4.2ha of open land consisting of two fields currently used for pasture. The north and western boundaries are defined by existing hedgerow with the eastern boundary containing mature trees. A broad leaved woodland is located within the south-eastern corner of the site which forms the boundary with Station Road and the residential property to the east. Post and rail fencing forms the boundary along Station Road along with sections of hedgerow. The site is bound by the settlement boundary of Market Bosworth along Station Road to the south and to the east which contain residential properties and commercial units. Open fields lie to the west whilst a golf course forms the northern boundary. Planning permission has recently been approved for the construction of a multi-purpose golf clubhouse and six golf holiday homes adjacent to the northern boundary of the application site.
- 3.2. Comprising predominantly improved grassland and poor semi-improved grassland, the site is divided into two by a tarmac access road which leads from Station Road to the golf course to the north. The site is relatively flat before rising steeply towards the eastern part of the site. The surrounding land uses give the area its semi-rural character.

4. Relevant planning history

13/00520/FUL

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

14/00674/FUL

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

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 17 letters of objection have been received during the statutory consultation period. A further 10 letters have recently been received raising concerns about the amount of development proposed in Market Bosworth and specifically making reference to this planning application. The objection letters received raise the following issues:
- 1) The land lies outside the settlement boundary for Market Bosworth and should remain as agricultural land.
 - 2) The proposed site off Shenton Lane is a more suitable location for housing as it is understood that there is a need for additional housing in Market Bosworth.
 - 3) The proposal would generate additional traffic along Station Road and through Market Bosworth especially during peak hours. There would also be additional traffic at the junction with the Bull in the Oak/A447 which is over-congested and dangerous.
 - 4) The local services and infrastructure such as schools, doctors, dentists, shops and parking within the centre cannot cope with this additional housing.
 - 5) Housing development on this site would be contrary to the policies in the Development Plan including the Market Bosworth Neighbourhood Plan and Policy CE3 with its protected views and vistas (View 1 and Vista 11) and CE5.
 - 6) The Neighbourhood Plan includes a site for additional housing on the opposite side of Station Road. This was voted for by between 64% of the residents. This application site was considered and rejected for housing. Why are the community now being ignored?
 - 7) The allocated site in Station Road and further committed development in the town would already increase its housing by 20%.
 - 8) This site would not supply affordable housing as the average house price in the village even at 80% of market value would be in excess of what a first time buyer could afford.
 - 9) Market Bosworth does not need cheaply built, overpriced, generic cardboard houses.
 - 10) An Inspector at a recent planning appeal at the Golf Course confirmed that the golf course is not suitable for housing.
 - 11) There is already congestion in Market Bosworth's Square which is recognised in the Market Bosworth Town Centre Redevelopment Project – this housing proposal would add to this.
 - 12) Market Bosworth is described as 'the Jewel in the Crown of the Borough' for its historical importance and vistas set in a rural environment which attracts tourism. It is one of the smallest towns in England. This housing development would impact on this tourism and affect the local economy.
 - 13) This proposal would have ecological impacts as there are regular sightings of badgers, bats and other indigenous wildlife.
 - 14) Residents of the new housing would be impacted upon by virtue of noise from the industrial units opposite in particular JJ Churchill Ltd which will need to operate evenings and weekends to re-commence volume manufacture.
 - 15) To allow housing on the site would impact on the ability for the industrial units to operate efficiently as the new residents would complain about the operations on public health grounds. This will impact on the businesses and could lead to a loss of highly skilled and highly paid jobs.
 - 16) The noise report accompanying the application is inadequate as the assessment was carried out during minimal working during the current pandemic.

- 17) The allocated site at Station Field would be compatible with JJ Churchill remaining in its current location, given distances, screening and orientation of the noise-generating activity.
 - 18) The proposal would have significant harm on the landscape and a detrimental impact upon the character of Market Bosworth. A review of the LVIA has been undertaken and submitted by a local independent consultant which confirms this statement.
 - 19) Access is to be considered as part of the determination and so the application must take into account the existing s278 Highways Act agreement dated 24.04.2003 which includes a ghost island right-turning lane.
- 5.3. One letter of support has been received which states that there is a lack of housing available to purchase in Market Bosworth. New housing schemes would allow the author more opportunity to buy a property in the town.
- 5.4. One letter of comment has been received from 1st Market Bosworth Scout Group asking that the Council considers the needs of youth provision in the town when determining this application. The Scout Group does not have access to outdoor space and consideration should be given to providing dedicated outdoor space for the group.

6. Consultation

- 6.1. No objection, some subject to conditions have been received from:
- HBBC Planning Policy
 - HBBC Drainage
 - HBBC Environmental Health (Pollution)
 - HBBC Street Scene Services
 - Leicestershire Police
 - Severn Trent Water Ltd
 - LCC Archaeology
 - HBBC Planning Policy
 - LCC Ecology
 - LCC as Highway Authority
 - LCC as Lead Flood Authority
 - HBBC's Conservation Officer
- 6.2. Market Bosworth Parish Council object to the proposal for the following reasons:
- 1) There is a valid Neighbourhood Plan adopted for the area which shows that the application site lies outside the current settlement boundary and allocates the site to the south of Station Road which has capacity for a minimum of 100 houses (Policy BD2).
 - 2) There is conflict with Policies CE3 and CE5 in the Neighbourhood Plan.
 - 3) The proposal would conflict with Policy DM4.
 - 4) A HNA (2020) identified a housing needs requirement of 108 dwellings 2014-2026 and this can be accommodated on the allocated site. There have already been an additional 104 dwellings built/ have planning permission in the area. This proposal for 63 dwellings would exceed the capacity required putting significant stresses on the infrastructure and services of a small market town.
 - 5) When the public were consulted on this land for the MBNP only 28% supported it compared to 64% for the land to the south of Station Road.
 - 6) A consultation will take place on the Masterplan produced for Station Road and the development of this application site could cause highway safety issues for the allocated site.
 - 7) The proposal would have a significant impact on Vista 11 in the MBNP.

- 8) The proposal could have a negative impact on certain manufacturing units on the industrial estate as a previous application on the site demonstrated that one prestigious company on the site could be forced to close.
- 9) An Inspector for the Consultation Draft Allocation Map (2009) stated that developing this site would have an unacceptable impact upon the landscape setting of Market Bosworth.
- 10) The Neighbourhood Plan Examiner commented in 2014 that development to the north of Station Road would result in a significantly more urbanised approach to the town.
- 11) The Appeal Inspector for the recent Kyng's Golf and Country Club also noted the views and vista in the MBNP and so imposed strict conditions on building heights and rooflines.

6.3. Market Bosworth Neighbourhood Forum object to the proposal for the following reasons:

- 1) The proposal conflicts with the Neighbourhood Plan regarding views and vistas in Policy CE3;
- 2) The site lies beyond the settlement boundary in Policy CE5;
- 3) Market Bosworth has already exceeded its quota of housing as defined in the Neighbourhood Plan and confirmed in the recent HNA conducted by AECOM in Policy BD2;
- 4) The Inspector when considering the Neighbourhood Plan in 2015 stated that development on this land would result in a significantly more urbanised approach to the town.
- 5) Planning permission has previously been refused on this site in 2014.
- 6) The proposal would be contrary to the Council's Landscape Character Assessment and to Policy DM4 on protecting the countryside.

6.4. Market Bosworth Society object to the proposal for the following reasons:

- 1) There are 984 homes in Market Bosworth and a further 110 dwellings have already been allocated at Station Road where a Master Plan has recently been published. There have been another 93 dwellings in the Town. There is not a requirement for additional housing.
- 2) Allowing this development in addition to the others would increase the number of houses by 27% which would put pressure on local services and facilities.
- 3) In the Neighbourhood Plan referendum, only 28% of residents voted for this site north of Station Road compared to the site south of Station Road which received 64% of the votes.
- 4) The proposal would destroy Vista number 11 in the Neighbourhood Plan which is protected by Policy CE3.
- 5) Paragraph 11(d) in the NPPF is triggered as the Development Plan is out of date. The Neighbourhood Plan is also over 5 years old and thus no longer afforded the greater protection provided by paragraph 14 of the NPPF. However, there is no evidence that this development will support local services in the town or create employment in the area.
- 6) Market Bosworth does not have existing deficiencies in the quality, quantity and accessibility of green space and play provision as quoted in the application.
- 7) The proposal would add traffic to roads which already have high fatalities. The bus service is limited and there is no bus service on Sunday.
- 8) The GP facility in Market Bosworth cannot be extended and would not be able to support this increase in population.

6.5. No comments have been received from Cycling UK.

6.6. LCC Developer Contributions request:

- £303,350.20 towards primary and secondary school education in the area
- £1,900.00 towards library facilities at Market Bosworth Library
- £3,120.00 towards civic amenity facilities in Barwell
- Travel Packs (one per dwelling) to inform residents of sustainable travel choices (can be supplied by LCC at £52.85 per pack).
- Six month bus passes (two per dwelling) with 2 application forms to be included in Travel Packs (can be supplied through LCC at £360.00 per pass).
- Raised kerb provision at the nearest two bus stops (Id's 2410 and 2411) at a cost of £3,500 per stop.

George Eliot Hospital NHS Trust request:

- £25,358.00 towards additional health care services

NHS West Leicestershire CCG request:

- £31,897.68 towards the cost of providing additional accommodation for 153 patients at Market Bosworth Surgery

HBBC Affordable Housing – requirement for 40% of the housing to be affordable. They confirm that the proposed split of social or affordable rented and properties for intermediate tenure is acceptable. There is high demand for rented housing for Market Bosworth particularly for 1 bed and 2 bed properties.

6.7. S106 Monitoring Officer – requirement for an equipped play area along with facilities for older children, casual/informal play space and natural green space on site.

7. Policy

7.1. Market Bosworth Neighbourhood Plan 2014-2026 (MBNP)

- Policy CE1: Character and Environment
- Policy CE2: Local Green Space
- Policy CE3: Important Views and Vistas
- Policy CE4: Trees
- Policy CE5: Landscape of the wider Parish
- Policy BD1: Affordable Housing

7.2. 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
- Policy 20: Green Infrastructure

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment

- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)
- National Design Guide (2020)

7.5. Other relevant guidance

- Good Design Guide (2020)
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Need Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide
- Agricultural Quality of Land Surrounding Settlements in the Hinckley and Bosworth District Report (2020)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact on the historic environment
- Pollution from Noise
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Ecology
- Archaeology
- Affordable Housing Need
- Infrastructure Contributions
- Other Issues

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) the Site Allocations and Development Management Policies DPD (2016) (SADMP) and the Market Bosworth Neighbourhood Plan (MBNP) (2015).

- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Market Bosworth is identified as a Key Rural Centre within Policy 7 of the Core Strategy. These are settlements which have a variety of facilities and services including a primary school, local shop, post office, GP, community/leisure facilities, employment and regular access to public transport to surrounding areas. To support its role as a Key Rural Centre focus is given to development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5 Policy 11 provides the policy framework for each Key Rural Centre that stands alone in the rural area. This Policy states that the focus for these villages will be on consolidating and improving within the village and maintaining a strong sense of individual settlement identity. The first criterion for Market Bosworth seeks the provision of a minimum of 100 new homes. Developers will be required to demonstrate that the number, type and mix of housing proposed meets the needs of Market Bosworth, taking in to account the latest Housing Market Assessment. The Council's Planning Policy Officer has confirmed that as of 31st March 2019 only 85 dwellings have been completed in Market Bosworth for the plan period. A site was allocated in the MBNP for 100 dwellings (Land south of Station Road), however, this site does not have planning permission and so has not been delivered to date.
- 8.6 On 25th March 2021, ONS published the latest median housing price to median gross annual workplace based earnings ratio used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for Hinckley and Bosworth is now 450 dwellings per annum (rather than 452 dwellings per annum using the previous ratio). In addition to this on 7th May 2021 the Sketchley Lane appeal (APP/K2420/W/20/3260227) discounted some large sites included within the trajectory. Therefore, the Council can demonstrate a 4.23 year housing land supply.
- 8.7 Notwithstanding the above, the housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The tilted balance of Paragraph 11(d) of the NPPF is engaged, irrespective of the housing land supply figure, which is a product of the age of the plan and the out-of-date evidence base it relies upon. The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 450 dwellings per annum. This figure was derived from the East Midlands Regional Plan and was considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 450 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2020-2039.

- 8.8 This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.9 The MBNP housing figure is based on the Borough Council's housing policies within the Core Strategy which are considered to be out of date. HBBC Planning Policy has stated that in the absence of an up to date housing target for the neighbourhood area, an indicative housing distribution figure based on population is appropriate (suggested by the Examiner during the Hearing into the Burbage Neighbourhood Plan). Based on the population based method, over the period 2016-2039, Market Bosworth Parishes share of the current housing need for the Borough would be 173 dwellings or 191 dwellings with a 10% buffer.
- 8.10 MBNP appointed consultants to calculate an interim Housing Needs Figure (HNF) which can be included in the adopted Neighbourhood Plan until HBBC has provided Market Bosworth with a final Housing Requirement Figure (HRF). The HNF figure recommended in the Market Bosworth Neighbourhood Plan Housing Needs Assessment (2020) (HNA) is 108 dwellings between 2020 and 2026. This calculation is achieved through deducting the 16 dwelling completions in the MBNP area between 2014 and March 2020. Whilst the report acknowledges that there are currently 88 outstanding dwelling commitments in the MBNP area, the assessment acknowledges that quite often permissions are not implemented and so this does not guarantee they will be delivered within the Plan period or at all. Based on the HNF the assessment confirms that 37 affordable units are expected to be provided. The Assessment also confirms that the final, official HRF provided by HBBC will supersede the figure provided in this HNA.
- 8.11 This site lies outside of the settlement boundary of Market Bosworth and is identified as countryside on the Borough Wide Policies Map. Policy DM4 is applicable which seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.12 Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- It is for outdoor sport of recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- And:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development

8.13 The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.

8.14 Policy CE5: Landscape of the MBNP, states that in the open countryside outside the settlement boundary, new development will only be permitted

- Where it contributes to the local economy
- For the re-use or extension of an existing building or
- For sport and recreation or
- For new dwellings in the circumstances identified in paragraph 55 of the Framework

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

8.15 The proposed application involves development of the open countryside and would result in harm, although the contribution to the local economy and assessment of proposed mitigation are considered further in the report and will be weighed in the planning balance.

8.16 In situations where paragraph 11d of the NPPF applies, such as this, paragraph 14 of the NPPF states that development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of criteria a-d of the paragraph apply. Criteria a) is that the neighbourhood plan became part of the development plan less than 2 years before the decision is made. The MBNP was made in 2015 and had a minor modification in 2021 to include reference to a Housing Need Assessment in July 2020. However, as it not been updated, therefore paragraph 14 cannot apply and the presumption at 11d remains engaged.

8.17 Nonetheless, the weight to be afforded to the policies within the made MBNP is derived from their degree of consistency with the NPPF and the weight to be given to the relevant policies is assessed within this report. The HNF figure recommended in the Market Bosworth Neighbourhood Plan Housing Needs Assessment (2020) is also a material consideration which needs to be assessed in the planning balance.

8.18 In relation to the Market Bosworth NDP Review, this is at the very early stages and a revised document has not been consulted upon or the type of review to be undertaken agreed. The weight to be given to the neighbourhood plan review is set out in paragraph 48 of the NPPF. Factors to be considered include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. No draft version has been submitted to the Council for review. Therefore, the neighbourhood plan review is afforded very limited weight in the decision making process.

8.19 In conclusion, this housing proposal outside of the settlement boundary of Market Bosworth and within the countryside is contrary to Policies 7 and 8 of the Core Strategy and Policy DM4 of the SADMP and Policy CE5 of the MBNP. As such there is a conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Design and impact upon the character of the area

8.20 Core Strategy Policy 11 states that the focus for Key Rural Centres, amongst other things is to maintain the strong sense of individual settlement identity.

- 8.21 Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development
- 8.22 Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.23 Policy CE1a of the MBNP states that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. Where new development would be visible from an adjacent Character Area it should be sensitive to the principal characteristics of that area. Innovative or outstanding design will be supported if it raises the overall quality of the Character Area.
- 8.24 As the site is located outside the settlement edge it does not fall into a character area. However the site is adjacent to Character Area D: Suburban Residential to the east and south, Character Area B: Industrial to the south west and Character Area A: Leisure and Tourism to the north.
- 8.25 Policy CE3 Important Views and Vistas of the MBNP states that development which harms important views into or vistas out of Market Bosworth will be resisted. New development will not be supported if it has a significantly adverse impact on an important view or vista. View 1 along Station Road flanks the application site and Vista 11 looks across it to the north east.
- 8.26 Policy CE5: Landscape of the wider Parish, states that in the open countryside outside the settlement boundary, new development will only be permitted Where;
- it contributes to the local economy
 - For the re-use or extension of an existing building or
 - For sport and recreation or
 - For new dwelling in the circumstances identified in paragraph 55 of the Framework
- 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.
- 8.27 The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.
- 8.28 Market Bosworth is a historic market town located in the centre of the Borough. Located on a hill the town rises gradually from the surrounding landscape with the combination of mature woodlands, farmland and extensive parkland providing a strong rural setting and approach, with green fingers of land permeating in to the centre of the town.
- 8.29 The application site lies to the west of Market Bosworth and adjoins the settlement boundary to its eastern and southern boundaries. The application site is not covered by any local or national designations but is within the vicinity of a number of Listed Buildings. A LVIA and photomontages accompany the application along with a Heritage Statement.
- 8.30 The Borough's Landscape Character Assessment (2017) (LCA) identifies that the site falls within Landscape Character Area C- Bosworth Agricultural Parkland. The Key Characteristics of this landscape character area as described by the LCA (2017) are;

- Rolling farmland and parkland with gentle slopes which rise and fall reaching a high point around the town of Market Bosworth;
 - Scattered trees, woodlands and smaller fields of pasture around settlements add interest to the regular pattern of enclosure fields divided by low hawthorn hedges.
 - A rural and peaceful character with development limited to scattered farm buildings and historic settlements well-integrated into the landscape by vegetation and small scale of buildings.
 - Recreation and tourism- Market Bosworth Country Park and a good network of public footpaths and routes popular with cyclists. Destinations include Market Bosworth, the Battlefield Visitor Centre, the Battlefield Line Railway and the Ashby Canal.
 - Market Bosworth provides an important focus within the area and St Peter's church provides a key landmark.
- 8.31 The application site does share some of the key landscape character area key characteristics being formed of single parcels of land in agricultural use, enclosed by hedgerows with a sloping landform, inclining towards the settlement. However, due to the intervening landform, the church spire of St. Peter's is not visible from the immediate context of the site and there are no public footpaths that run through the site itself.
- 8.32 The LCA (2017) identifies key sensitivities of this landscape area which include: its historic value and associations with the nearby Bosworth Battlefield, Bosworth Country Park as a valuable recreational resource; the rural character and relative sense of tranquillity; the rural settlement pattern of small linear villages and scattered farmsteads providing continuity with their agricultural origins; hedgerows and trees as important features, creating structure and pattern to the landscape; the attractive villages and small towns which feature many notable older buildings including Market Bosworth and its landscape setting of fields and trees; the rural setting and views to the church spire in Market Bosworth.
- 8.33 The LCA (2017) sets out strategies for development to consider which seek to protect the key characteristics of this landscape character area. Some of the most relevant strategies to this proposal and application site are;
- Manage hedgerows, improving their structure and biodiversity value and strengthening landscape character.
 - Maintain the rural character of the landscape, ensuring development responds sensitively to the landscape context.
 - Maintain views to the church spire on the wooded skyline at Market Bosworth and rural views and setting of Market Bosworth.
- 8.34 The Landscape Character Assessment (2017) also includes urban character assessments. Urban Character Area 6 considers the build character of Market Bosworth and its setting within the identified landscape character area. The Key Characteristics and the setting of Market Bosworth includes:
- Hilltop settlement that is well-integrated with the surrounding rural landscape with woodland, mature trees and extensive parkland.
 - Setting provided by the open countryside and farmland of the surrounding landscape which lends a rural and peaceful character and permeates into the town.
 - A more loose-knit urban grain towards the edges of the town where trees and open spaces create a gradual transition between town and countryside.
 - Well-vegetated character provided by mature trees and hedges and green spaces.

- 8.35 Key sensitivities of this urban character area are:
- The distinctive character and historic value of the market place including the historic buildings and the historic link between the town, Bosworth Hall and parkland and the surrounding agricultural landscape and Bosworth Battlefield.
 - Green spaces and features which penetrate into the historic core including Bosworth Country Park, the parkland around Bosworth Hall and scattered small woodlands and mature trees which create a transition to the surrounding landscape as well as multifunctional environmental benefits, leisure and visual amenity.
 - The rural setting which lends a distinctive character as well as recreational and visual amenity value.
 - Views to and from the surrounding landscape are important to the character of the town with a number of vistas to the Battlefield.
 - The wooded skyline and church spire is a landmark feature in views from the surrounding farmland.
- 8.36 The submitted Landscape and Visual Assessment states that the site is influenced by the existing urban edge of Market Bosworth to the south along Station Road. Commercial and residential development both introduce strong built-form overlooking the site whilst to the west the post-2000 development off Pipistrelle Drive is experienced as part of the sequential journey on the approach to Market Bosworth. The residential development beyond the site's eastern boundary is accepted as lacking intervisibility with the site due to the mature woodland boundary which forms the eastern boundary. However, the LVIA does note the consented Kyngs Golf and Country Club development to the adjacent north of the site which would obstruct views across the landscape from Station Road. The LVIA notes that whilst the site contains no features either nationally or locally designated as notable, the site does feature within the MBNP key 'View 1' and 'Vista 11' and so its landscape value is considered Medium at a localised site-specific level.
- 8.37 The LVIA concludes that the proposed development would not result in significant landscape and visual effects over the long term. It sets out the proposed mitigation measures including the layout, scale and height of properties, the retention and enhancement of existing hedgerows, trees and woodland and the large areas of the site left undeveloped which would form publically accessible green spaces with elevated vantages across the wider countryside. It therefore concludes that the proposed development would have a site-wide, localised Minor Adverse effect upon the landscape character of the site, despite there being a Medium magnitude of change. At a wider scale, the development would have a negligible landscape effect due to the containment of the site and proposed houses in the landscape and its relationship with the existing and consented development surrounding the site and the proposal would not constitute an incongruous feature in the area.
- 8.38 As stated above the MBNP does include View 1 along Station Road which adjoins the site and Vista 11 which includes the site and looks towards the open landscape to the north from Station Road. The mitigation measures proposed for view 1 include setting the development away from Station Road behind an area of public open space and boundary hedgerow so that this view would be retained of an open landscape when viewed from the railway bridge from Station Road. The application submission is accompanied by photomontages of the development from this view point.
- 8.39 Whilst the application site comprises open land, Station Road to the east of the site is predominantly characterised by existing development on both sides of the road which leads into the centre of Market Bosworth. The existing development opposite the application site comprises development close to the road behind limited front

gardens and low hedging in comparison to the existing development to the north of Station Road which is predominantly characterised by properties located away from the road in plots with extensive landscaping in their front gardens. Indeed, the existing mature trees and hedges and front gardens of these plots combined with small woodlands create a well-vegetated character and a strong link with the surrounding landscape. It is considered that the proposed siting of the development in excess of 17 metres from Station Road behind a boundary hedgerow along with the area of open space and landscaping proposed to the east would maintain the well-vegetated character of the northern side of Station Road whilst acknowledging the character of the existing residential development opposite the site.

- 8.40 Vista 11 in the MBNP includes the site. There would be notable changes from this vista and the local residents of properties along Station Road would experience Moderate Adverse effects. However, the LVIA includes mitigation measures to reduce this impact. These are: 1) avoiding any development on the upper slopes towards the eastern part of the site and instead retaining and enhancing this area as public open space; 2) restricting the height of the properties to 5.5 metres next to this vista, this would maintain the key countryside views to the north beyond Kyngs Golf and Country Club. The application submission is accompanied by photomontages from Vista 11 along Station Road and from Vista 11 within the proposed area of public open space.
- 8.41 A review of the LVIA has been submitted to accompany a letter of objection from a local business. The review concludes that the proposal would lead to a permanent 'Major adverse change in the landscape character of this site and its setting.' The site would change to a housing estate which would adversely affect the rural setting of Market Bosworth. The review states that the LVIA submitted with the application "down-plays" the landscape effects and visual effects of such a development change from rural to urban character on the site. The review also states that the LVIA "down-plays" the impact on View 1 as a very narrow 'tunnel vision' along Station Road would be created. Vista 11 would also be lost being replaced with a very narrow new Vista about 85 metres to the east. The Review concludes that there would be permanent long-term 'major adverse' landscape effects to the site and permanent 'minor adverse' landscape effects to the LCA-C Bosworth Parkland. Following completion of the project after mitigation the review concludes that there would be permanent long-term 'major adverse' visual effects on recreational users of the public footpath along Station Road, for residents along Station Road and Godsons Hill and for residents of woodland on the eastern boundary of the site.
- 8.42 The Council has commissioned its own specialist landscape consultants to undertake a review of the LVIA submitted with the application and to take into account the findings of the Review submitted with the objection letter. Following additional information provided by the applicant, the Council's landscape consultants has advised that for 'View 1' the photomontage viewpoint demonstrates that the wooded backdrop to the existing view would be largely preserved. They agree with the assessment that on the occupation phase, the effect on views available to transient users of Station Road would be 'Minor Adverse'. To ensure that the landscaped mitigation area along Station Road is achieved, an appropriately worded condition should be imposed on any consent granted to ensure that the reserved matters submitted is in accordance with the approved parameters plan.
- 8.43 With regards to 'Vista 11' the Council's landscape consultants conclude that the photomontage viewpoint indicates that, even with bungalows to the east of the site, views towards open countryside to the north-west are almost entirely restricted leaving only a narrow view to the north. Therefore, from Station Road and Godsons Hill much of the "extensive views of north west Leicestershire" for which Vista 11 is

considered important would be lost. Indeed, when assessing the occupation phase effects (year 1 and year 15) on views available to residents on Godsons Hill and Station Road, the review undertaken by the Council's landscape consultants concludes that the introduction of the proposed development would cause a high magnitude of change and would result in a major adverse level of effect in that the development would be irrevocably visually intrusive and would disrupt fine and valued views both into and across the area.

- 8.44 In response to the above assessment, the applicant has submitted a new Vista 11 which would be achieved from the elevated public open land proposed within the site. This new vista would be in addition to the existing Vista 11. When compared to the existing Vista 11, the new vista would offer more extensive open views over the countryside of North West Leicestershire due to the elevation of the land and its location beyond the golf course built development.
- 8.45 The review by the Council's landscape consultants did highlight the need to ensure that the development proposal enhances the boundary vegetation to the west of the site which is bound by open countryside. The LVIA Addendum submitted by the applicant in response to this review does include revisions to the Landscape Strategy Plan to include additional enhancements of the western boundary hedgerow with additional characteristic tree planting. The Council's landscape consultants confirm that this planting would assist with softening views of the proposed properties on the lower ground within the site whilst retaining open views of the wooded backdrop of the site's eastern boundary. Whilst it is found that there is no heritage connection to the airfield to the west of the site, through enhancing this boundary would further bolster the setting of the reserve airfield and its former uses.
- 8.46 Therefore, it is agreed that the proposal would have major adverse landscape effects on the application site at the construction phase. However, this impact would be temporary and would reduce to moderate adverse effects at year one occupation. The proposal would have moderate adverse visual effects on recreational users of footpath S70/1, users of Kyngs Golf and Country Club (future receptor) and transient users of Station Road at construction. However, there would be major adverse visual effects on residents to the south at construction which would lessen to residual moderate visual effects on these residents at Year 15 occupation. This would in turn impact on the fine and valued views from Vista 11. Although the proposal for bungalows to the east would lessen this impact, LUC has concluded that views towards open countryside to the north-west are almost entirely restricted leaving only a narrow view to the north.
- 8.47 However, the creation of a new Vista 11, achieved from the elevated public open land proposed within the site, would offer more extensive open views over the countryside of North West Leicestershire due its elevation and its location beyond the golf course built development. The Council's landscape consultants has advised that the effects of the development should be considered as part of the overall planning balance. The retention of the land to the east as public open space would form part of the wording in the Section 106 Agreement for the proposal along with the installation of footpath links from Station Road into this land.
- 8.48 The parameters plan could form part of an appropriately worded condition requiring the restriction on the area of land used for built development and the restriction in height of the properties within Vista 11. The Indicative Layout proposes plots with small front gardens and larger rear gardens in general accordance with the layout of the residential properties opposite the site. The reserved matters submission would need to demonstrate a high quality of design of the properties in keeping with the area and extensive landscaping throughout the site and along Station Road. The

indicative layout demonstrates that a housing proposal could be designed in accordance with advice in the Council's Good Design Guide SPD with regards to separation distances between properties and the amount of private amenity space would could be allocated to each property.

- 8.49 Therefore, the proposal would extend built development beyond the settlement boundary of Market Bosworth and it is considered that the proposal would result in a moderate degree of harm to the character and appearance of the area at Year 1 Occupation which would conflict with Policy DM4 of the SADMP. The proposal would also impact on Vista 11 leaving only a narrow view of the open countryside to the north in conflict with Policy CE3 of the MBNP which seeks to resist new development which has a significant adverse impact on any important view or vista.
- 8.50 Mitigation measures have been incorporated into the proposed layout of the scheme to minimise this harm. The mitigation measures include the retention and enhancement of all of the existing boundary vegetation. New tree and hedgerow planting would be provided within the site including a new hedgerow along Station Road to provide high quality landscaping taking into account the key sensitivities of the LCA. A parameters plan has been submitted showing large areas of the site left free from development and designated as public open space. A new vista has been created from an elevated part of the site. Other areas of the site have housing restricted in height to 5.5 metres.
- 8.51 It is therefore considered that the layout proposed in the parameters plan as submitted along with improvements to landscaping and ecological enhancements would reduce the level of harm from the proposal on the wider countryside. Whilst there would be some conflict with Policy DM4 of the SADMP (2016) and Policy CE3 of the MBNP, mitigation measures have been incorporated into the scheme to ensure that the development complements the character of the surrounding residential areas as required by Policy DM10 of the SADMP (2016) and advice in the Council's Good Design Guide SPD.

Impact on the Historic Environment

- 8.52 In determining applications, paragraph 189 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As confirmed by the Council's Conservation Officer, the submitted Heritage Statement does provide a reasonable and proportionate assessment of the impact of the proposal on affected heritage assets and their settings.
- 8.53 Paragraph 190 of the NPPF also requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal. There are no designated or non-designated heritage assets within the site itself. There is one scheduled monument (Roman foundation east of Barton Road) located 900m north-east of the application site. The historic core of Market Bosworth is reflected within the boundaries of the Market Bosworth Conservation Area some 700 metres to the east of the application site. The majority of the 52 listed buildings near to the application site are located within the boundaries of this designated heritage asset with a small number located at the edges of the historic settlement core along Station Road. The Ashby Canal is 300 metres west of the site and the length of the canal is designated as the Ashby Conservation Area.
- 8.54 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.

- 8.55 Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.56 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.57 The Borough Council's Good Design Guide SPD (2020) also identifies design objectives for the settlement of Market Bosworth to retain its key characteristics
- 8.58 As there are designated heritage assets located within a proportionate search area around the application site, it must be assessed if the site falls within the setting of these assets.
- 8.59 Historic England recommends undertaking a five step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings are affected by the proposal.
- 8.60 Due to variations in topography and the presence of intervening built form and vegetation there is no inter-visibility between the application site and the majority of the designated heritage assets identified within the search area, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal this position would not be altered following the development. Only a small number of designated heritage assets have the potential to be sensitive to the proposed development and these are identified below.
- 8.61 The Church of St Peter is a grade II* listed building situated some 1km east of the site upon the ridge-top of the historic settlement core of Market Bosworth. There are no views of the church from or across the application site as a result of the intervening built form and vegetation but due to the presence of the church in the surrounding landscape the upper sections of its tower and spire and the application site are both appreciable in publicly accessible wider views when approaching Market Bosworth from the west. The application site is therefore considered to fall within the setting of this designated heritage asset.
- 8.62 There is no visibility of any part of the Market Bosworth Conservation Area from the site as a result of the intervening built form and vegetation. The Market Bosworth Conservation Area Appraisal (MBCAA) (2014) does not identify any important views or vistas to be protected from or towards the site. The only element of the conservation area that it is possible to experience in conjunction very distantly with the site is the church tower and spire as identified above. The site provides no contribution to the understanding or appreciation of the elements that define the character and appearance and the significance of the conservation area, so it is not

currently considered to form part of its setting and due to the form of the proposal it is considered this position would not be altered following the development.

- 8.63 Due to the presence of intervening fields, the Battlefield Railway Line and built form, including at Pipistrelle Drive and along Station Road, there are no appreciable views to and from the application site towards the Ashby Canal Conservation Area. As the observer travels north along the canal towpath beyond Pipistrelle Drive, views are opened up looking south-eastwards towards the site, but due to the distance involved, the lower level of the canal and intervening vegetation, the site is not appreciable from either the towpath or the elevated position of Bridge 43. As such the site is not considered to form part of the surroundings within which the Ashby Canal Conservation Area is experienced and due to the form of the proposed development it would not affect the character and contribution its current setting makes to its significance.
- 8.64 The MBNP (2015) identifies views and vistas from and towards Market Bosworth that are considered important for defining the characteristics of the settlement and highlight the transition between urban and rural landscape. View 1 is looking eastwards upon the approach to the village from Wellsborough and terminates on the wooded hilltop comprising the eastern field of the application site and the scattered residential development above. Vista 11 looks northwards from Station Road over the application site out into the wider countryside over the golf course. The view and the vista are not considered to allow for any direct appreciation of the significance of any designated or non-designated heritage assets.

Significance of affected heritage assets

- 8.65 Step 2 is to assess the degree to which these settings make a contribution to the significance of the heritage asset or allow significance to be appreciated.
- 8.66 The grade II* listed Church of St Peter comprises an early 14th century church constructed of limestone with a west tower and spire. The church is located on slightly raised ground within an extensive church yard and is surrounded by a semi-rural and parkland setting. This immediate setting is relatively contained and contributes positively to the church's significance, reinforcing its historic, architectural and communal values. By virtue of the height of the church tower and spire and position of the church on the ridge top the church can also be seen within a much wider setting. Such views do demonstrate the importance of the church within the wider landscape and the application site does form part of its wider setting, although the site does not form part of the direct views of the church from the west across open countryside. The only understanding of the site is where it forms part of the periphery of a wider view of the church and the existing built development along Station Road. The site is considered to therefore comprise a neutral element of the wider setting of the church and it makes no particular contribution to its significance.

The Proposal

- 8.67 A site layout plan has been submitted which indicates outline details of the proposal. The existing driveway to the golf course is proposed as the primary street with secondary streets and private drives situated off the drive providing access to up to 63 dwellings sited with the western and central of the fields. Development within the eastern field which has the steepest topography is limited to the creation of a LEAP and trail. Existing boundary hedgerows and intermittent trees are to be largely retained and supplemented with new planting where possible, which includes along the northern boundary to the golf course.

Impact of the proposal upon the significance of affected heritage assets

- 8.68 Step 3 of the Historic England Good Practice in Planning Note 3 is to assess the effects of the proposal, whether beneficial or harmful, on the significance of affected heritage assets or on the ability to appreciate that significance. Access is the only matter for consideration as part of this application with all other matters reserved (appearance, landscaping, layout and scale), however the details provided including an indicative layout and landscaping proposal allow for a reasoned assessment of the impact of the proposal upon the significance of the affected heritage asset.
- 8.69 The application site is considered to comprise a neutral element of the wider setting of the grade II* listed Church of St Peter. Due to the peripheral nature of the site within any wider views of the church tower and spire offered from the open countryside to the west, development being restricted to the lower (western and central fields only), the retention and strengthening of the soft landscaped boundary across the northern edge of the site, and the presence of existing built form already being established in any such views, the proposal is considered to result in only a negligible visual change within the wider setting of the church. As a result the impact of the proposal upon the significance of the church is not considered to be adverse.
- 8.70 Step 4 in the Historic England assessment approach is to explore ways to maximise enhancement and avoid or minimise harm. As identified above it is considered that the landscaping details and layout of the site included within this application should be delivered at reserved matters stage to avoid the possibility of increasing the level of impact from the proposal upon the significance of the church.
- 8.71 Step 5 relates to making and documenting the decision and monitoring outcomes. It is considered that such recommended good practice has been achieved by setting out the assessment stage of the decision-making process in an accessible way in the body of this report.
- 8.72 Therefore, whilst the proposal affects the significance of the grade II* listed building the Church of St Peter by virtue of its location within the wider setting of this designated heritage asset, the application site forms a neutral element of its wider setting. Overall the proposal for development is considered to result in only a negligible visual change within the periphery of limited views of the church. As a result the impact of the proposal upon the significance of the church is not considered to be adverse. The proposal is therefore compatible with the significance of the listed building and consequently accords with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Pollution from Noise

- 8.73 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.74 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.75 A Technical Note on Noise has been submitted which takes into account the noise report submitted in 2013 (under ref: 13/00520/FUL) which focused on 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. The report concluded that the dominant source of the noise was the local road traffic along

Station Road, with no 'significant noise from the industrial units on the south side of Station Road.'

- 8.76 A Noise Assessment was also submitted in October 2020 which found that the dominant source of noise was the local road traffic along Station Road and that properties within 20 metres of the road would require mitigation measures incorporated into their internal fabric.
- 8.77 An objection has been received from an occupier of a neighbouring Industrial unit. They raise concerns about their 24-hour operation having a detrimental impact on the residential amenity of the proposed residents. They are concerned that due to the pandemic, their operations need to intensify to meet demand and if noise complaints are received from the new residents this could prevent the company operating at nights and weekends. They raise concerns about the noise monitoring submitted with the application which they state is more inadequate than the 2013 report conclusions due to the analysis being carried out during a period of minimal working during the current pandemic when the majority of the workforce were furloughed, the reporting sites were chosen to be the most distant and shielded from the factory and the monitoring does not cover the most relevant time period when 24-hour operations would be occurring. They conclude that the company would have to close if they had restrictions on their operation due to noise.
- 8.78 The objection letter makes reference to a residential scheme on the site being refused on noise grounds in 2013 on the application site. The proposed layout of this residential scheme is different to the scheme submitted in 2013. The parameters plan submitted with this current application demonstrates that the developable area would be sited some 70 metres further east and so away from the area closest to the Industrial Estate. The public highway (Station Road) is located within this intervening area and the Noise Assessment has taken into account the potential noise generation from this highway.
- 8.79 The area which adjoins the airfield to the west would be designated as an area of public open space with an attenuation pond. The distance between industrial units, in particular the JJ Churchill site and the nearest proposed dwelling has increased from 48 metres (proposed in 2013) to 110 metres and the dwellings have been sited further away from Station Road to take into account road traffic noise.
- 8.80 There are existing residential properties along Station Road which are sited closer to the industrial units and on the same side of the carriageway when compared with the proposed dwellings. Although the objection letter supports the residential development site allocated on land to the South of Station Road, the two options proposed in the Council's Development Brief/Accessibility Version (November 2020), (which has recently been the subject of public consultation) include residential development along the internal access road off Station Road. As such, the layouts proposed in the Development Brief would also involve residential development in closer proximity to the industrial units and on the same side of the carriageway compared with the application site layout submitted.
- 8.81 The Council's Environmental Health Officer has been consulted on the application and has no objections to the proposal subject to the imposition of a pre-commencement condition. This condition would require a scheme for protecting the proposed dwellings from noise from the nearby road, airfield and adjacent industrial estate to achieve internal noise levels as detailed in BS8233. Mitigation measures proposed include internal glazing and mechanical ventilation which would achieve internal noise levels as detailed in BS8233.
- 8.82 It is thus considered that the recommended internal noise levels can be achieved across the development without the requirement for significant mitigation measures.

Therefore, the proposal would comply with Policies DM7 and DM10 of the SADMP (2016).

Impact upon neighbouring residential amenity

- 8.83 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.84 Given the close proximity of the proposal to surrounding residential uses and other sensitive receptors it is considered that a construction environmental management plan should be required via condition to control pollution during construction phases. This should also include proposed construction hours. Whilst there are existing dwellings near to two of the site's boundaries, the properties near to the southern boundary are separated from the site by Station Road. The indicative layout shows that all of the properties fronting onto Station Road would be set behind a grassland area and new roadside hedgerow. This would create an intervening distance of at least 45 metres from existing properties along Station Road.
- 8.85 The Council's Good Design Guide (2020) states that the minimum distances laid out in this document are not applicable where principal windows are separated across a road as these windows are already overlooked within the public realm. In view of the distances involved and the intervening main road it is considered that the proposal would not impact on the residential amenity of the occupiers of these properties along Station Road.
- 8.86 Greater distances of a minimum of 110 metres between the proposed properties and the existing properties to the east of the site would be achieved due to the proposal to create an area of public open space on this intervening land. The mature landscaping along this boundary would be retained and enhanced. Therefore the proposal would not impact on the residential amenity of the occupiers of these properties to the east.
- 8.87 Any reserved matters should demonstrate through layout and scale that the proposed development would provide adequate residential amenity for potential future occupiers of the proposal. However, there have been no matters identified through the consideration of this application that would suggest that the application site could not provide adequate residential amenity for occupiers of the site or surrounding residential properties.
- 8.88 As such the proposal is considered to be in accordance with Policy DM10 in this regard as the amenity of neighbouring occupiers of the proposed development would not be adversely affected to warrant refusal of the application.

Impact upon highway safety

- 8.89 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.90 Access is a matter being considered by the proposal and a detailed access plan has been provided. In addition to this the proposal has been supported by the submission of a Transport Assessment and Travel Plan.

Site Access

- 8.91 Access to the site is proposed off Station Road which is a C classified road subject to a 30mph speed limit. The proposal is to upgrade the existing access to Kyngs Golf Club (located within the red line application site boundary) with the provision of a 6.0m wide carriageway, 10m kerbed radii and 2.0m wide footways on both sides of the access road fronting the development. The access proposals are in line with those conditioned as part of application ref: 19/01437/FUL for the erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas, access roads and the erection of 6 golf holiday homes.
- 8.92 Visibility splays have been provided based on the speed survey data for application ref: 19/01437/FUL (undertaken in 2018) which indicated 85%ile speeds of 38.2mph eastbound and 34.9mph westbound. Visibility splays of 2.4m x 74m to the west and 2.4m x 59m to the east have therefore been provided. The applicant has submitted vehicle tracking of a refuse collection vehicle entering and exiting the site in all directions and also an independent Stage 1 Road Safety Audit (RSA) with Designers Response.
- 8.93 The Highway Authority (LHA) has been consulted on the application and agree with the visibility splays and the access arrangements proposed. The LHA has considered the allocated mixed use development site to the south of Station Road where it is understood that an emerging Development Brief indicates plans to provide some form of traffic calming along Station Road to reduce speeds along the road.
- 8.94 A letter has been received stating that a ghost right hand turn lane should be provided into the site from Station Road. The LHA do not consider that the level of additional traffic generated from the allocated site would justify the provision of a ghost right hand turn lane access into the application site and that any future development which intensified the use of the access would be considered on its own merits.
- 8.95 The LHA confirm that it has been adequately demonstrated that safe and suitable access has been provided to the application site in accordance with Paragraph 108 of the NPPF and Policy DM17 of the SADMP. They state that the access road and pedestrian footways should be implemented as part of appropriately worded conditions.

Trip Generation

- 8.96 Objections have been received with regards to the increase in traffic generated from this proposal on the local highway network in particular the allocated housing and employment site opposite the application site. The submitted Transport Assessment assesses the impact that the proposed development would have on the operational performance of the highway network and concludes that the proposed development would have no material detrimental impact.
- 8.97 The Highway Authority has assessed the personal injury collision (PIC) data for the road network along with the trip generation of the proposed housing scheme. They agree with the applicant's assessment that based on 2011 Census journey to work data, 51% of trips will arrive/depart to the east of the site and 49% will arrive/depart from the west.

Junction Capacity

- 8.98 To understand the impact of the proposed development traffic on the surrounding network the applicant has undertaken capacity assessment of the site access/Station Road junction and Station Road/Wellsborough Road/ Pipistrelle Drive roundabout. Due to the covid-19 pandemic, the applicant has utilised traffic

count data from a number of recent planning applications including 20/00131/FUL (Sedgemere up to 76 dwellings) and 19/01437/FUL & 18/00732/FUL (Kyngs Golf Course). Tempro growth traffic flow factors have been applied to the 2018 traffic count, first to factor up traffic levels up to a 2020 base year and then to a future year of 2025. The LHA confirms that they accept the Tempro traffic growth factors.

- 8.99 Committed development flows from developments 20/00131/FUL and 19/01437/FUL have been included as part of the assessment. The Ratio of Flow to Capacity (RFC) of Junction 1 is not proposed to exceed the threshold of 0.85 (practical capacity) with the development in place in 2025. The LHA confirms that they are satisfied that the junction will operate within capacity.
- 8.100 The applicant also undertook a sensitivity test which included two additional developments being the HBBC Allocated Site SA5 (south of Station Road) and 20/00345/OUT at Land south of Market Bosworth Cemetery. Whilst there is not a planning application for the SA5 site, predictions on this site are contained within the Transport Assessment. The LHA consider that following a review of the proposed developments a sensitivity test is not required.

Internal Layout

- 8.101 The application is submitted in outline format and so the internal layout is not to be considered at this stage. However, the LHA has advised that if the existing access drive is to be put forward for adoption then given its occasional use by coaches visiting the golf club, the access road should be designed with a 6 metre wide carriageway.

Transport Sustainability

- 8.102 The application is accompanied by a Travel Plan. The LHA state that the centre of the site is approximately a 200 metre walk from bus stops with an hourly service between Market Bosworth and Leicester. The site is also within a 500 metre walk of a primary school and a 1.1km walk from the centre of Market Bosworth. The proposal is to upgrade the existing bus stops along with the provision of 2 x 6 month bus passes per dwelling in order to promote sustainable travel. These are welcomed by the LHA and should be required as part of a Section 106 agreement.
- 8.103 Planning conditions are requested to require a construction traffic management plan, implementation of the access road and surfacing details/drainage prior to the occupation of any of the dwellings.
- 8.104 It is therefore considered that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. The proposal would thus be in accordance with Policy DM17 of the SADMP (2016) and the National Planning Policy Framework (NPPF).

Drainage

- 8.105 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.106 A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF. The site is identified as being within flood zone 1 where residential development is considered compatible with reference to the Planning Practice Guidance flood risk vulnerability table.
- 8.107 LCC as the Lead Local Flood Authority (LLFA) has assessed the FRA and conclude that the site is at low risk of flooding from a number of sources including surface water runoff. The scheme proposes an attenuation basin to accommodate the surface water within the site, which is shown to be located within the south-western

area of the site. Surface water would discharge to an onsite attenuation basin before being discharged at a QBar discharge rate of 8.3 l/s in the 1 in 100 year (+40% Climate Change) event, to an existing ordinary watercourse.

- 8.108 The LLFA advises that the proposals for surface water drainage are acceptable subject to pre-commencement conditions being attached to any planning permission granted.
- 8.109 The proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk. However, further details of the surface water drainage strategy would be required via condition should the scheme receive outline planning permission.

Ecology

- 8.110 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.111 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.112 The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.113 The Ecological Appraisal identifies that the site comprises of grassland which is species-poor. LCC Ecology has been consulted on the application and they confirm that they do not object to the loss of this grassland. A veteran ash tree is located in the eastern part of the site (T5) within an area of open space. LCC Ecology confirm that this tree meets their Local Wildlife Site criteria. As such a condition should be imposed on any consent granted to ensure that the tree is protected during construction and landscaping works.
- 8.114 LCC Ecology further advise that a pond on-site has great crested newts (GCNs), but is in a poor condition being infested with the invasive non-native *Crassula helmsii* or New Zealand pygmy weed. The pond does not have a sustainable future. Therefore, LCC Ecology agree with the proposal to relocate the GCNs to two new ponds, under appropriate licensing from Natural England. When doing so, care must be taken to avoid infecting the new ponds with the invasive waterweed and so it is recommended that appropriate biosecurity measures are built into the mitigation plans which would need to be provided as a planning condition. The removal and safe disposal of the New Zealand pygmy weed should also form part of an appropriately worded condition to ensure that it does not spread into other ponds or the canal.
- 8.115 LCC Ecology confirm that the Ecology Report proposes on-site biodiversity enhancements and habitat creation which would compensate for the loss of habitats and that using the DEFRA biodiversity metric there would be a 2.0 net-gain after development. This gain would be conditional on the landscape strategy presented and especially on the successful enhancement of retained grassland through seeding and aftercare. Whilst these details are not required to be submitted for this outline application, the reserved matters proposal would need to provide details and

the metric would need to be re-run to ensure that net-gain is still achievable. The net-gain should be achieved on site.

- 8.116 The recommended mitigations in the ecology survey are considered to be reasonable and necessary and therefore suitably worded conditions should be applied to any permission so that the overall, impact of the proposed development on protected species accords with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

Archaeology

- 8.117 Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.118 The application is accompanied by an Archaeological desk-based assessment and a Geophysical Survey Report. A fluxgate gradiometer survey has been undertaken across the majority of the survey area with small gaps in the data being due to the presence of a particularly steep slope.
- 8.119 LCC Archaeology has been consulted on the proposal. They confirm that whilst the geophysical survey can be a useful tool in identifying the presence of certain types of magnetically sensitive activity beneath the ground surface, there are certain categories of archaeological activity such as prehistoric remains or burials that do not typically provide a strong geomagnetic response and are not usually identified by this means. Whilst the geophysical survey on this site has not provided any definitive evidence for archaeological activity, it has picked up some anomalies of uncertain origin and an archaeological provenance for these has not been ruled out.
- 8.120 Given the scale of the development site and the paucity of previous intrusive archaeological investigation in the vicinity, there remains potential for the presence of previously unidentified archaeological deposits within the development area. However, LCC Archaeology confirm that from evidence contained within the HER and following a review of the archaeological information submitted by the applicant there is sufficient information submitted to make a decision on the outline planning application.
- 8.121 In the context above, it is recommended by LCC Archaeology that the outline application is approved subject to conditions for an appropriate programmed of archaeological mitigation, including as necessary, intrusive and non-intrusive investigation and recording. In accordance with Paragraph 189 of the NPPF this would require the submission of the result of archaeological trial trench investigation to identify and locate any remain of significance and propose suitable mitigation or further archaeological work to be secured through a pre-commencement condition. Compliance with such a condition would ensure that the proposal complies with the requirements of Policy DM13 of the SADMP.

Affordable Housing Need

- 8.122 Policy 15 of the Core Strategy includes a requirement for 40% affordable housing to be provided on the site. HBBC's Affordable Housing Officer has advised that on 17.8.20 the housing register shows a requirement for 125 rented properties comprising of 65 1-bed; 35 2-bed, 15 3-bed and 10 4 or more beds. There are a further 54 applicants whose information is either incomplete or pending assessment. No applicants state that they have a local connection to Market Bosworth and there is no recent local housing needs survey for the settlement, as the village was scheduled to have a survey carried out in 2020.

- 8.123 The Affordable Housing Officer agrees that 25 dwellings for affordable housing should be provided on the site and that the split should be 75% of the properties to be rented properties and 25% of the properties to be shared ownership.
- 8.124 To provide a good balance of affordable houses for rent, the Affordable Housing Officer confirms that for rent the mix should be 6 x 1 bed 2 person flats or quarter houses; 3 x 2 bed 4 person bungalows; 6 x 2 bedroomed 4 person houses and 4 x 3 bedroomed 5 person houses. The shared ownership properties should be a mix of 2 x 2 bed 4 person bungalows and 4 x 2 bed houses.
- 8.125 There is a requirement for applicants in the first instance to have a local connection to Market Bosworth with a cascade in the second instance for a connection to the Borough of Hinckley and Bosworth. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.
- 8.126 This provision of affordable housing should be included in the Section 106 Agreement. Policy 15 is consistent with Section 5 of the NPPF which seeks to deliver a sufficient supply of homes, to meet the needs of different groups within the community including those requiring affordable housing. Policy 15 seeks to provide affordable housing as a percentage of dwellings provided on site, therefore the obligation directly relates to the proposed development. The level of affordable housing represents the policy compliant position. There will be a requirement for the affordable housing to be delivered on a cascade approach with residents with a connection to Market Bosworth. Therefore the obligation is directly related to the proposed development. The extent of the affordable housing obligation is directly related in scale and kind to the development as it represents a policy compliant position, expected by all development of this typology. No issues of viability have been raised with this scheme.

Infrastructure Contributions

- 8.127 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.128 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Play and Open Space

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

	Policy Requirement per dwelling (sqm) based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 63 dwellings (square metres)	Provided on site	On site maintenance contribution (20 years)	Provision Contribution	Off site maintenance (10 years)
Equipped Children's Play Space & Trim Trail	3.6	226.8	500	£87,800.00	£90,965.00	None
Casual/ Informal Play Spaces	16.8	1058	1058	£11,426.40	None	None
Outdoor Sports Provision	38.4	None	None	None	None	None
Accessibility Natural Green Space	40	2520	20042	£284,596.40	None	None

- 8.130 The Open Space and Recreation Study (2016) requires developments of 10-200 dwellings to provide equipped open space on site with all dwellings within 100m of a LAP and 400m of a LEAP. The Open Space and Recreation Study (2016), highlights that residents in the East and Centre of Market Bosworth do not have adequate access to play facilities and therefore on site play equipment is a priority. The proposal includes a LEAP and a Trim Trail within an area of Casual/Informal play space.
- 8.131 The policy requirement would be for 226.8sqm of onsite equipped play, the indicative layout plan indicates that an area of play is to be provided, however the minimum size requirement of a LEAP is 400sqm which will have to be provided. The figures above reflect the maintenance cost of 500sqm of LEAP and the Trim Trail. This area of land would be sufficient to meet the requirements of the Policy. 1058sqm of casual informal play space should be provided on site, however, this should not include infrastructure features such as pumping stations or the SUDS features. The indicative development layout shows, casual informal play space and/or natural green space to the east and west of the site and within and around the edges. The application submission states that the site can accommodate a total of 2.16 hectares of public open space. Some 20,042 sqm would comprise of accessible natural green space. This exceeds the minimum requirement of 2520 sqm of natural green space. It is clear from the indicative layout that there is no on-site outdoor sports provision, which would therefore have to be provided and maintained off site. Given that the submission is provided in outline, the sums of money above are indicative and will be dependant of final layout submissions, however, any agreed s.106 would obligate the developer to provide the minimum policy requirements.
- 8.132 The nearest off site public open space that contains outdoor sport provision is MKBOS26 Market Bosworth Hall, which has a quality score of 82% exceeding the target of 80%. Therefore, the offsite, outdoor sport provision is not necessary.
- 8.133 The developer will also be obligated to provide and then transfer the on-site open space area to a management company, or, in the alternative, request that either the

Borough Council or the Parish Council maintain it. If the land is transferred to the Borough Council or Parish Council, the open space area would be transferred to the relevant authority together with a maintenance contribution.

- 8.134 The provision of Play and Open Space is required for compliance with Policies 11 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 11 requires development in Market Bosworth to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative only layout of the proposed development suggests the provision of open space around the site to include a LEAP, a Trim Trail, informal space and a large amount of natural green space. Using the adopted Open Space and Recreation Study (2016) the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

Civic Amenity

- 8.135 LCC Waste Management requested a contribution of £3120.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate 13 tonnes per annum of additional waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.
- 8.136 This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

Libraries

- 8.137 LCC Library services have requested a sum of £1900 towards provision of additional resources at Market Bosworth Library, which is the nearest library to the development.
- 8.138 The contribution towards addressing the impact of the development upon library facilities is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area. Market Bosworth library on Station Road is within 0.8km of the site, the request states that the proposed development will add 189 to the existing library's catchment population which would have a direct impact upon the local library facilities, this is accepted in this instance given that the library is within a reasonable walking distance of the site and is accessible by public footpaths, therefore the contribution directly relates to the proposal. The contribution is calculated using a

methodology that is attributed to all developments of this typology across the county and relates to the number of dwellings proposed, therefore the contribution relates fairly and reasonably in scale and kind.

NHS West Leicestershire CCG – Health Care

- 8.139 The West Leicestershire CCG has requested a contribution of £25,358 towards addressing the deficiencies in services at Market Bosworth Surgery, which is the closest available GP practice to the development. This practice has already identified that the premises are fully utilised and therefore funds would look at internal layout and improving facilities in order to ensure optimum number of clinicians are available to meet the demand. An increase of 153 patients from the proposal would significantly impact on patient demand in the area.
- 8.140 The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local surgery at Market Bosworth, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.

Education

- 8.141 LCC Children and Family Services has requested a contribution towards primary and secondary school education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution is £303,350.20 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at St Peter's Church of England Primary Academy (£115,276.80) and Bosworth Academy (£188,073.40).
- 8.142 The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and would address the impacts of the development on essential infrastructure within the local area. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

George Eliot Hospital Trust (GEHT)

- 8.143 GEHT requested a contribution to address NHS revenue shortfalls for acute and emergency treatment. This is by way of a monetary contribution of £31,952.00 towards the 12 month gap in the funding in respect of A &E and acute care at GEHT.
- 8.144 It is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid S106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by GEHT to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. GEHT is unable to demonstrate that the burden on services arises directly from the development proposed, as opposed to a failure in the funding mechanisms for care and treatment. The request made is to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. GEHT has not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Further to this there are issues with the data and methodology used by GEHT for example the inflated population projections compared to those used by Leicestershire Authorities when calculating housing need, or the failure to address funding needs from housing projections set out in the Joint Strategic Needs Assessment and Joint Health Wellbeing Strategy referred to in their request, therefor it has not been demonstrated that the request fairly and reasonable relates in scale and kind to the development proposed.
- 8.145 This request is therefore not considered to meet the test of the CIL Regulations.
- 8.146 A similar request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was insufficient evidence from the Hospital Trusts to warrant or justify the contribution sought against the CIL Regulations.

Other issues

- 8.147 HBBC's Agricultural Quality of Land Surrounding the Settlements in the Hinckley and Bosworth District Report (2020) states that the majority of the site is grade 3b agricultural land. This land is not considered to be the Best and Most Versatile Land as it comprises of heavy slowly permeable land limited by wetness. However, the land to the east of the development is classed as Grade 2 land. The report states that land within grade 2 in Market Bosworth comprises of deep permeable clay loam soils limited by wetness. The moderately high topsoil clay content of these soils leads to slight access restrictions to farm machinery, affecting the cultivation/harvesting of winter crops in wet years under the local climate. This area of land is small in scale. The proposal is for this land to remain free from development being used as public open space. The loss of this land should be weighed in the balance of the merits of the scheme.
- 8.148 The site is not within an area recorded to require a Coal Authority mining report, therefore, the risk from coal mining is considered to be negligible.
- 8.149 HBBC (Waste) has recommended a condition requiring adequate provision for waste and recycling storage and collection

8.150 A Phase 1 Desk Study Report has been submitted with the application. This recommends that further intrusive works are carried out to assess potential land contamination and ground gas on the site. The Council's Environmental Health Officer has recommended that this work is undertaken as part of a planning condition. It is considered that a pre-commencement condition is proportionate to ensure that the potential for land contamination is assessed under Policy DM7 of the SADMP.

9. Planning Balance

9.1 The Council cannot demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy, the adopted SADMP and the MBNP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

9.2 The proposal would be in conflict with Core Strategy Policy 7 and 11 and Policy DM4 of the SADMP. These policies are consistent with the Framework and are afforded significant weight. The proposal would extend built development beyond the settlement boundary of Market Bosworth and it is considered that the proposal would result in a moderate degree of harm to the character and appearance of the area at Year 1 Occupation which would conflict with Policy DM4 of the SADMP and Policy CE5 of the MBNP.

9.3 The proposal also causes harm to key characteristics of Vista 11 identified within the MBNP leaving only a narrow view of the open countryside to the north in conflict with Policy CE3 of the MBNP which seeks to resist new development which has a significant adverse impact on any important view or vista. Policy CE3 is given moderate weight when measured against consistency with the Framework. They advise that in terms of the conformity of Policy CE3 against the revised NPPF, it is recommended that moderate weight is given to the policy. A similar policy was recently examined as part of the Examination into the Burbage NDP. In this case the Examiner's report introduced a wording amendment so that the policy included the following wording "*which cannot be mitigated will not be supported.*" This wording was inserted to ensure the NDP allowed for sustainable development which is a NDP Basic Condition. An assessment on how the impact of the development can mitigate any potential negative impact on the views and vistas should therefore be made rather than a blanket approach to resist. The mitigation measures proposed will be assessed below.

9.4 The proposal would result in the loss of agricultural land, using mapping available the land is identified as grade 2 and grade 3b as Agricultural Land. Therefore, this does add to the value of the landscape. Whilst the proposal would involve some grade 2 land, this land is small in size and would remain free from development as public open space. It is thus considered this the loss of this agricultural land would have moderate weight in the planning balance.

9.5 Weighed against this conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of 63 houses (including 25 affordable homes). The HNF figure recommended in the Market Bosworth Neighbourhood Plan Housing Needs Assessment (2020) (HNA) is 108 dwellings between 2020 and 2026. HBBC Planning Policy state that based on the population based method, over the period 2016-2039, Market Bosworth Parishes share of the current housing need for the Borough would be 173 dwellings or 191 dwellings with a 10% buffer. As confirmed in Policy 11 of the Core Strategy, the housing figures for Market

Bosworth are a minimum number. Therefore, whilst there is an allocated housing site along Station Road which has yet to be developed and planning permissions have been granted for additional dwellings in the MBNP area, the additional houses and affordable houses proposed in this planning application would have significant weight in the planning balance in delivering housing in the Market Bosworth area.

- 9.6 Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 9.7 The proposal would result in economic benefits through the construction of the scheme albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.8 As discussed above, the proposal would deliver 63 dwellings, of which 40% would be affordable. Market Bosworth is an identified District Centre where the centres consist of at least one supermarket and a range of non-retail services and public facilities as well as a library and residential development would help to maintain and support local services which serve the local community. This would result in a moderate social benefit to the area and also to the borough as required by Policy CE5 of the MBNP. The proposal would also involve the provision of areas of public open space (POS) and new tree planting. The POS would be connected to existing pedestrian footpaths to provide a benefit to the wider area.
- 9.9 Some environmental benefits would be provided such as additional planting through the landscaping to be provided in the open space. There would be some benefit for biodiversity associated with the reinforcement and new planting of hedgerow and trees around the site and the provision of SUDS which can be designed to include benefits to biodiversity, secured via condition.
- 9.10 It has been concluded that the proposal would have major adverse landscape effects on the application site at construction phase, however, this impact would be temporary and would reduce to moderate adverse effects at year one occupation. The proposal would have moderate adverse visual effects on recreational users of footpath S70/1, users of Kyngs Golf and Country Club (future receptor) and transient users of Station Road at construction. However, there would be major adverse visual effects on residents to the south at construction which would lessen to residual moderate visual effects on these residents at Year 15 occupation. This would in turn impact on the fine and valued views from Vista 11. Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm has been identified at Year 15 construction. A new Vista 11 would also be provided within the site with elevated views across North West Leicestershire. It is thus considered on balance that this level of harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

10. Equality implications

- 10.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 10.3 There are no known equality implications arising directly from this development.
- 10.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

11. Conclusion

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 11.2 The Council cannot demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy, the adopted SADMP and the MBNP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3 The proposal would be in conflict with Core Strategy Policy 7 and 11 and Policy DM4 of the SADMP. These policies are consistent with the Framework and are afforded significant weight. The proposal would extend built development beyond the settlement boundary of Market Bosworth and it is considered that the proposal would result in a moderate degree of harm to the character and appearance of the area at Year 1 Occupation which would conflict with Policy DM4 of the SADMP and Policy CE5 of the MBNP.
- 11.4 The proposal also causes harm to key characteristics of Vista 11 identified within the MBNP leaving only a narrow view of the open countryside to the north in conflict with Policy CE3 of the MBNP which seeks to resist new development which has a significant adverse impact on any important view or vista.
- 11.5 It has been concluded that the proposal would have major adverse landscape effects on the application site at construction phase, however, this impact would be temporary and would reduce to moderate adverse effects at year one occupation. The proposal would have moderate adverse visual effects on recreational users of footpath S70/1, users of Kyngs Golf and Country Club (future receptor) and transient users of Station Road at construction. However, there would be major adverse visual effects on residents to the south at construction which would lessen to residual moderate visual effects on these residents at Year 15 occupation. This would in turn impact on the fine and valued views from Vista 11. Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm has been identified at Year 15 construction. A new Vista 11 would

also be provided within the site with elevated views across North West Leicestershire.

- 11.6 It is thus considered on balance that this level of harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.
- 11.7 Subject to conditions the proposal would not have any significant adverse impacts on the historic environment, noise, residential amenity, vehicular or pedestrian safety, ecology, archaeology, drainage and land contamination. It is considered that the proposed development is in accordance with Policies DM6, DM7, DM10, DM11, DM13, DM17 and DM18 of the SADMP (2016) and is therefore recommended for approval subject to the conditions and planning obligations listed below.

12.0 Recommendation

12.1 Grant planning permission subject to

- The completion within 6 months of this resolution of a S106 agreement to secure the following obligations:
 - 40% Affordable Housing (25 units) with a split of 75% of the units as affordable rented and 25% of the units as shared ownership
 - Affordable rented mix shall comprise of: 6 x 1 bed 2 person flats or quarter houses; 3 x 2 bed 4 person bungalows; 6 x 2 bedroomed 4 person houses and 4 x 3 bedroomed 5 person houses
 - Shared ownership mix shall comprise of: 2 x 2 bed 4 person bungalows and 4 x 2 bed houses
 - £1,900.00 for library facilities at Market Bosworth Library
 - £3120.00 towards improving existing waste facilities at Barwell HWRC
 - £31,897.68 towards the cost of providing additional accommodation for 153 patients at Market Bosworth GP Surgery
 - On-site Open Space requirement of 500m² of equipped play area and Trim Trail with equipment to a minimum value of £90,965 and maintenance costs of £87,800; 1058m² of Casual/Informal Play Space and maintenance costs of £11,426 and 20042m² of natural green space along with maintenance costs of £284,596.40
 - £303,350.20 towards primary and secondary school education in Market Bosworth
 - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass
 - Travel Plan monitoring fee of £6,000
- Planning conditions outlined at the end of this report.

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

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

12.2 Conditions and Reasons

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

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

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-

- a) appearance
- b) landscaping
- c) layout
- d) scale

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. The development hereby permitted shall be carried out in accordance with the following approved plan received by the local planning authority on 29 September 2020 but only insofar as they relate to access to the site:
Drw No: T18522 001 Rev B

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. No more than 63 dwellings shall be constructed on the site.

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

5. All reserved matters application shall be in general accordance with the Parameters Plan (Drw No: P20-1243_05 Rev A), Illustrative Masterplan (Drw No: P20-1243_02 Rev D) and the Landscape Strategy Plan (Drw No: 11776/P08b).

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

6. Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with the Council's adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.

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

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not lead to on-street parking problems in the area in accordance with Policies DM17 and DM18 of the SADMP (2016).

8. Construction works of the development hereby permitted shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at any time on Sundays and Bank Holidays.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the SADMP (2016).

9. Prior to the commencement of any development on site a scheme for protecting the proposed dwellings from noise from the nearby road, airfield and adjacent Industrial estate which includes remediation works (where required) and a programme of implementation shall first be submitted to the local planning authority for their approval in writing. The scheme shall be designed to achieve internal noise levels as detailed in BS8233 and all works which form part of the scheme approved by the LPA shall be completed before first occupation of each of the dwellings to which it relates.

Reason: To safeguard the amenities of future occupiers of the proposed dwellings in accordance with Policy DM10 of the SADMP (2016) and advice in the NPPF.

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

Reason: To ensure that the proposed use does not become a course of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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

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

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

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

13. No development shall take place until details of the pedestrian links to be provided from the application site to Station Road have been submitted to and approved in writing by the local planning authority. The approved footpath links shall be implemented in full and made available for use in accordance with the approved details prior to the occupation of the 50th dwelling.

Reason: To improve connectivity of the site to the surrounding area in accordance with Policy DM1 of the SADMP (2016).

14. No development shall commence on site until drainage details for the disposal of surface water have been submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include infiltration testing. The approved details shall be implemented in full before the occupation of the first dwelling hereby approved.

Reason: 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 and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

16. Prior to the commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

17. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

No development shall then take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

18. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority and has been approved in writing by them. The submitted plan shall include all retained and created habitats within the red line of the approved Site Location Plan including SUDs and all landscaping to informal play space and natural open space should be comprised of native species wildflower grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP.

19. No development shall commence on site until full details of the protection of trees and hedgerows to be retained on site as shown on Drw No: 11776/P08b including the protection of the veteran Ash Tree (T5) during the construction phase have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the commencement of any work on site and shall remain in place for the duration of the construction activity.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP.

20. No development shall commence on site until full details of the removal of New Zealand pygmy weed have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the commencement of any development on site.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP.

21. No works shall commence on site until full details of the finished floor levels for each of the approved dwellings has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance in accordance with Policies DM4 and DM10 of the SADMP (2016).

22. Prior to the construction above foundation level of any of the dwellings hereby approved, a scheme for the delivery of full fibre broadband connections to serve each dwelling on the application site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2019).

23. None of the dwellings hereby approved shall be occupied until such time as the access arrangements shown on approved Drw No: T18522.001 Rev B have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to ensure pedestrian safety in accordance with Policy DM17 of the SADMP (2016).

24. None of the dwellings hereby approved shall be occupied until such time as the offsite works (footway improvements) shown on Drw No: T18522.001 Rev B have been implemented in full.

Reason: To mitigate the impact of the development in the general interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

25. None of the dwellings hereby approved shall be occupied until such time as vehicular visibility splays of 2.4 metres by 74 metres to the west and 2.4 x 59 metres to the east of the access have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in accordance with Policy DM17 of the SADMP (2016).

26. Prior to the occupation of the first dwelling, a Travel Pack informing residents what sustainable travel choices are in the surrounding area shall be submitted to and approved in writing by the Council. The agreed Travel Packs shall then be supplied to purchasers on the occupation of each dwelling.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of Sustainable modes of transport in accordance with the National Planning Policy Framework (2019).

12.3 Notes to Applicant

1. In relation to conditions 11 and 12; advice from Health and Environment Services can be viewed via the following web address:- https://www.hinckley-bosworth.gov.uk/info/200075/pollution/177/contaminated_land site which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

2. With reference to condition 14 the scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pervious paving details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
3. With reference to condition 15 details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
4. With reference to condition 16 details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
5. With reference to condition 17 the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

6. It is necessary, when carrying out works to tree(s) to be aware of the Wildlife and Countryside Act, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.
7. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and

satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

8. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
9. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
10. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
11. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
12. Severn Trent Water advises that there are public sewers located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals (Tel: 0800 707 6600).