

# **Land South of Burbage Planning and Affordable Housing Statement**

Redrow Homes Limited

20 December 2023

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# Appendices

## Appendix 1 EIA Screening

## 1.0 Introduction

1.1 This Planning Statement has been prepared on behalf of Redrow Homes Limited (“the applicants”) in support of a hybrid planning application for:

*“Hybrid planning application for (a) a full planning application for 422 dwellings, public open space, associated infrastructure and the demolition of 65 and 65a Coventry Road, and Burbage Fields Farm and (b) an outline planning application for a residential care home and up to 11no. self-build plots.”*

1.2 This statement describes the proposed development and Land south of Burbage (“the Site”), before setting out the justification for the grant of planning permission for the application proposal based on:

- The Local Plan 2006-2026 – the Core Strategy (2009), the Site Allocations and Development Management Policies DPD (2016) and the Burbage Neighbourhood Plan (2021); and
- The material considerations that bear on the determination of the application. This includes the requirements of the National Planning Policy Framework (2023) [NPPF] and the Hinckley and Bosworth Local Plan Review (2020 -2039).

## Environmental Impact Assessment

1.3 Following the submission of an Environmental Impact Assessment [EIA] Screening Request to Hinckley & Bosworth Borough Council (“the Council”) on 27 July 2021, made under Regulation 6 of the Town and Country Planning (EIA) Regulations 2017 (as updated) (“the EIA Regulations”), the Council confirmed on 16 August 2021 that an EIA is not required for this development (See Appendix 1).

1.4 Even though an EIA is not required, the application is nevertheless still supported by a comprehensive range of supporting technical documentation which assesses a range of environmental implications associated with the development to ensure that the scheme can be accommodated on the Site without any undue environmental harm.

## Content of the application

1.5 A suite of technical reports and drawings have been prepared in support of the application. These documents comprise:

- Application Form;
- Statutory Planning Application Fee;
- Covering Letter, prepared by Lichfields;
- Planning Statement, prepared by Lichfields;
- Statement of Community Involvement, prepared by Lichfields;
- Economic Benefits Assessment, prepared by Lichfields;
- Design and Access Statement, prepared by Pegasus Group;
- Planning Drawings, including:
  - Site location Plan

- Topographical Survey
- Site Sections Plan
- Site Layout Plan
- Coloured Site Layout Plan
- Character Area plan
- Landscape masterplan Sheet 1 of 2
- Landscape masterplan Sheet 2 of 2
- Enclosures plan
- Materials plan
- Affordable Housing Plan
- Surface Materials plan
- Bin Refuse plan
- Highway Adoption plan
- Fire Distance plan
- Management Company plan
- Parking Strategy plan
- Road Hierarchy plan
- Man Co Plan
- Engineering Layout Sheet Location Plan
- Engineering Layout Sheet 1 of 6
- Engineering Layout Sheet 2 of 6
- Engineering Layout Sheet 3 of 6
- Engineering Layout Sheet 4 of 6
- Engineering Layout Sheet 5 of 6
- Engineering Layout Sheet 6 of 6
- Drainage Strategy Sheet 1 of 6
- Drainage Strategy Sheet 2 of 6
- Drainage Strategy Sheet 3 of 6
- Drainage Strategy Sheet 4 of 6
- Drainage Strategy Sheet 5 of 6
- Drainage Strategy Sheet 6 of 6
- Street scenes Plan
- Constraints Plan
- House type Brochure
- Affordable Housing Brochure

- Garages Brochure
- Landscape and Visual Impact Assessment, prepared by Pegasus Group;
- Transport Assessment, prepared by Rodgers Leask Ltd;
- Residential Travel Plan, prepared by Rodgers Leask Ltd;
- Employment Travel Plan, prepared by Rodgers Leask Ltd;
- Air Quality Assessment, prepared by RSK Environment Limited;
- Noise Assessment, prepared by RSK Environment Limited;
- Flood Risk Assessment, prepared by Rodgers Leask Ltd;
- Hydraulic Modelling Study, prepared by Rodgers Leask Ltd;
- Ecological Appraisal and associated Protected Species Surveys, prepared by FPCR Environment and Design Limited;
- Ecological Mitigation Strategy, prepared by FPCR Environment and Design Limited;
- Biodiversity-Net-Gain Metric, prepared by FPCR Environment and Design Limited;
- Phase I Geo-environmental Desk Study, prepared by Rodgers Leask Ltd;
- Arboricultural Assessment, prepared by FPCR Environment and Design Limited;
- Agricultural Land Classification and Soil Resources Assessment, prepared by Reading Agricultural Consultants Ltd;
- Archaeological Trial Trenching Evaluation Report, prepared by Headland Archaeology (UK) Ltd;
- Site Waste Management Plan, prepared by Ecoefficiency Limited;
- Archaeological Desk-Based Assessment, prepared by RSK Environment Limited;
- Geophysical Survey Report, prepared by Headland Archaeology (UK) Ltd; and
- Utilities Assessment, prepared by Mewies Engineering Consultants Ltd.

## **Report Structure**

1.6 This Planning Statement subsequently addresses matters as follows:

- Section 2 describes the application Site and its context;
- Section 3 describes the proposed development and details its constituent parts;
- Section 4 sets out the relevant planning policy context;
- Section 5 summarises the need for different types of development within Hinckley & Bosworth;
- Section 6 assesses the application proposal in the context of relevant planning policy and other material considerations;
- Section 7 weighs up the overall planning balance; and
- Section 8 provides a set of conclusions arising from matters set out in this Planning Statement.

## 2.0 **Site Context and Planning History**

### **Site Description**

- 2.1 The Site comprises c.26.498 hectares [ha] of land mainly used for agricultural pastureland. The Site slopes towards the south east from the highest part in the north at approximately 126mAOD to the lowest part in the south at approximately 107mAOD.
- 2.2 The Site itself is comprised of nine irregular parcels of greenfield land that are currently used for pasture grazing of agricultural livestock. In addition, the Site is occupied by the Burbage Fields Farm house and associated outbuildings, located to the south west of the Site.
- 2.3 The majority of the eastern boundary of the Site is bound by trees and hedgerows, with greenfield land beyond. A small section of the Site to the east is bound by a hedgerow with Workhouse Lane directly adjoining the boundary. The northern boundary of the Site is bound by hedgerow, with the most northern point of the Site adjoining the built-up boundary of Burbage. Part of the western Site boundary is bound by the existing built-up boundary of Burbage. The remainder of the western boundary is bordered by Bullfurlong Lane and open countryside. The southern Site boundary comprises a fence line, trees and hedgerows, beyond which lies the M69 and associated barrier planting. A small section of the Site to the east extends across Workhouse Lane to the east which is bound by Flanders Close at the easternmost boundary. The Environment Agency's Map identifies the Site as being located within Flood Zone 1 and being at low risk of flooding. There are no heritage assets on or within close proximity of the Site.

### **Site Context**

- 2.4 The Site abuts the Burbage settlement boundary, immediately adjacent to the Ambion Way residential development to the east, and further residential development along Bullfurlong Lane and Coventry Road to the west and north. The Site is located c.600m from the centre of Burbage, c.2.7km to the south of the centre of Hinckley, and c.20km to the south-west of the centre of Leicester.
- 2.5 The Site is sustainably located on the edge of Burbage, which is one of the four main urban areas of the Borough. The Site therefore would provide future residents with access to a range of facilities, providing a mix of shops, restaurants and pubs, a library, a medical centre and pharmacy, and a post office.
- 2.6 The nearest primary school to the Site is the Burbage Church of England Infant School, which is located approximately 500 metres to the north and is accessible within a c.10-minute walk. In terms of secondary schools, the nearest secondary school to the Site is Hastings High School, which is located c.1.2km to the north of the Site. The Site is also well-served by public transport, with the bus stops on Lutterworth Road within 5 5-minute' walk, providing access to Burbage and Hinckley town centres.
- 2.7 In terms of accessibility to public transport, the Site is located 2.3km (9 minutes via car) from Hinckley train station offering connections to larger settlements such as Nuneaton and Leicester. This offers suitable access to further employment opportunities, services and facilities in addition to Burbage's existing provision of amenities. The Site is in close proximity to a number of bus stops; Crossways bus stop is 110m (1-minute walk) from the Site, whilst Robinson Way bust stop and Pyeharps Road bus stop are located 250m (3-

minute walk) and 400m (5-minute walk) away from the Site offering regular service to Nuneaton.

## Planning History

2.8 Based on the Council's online records, the following planning history is identified for the Site:

- 1 Application Reference: 04/00934/COU – Change of use from agriculture to recreational land – Withdrawn 17/02/2005;
- 2 Application Reference: 04/01455/COU – Change of use from agriculture to recreational land – **Approved** 23/02/2005;
- 3 Application Reference: 21/00502/OUT - Outline planning application for the erection of up to 80 residential dwellings (Use Class C3), open space provision and associated infrastructure, with all matters reserved except access – Refused 16/08/2022 – **Appeal Allowed** 30/10/2023.

2.9 Based on the Council's online records, the following planning history is identified on land near to the Site which is relevant to this application:

### 1 Land To The South West Of Lutterworth Road

- a Application Reference: 14/01205/OUT – Residential development for up to 80 dwellings, open space and associated works (outline - access only) – Refused 02/04/2015;
- b Application Reference: 15/01292/OUT – Residential development for up to 80 dwellings, open space and associated works (outline - access only) (resubmission) – Approved 27/01/2016;
- c Application Reference: 17/00795/REM – Approval of reserved matters (appearance, layout, scale and landscaping) of outline planning permission 15/01292/OUT for residential development of 72 dwellings) – Approved 10/11/2017;
- d Application Reference: 18/00918/CONDIT – Variation of Condition 4 of planning permission reference 15/01292/OUT to enable the extension of construction working hours to 8:00-18:00 hours Monday to Friday and 8:00-13:00 hours on Saturdays with no working on Sundays or Bank Holidays. construction for up to 80 dwellings, open space and associated works (15/01292/OUT) – Withdrawn 13/12/2018; and
- e Application Reference: 20/01085/DISCON – Application to fully discharge condition 13 (noise) attached to planning permission 15/01292/OUT – Discharged 23/12/2020.

### 2 Land West Of Workhouse Lane

- a Application Reference: 20/01012/OUT – Residential development up to 40 dwellings, public open space and associated Infrastructure (Outline - access only) – Refused 17/08/2022.

### 3 Land South Of Bonita, Bullfurlong Lane

- a Application Reference: 19/01404/OUT – Residential Development of 5 dwellings with vehicular access (Outline- access, layout and scale only) – **Appeal Allowed** 11/12/2020.

### 4 Land North Of Deepdale Farm

- a Application Reference: 19/01405/OUT – Residential development of up to 135 dwellings (Outline- access only) – Refused 30/09/2020 (Appeal lodged).

5 **Land off Sketchley Lane**

- a Application Reference: 21/01131/OUT - Demolition of existing poultry and cattle buildings and residential development of up to 150 dwellings with vehicular access from Sketchley Lane (outline - vehicular access only) – **Appeal Allowed** (04/01/2023)

## 3.0 The Proposed Development

3.1 This application relates to a hybrid application for:

*“Hybrid planning application for (a) a full planning application for 422 dwellings, public open space, associated infrastructure and the demolition of 65 and 65a Coventry Road, and Burbage Fields Farm and (b) an outline planning application for a residential care home and up to 11no. self-build plots.”*

### Development Proposals

- 3.2 The application relates to a hybrid application, with part of the application seeking full planning permission and the other seeking outline planning permission. The details of the proposal and the components of the full and outline elements are set out below in more detail.
- 3.3 The applicants have prepared and submitted a suite of planning drawings, including a Site Layout Plan, in support of the application, which demonstrate how the Site can deliver the proposed development.
- 3.4 The Site Layout Plan demonstrates the capacity for 422 residential (Class C3) dwellings, of which 20% would be affordable (c.84 dwellings) and 219 would be M4(2) compliant. The average density would equate to c.32.46 dwellings per hectare (dph), based on a net developable area of c.13.13 ha excluding open space. The net developable area for the whole Site including the self-build plots and the care home is 14.01 ha.
- 3.5 In addition to 422 residential dwellings (Class C3), the proposed development will make provision for a care home with an indicative capacity of 66 bedspaces, and 11 self-build housing plots. The application only seeks outline planning permission for the care home and the self-build plots.
- 3.6 The Site Layout Plan also shows how a mix of housing types and tenures could be accommodated on the Site, including 7 bungalows and M4(2) dwellings. The Design and Access Statement demonstrates how the scale and density of development would be appropriate in the context of the surrounding area.
- 3.7 A total of 9.346 hectares of open space would be provided within the Site. This would be comprised of public open space, including formal and informal green space, a Sustainable Urban Drainage System [SuDs], planting and children’s play provision. The Site Layout envisage public open space being created along the eastern and southern boundaries, with SuDs acting as a focal feature. Additional open spaces will be provided in between the residential parcels enhancing the landscape-led nature of the proposals with LEAP positioned towards the centre of the Site optimising accessibility. It is envisaged that the southern boundary of the Site shall comprise a linear strip of open space and a MUGA/NEAP, further enhancing the area and providing a natural barrier to the M69. It is also envisaged that the existing trees and hedgerows along the boundaries of the Site would be protected and form an integral part of the scheme, enhancing the character and sense of place.
- 3.8 The eastern area of the Site would be accessed via an extension of Flanders Close, which provides access to Lutterworth Road. This would enable the development to incorporate a shared pedestrian/cycle route link to the phase one development and access to the wider Burbage area. Another primary point of access will be achieved via an extension of Coventry Road and the provision of a primary street through the existing residential area comprised

of two dwellings. There will be no through traffic between Coventry Road and Flanders Close, however, provision will be made for pedestrians, cyclists and emergency vehicles. A further pedestrian/cycle link will lead from Bullfurlong Lane which runs adjacent to the western boundary of the Site. Detailed site access drawings are set out in the supporting Transport Assessment and have been submitted in support of this application.

## **Draft S106 Heads of Terms**

- 3.9 Following consideration of technical matters and relevant planning policy requirements, details of the proposed planning obligations are outlined below.
- 3.10 Subject to discussion and agreement with the Council, the obligations are intended to be incorporated into the draft Heads of Terms [HoTs] of an S106 legal agreement which would be attached to the planning permission, subject to a resolution to approve the application. However, any obligations that are sought or proposed must be capable of satisfying the statutory tests that are set out in the Community Infrastructure Regulations 2010 (as amended) and Paragraph 56 of the NPPF.
- 3.11 The S106 planning obligations would relate to the following:
- Provision of affordable housing;
  - The appointment of a travel plan coordinator;
  - Biodiversity Net Gain [BNG] delivered on and off-site;
  - Primary and secondary education contributions;
  - Highway improvements and sustainable travel investments via improvements to bus services;
  - Health care investments;
  - Library services and school places; and,
  - Investment into on-site Green Infrastructure and Open Spaces.
- 3.12 With regard to on-site open space, it is intended that this would be delivered by the applicant and would then be subject to maintenance through a management company.
- 3.13 It is intended that the S106 HoTs will be discussed with the Council during the course of consideration of the application following the receipt of formal consultation responses from statutory and non-statutory consultees.

## **Planning Conditions**

- 3.14 It is intended that planning conditions will be discussed with the Council in order to control those matters that would be outside the scope of the S106 agreement. It is intended that the wording of an appropriate condition will be agreed upon with officers prior to the determination of the application.

## **Wider Community Engagement**

- 3.15 In addition to the pre-application advice highlighted above, the proposal has also been informed by an online-based public consultation with key local stakeholders and residents, undertaken prior to the submission of this application.

- 3.16 To extend the reach of consultation to include the widest possible cross-section of the community, consultation activity was focussed online utilising a purpose-built, easy-to-use web-based interactive engagement platform. The online consultation was publicised via a direct mailing to residents and businesses in the vicinity of the Site, as well as press releases and engagement with local councillors and Burbage Parish Council. Briefings were provided to local stakeholders, including the community and businesses, together with the Council, Ward Councillors, and Burbage Parish Council.
- 3.17 Further information relating to the public consultation can be found in the Statement of Community Engagement [SCE] accompanying this application. The SCE also sets out the applicant's response to any concerns raised through the consultation and how the scheme has been revised to redress these where appropriate.

## 4.0 Planning Policy Context

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that development be determined in accordance with the Development Plan unless material considerations indicate otherwise.

4.2 The Development Plan for the area comprises the Local Plan 2006-2026. The Local Plan 2006-2026 subsequently comprises the Core Strategy (2009), the Site Allocations and Development Management Policies DPD (2016), and the recently made Burbage Neighbourhood Plan 2015-2026 (2021).

### Core Strategy (2009)

4.3 The Core Strategy (adopted December 2009) [CS] provides the over-arching strategy and long-term vision for the Borough, to guide the future development of the Borough up to 2026, with other Development Plan documents implementing this strategy and identifying sites for development. The CS was prepared in conformity with the now-revoked East Midlands Regional Plan and National Planning Guidance.

4.4 In terms of the spatial strategy for the Borough, the CS breaks down the spatial strategy for Urban and Rural Areas, on a settlement-by-settlement basis. It also confirms that the main urban area of the Borough is made up of four settlements; Hinckley, Burbage, Barwell and Earl Shilton (Para 4.14).

4.5 For Burbage, **Policy 4 (Development in Burbage)** states that:

*“To address the small pockets of deprivation in Burbage, support the Burbage local centre and support Hinckley’s role as a sub-regional centre, the council will:*

- Allocate land for the development of a minimum of 295 new residential dwellings, focused primarily to the north of Burbage, adjacent to the Hinckley settlement boundary to support the Hinckley sub-regional centre. In particular, the council will seek to diversify the existing housing stock to cater for a range of house types as supported by Policy 15 and Policy 16” (Emphasis added)*

4.6 It goes on to state that the Council will seek to ensure that development should contribute to Burbage’s character and sense of place. As a part of this, the Council will *“Protect and preserve the open landscape to the east which provides an important setting for the village and seek to enhance the landscape structure which separates the village from the M69 corridor as supported by the Hinckley & Bosworth Landscape Character Assessment”*.

4.7 In respect of affordable housing, **Policy 15 (Affordable Housing)** states that to support the provision of mixed and sustainable communities, a minimum of c.2,090 affordable homes will be provided in the Borough from 2006 to 2026 – equating to an annualised figure of c.105 dwellings per annum [dpa]. To achieve this target, the Council expects a proportion of affordable housing to be provided on eligible sites. It goes on to set out the level and target for affordable housing in the Borough, shown in Table 4.1 below.

Table 4.1 Affordable Housing Requirements

| Location                                                                                 | Size                                    | Affordable Housing on Site Target |
|------------------------------------------------------------------------------------------|-----------------------------------------|-----------------------------------|
| Urban (Hinckley, Barwell, Earl Shilton and Burbage but not Sustainable Urban Extensions) | 15 dwellings or more, or 0.5 ha or more | 20%                               |
| Sustainable Urban Extensions – Barwell and Earl Shilton                                  | 15 dwellings or more, or 0.5 ha or more | 20%                               |
| Rural areas (all sites not in the above categories)                                      | 4 dwellings or more, or 0.13 ha or more | 40%                               |

Source: Core Strategy 2009

- 4.8 In addition to this, the policy expects that, for all sites, the tenure split will be 75% social rented and 25% intermediate housing. It also notes that these figures will be updated through an Affordable Housing Supplementary Planning Document.
- 4.9 **Policy 16 (Housing Density, Mix and Design)** of the CS sets out the requirements for housing density and mix and states the following:
- 4.10 *“The council requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking into account the type of provision that is likely to be required, by utilising Table 3 (Profile of new housing needed to meet household type projections) as a starting point for housing mix, and the specific needs of each submarket informed by the most up to date Housing Market Assessment, Study Into Older Peoples Housing Needs and Aspirations and other local evidence, such as a housing needs survey or parish plan.”.*
- “Proposals for new residential development will be required to meet a minimum net density of:*
- At least 40 dwellings per hectare within and adjoining Hinckley, Burbage, Barwell and Earl Shilton”*
- “In exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable.”*
- 4.11 **Policy 19 (Green Space and Play Provision)** of the CS sets out the requirements for Public Open Space [POS], which will be utilised to determine:
- Where improvements are needed to existing green spaces and play areas; and
  - Where new provision of green spaces and play areas are required to support existing and new residents and workers in the Borough.
- 4.12 It emphasises that all residents should have access to sufficient, high-quality, accessible green spaces and play areas; however, it also recognises that these standards may not be achievable in all locations within the Borough, such as more rural areas. It goes on to quantify the standards, which are set out in Table 4.2 below:

Table 4.2 Policy 19 (Green Space and Play Provision) standards.

| Quantity                       |                                                               |
|--------------------------------|---------------------------------------------------------------|
| Equipped Children’s Play Space | A minimum of 0.15 ha/1000 population (excluding buffer zones) |
| Casual/Informal Play Space     | A minimum of 0.7 ha/1000 population                           |
| Outdoor Sports Provision       | A minimum of 1.6 ha/1000 population                           |
| Accessible Natural Green Space | A minimum of 2 ha/1000 population                             |
| Accessibility                  |                                                               |

|                                      |                                                                                                                                                                                                                            |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| District Parks and Green Spaces      | All households should be within 5 kilometres of an open space of at least 10 hectares which provides general facilities for recreational activity within a landscaped setting                                              |
| Neighbourhood Parks and Green Spaces | All households should be within 600 metres of an open space of between 1 and 10 hectares which provide general facilities for recreational activity within a landscaped setting.                                           |
| Local Parks and Green Space          | All households should be within 400 metres of an open space of between 0.2 - 1.0 hectare which provide facilities for recreation within a localised area, catering for the specific informal needs of the local community. |
| Incidental/Amenity Green Space       | All household should be within 300 metres of a small formal or informal area of open space.                                                                                                                                |

Source: Lichfields based on Core Strategy (2009)

- 4.13 A detailed assessment of the planning application's compliance with these policies is also provided in Section 6.0 of this Planning Statement.

## Site Allocations and Development Management Policies DPD (2016)

- 4.14 The Site Allocations and Development Management Policies DPD (2016) [SADMP DPD] (adopted July 2016) allocates land to deliver the development requirements outlined in the CS including (*inter alia*) housing and employment. In addition, it also includes development management policies that apply across the Borough and which will be utilised in the determination of planning applications. It was prepared in accordance with the CS and previous NPPF (2012).

- 4.15 **Policy DM1 (Presumption in favour of Sustainable Development)** of the SADMP DPD sets out the Council's broad approach to development proposals. The policy states that, when considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF (2012). However, it should be noted that the 2012 National Planning Policy Framework [NPPF] has been superseded, and a revised – albeit, materially similar – approach is now set out in paragraph 11 of the NPPF (2023).

- 4.16 **Policy DM4 (Safeguarding the Countryside and Settlement Separation)** sets out the circumstances in which development in the countryside will be permitted and considered sustainable. These circumstances include:

*“a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or*

*b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or*

*c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or*

*d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or*

*e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.*

*and:*

*i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and*

*ii) It does not undermine the physical and perceived separation and open character between settlements; and*

*iii) It does not create or exacerbate ribbon development;*

*iv) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and*

*v) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21”*

4.17 Other policies within the SADMP DPD, which are of relevance to this planning application, are set out below:

- Policy DM3 (Infrastructure and Delivery);
- 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).

4.18 A detailed assessment of the planning application’s compliance with these policies is also provided in Section 6.0 of this Planning Statement.

## **Burbage Neighbourhood Plan 2015- 2026**

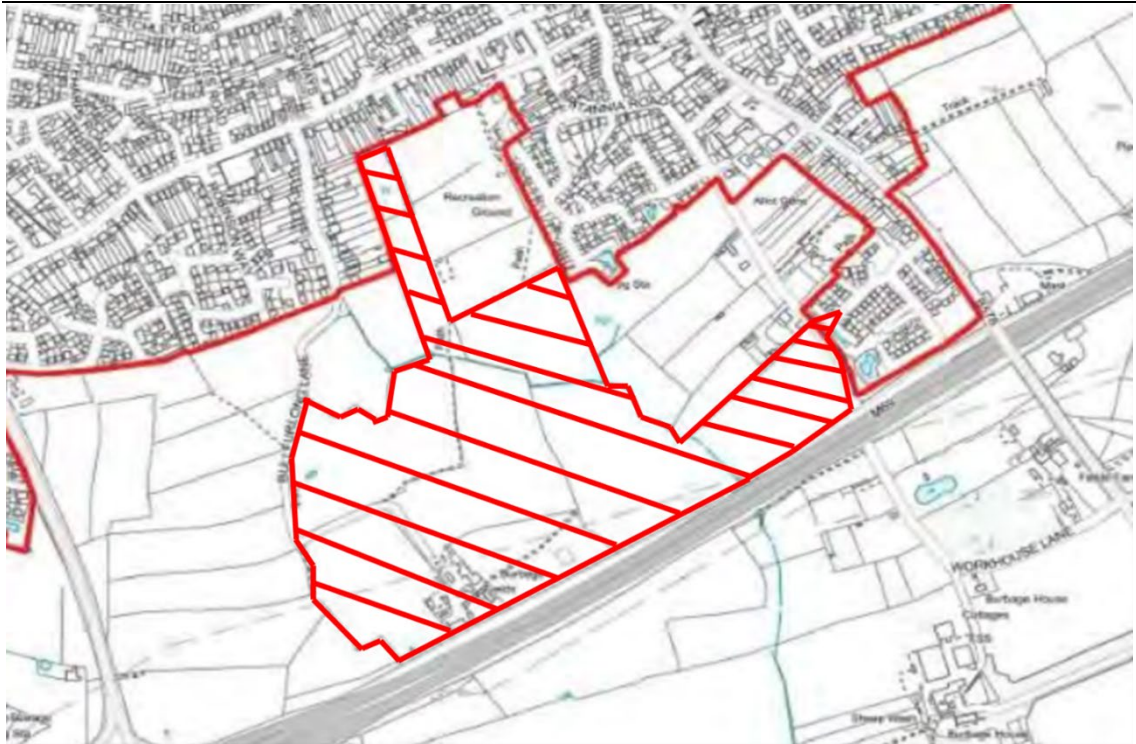
4.19 The Burbage Neighbourhood Plan 2015-2026 underwent Examination in March 2020, and following recommended modifications from the Examiner, the Council recommended that the plan proceed to referendum. However, due to COVID-19 and changes to the Planning Practice Guidance [PPG], the NP was unable to go to a referendum at that time.

4.20 Consequently, the ‘Burbage Neighbourhood Plan 2015 – 2026 (June 2020)’ (“the BNP”) underwent a referendum on 6 May 2021 and a positive referendum result was achieved. Following this, the NP was formally made by the Council on 10 May 2021, and now forms part of the Development Plan. Importantly, the policies in the NP should be given full weight when determining planning applications in the neighbourhood area, and as it forms the most recently adopted Development Plan document, should take precedence over existing policies in the CS and SADMP DPD.

4.21 In this regard, Policy 1 (Settlement Boundary) of the NP is clear that:

*“Residential development on land within or adjacent to the settlement boundary, as shown on Figure 2, page 19 will be supported, subject to complying with other development plan policy.” (Emphasis added)*

- 4.22 In addition to this, the NP proposes to designate a new settlement boundary which updates the settlement boundary identified in the SADMP DPD. This new settlement boundary incorporates the applicant's Ambion Way development within the boundary; an extract of which is shown below in Figure 4.1 Figure 4.1 Proposed New Burbage Settlement Boundary and Site Location (area dashed with red lines)



Source: Lichfields based on Figure 2: Settlement Boundary, BNP

- 4.23 The site does not fall within the Policy 11 (Area of Landscape Sensitivity) designation. Other policies within the NP, which are of relevance to this planning application, are set out below:
- Policy 2 (Design and Layout);
  - Policy 4 (Parking);
  - Policy 5 (Footpaths and Cycleways);
  - Policy 6 (Ridge and Furrow Fields);
  - Policy 7 (Protection of Local Green Spaces);
  - Policy 12 (Important Trees and Hedges); and
  - Policy 14 (Amenity Green Space).

- 4.24 A detailed assessment of the planning application's compliance with these policies is also provided in Section 6.0 of this Planning Statement.

## Other Material Considerations

- 4.25 In addition to the Development Plan, there are other material considerations that bear on the determination of the application. These other material considerations include:
- The National Planning Policy Framework (2023);

- Planning Practice Guidance;
- The Self-Build and Custom Housebuilding Act 2015 and the Housing and Planning Act 2016;
- The emerging Local Plan Review; and
- Supplementary Planning Documents.

### **National Planning Policy Framework (2023)**

- 4.26 The NPPF sets out the Government’s planning policies for England and how these are expected to be applied. It sets out the Government’s requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so.
- 4.27 The revised National Planning Policy Framework was updated in September 2023 and sets out the government’s planning policies for England and how these are expected to be applied. This revised Framework replaces the previous NPPF published in March 2012 and revised in February 2019 and July 2021.
- 4.28 **Paragraph 2** sets out that development proposals should normally be determined in accordance with the development plan unless material considerations indicate otherwise.
- 4.29 **Paragraph 7** of the NPPF states that the “*purpose of the planning system is to contribute to the achievement of sustainable development*”. **Paragraph 8** goes on to advise that there are three overarching objectives which need to be pursued in mutually supportive ways to achieve sustainable development:
- a) “*an economic objective – to help build a strong, responsive and competitive economy...*”
- b) “*a social objective – to support strong, vibrant and healthy communities...*”
- c) “*an environmental objective – to contribute to protecting and enhancing our natural, built and historic environment...*”
- 4.30 **Paragraph 9** states that “*planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.*”
- 4.31 **Paragraph 11** sets out the Government’s commitment to the presumption in favour of sustainable development. For the purposes of determining planning applications, paragraph 11 of the NPPF makes clear that the presumption means:
- Approving development proposals that accord with an up-to-date development plan without delay; or
  - Where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:
    - i The application of policies [in the NPPF] that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
    - ii Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies [in the NPPF] taken as a whole.

- 4.32 **Footnote 8** of the NPPF indicates that relevant policies of the development plan may be out-of-date (thereby requiring the presumption to be applied) in the context of application involving the provision of housing where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer) or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 4.33 **Paragraph 38** states that local planning authorities [LPAs] “*should approach decisions on proposed development in a positive and creative way...work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.*”
- 4.34 **Paragraph 47** of the NPPF is clear that planning law requires that applications for planning permission must be determined per the Development Plan unless material considerations indicate otherwise. The NPPF is a material consideration in planning decisions. In this regard, the specific policies of the NPPF which are considered to be material to the determination of the application are set out below.
- 4.35 In respect of the weight that can be attributed to relevant policies within emerging plans, **Paragraph 48** states that local planning authorities [LPAs] should consider the stage of preparation of the emerging plan, with greater weight applied to plans that are more advanced in their preparation. LPAs should also have regard to the extent to which there are unresolved objections to relevant policies and the degree of consistency of the relevant policies in the emerging plan to the NPPF.
- 4.36 **Paragraph 50** states that the refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination, and an LPA will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.
- 4.37 Section 5 of the NPPF deals with the issue of housing supply. At the outset, **paragraph 60** reaffirms the Government’s overarching objective which is to significantly boost the supply of housing. It recognises that land of sufficient quantity and variety needs to be brought forward in order to meet the needs of groups with specific housing requirements.
- 4.38 **Paragraph 61** continues by stating “*To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance*”.
- 4.39 **Paragraph 62** states that “*Within this context, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes).*”
- 4.40 Footnote 28 of the NPPF also reaffirms the requirements of the Self-Build and Custom Housebuilding Act 2015, stating that:  
  
“*Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand.*”
- 4.41 **Paragraph 69** of the NPPF recognises that small and medium-sized sites make an important contribution to meeting the housing requirement of an area and are often built-

out quickly. Local planning authorities are encouraged to promote a good mix of sites for development and this includes windfall sites, where great weight should be given to the benefits of using suitable sites within existing settlements for new homes.

- 4.42 **Paragraph 74** of the NPPF requires that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies (where these are not more than five years' old).
- 4.43 Section 9 addresses 'Promoting sustainable transport'. **Paragraph 110** is clear that applications for development, amongst other things, should ensure that safe and suitable access to the site can be achieved for all users, and that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost-effectively mitigated to an acceptable degree.
- 4.44 **Paragraph 111** confirms that *"development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe"*.
- 4.45 Within this context, **Paragraph 112** states that applications for development should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards.
- 4.46 **Paragraph 113** obliges that developments that generate significant amounts of movement should be required to provide a Travel Plan, and the application should be supported by a Transport Statement or Transport Assessment so that the likely impacts of the proposal can be assessed.
- 4.47 **Paragraph 121** sets out that LPAs, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs. **Paragraph 124** sets out that decisions should support development that makes efficient use of land, considering (inter alia) the identified need for different types of housing and other forms of development and local market conditions and viability.
- 4.48 **Paragraph 126** highlights that the creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. It continues that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 4.49 **Paragraph 130** seeks to ensure that new development respects the overall environmental quality of the area, are visually attractive and are sympathetic to the local character and history of an area whilst achieving a sense of place and optimising the potential of the site to achieve sustainable development.
- 4.50 **Paragraph 174** seeks to ensure that new development contributes to the natural environment and protects and enhances the value of local landscapes and the countryside.

## Planning Practise Guidance

- 4.51 The PPG provides further detail on further detail on Self-Build and Custom Housebuilding Registers. In respect of the relationship between the Register and Strategic Housing Market Assessments [SHMAs], it also states that LPAs *"should use the demand data from the registers in their area, supported as necessary by additional data from secondary sources"*

*(as outlined in the housing and economic development needs guidance), to understand and consider future need for this type of housing in their area”.<sup>1</sup>*

4.52 The PPG is clear that LPAs must give suitable development permission to enough suitable serviced plots of land to meet the demand for self-build and custom housebuilding in their area. The level of demand is established by reference to the number of entries added to an authority’s Register during a base period<sup>2</sup>. It also clarifies that:

*“The first base period begins on the day on which the register (which meets the requirement of the 2015 Act) is established and ends on 30 October 2016. Each subsequent base period is the period of 12 months beginning immediately after the end of the previous base period. Subsequent base periods will therefore run from 31 October to 30 October each year.*

*At the end of each base period, relevant authorities have 3 years in which to permission an equivalent number of plots of land, which are suitable for self-build and custom housebuilding, as there are entries for that base period.”*

4.53 With respect to how LPAs can increase the number of permissions which are suitable for self-build and custom housebuilding, the PPG recommends, *inter alia*, engaging with developers and landowners who own sites that are suitable for housing, and encouraging them to consider self-build and custom housebuilding, and facilitating access to those on the Register where the landowner is interested<sup>3</sup>. It goes on to suggest ways in which an LPA’s duty can be demonstrated, such as:

- Planning - The Registers that relate to the area of a local planning authority – and the duty to have regard to them – need to be taken into account in preparing planning policies, and are also likely to be a material consideration in decisions involving proposals for self and custom housebuilding<sup>4</sup>.

### **The Self-Build and Custom Housebuilding Act 2015 and the Housing and Planning Act 2016**

4.54 The Self-Build and Custom Housebuilding Act 2015 and subsequent Self-Build and Custom Housebuilding (Register) Regulations 2016 require authorities to maintain a register of those who have expressed an interest in buying serviced plots. The Act places LPAs under a duty to have regard to these Registers in carrying out their planning function.

4.55 In respect of the Register, the Act enables LPAs to separate the Register into two parts – Part 1 and Part 2 – where an LPA introduces a local connection test. Those who meet the test are placed on Part 1, with those who don’t are placed on Part 2, with the exception of members of the armed forces. To introduce a local connection test, an LPA must demonstrate that such a test is justified, proportionate and introduced in response to a recognised local issue. Such tests must also be reviewed periodically to ensure they remain appropriate.

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<sup>1</sup> PPG ID: 57-011

<sup>2</sup> PPG ID: 57-023

<sup>3</sup> PPG ID: 57-025

<sup>4</sup> PPG ID: 57-014

- 4.56 A consequence of the local connection test is that LPAs are only required to grant sufficient development permissions for enough serviced plots of land to meet the demand arising from Part 1 of their Register. In addition to this, following amendments to the Self-Build and Custom Housebuilding Act 2015,<sup>18</sup> from 31 October 2016, LPAs are required to grant sufficient development permissions for serviced plots of land to meet the demand arising from their Self-Build Register.

### **Local Plan Review 2020 to 2039**

- 4.57 The Council is progressing its Local Plan Review 2020 to 2039 (“Local Plan Review”), with the most recent consultation being that taken on the ‘Pre-Submission Local Plan Regulation 19’ (Wednesday 9 February 2022 to Wednesday 23 March 2022). The Site was not allocated for residential development within the Pre-Submission plan. The Local Plan Review will supersede the Core Strategy (2009) and Site Allocations and Development Management Policies DPD (2016), upon its adoption.
- 4.58 The Council’s ‘Local Development Scheme 2020 – 2025 (October 2022)’ [LDS] sets out the Council’s timetable for the preparation of the Local Plan Review, which indicates that the Council would submit the Local Plan Review 2020 to 2039 for examination in August 2024. As stated, the Council intends to reconsult on a Regulation 19 plan between May to June 2024 and that plan is programmed to be adopted in August 2025.
- 4.59 As the Council has not submitted the Local Plan Review for Examination in Public and intends to reconsult on the previous stage of plan-making, the emerging Local Plan Review carries extremely limited weight in the determination of planning applications and this appeal.

### **Supplementary Planning Documents**

- 4.60 The Council has produced several Supplementary Planning Documents [SPDs] to provide more detail on the application of adopted policies within the Local Plan 2006-2026 or specific subjects. Whilst SPDs do not form part of the Development Plan, they remain a material consideration in the determination of the application. In this context, the below-adopted SPDs are relevant to this planning application:
- 1 **Affordable Housing SPD:** The Affordable Housing SPD (adopted February 2011) [AH SPD] expands upon policies contained within the CS and provides additional planning guidance;
  - 2 **The Good Design Guide SPD:** The Good Design Guide SPD (adopted March 2020) provides (*inter alia*) Borough-wide strategic urban design principles that all development should seek to reflect, together with introducing the key components of development as a means of describing design and highlighting how good design can mitigate potential impacts on climate change.

### **Open Space and Recreation Study 2016**

- 4.61 The ‘Open Space and Recreation Study (October 2016)’ [OSRS] was prepared to update the Council’s 2011 study. The purpose of the OSRS was to set out an assessment of open space and recreational facilities within the Borough, along with an assessment of quality quantity and accessibility. In addition to this, it also outlines how the OSRS should be used in the determination of planning applications.

4.62 The OSRS is, however, not a Development Plan document. Crucially, the OSRS has not been through Examination, and therefore the weight to be attached to this evidence should be reduced, reflecting the fact that it has not been tested through the examination process. Indeed, this approach – of reducing weight to evidence that has not been tested – was confirmed in the judgment ‘William Davis Ltd v Charnwood Borough Council’.<sup>5</sup> In this regard, the OSRS should not be elevated to the status of the policy. It would, however, remain, a material consideration in the determination of the application; albeit, great care should be taken by the decision-maker in attributing weight to the standards and requirements for on and off-site contributions set out in the OSRS.

4.63 Notwithstanding this, the OSRS sets out the requirements for open space, and what requirements for on and off-site contributions should be. These are set out in Table 4.3 below.

Table 4.3 Public Open Space Standards and Costs for off-site and on-site contributions

| Type                           | Policy Requirement per dwelling (sqm) based on 2.4 people per dwelling using CENSUS average | Provision rate per m2 | Maintenance annual rate per m2 |
|--------------------------------|---------------------------------------------------------------------------------------------|-----------------------|--------------------------------|
| Equipped Children’s Play Space | 3.6                                                                                         | £181.93               | £8.78                          |
| Casual/Informal Play Space     | 16.8                                                                                        | £4.44                 | £0.54                          |
| Outdoor Sports Provision       | 38.4                                                                                        | £9.05                 | £0.43                          |
| Accessible Natural Green Space | 40                                                                                          | £4.09                 | £0.71                          |

Source: Lichfields based on Open Space and Recreation Study 2016

## The Council’s Five Year Housing Land Supply Position

4.64 The NPPF states that the presumption in favour of sustainable development should be at the heart of plan-making and decision-taking. For decision-taking, paragraph 11 of the NPPF is clear that this means:

*“c. approving development proposals that accord with an up-to-date development plan without delay; or*

*d. where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.”*

4.65 Footnote 8 of the NPPF confirms that circumstances where policies are ‘out-of-date’:

*“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.”*

<sup>5</sup> William Davis Ltd v Charnwood BC Queen's Bench Division (Administrative Court) 23 November 2017 [2017] EWHC 3006 (Admin)

4.66 The NPPF states that:

*“... Local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic policies<sup>36</sup>, or against their local housing need where the strategic policies are more than five years old<sup>37</sup>...” (paragraph 74)*

### **Residential Land Availability Monitoring Statement 1 April 2021 – 31 March 2022**

4.67 The Council’s latest five year housing land supply (“5YHLS”) position is set out in the ‘Residential Land Availability Monitoring Statement 1 April 2021 – 31 March 2022’. It sets out the Council’s latest 5YHLS position as at 1 April 2022 and confirms that the Council can only demonstrate a **4.89 years supply of land** for the 1 April 2022 – 31 March 2027 five year period, with a shortfall of 56 dwellings. The Council is, therefore, unable to demonstrate a 5YHLS and the ‘tilted balance’ set out in paragraph 11d of the NPPF is engaged.

### **The Applicants Position**

4.68 It is considered that the provisions of paragraph 11d of the NPPF, in effect, set out two routes to the triggering of the ‘tilted balance’. Firstly, whether the policies which are most important for determining the application are ‘out-of-date’. And, secondly, whether these policies are ‘out-of-date’ by virtue of the Council failing the Housing Delivery Test [HDT] or being unable to demonstrate a five-year housing land supply (“5YHLS”) (e.g. Footnote 8).

4.69 In respect of the latter test, the HDT results for 2021 were published in January 2022. The HDT results indicate that the Council did not pass its HDT, having only achieved 86% delivery against the HDT targets over the last three years. In accordance with the PPG, the Council is required to prepare an Action Plan.<sup>6</sup> The purpose of the Action Plan is to identify the reasons for under-delivery, explore ways to reduce the risk of further under-delivery and set out measures the authority intends to take to improve levels of delivery. However, despite this, the Council is only required to apply a 5% buffer to its 5YHLS calculation, rather than 20% or the ‘tilted balance’. However, it should be noted that the Council’s HDT scores show a persistent decline in house delivery:

- 2018 – 141%;
- 2019 – 119%;
- 2020 – 92%; and
- 2021 – 86%.

4.70 With regards to whether the Council can demonstrate a 5YHLS, as noted above, the Council has confirmed that it is unable to do so (i.e., 4.89 years supply). The applicants agree with the Council’s 5YHLS position in so far as the Standard Method-based housing requirement and 5% buffer are concerned. However, the applicants note that in the recent Land to the South West of Lutterworth Road appeal,<sup>7</sup> the Council agreed that the latest 5YHLS position

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<sup>6</sup> PPG ID: 68-042

<sup>7</sup> Appeal Reference: 3316829

overestimates housing delivery, resulting in the Council only being able to demonstrate a 4.76 years supply of land.

## 5.0 **The Need for Different Types of Development within Hinckley & Bosworth**

### **Affordable Housing Statement**

- 5.1 Policy 15 (Affordable Housing) of the CS sets out the affordable housing requirement for the Borough. It identifies an affordable housing need of c.2,090 dwellings over the 2006 to 2026 CS plan period; equating to an annualised figure of c.105 dpa. As noted in Section 4.0, the policy sets out that, for Urban areas (including Burbage), 20% affordable housing provision will be sought on sites for 15 dwellings or more/ 0.5 ha or more. It goes on to advise that the tenure split should be 75% social rented and 25% intermediate housing.
- 5.2 The policy also highlights that to ensure these figures remain current, they will be updated through an Affordable Housing SPD. Notably, the Council did publish the Affordable Housing SPD; however, the Council has not updated the SPD since 2011.
- 5.3 However, as noted above, the housing need and affordable housing need requirements set out in the CS are underpinned by the housing requirements set out in the out-of-date – and revoked – East Midlands Regional Plan. Whilst it is noted that the CS still forms part of the Development Plan, the Council has begun its Local Plan Review. As a part of this, the Council has prepared an evidence base to support the Local Plan Review, which includes updated evidence on housing needs.
- 5.4 More recent evidence prepared in support of the emerging Local Plan Review – namely the ‘Housing Needs Study (November 2019)’ and the ‘Leicester & Leicestershire Housing & Economic Needs Assessment’ (April 2022) [HENA] – suggest that the acuteness of this need has worsened in the intervening years.
- 5.5 In this regard, the HNS is clear that there is a *“need to provide additional affordable housing in Hinckley & Bosworth where opportunities arise”* (Para 4.47). It states that *“there are many households in H&B who are being excluded from the owner-occupied sector”* (Para 25) and that there is *“a notable need for affordable housing, and it is clear that provision of new affordable housing is an important and pressing issue in the Borough... [and] that affordable housing delivery should be maximised where opportunities arise”* (Para 29).
- 5.6 Against the CS the cumulative 105 dpa requirement (i.e., Policy 15) over the CS plan period to date – equating to 1,672 dwellings – the Council has only delivered 1,463 affordable dwellings. This equates to an average of 91 dpa, which is clearly below the 105 dpa required by the CS and an overall shortfall of 209 affordable homes over the CS period to date.
- 5.7 In respect of the more recent evidence, the HNS identified a need for c.271 dpa for the period 2016 to 2036. It is noted that the HENA, identified a markedly higher need for affordable housing, comprising 321 affordable rented homes and 177 affordable market homes, totalling 498 affordable dpa for the 2020 to 2041 period. Based on the Council’s completions from 2016 and 2020 respectively, against the HNS identified needs, the Council has already accrued a shortfall of 993 affordable homes. Against the HENA’s identified needs, for only the 2020-2022 two-year period, the position is even more stark with the Council having under-delivered by 821 affordable dwellings, a significant shortfall.

- 5.8 Given the acuteness of the affordable housing needs identified within the HENA, it is critical that the Council facilitate the delivery of affordable housing to contribute to addressing this acute housing need. The Council is currently progressing a Local Plan Review, which will need to grapple with this markedly higher affordable housing need figure, when compared to the adopted CS requirement, in due course.
- 5.9 However, at this time, the applicants are committed to **providing 20% of dwellings as affordable homes**, of which 75% would be social rented and 25% intermediate housing, in accordance with Policy 15 of the CS (equating to 84 homes). The applicants contend that the provision of c.84 homes towards the Council's affordable housing needs would make a significant contribution towards the Council's emerging affordable housing needs (c.498 dpa). The applicants consider this should be a material consideration in the determination of this application which weighs in favour of approving the development and should be afforded significant weight. Such a conclusion would also align with the Inspector's conclusions at the Land off Sketchley Lane appeal,<sup>8</sup> in which he stated that:

*"Given the shortfall in HBBC's housing land supply, the provision of the proposed market, affordable and self-build/custom-built dwellings, is a benefit of substantial significance in determining this appeal that attracts substantial weight in the planning balance."* (IR39) (Emphasis added)

## **The Provision of Bungalows and Adaptable Homes**

- 5.10 Policy 16 (Housing density, mix and design) of the Core Strategy states that the specific needs of each submarket will be *"informed by the most up to date Housing Market Assessment, Study Into Older Peoples Housing Needs and Aspirations and other local evidence, such as a housing needs survey or parish plan."*
- 5.11 The ageing population has been a key challenge facing Hinckley and Bosworth but more specifically, Burbage as a settlement. It is therefore vital that a sufficient mix of housing is provided through new developments in order to meet the needs of the entire population and not just specific demographics. This is acknowledged by paragraph 3.24 of the CS which states that *"Demographic changes are resulting in increasing numbers of elderly and single people in need of different types of accommodation."*
- 5.12 Indeed, the HENA demonstrates that Borough has a higher proportion of people aged 65+ in comparison to other Leicestershire Local Authorities. Over 65s make up 22.1% of the Boroughs population in comparison to 17.7% for Leicester and Leicestershire.

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<sup>8</sup> Appeal Reference: 3260227

Figure 5.1 Older Persons Population 2019

|                     | Under 65 | 65-74 | 75-84 | 85+  | Total  | Total 65+ | Total 75+ |
|---------------------|----------|-------|-------|------|--------|-----------|-----------|
| Leicester           | 87.8%    | 6.8%  | 3.7%  | 1.7% | 100.0% | 12.2%     | 5.4%      |
| Blaby               | 79.7%    | 11.0% | 6.7%  | 2.7% | 100.0% | 20.3%     | 9.4%      |
| Charnwood           | 81.9%    | 9.9%  | 5.8%  | 2.4% | 100.0% | 18.1%     | 8.2%      |
| Harborough          | 78.1%    | 12.0% | 7.1%  | 2.8% | 100.0% | 21.9%     | 9.9%      |
| Hinckley & Bosworth | 77.9%    | 12.4% | 7.1%  | 2.6% | 100.0% | 22.1%     | 9.7%      |
| Melton              | 76.9%    | 13.0% | 7.2%  | 2.8% | 100.0% | 23.1%     | 10.1%     |
| NW Leicestershire   | 79.9%    | 11.5% | 6.3%  | 2.3% | 100.0% | 20.1%     | 8.5%      |
| Oadby & Wigston     | 78.3%    | 10.5% | 7.4%  | 3.8% | 100.0% | 21.7%     | 11.2%     |
| Leicestershire      | 79.5%    | 11.2% | 6.6%  | 2.6% | 100.0% | 20.5%     | 9.3%      |
| L & L               | 82.3%    | 9.8%  | 5.6%  | 2.3% | 100.0% | 17.7%     | 8.0%      |

Source: Housing and Economic Needs Assessment

- 5.13 Moreover, the HENA identified that across the housing market area [HMA], the total number of people aged 65 and over is projected to increase by 45% over the 22 years to 2041. This compares with overall population growth of 16% and an increase in the Under 65 population of 9% (Para 11.4). The HENA did not provide a district-based breakdown of the change in the 65+ population up to 2039 or 2041. However, The Council's HNS provides data on the projected change in the elderly population (2016-2036), this information is presented in the figure below:

Figure 5.2 Projected Change in Population of Older Persons (2016 to 2036) – H&amp;B (linked to Standard Method)

|           | 2016    | 2036    | Change in population | % change |
|-----------|---------|---------|----------------------|----------|
| Under 65  | 86,517  | 92,026  | 5,509                | 6.4%     |
| 65-74     | 13,551  | 16,769  | 3,218                | 23.7%    |
| 75-84     | 6,956   | 11,713  | 4,757                | 68.4%    |
| 85+       | 2,857   | 6,189   | 3,332                | 116.6%   |
| Total     | 109,881 | 126,697 | 16,816               | 15.3%    |
| Total 65+ | 23,364  | 34,671  | 11,307               | 48.4%    |

Source: Housing Needs Survey 2019

- 5.14 As demonstrated within the figure above, the total population of people aged 65 and over is expected to increase by 48.4% between 2016 and 2036 compared to a 6.4% change in the population of people aged under 65.

- 5.15 In this context, the HENA supports the provision of bungalows within Hinckley and Bosworth and recognises the benefits of increasing the provision of this specific housing type. Paragraph 5.21 states the following:

*“issues of supply can also impact occupancy patterns, for example it may be that a supply of additional smaller bungalows (say 2-bedrooms) would encourage older people to downsize but in the absence of such accommodation these households remain living in their larger accommodation.”*

- 5.16 Paragraph 5.59 continues by stating:

*“Bungalows are often the first choice for older people seeking suitable accommodation in later life and there is generally a high demand for such accommodation when it becomes available.”*

5.17 Additionally, paragraph 10.52 of the April 2022 HENA states:

*“In general, discussions with local estate agents find that there is a demand for bungalows and in addition, analysis of survey data (in other locations) points to a high demand for bungalows (from people aged 65 and over in particular). Bungalows are often a first choice for older people seeking suitable accommodation in later life and there is generally a high demand for such accommodation when it becomes available”.*

5.18 Paragraph 10.55 of the 2022 HENA states:

*“Overall, the Councils should consider the potential role of bungalows as part of the future mix of housing. Such housing may be particularly attractive to older owner-occupiers (many of whom are equity-rich) which may assist in encouraging households to downsize.”*

5.19 The HENA also highlighted that the projected changes to the population with dementia or mobility problems aged 65+ in the Borough between 2020 and 2041 equated to a 68.2% increase in the population with dementia and a 56.2% increase in the population with mobility problems (Table 11.9). To this end, the HENA concluded that the *“projected change shown in the number of people with disabilities provides clear evidence justifying delivering ‘accessible and adaptable’ homes as defined in Part M4(2) of Building Regulations”* (Para 11.60).

5.20 In this context, there is a critical need for the delivery of a mixed supply of housing to meet the needs of older persons. The ageing population is expected to increase markedly in the Borough, which will in turn result in greater demand for housing of suitable size and affordability within the locations expected to experience this change in demographic. The Council should also recognise the potential role bungalows and M4(2) compliant dwellings have to play as part of the future housing mix. Older people are making up an increasing proportion of the population given improvements in healthcare and life expectancy meaning that a suitable mix of housing should be provided to meet their existing and emerging needs. The provision of bungalows may attract owner-occupiers who fall within the older generation which in turn may encourage the elderly to downsize from their larger ‘family’ sized houses, subsequently increasing the supply of larger homes for younger families.

5.21 The development proposals make provision for a total of **7 bungalows and 219 dwellings built to the M4(2) Building Regulations** standards. In turn, this will help to meet the overall housing needs of the ageing population within the Borough, encouraging the move to more suitable types of accommodation. This would not only improve the affordability of housing for the elderly but will also help reduce the under-occupancy of larger homes (3/4 beds) improving the supply of ‘family housing’ for younger couples with children. As such, the applicants consider the proposed delivery of bungalows and M4(2) housing should therefore be a material consideration in the determination of this application which weighs in favour of approving the development and should be afforded significant weight.

## **The Provision of a Care Home**

5.22 An Older Persons Housing Needs Assessment [OPHNA] has been submitted as part of this application. The report assesses the policy position in relation to the delivery of elderly persons accommodation (Use Class C2); analyses the need for care home bedspaces (in

respect of both quantitative and qualitative needs); sets out the local socio-economic context; and identifies the social value benefits of the proposed development across the economic, social and environmental pillars of planning guidance. The key findings of the report have been summarised below.

- 5.23 The Core Strategy states that providing housing to meet the needs of the Borough is a key social challenge facing Hinkley & Bosworth and Policy 16 (Housing Density, Mix and Design) aims to facilitate the provision of housing catering to the needs of older people. However, despite expressing this intent, this policy falls short of actively assessing and reflecting these needs, such as through the inclusion of indicative figures. The policy states that the “specific needs of each submarket” will be “informed by the most up-to-date Housing Market Assessment, Study into Older Peoples Housing Needs and Aspirations and other local evidence”. However, the policy does not identify a specific need within Hinckley & Bosworth for C2 units. The SADMP DPD (adopted 2016) also does not set out an indicative spatial split for how nursing/care home facilities should be distributed. The Council has therefore not set out a strategy to meet the housing needs of older people.
- 5.24 The OPHNA submitted as part of this application finds that, when the 2014-based projections are considered, the change in communal population (aged 75+) in Hinckley and Bosworth is 559 between 2020 and 2039. Having regard to the accounted supply of 868 bedspaces for the Borough (as of November 2023), this results in a net need of 270 bedspaces by 2039. However, it should be noted that the Care Act 2014 and National Minimum Standards require that the quality of accommodation should also be considered. If this benchmark is applied to the foregoing figures, then this results in a net need of 446 bedspaces by 2039 if the required quality standards are to be met.
- 5.25 The OPHNA goes on to demonstrate that Burbage is home to nearly 15.7% of the Borough's population that is aged 65+. Whilst 16 care homes have been identified within the Borough, only 1 is located within Burbage, despite the relatively high proportion of elderly people that live there. In this regard, there is clearly both a quantitative and qualitative need for new C2 elderly persons accommodation in the Borough and within the Burbage area.
- 5.26 The development of the care home would also support all three of the NPPF's sustainability objectives. It represents development which is an effective use of land, and which is in the right place to meet a clearly identified need (economically sustainable), it improves choice for the area's older residents with knock-on benefits to health, the economy and the wider housing market (economic and social sustainability) and will encourage the use of sustainable transport modes (environmental sustainability). The public benefits from the proposal will be significant. During the construction phase, there will be £6.6m of construction costs, £14.4m GVA and 65 direct FTE jobs created. The operational phase will lead to 65 direct FTE jobs and £2.2 m of economic output/annum.
- 5.27 It is contended that the proposed care home at the land at Land South of Burbage site will respond to a substantial quantitative and qualitative need for elderly persons accommodation in the surrounding area. In addition, the development will bring demonstrable public benefits to the area.

## Self and Custom Build Housing

- 5.28 Paragraph 60 of the NPPF sets out the Government's objective of 'significantly boosting the supply of homes' and is clear that LPAs should seek to meet the housing needs of different groups in the community through strategic policies. These groups include, *inter alia*, people wishing to commission or build their own homes (Para 62). Footnote 28 of the NPPF also reaffirms the requirements of the Self-Build and Custom Housebuilding Act 2015.<sup>9</sup>
- 5.29 In this context, neither the CS nor SADMP DPD contain policies which explicitly relate to the provision of Self & Custom Build [S&CB] housing and are therefore silent on the matter. It is noted that the emerging Local Plan Review consultation did discuss this matter; however, given the stage of the Local Plan Review and the delay in progress made, it carries limited weight at this time.

### S&CB Demand in Hinckley and Bosworth

- 5.30 The Council published the 'The Self-build and Custom Housebuilding Act 2015' monitoring register in 2016 and update the page on a quarterly basis<sup>10</sup> The monitoring summary sets out an update on the Council's Self-Build Register. There are currently 8 base periods since the register began.
- 5.31 The Council's Register was established on 1st April 2016, with the first base period between 1st April 2016 and 30th October 2016. In the first base period, there were 0 entries on the Register. A detailed breakdown of the individual entries to the Register for the base periods is shown in the table below. The table also provides a breakdown of the cumulative entries and the cumulative permissions granted to understand whether the need had been met. As of 30 October 2023 (i.e. the current and eighth base period), a further 10 people joined the register and there was a total of 44 entries on the Council's Register who are all individuals.
- 5.32 From reviewing the Council planning portal, it is considered that no planning permissions were granted for the 31 October 2022 – 30 October 2023 monitoring year. In consideration, there is currently a surplus of 6 planning permissions when compared to the cumulative need for self-build plots (3) by the end of the eighth base year. However, an additional 16 self-build plots will need to be granted permission by the end of the ninth base period (30 October 2024), increasing the overall need to 19. Unless permissions are granted in the next year, there will be an unmet need for 10 self-build plots, which will increase to 25 by 30 October 2025. Based on the historic number of permissions granted per year, this need will not be met unless a proposal such as Land South of Burbage is granted permission.

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<sup>9</sup> Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand.

<sup>10</sup> [https://www.hinckley-bosworth.gov.uk/info/200074/planning\\_and\\_building\\_control/1246/the\\_self-build\\_and\\_custom\\_housebuilding\\_act\\_2015/2](https://www.hinckley-bosworth.gov.uk/info/200074/planning_and_building_control/1246/the_self-build_and_custom_housebuilding_act_2015/2)

Table 5.1 Hickley and Bosworth Base Periods 1-8

| Base Period                            | Individual Entries | Cumulative need by end of each base period | Cumulative Permissions Granted | Date by which permissions must be granted |
|----------------------------------------|--------------------|--------------------------------------------|--------------------------------|-------------------------------------------|
| 1 (1 April 2016 to 30 October 2016)    | 0                  | 0                                          | 0                              | 30 October 2019                           |
| 2 (31 October 2016 to 30 October 2017) | 1                  | 0                                          | 0                              | 30 October 2020                           |
| 3 (31 October 2017 to 30 October 2018) | 0                  | 0                                          | 0                              | 30 October 2021                           |
| 4 (31 October 2018 to 30 October 2019) | 1                  | 0                                          | 5                              | 30 October 2022                           |
| 5 (31 October 2019 to 31 October 2020) | 1                  | 1                                          | 6                              | 30 October 2023                           |
| 6 (31 October 2020 to 30 October 2021) | 16                 | 1                                          | 6                              | 30 October 2024                           |
| 7 (31 October 2021 to 30 October 2022) | 15                 | 2                                          | 9                              | 30 October 2025                           |
| 8 (31 October 2022 to 30 October 2023) | 10                 | 3                                          | 9                              | 30 October 2026                           |

Source: Lichfields analysis of Hinckley and Bosworth's monitoring webpage

- 5.33 As noted above, the Council is currently undertaking the Local Plan Review. As a part of this, the Council has produced a series of evidence base documents which underpin the emerging Local Plan. This includes the 2019 HNS. Draft Policy H006 has been developed to support the growth of S&CB plots within the upcoming Local Plan period. As set out above, the PPG requires LPAs to use the demand data from the registers in their area, supported as necessary by additional data from secondary sources to understand and consider future needs for this type of housing in their area.
- 5.34 In this respect, the HENA provides a more up-to-date picture of the Council's S&CB demand and considers data from secondary sources. The HENA highlights at Table 12.18 that between *April 1 2016 to October 10, 2020 there were cumulatively 72 expressions of interest registered for a serviced land plot within the Borough*. Surprisingly, this differs to the figures stated above showing a degree of inaccuracy between the Council's monitoring process; albeit, it is noted that the HENA notes that the Council consulted on its S&CB register which resulted in many entries being removed. However, the HENA also considered secondary sources. Drawing on National Custom and Self-Build Association ("NaCSBA") data, the HENA assessed the scale of demand per 100,000 population and then applied this to the population as at 2020. For the Council, this identified a demand for 60 S&CB plots.
- 5.35 In consideration of the above, it is considered that the 44 entries on the Council's Register monitoring webpage is likely to be an inaccurate representation of the total demand for S&CB plots. The actual demand for S&CB plots, as demonstrated above, is likely to be greater than what the Council is stating on the monitoring webpage.

### **S&CB Delivery in Hinckley and Bosworth**

- 5.36 As set out above, the Act requires LPAs to grant sufficient development permissions for serviced plots of land to meet the demand arising from their Self-Build Register. The PPG identifies that, at the end of each base period, LPAs have 3 years in which to grant permission for an equivalent number of plots of land, which are suitable for S&CB, as there are entries for that base period.
- 5.37 In this context, the Council is statutorily required to make provision, through the granting of planning permission, for a minimum of 19 S&CB dwellings by 30 October 2024 (i.e. the

end of the sixth base period). However, as discussed above, the overall demand is considered to be greater than what is stated on the Council's monitoring page. According to the HENA, as recorded on the Council's register, a minimum of 60 self-build plots needed to be granted planning permission by 30 October 2023.

5.38 As set out above, the Council have only granted permission for 9 self-build plots up to 30 October 2023. It is therefore considered that the Council has failed to grant sufficient development permissions to meet the demand arising from base periods 1 to 4, with a cumulative shortfall of 51 plots.

5.39 It is considered that this is because, at present, the Council does not make policy provisions for the delivery of S&CH within the Development Plan and as a consequence, few S&CH applications have been permitted within the District.

5.40 It is noted that the Regulation 19 Local Plan includes a draft policy which states that *"Self-build and custom housing will be supported to provide a mix of house types and meet self-build and custom housing needs. Sites providing 100 or more dwellings must include the provision of 5% of plots for self-build and custom housing as part of an appropriate mix of dwellings. All plots for self-build and custom housing must be fully serviced."* (emerging Policy H006). However, in the absence of a specific adopted policy within the Development Plan, it is unclear how the Council intend to address this shortfall in the intervening years prior to the adoption of the Local Plan Review, which is likely to be in August 2025.

5.41 As such, the applicants consider that the **provision for 11 self-build plots** should be a material consideration in the determination of this application which weighs in favour of approving the development and should be afforded significant weight.

## Alleviating Housing Pressure

5.42 As previously acknowledged, the Council is unable to demonstrate a 5YHLS and is therefore unable to provide 5 years' worth of deliverable housing. Therefore, it is essential that the provision of housing is increased within locations that are considered to be suitable and sustainable for residential development.

5.43 The Site is located adjacent to the built-up boundary of Burbage which is identified as an Urban Centre within the 2009 Core Strategy and is considered as a settlement which plays a key role in providing local services to its population. The settlement provides a suitable mix of retail, employment and leisurely uses whilst also being supported by key transport links offering connections to other urban areas. The Site is therefore considered to be in a sustainable location capable of supporting additional residential development.

5.44 The proposed development offers the opportunity to increase the supply of both market and affordable housing up to a total of 422 dwellings. As previously stated, the proposed housing mix will be 80% market (338 dwellings) and 20% affordable housing (84 dwellings), with the overall delivery being comprised of a mix of housing sizes, types and tenures suitable for meeting the needs of the current and emerging demographics.

5.45 Importantly, subject to planning permission being granted, the Site is available, suitable and is considered to be deliverable offering a key opportunity to increase the housing supply and meet the development needs of the administrative area.

5.46 The Council has confirmed that it is unable to demonstrate a 5YHLS (i.e., 4.89 years supply); albeit, this position has now changed and has actually been agreed as 4.76 years

supply by the Council. As such, the applicants consider that the provision for 422 dwellings would assist the Council in demonstrating a 5YHLS and should be a material consideration in the determination of this application which weighs in favour of approving the development and should be afforded significant weight.

## Summary

- 5.47 Paragraph 60 of the NPPF sets out the Government's objective of 'significantly boosting the supply of homes' and is clear that LPAs should seek to meet the housing needs of different groups in the community through strategic policies.
- 5.48 The Council's Development Plan is now markedly out-of-date and in many instances does not address the housing needs of specific groups. In particular, more recent evidence on the need for affordable housing, S&CB, older persons housing and specialist older persons housing, suggests that these needs are acute, and in the absence of an up-to-date Local Plan, are currently going unaddressed.
- 5.49 The development proposals make provision for:
- 1 **422 dwellings in a mix of types and tenures;**
  - 2 **20% of dwellings as affordable homes, of which 75% would be social rented and 25% intermediate housing, in accordance with Policy 15 of the CS (equating to 84 homes);**
  - 3 **Land to accommodate a c.66-bed care home;**
  - 4 **7 bungalows and 219 dwellings built to the M4(2) Building Regulations standards; and**
  - 5 **11 self-build plots.**
- 5.50 All of the above components of the proposed housing mix within the development proposals would contribute towards the delivery of a mixed supply of housing to meet the needs of different groups within the community. Individually, and cumulatively, the development proposals would materially contribute towards addressing these particular needs, which should be a material consideration in the determination of this application which weighs in favour of approving the development and should be afforded significant weight.

## 6.0 Planning Assessment

6.1 Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 [PCPA] and Section 70(2) of the Town and Country Planning Act 1990, applications are to be determined in accordance with the development plan, unless material considerations indicate otherwise.

6.2 In this respect, it is considered that there are four principal issues that need to be considered in the determination of this application. These relate to whether the proposals meet the tests in the Development Plan and whether the material benefits that the proposals would deliver would outweigh any unacceptable impacts.

- Is the principle of the development acceptable?
- Is the Design of the proposed development acceptable in Planning Terms?
- Does the proposed development constitute sustainable development and are there material considerations that demonstrate that the proposed development should be permitted?

### Is the principle of the development acceptable?

6.3 The starting position in assessing whether the principle of development is acceptable in accordance with the Development Plan concerns those policies most relevant and important as set out within the CS, SADMP DPD and the Burbage NP. As the Site lies outside of, but adjoins the settlement boundary of Burbage and is identified as countryside on the Borough Wide Policies Map, it is considered that the below policies are the ‘most important’:

- Policy 1 (Settlement Boundary) of the NP;
- Policy DM4 (Safeguarding the Countryside and Settlement Separation) of the SADMP DPD; and
- Policy 4 (Development in Burbage) of the CS.

6.4 Although there is an emerging Local Plan Review, it is understood this is unlikely to be adopted before 2025 and therefore no weight should be applied to the emerging plan.

### The Development Plan

6.5 As set out above, Section 38(6) of the PCPA and the NPPF (Para 12) sets out that development proposals should normally be determined in accordance with the development plan unless material considerations indicate otherwise.

6.6 In this regard, Policy 4 of the CS directed 295 dwellings to Burbage up to 2026 to address small pockets of deprivation in the town, support the Burbage local centre and support Hinckley’s role as a sub-regional centre.

6.7 Policy DM4 of the SADMP DPD states that the countryside will first and foremost be safeguarded from unsustainable development; however, it also sets out the circumstances in which development in the countryside will be permitted and considered sustainable. Conversely, Policy 1 of the NP sets out a clear presumption in favour of residential development adjacent to the defined settlement boundary within the NP as long as it accords with other Development Plan policies. This policy forms the most recent expression of the town’s vision for where sustainable development should occur. Policy 1 of the NP sets

out a clear presumption in favour of residential development adjacent to the defined settlement boundary within the NP as long as it accords with other plan policies. This policy forms the most recent expression of the town's vision for where sustainable development should occur. It is therefore considered that Policy 1 of the NP is accepting of development beyond but adjacent to the settlement boundary (i.e., a development contrary to Policy DM4)., subject to wider compliance with the general collection of policies contained within the Development Plan.

- 6.8 As noted above, the Site is beyond, but adjacent to, the Burbage Settlement Boundary, immediately adjacent to the Ambion Way residential development, which now forms part of the urban area of Burbage following the adoption of the BNP. However, when having regard to the High Court Judgment (*R on the Application of Corbett v The Cornwall Council. Case Number: CO/1039/2020*) and the principles established in that Judgment, which was subsequently upheld in *Corbett v. Cornwall Council [2022] EWCA Civ 1069*, the applicants consider that the Site, which is on the opposite side of Workhouse Lane (i.e., the Settlement Boundary), can be considered adjacent to the Settlement Boundary (i.e., in accordance with Policy 1 of the BNP).
- 6.9 It is important to note that in a previous Committee for Sketchley Lane<sup>11</sup> in July 2022, a site adjoining the settlement boundary of Burbage, the Committee Report correctly referred to the BNP and Policy 1 and noted that the *"application proposal can be considered to conform with Policy 1 of the BNP because the site lies immediately adjacent to the settlement boundary of Burbage."* (Para 8.9). Notably, this development was refused for materially similar RfRs to the previous application on this site (21/00502/OUT) contrary to the officer's recommendation and an Inquiry appeal has consequently been allowed.<sup>12</sup>
- 6.10 In this regard, the NPPF, PCPA and TCPA clearly require that applications are to be determined in accordance with the Development Plan unless material considerations indicate otherwise. In this instance, there were no material considerations which would indicate that the Council should deviate from the adopted Development Plan policies and disregard Policy 1 of the BNP.
- 6.11 Whilst it is noted that Policy 1 of the NP conflicts with Policy DM4 of the SADMP DPD, Section 38(5) of the Planning and Compulsory Purchase Act 2004 is clear that *"If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document [to become part of the development plan]."*
- 6.12 The applicants consider that the above is clear that if a policy contained in a Development Plan conflicts with another policy in the Development Plan, the conflict must be resolved in favour of the policy which is contained in the last document to be adopted, approved or published.<sup>13</sup>
- 6.13 As such, the decision-taker should attribute significant weight in the planning balance to Policy 1 of the BNP, rather than Policy DM4 of the SADMP DPD, as the NP is the most up-to-date Development Plan document.

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<sup>11</sup> Application Reference: 21/01131/OUT

<sup>12</sup> Appeal Reference: 3301735

<sup>13</sup> Section 38(5) of the Planning and Compulsory Purchase Act 2004

- 6.14 The development proposals clearly accord with Policy 1 of the BNP and the wider Development Plan policies when read as a whole and paragraph 11c of the NPPF is clear that development proposals that accord with an up-to-date Development Plan should be approved without delay.

### **The ‘tilted balance’**

- 6.15 Paragraph 11 of the NPPF sets out the Government’s commitment to the presumption in favour of sustainable development. This is a critical provision in the NPPF as it acts as the trigger for engaging the ‘tilted balance’ in respect of ‘out-of-date’ policies.
- 6.16 As set out it is the applicants’ contention that the proposed development would be in accordance with the development plan and that paragraph 11c of the NPPF should apply. Notwithstanding this position, paragraph 11d is also clear that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole.
- 6.17 It is considered that the provisions of this paragraph, in effect, set out two routes to the triggering of the ‘tilted balance’ (i.e. Para 11d). Firstly, whether the policies which are most important for determining the application are ‘out-of-date’. And, secondly, whether these policies are ‘out-of-date’ by virtue of the Council failing the Housing Delivery Test [HDT] or being unable to demonstrate a five-year housing land supply (“5YHLS”) (e.g. Footnote 8).
- 6.18 In failing either test, the presumption in favour of sustainable development would apply for decision-making purposes, and permission should be granted unless:
- a The application of policies [in the NPPF] that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
  - b Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies [in the NPPF] taken as a whole.
- 6.19 It is, therefore, critical to establish whether the policies set out in the Local Plan 2006-2026 should be considered up to date for the purposes of determining this application.

### **1. Out-of-date policies**

- 6.20 In respect of the first test, as set out in Section 4.0, the Local Development Plan comprises both the CS and SADMP DPD. The CS sets out the housing requirement for the Borough up to 2026, underpinned by the now-revoked East Midlands Regional Plan and National Planning Guidance. The purpose of the SADMP DPD was, therefore, only to allocate housing and employment sites to meet the needs set out in the CS up to 2026.
- 6.21 In this regard, Policy 4 of the CS directed 295 dwellings to Burbage up to 2026 to address small pockets of deprivation in the town, support the Burbage local centre and support Hinckley’s role as a sub-regional centre.
- 6.22 In terms of the policies most important for determining this application, it is considered that Policy 4 of the CS and Policy DM4 of the SADMP DPD are the most important. However, it is important to note that the CS pre-dated the previous NPPF (2012), and the current NPPF (2023) and is now nearly 12 years old. As such, both of these policies are markedly ‘out-of-date’ by virtue of the passage of time. Indeed, the minimum housing need for the Borough under the NPPF’s standard method has increased to 472 dpa, compared to the 452 dpa in the CS. This is, of course, only the housing need for the Borough, and does

not account for the additional unmet needs of Leicester that Hinckley will need to address, which equates to 187 dpa.<sup>14</sup> Therefore, given that the CS is procedurally and substantively out-of-date, it follows that the policies which are designed to implement it (i.e. the SADMP DPD) are also out-of-date.

6.23 However, in addition to the passage of time, the CS is now over 10 years old and hasn't yet been formally reviewed, with the Council's Local Plan Review ostensibly paused. Crucially, the CS had an urban focussed spatial strategy, which was underpinned by two sustainable urban extensions [SUE], which acted as the cornerstone of housing delivery up to 2026 (e.g. Earl Shilton and Barwell). However, to date, no dwellings have been delivered on either site, and the Council does not include either SUE as 'deliverable' within its 5YHLS position.

6.24 This is fundamentally a failed spatial strategy and the Council has not meaningfully reviewed its Local Plan to deal with this issue. The consequence of this is that the Council has had to actively undermine and distort the CS's spatial strategy through the approval of other development across the Borough which falls outside of Settlement Boundaries, many of which it now relies on within its 5YHLS position. In essence, the Settlement Boundaries set out in the CS have been overtaken by permissions on the ground. Indeed, the adjoining Ambion Way development fell outside of the Burbage Settlement Boundary, until the NP rationalised the boundary upon adoption in 2021.

6.25 Notwithstanding the above, it has also consistently been the view of the Council that Policy DM4 is out-of-date. In the determination of a recent application at Land North Of Deepdale Farm,<sup>15</sup> the Council applied the 'tilted balance' set out in paragraph 11d of the NPPF. Notably, whilst the site was situated outside of the settlement boundary of Burbage, and the Council considered that they were able to demonstrate a 5YHLS, the Council stated that:

*"The housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework 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."* (Para 8.137) (Emphasis added)

*"Whilst there is conflict with the strategic policies of the Development Plan, these are considered to be out of date, although still attracting significant weight... The Council are able to demonstrate a 5 year land supply of deliverable housing sites."* (Para 8.146) (Emphasis added)

6.26 Although the application was subsequently refused by the Committee, it was approved at appeal. Moreover, it should be noted that in the determination of Land North of Deepdale Farm, the Council also had regard to emerging Policy 1 of the BNP. Indeed, the same position was taken in respect of the application at Land to the South-West of Lutterworth Road<sup>16</sup>, with the Committee Report stating that:

*"Policy DM4 is considered to be out of date as the settlement boundary is drawn using a focus on delivery of a lower housing requirement than required by the up-to-date figure."* (Para 8.144) (Emphasis added)

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<sup>14</sup> See the Leicester and Leicestershire Housing Market Area 'Statement of Common Ground relating to Housing and Employment Land Needs (June 2022)'.

<sup>15</sup> Application Reference: 19/01405/OUT

<sup>16</sup> Application Reference: 21/00502/OUT

- 6.27 Similarly, in the recently determined Land Off Sketchley Lane Burbage<sup>17</sup> appeal<sup>18</sup> Inquiry it was concluded that *“the CS and the DPD rely on an out-of-date evidence base, the most important policies for determining this appeal are out of date and Framework paragraph 11d(ii) is engaged.”* On the basis of the above, it is clear that the Council and Inspectors have consistently accepted that Policy 4 of the CS and Policy DM4 of the SADMP DPD – and therefore the Burbage Settlement Boundary – are ‘out-of-date’ and should not be afforded full weight.
- 6.28 In regard to the previous application submitted on this site<sup>19</sup>, the above was acknowledged in the Committee Report, however, members gave full weight to policy DM4 of the SADMP DPD – albeit did not explicitly state this in such ‘planning terms’ – and elected to refuse the Application without having due regard to the ‘balancing exercise’ and whether the benefits of the development outweighed the harm associated with the development proposals being outside of the Burbage Settlement Boundary.
- 6.29 On the basis of the above, it is clear that the Council accepts that Policy 4 of the CS and Policy DM4 of the SADMP DPD – and therefore the Burbage settlement boundary – are ‘out-of-date’ and should not be afforded significant weight. The Council has also triggered the ‘tilted balance’ set out in paragraph 11d of the NPPF, which requires planning permission to be granted unless adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

## **2. Housing Supply and Delivery**

- 6.30 In respect of the second test, the HDT results for 2021 were published in January 2022. The HDT results indicate that the Council did not pass its HDT, having only achieved 86% delivery against the HDT targets over the last three years. In accordance with the PPG, the Council is required to prepare an Action Plan.<sup>20</sup> The purpose of the Action Plan is to identify the reasons for under-delivery, explore ways to reduce the risk of further under-delivery and set out measures the authority intends to take to improve levels of delivery. However, despite this, the Council is only required to apply a 5% buffer to its 5YHLS calculation, rather than 20% or the ‘tilted balance’.
- 6.31 In respect of the Council’s 5YHLS position, the Council recently published the ‘Residential Land Availability: Monitoring Statement for 1 April 2021 – 31 March 2022’ which sets out the Council’s 5YHLS. The Council considers that as of 1 April 2022, the Council can only demonstrate a 4.89 year supply when utilising the c.472 dwellings per annum local housing need figure generated by the NPPF’s standard method.<sup>21</sup>
- 6.32 Importantly, the Council itself has acknowledged that it is unable to demonstrate a 5YHLS in accordance with paragraph 74 of the NPPF; albeit, the Council has agreed that the Council’s position is actually worse than purported in the latest 5YHLS position (i.e. 4.76, rather than 4.89, years supply). Thus, the ‘tilted balance’ should be engaged in favour of granting permission as per NPPF paragraph 11d.
- 6.33 As such, despite the recent inclusion of Policy 1 of the BNP within the Development Plan, it can be considered that the basket of policies relevant to the determination of this application is out-of-date by virtue of both the policies being out-of-date due to the passage

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<sup>17</sup> Application Reference: 21/01131/OUT

<sup>18</sup> Appeal Reference: 3301735

<sup>19</sup> Application Reference: 21/00502/OUT

<sup>20</sup> PPG ID: 68-042

<sup>21</sup> As per footnote 39 of the NPPF (February 2023)

of time and the evidence underpinning them and the fact that the Council is unable to demonstrate a 5YHLS. As such, the weight afforded to Policy DM4 of the SADMP DPD should be limited and outweighed by the benefits of the proposed development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.

### **3. Absence of Relevant Policies**

- 6.34 In regard to the principle of development, it has been acknowledged by the applicant that there is an absence of policies within the Development Plan regarding the need for self-build housing as well as older person housing.
- 6.35 Paragraph 60 of the September 2023 NPPF states:
- “To support the Government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.”*
- 6.36 Paragraph 60 of the NPPF requires an evaluation and incorporation of the size, type, and tenure of housing essential for various community groups into planning policies. These groups encompass those seeking affordable housing, older individuals, and individuals desiring to oversee or construct their own residences.
- 6.37 In the context of housing needs for the elderly, the PPG delves into this matter in a section<sup>22</sup>. Aligned with the crucial housing requirements of a progressively ageing population at the national level, the PPG advocates for LPAs to formulate explicit policies addressing the requirements of the older demographic. This could involve providing indicative figures or a range for the number of specialised housing units for older individuals required in a given area over the plan period<sup>23</sup>.
- 6.38 As highlighted, Policy 16 of the 2009 Core Strategy aims to facilitate the provision of housing catering to the requirements of the ageing population. However, despite expressing this intent, this policy falls short of actively assessing and reflecting these needs, such as through the inclusion of indicative figures. Notably, Policy 16 states that the *“specific needs of each submarket”* will be *“informed by the most up to date Housing Market Assessment, Study Into Older Peoples Housing Needs and Aspirations and other local evidence”*. Importantly, this policy does not identify a specific need, within Hinckley & Bosworth for C2 units or its comparatively high and increasing proportion of older residents.
- 6.39 Given the absence of policies for determining an application related to the provision of older persons accommodation, the Development Plan clearly does not address the requirements of paragraph 60 of the NPPF. This applies equally in respect of the need to make provision for S&CB. In this context, the applicant considers that the Development Plan is therefore out-of-date in this regard, and as such, would trigger the ‘tilted balance’ in this instance. This is supported by the findings of an appeal at Land at Hay End Lane, Fradley, Lichfield.<sup>24</sup>

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<sup>22</sup> Housing for older and disabled people - guidance in preparing planning policies on housing for older and disabled people. Ministry of Housing, Communities & Local Government

<sup>23</sup> Paragraph: 006 Reference ID: 63-006-20190626

<sup>24</sup> Appeal Reference: 3264280

## Summary

- 6.40 Policy 1 of the NP sets out a clear presumption in favour of residential development adjacent to the defined settlement boundary within the NP as long as it accords with other plan policies. As required by Section 38(5) of the Planning and Compulsory Purchase Act 2004, the conflict between NP Policy 1 and Policy DM4 should be resolved in favour of the policy which is contained in the last Development Plan document; that being the NP. In this context, the applicants consider that the principle of development accords with the policies, vision and objectives of the Development Plan as a whole taking into account the requirements of Policy 1 of the NP. It should therefore be approved in the context of NPPF paragraph 11c which states that development proposals that accord with an up-to-date Development Plan should be approved without delay.
- 6.41 The Council has also accepted that the ‘most important’ policies for the determination of this application are ‘out-of-date’, and the Council has further acknowledged that they are unable to demonstrate a supply of deliverable sites to provide a minimum of five years’ worth of housing against its housing requirement. Moreover, there is an absence of policies in relation to the provision of specific housing needs, contrary to the requirements of the NPPF. The ‘tilted balance’ is therefore engaged. As such, the weight afforded to these policies should be limited and outweighed by the benefits of the proposed development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 6.42 In this circumstance, the applicants contend that there is a compelling need to release the Site for housing development now and that the ‘tilted balance’ in favour of permitting development should apply. As demonstrated through the remainder of this Planning and Affordable Housing Statement, the proposed development represents sustainable development in the context of NPPF paragraphs 7 and 8 and should therefore be approved given that no material considerations indicate otherwise. Additionally, it will also be demonstrated that the proposed development is acceptable in planning terms and thus planning permission should be granted.
- 6.43 In either event, the applicants consider that the principle of residential development beyond, but adjacent to, the identified settlement boundary of Burbage is therefore acceptable, subject to other development management considerations which are considered further below. It would also align with the Government’s commitment to “*significantly boosting the supply of housing*” (Para 60, NPPF).

## Is the Design of the Proposed Development Acceptable in Planning Terms?

### Scale and Density

- 6.44 This application seeks hybrid planning permission, with 422 dwellings forming part of the full element, with the net developable area for these dwellings extending to 13.13 ha net with an average density of 32.46 dph.
- 6.45 NPPF para 124 states that
- “Planning policies and decisions should support development that makes efficient use of land, taking into account:*
- d *the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change”*

- 6.46 The proposals have been developed following a comprehensive process of site survey, design development and consultation. The application is accompanied by a Design and Access Statement [DAS], which explains the design principles that underpin the proposed development.
- 6.47 The proposed development will adopt a design that respects and where possible enhances the natural features present on-site and will support the prevailing character and setting of the surrounding area. A significant proportion of the site will be maintained as open space, providing benefits to the existing and future populations whilst conserving the character of the surrounding landscape.
- 6.48 Policy 16 (Housing Mix, Density and Design) of the CS requires developments adjoining Burbage to provide a minimum net density of 40 dph. However, it is important to note that Policy 16 also states that *“In exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable.”*
- 6.49 Given the Site is located outside of but adjoining the settlement boundary of Burbage, and is subject to several physical constraints, such as easements along the route of pylons, it is a fundamental goal and principle of the design to implement a landscape-led development that respects and maintains the prevailing character of the surrounding countryside and works within the net developable area. As a result of this, a proposed density of 32.46 dph is proposed, to ensure that a sufficient quantity of open space and landscaping can be included within the proposed scheme and development can be accommodated around any environmental or physical constraints.
- 6.50 Whilst this falls below the minimum 40 dph requirement, the proposed density is not significantly less than this requirement. Moreover, the above demonstrates that the site characteristics would justify a deviation from this requirement, which aligns with policy 16’s clear exceptional circumstances caveat.
- 6.51 To this end, it is considered that the proposed development accords with Policy 16 of the Core Strategy with a proposed density of 32.46 dph as proposed within the net developable area.

### **Housing Mix and Affordable Housing**

- 6.52 The proposed development will deliver a total of 422 dwellings which will help meet the housing requirement (9000 dwellings up to 2026) identified within the 2009 Core Strategy. Policy 4 (Development in Burbage) states that *“the council will seek to diversify the existing housing stock to cater for a range of house types as supported by Policy 15 and Policy 16.”*
- 6.53 As noted in Section 4.0, Policy 15 (Affordable Housing) sets out that, for Urban areas (including Burbage), 20% affordable housing provision will be sought on sites for 15 dwellings or more/ 0.5 ha or more.
- 6.54 In terms of affordable housing, the applicant is committed to providing 20% affordable housing, in accordance with policy 15 of the Core Strategy, equating to 84 dwellings. The contribution of 422 homes towards the Council’s housing needs, including 84 dwellings towards affordable housing needs in the context of an acknowledged absence of a 5YHLS, is a material consideration of significant weight in the determination of this application.
- 6.55 In regard to the housing mix, Policy 16 requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, which takes account of Table 3 as a starting

point for housing mix, or the most up to date evidence (i.e. a Housing Market Assessment or housing needs survey). Whilst Table 3 presents the starting point, in the intervening years since the adoption of the CS, further housing needs evidence has been prepared for the Borough.

- 6.56 In particular, the HENA provides recommendations for the appropriate mix of market and affordable housing ranges across all Districts in the HMA, including Hinckley and Bosworth. The recommended market housing mix range for the Borough is shown in Table 6.1 below:

Table 6.1 Recommended Mix for Market Housing for Hinckley & Bosworth Area

| Size  | Market |
|-------|--------|
| 1-bed | 5%     |
| 2-bed | 35%    |
| 3-bed | 45%    |
| 4-bed | 15%    |

Source: Housing & Economic Needs Assessment: Main Report (Table 10.32)

- 6.57 The HENA suggests that the focus of new market housing provision will be on 2- and 3-bed properties. It asserts that there will be continued demand from newly forming households for family housing. There may also be some demand for 2- and 3-bed properties from older households who are looking to downsize and release equity in existing homes, but still wish to retain the flexibility for friends and family to come and stay (*Housing Mix: Key messages Bullet 6*).
- 6.58 However, the HENA goes on to state that:
- “Although the analysis has quantified this on the basis of the market modelling and an understanding of the current housing market, it does not necessarily follow that such prescriptive figures should be included in the plan making process (although it will be useful to include an indication of the broad mix to be sought across the study area) – demand can change over time linked to macro-economic factors and local supply. Policy aspirations could also influence the mix sought.” (Para 10.43)*
- 6.59 This is further emphasised in the “*Housing Mix: key messages*”, in which the HENA states that “*the mix identified above could inform strategic policies although a flexible approach should be adopted... Additionally, in applying the mix to individual development sites, regard should be had to the nature of the site and character of the area, and to up-to-date evidence of need as well as the existing mix and turnover of properties at the local level. The Councils should also monitor the mix of housing delivered.*” (*Bullet 4*)
- 6.60 Therefore, a mix “informed” by the HENA (as required by Policy 16) cannot be interpreted to be a mix on a site-specific level which precisely implements the suggested mix within the HENA. This is why the supporting text to Policy 16 and the HENA acknowledges that ‘*local circumstances*’ could justify a mix different to the proportions set out in the HENA for the Borough. It will naturally be the case that different parts of the Borough, or different sites, will have mixes that differ from the HENA mix, reflecting locational factors, but are nonetheless appropriate (and can contribute to the overall Borough-wide needs).

- 6.61 The starting position as established under Policy 16 is that the development should be informed by the most up-to-date evidence. In this instance, this is the HENA. However, when having regard to the High Court Judgment<sup>25</sup>, the weight to be attached to this evidence should be reduced, reflecting the fact that it has not been tested through the examination process.
- 6.62 As such, it would, therefore, be reasonable for a scheme in Burbage to deliver a different mix of housing to the overall need identified in the HENA at the Borough-wide level, but which provides a range of house sizes reflecting the '*local circumstances*' in Burbage. This is working in the knowledge of the HENA's clear caveats around not applying the mix prescriptively.
- 6.63 The applicants have undertaken analysis to inform the proposed housing mix, which responds to the particular local circumstances in Burbage alongside wider market trends for working from home. On this basis, the total proposed number of market housing (338 dwellings), the proposed housing mix for the Site compared to the HENA (Market) mix is shown below and demonstrates that the proposed developments market housing mix would be broadly consistent with the market mix identified within the HENA. In this regard, it is considered that these proposals are in general conformity with Policies 15 and 16 of the Core Strategy as well as the HENA and permission should therefore be granted unless any material consideration indicates otherwise.

Table 6.2 Comparison of Proposed Mix to HENA

| Size  | Proposed Market Mix | HENA (Market) Mix |
|-------|---------------------|-------------------|
| 1-bed | 0 (0%)              | 5%                |
| 2-bed | 98 (29%)            | 35%               |
| 3-bed | 171 (50.6%)         | 45%               |
| 4+bed | 69 (20.4%)          | 15%               |

Source: Lichfields

## Open Space, Play Facilities and Green Infrastructure

- 6.64 The proposed development will be landscape-led and the new high-quality landscaping is proposed to help "*support strong, vibrant and healthy communities*" (Para 8b, NPPF).
- 6.65 The application is supportive of policy 19 (Green Space and Play Provision) of the Core Strategy and policy 14 (New Amenity Green Space) of the Neighbourhood Plan as the proposal will create access to "*sufficient, high-quality, accessible green spaces and play areas*" to be used by both the existing and future communities. In addition to the provision of new green space, where possible, the existing green infrastructure on-site will be maintained and enhanced creating multiple benefits in regard to "*health, community cohesion and general well being.*"
- 6.66 In terms of the required quantity and accessibility of open space in regard to the Borough's population and new developments, Policy 19 of the adopted Core Strategy sets out the

<sup>25</sup> William Davis Ltd v Charnwood BC Queen's Bench Division (Administrative Court) 23 November 2017 [2017] EWHC 3006 (Admin)

following standards:

Table 6.3 Policy 19 (Green Space and Play Provision) standards.

| Quantity                             |                                                                                                                                                                                                                            |
|--------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Equipped Children's Play Space       | A minimum of 0.15 ha/1000 population (excluding buffer zones)                                                                                                                                                              |
| Casual/Informal Play Space           | A minimum of 0.7 ha/1000 population                                                                                                                                                                                        |
| Outdoor Sports Provision             | A minimum of 1.6 ha/1000 population                                                                                                                                                                                        |
| Accessible Natural Green Space       | A minimum of 2 ha/1000 population                                                                                                                                                                                          |
| Accessibility                        |                                                                                                                                                                                                                            |
| District Parks and Green Spaces      | All households should be within 5 kilometres of an open space of at least 10 hectares which provides general facilities for recreational activity within a landscaped setting                                              |
| Neighbourhood Parks and Green Spaces | All households should be within 600 metres of an open space of between 1 and 10 hectares which provide general facilities for recreational activity within a landscaped setting.                                           |
| Local Parks and Green Space          | All households should be within 400 metres of an open space of between 0.2 - 1.0 hectare which provide facilities for recreation within a localised area, catering for the specific informal needs of the local community. |
| Incidental/Amenity Green Space       | All household should be within 300 metres of a small formal or informal area of open space.                                                                                                                                |

Source: Lichfields based on Core Strategy (2009)

- 6.67 In applying the quantity standards to the application Site, the site-specific requirement would therefore equate as follows:

|                                                                 |                 |
|-----------------------------------------------------------------|-----------------|
| <b>Dwellings</b>                                                | 422             |
| <b>Population</b> (dwellings x 2.4 <sup>26</sup> per household) | 1013            |
| <b>Equipped Children's Play Space</b> (0.15 ha x 1.013)         | 0.152 ha        |
| <b>Casual Informal Play Space</b> (0.7 ha x 1.013)              | 0.709 ha        |
| <b>Outdoor Sports Provision</b> (1.6 ha x 1.013)                | 1.621 ha        |
| <b>Accessible Natural Green Space</b> (2.0 ha x 1.013)          | 2.03 ha         |
| <b>Total open space</b>                                         | <b>4.512 ha</b> |

- 6.68 Further to policy 19 of the Core Strategy, policy 14 of the Neighbourhood Plan states that *"The recommended local accessibility standard for new amenity green space is 300m (equivalent to a 7 minute' walk)"*.
- 6.69 The proposed quantum of on-site public open space, as set out in the accompanying DAS, totals **9.346ha** which will be provided to include informal and formal open space, natural green space, integrated SUDs along the eastern boundary, with pockets of green space being provided throughout the site. This provision of 9.346 ha comfortably demonstrates that the proposal is in compliance with policy 19 of the Core Strategy and policy 14 of the Neighbourhood Plan.

<sup>26</sup> Average household density based on ONS data

(<https://www.ons.gov.uk/peoplepopulationandcommunity/householdcharacteristics/homeinternetandsocialmediausage/bulletins/householdandresidentcharacteristicsenglandandwales/census2021#:~:text=Main%20points,-This%20page%20is&text=The%20average%20household%20size%20in,all%203.0%20residents%20per%20household>).

- 6.70 Included within the total open space figure, 0.178 ha will be made up of equipped children's play space which will exceed the requirement of 0.152 ha as set out above.
- 6.71 In addition to the quantity requirements set out within policy 19, it is considered that the minimum accessibility standards set out within policy 19 of the CS as well as policy 14 of the BNP are met. The proposal will ensure the provision of high-quality amenity green space as well as areas of local green space of between 0.2 and 1 hectare. Britannia Park (Local Plan reference: BUR45) is a neighbourhood park (2.8 hectares in size) which is located adjacent to the Site's north-eastern boundary and is therefore within a highly accessible location. With regard to the Site being within an accessible distance of a District Park of at least 10 hectares in size, Fosse Meadows Country Park (approximately 58 hectares) is an 11-minute drive from the Site offering suitable access to a District Park.
- 6.72 Additionally, a landscape strategy has been implemented as part of the design to deliver on three objectives.
- 1 To ensure that the proposed development integrates with the existing landscape and the prevailing character of the area;
  - 2 To create space which can be used freely by the public which benefits health, community cohesion and overall wellbeing; and
  - 3 To ensure that the benefits of development outweigh any perceived harm and that the effects are mitigated where identified, creating an attractive development on the edge of Burbage.
- 6.73 As such, it is considered that the development proposal accords with Policy 19 of the Core Strategy and Policy 14 of the Neighbourhood Plan.

## **Design and Layout**

- 6.74 The design proposals adhere to established principles of place-making and urban design which are fundamental in creating good places to live. The proposed development will maintain and where possible enhance the existing character of the Site and the wider area to ensure that the visual amenity of existing and future residents is maintained. The design, density, massing, height and scale of the proposal will conserve if not enhance the prevailing character of Burbage whilst establishing a distinctive identity for the Site. The materiality of the proposed dwellings will replicate the existing character of the neighbouring residential properties creating a place of cohesive and good quality design.
- 6.75 Suitable and apparent connections to the centres of Burbage and Hinckley will be provided as part of the overall design ensuring the Site is accessible for pedestrians and cyclists as well as vehicles. The proposed development will provide a clear hierarchy of connected places accessible by a variety of users and will ensure connectivity to the existing strategic and sustainable transport networks (i.e., footpaths, bus routes and cycle ways). A key aspect of the design will be to create a walkable environment which encourages sustainable modes of travel within the Site and in between the wider settlement. Key spaces will be positioned where movement corridors converge to encourage the activity of pedestrians and cyclists and to strengthen the vitality of the Site.
- 6.76 The Site is also well-served by public transport, with the bus stops on Lutterworth Road within a 5-minute walk, providing access to Burbage and Hinckley town centres further enhancing the sustainable nature of the area. The site access point from Coventry Road has also been designed to facilitate bus service, Redrow have engaged with the bus operator

about extending their service into the site. The bus service would loop around the primary access road and bus stops would be provided within the site at accessible locations. This will allow ease of movement for all types of users providing equal access to employment, retail, leisure and health care opportunities.

- 6.77 Access to the key places within the Site and the surrounding area will be convenient, safe and direct for all residents ensuring the safety of residents and a good quality of life. The variety of modes of transport that will be encouraged and supported by the proposed development will create an inclusive environment that promotes social activity creating natural surveillance.
- 6.78 The proposed development would deliver a total of 9.346 ha of open space, comprising public open space, including formal and informal green space, SuDS, planting and children's play provision, for the enjoyment of future residents, together with an appropriate landscaping scheme. The proposed landscaping will enhance both the richness and attractiveness of the Site and streetscape.
- 6.79 The layout of the proposed development maximises the efficient use of the on-site space whilst ensuring that there would be no significant effect on the existing character of the surrounding area. The proposal will be landscape-led and where possible, will maintain if not enhance the existing environmental features, along with the implementation of sufficient environmental buffers along the Site boundaries. This would maintain the visual amenity associated with the surrounding landscapes and mitigate any potential harm to the prevailing character.
- 6.80 Importantly, the proposal will adjoin existing residential properties meaning that the proposed use compliments the existing character of the surrounding area. The amenity of future occupiers would therefore not be adversely affected by the surrounding uses in respect to noise, light and odour pollution. Consideration will be given to ensure that the design of the proposed dwellings respects the materiality of the neighbouring buildings to ensure that the settlement character is not harmed.
- 6.81 In addition, the proposed scheme will incorporate sustainable practises to ensure that where possible, energy is conserved, electric vehicle charging points are provided, sustainable urban drainage is implemented and the overall design is indeed landscape-led.
- 6.82 For further information regarding the design of the proposed development, please see the Design and Access Statement submitted in support of this planning application. Additionally, for information in regard
- 6.83 As such, it is considered that the development proposal accords with Policy DM10 (Development and Design) of the Site Allocations and Development Management Policies DPD, policy 2 (Design and Layout) of the Neighbourhood Plan, and the Council's Good Design Guide SPD.

### **Residential Amenity**

- 6.84 The proposal takes into consideration the amenity of neighbouring properties, the separation distances between dwellings will adhere to the Good Design Guide SPD so that each home is positioned to ensure that privacy and amenity is maintained. As well as guaranteeing the privacy of residents, the inclusion of natural green spaces and public open spaces will create areas of natural surveillance and vitality ensuring the safety of all

residents as well as temporary visitors. All public open spaces will be easily accessible and well-connected creating a sense of security and coalescence within the neighbourhood.

- 6.85 In terms of noise pollution, a Noise Assessment [NA], prepared by RSK Environment Limited, has been submitted in support of this application.
- 6.86 The assessment of noise due to the Proposed Development on the existing sound climate in surrounding areas is based on the change in sound levels at noise-sensitive receptors due to a change in the volumes of road traffic generated by the Proposed Development. Two of the noise-sensitive receptors tested include 'Coventry Road West of Site access' and 'Coventry Road east of Site access' which are both in close proximity to the residential buildings north of the Site.
- 6.87 The change in noise levels as a result of traffic generated by the proposed development has been assessed. The results of the assessment show that the changes in noise levels due to the changes in road traffic are likely to be negligible at all noise-sensitive receptors and no specific mitigation has been demonstrated to be necessary. The proposed development and the associated traffic flow would not impact the amenity of neighbouring properties.
- 6.88 As stated above, the proposed development is in proximity to existing residential buildings. The well-being of future residents is of utmost importance, and the proposed development is dedicated to ensuring that their amenities are safeguarded from any potential harm arising from nearby activities. Recognising the adjacency to existing residential properties, meticulous planning includes measures to mitigate any adverse impacts on the quality of life for our residents. The proposals aim to create a harmonious environment where the amenities of future residents are preserved, fostering a peaceful and enjoyable living experience in close proximity to existing residential communities.
- 6.89 It is acknowledged that the Site is in close proximity to the M69 motorway. Recognising the sensitivity of noise levels in residential areas, the proposed development incorporates comprehensive measures to minimise noise impact. A detailed noise assessment has been undertaken to identify potential sources of noise, and appropriate mitigations, such as sound barriers and strategic landscaping will be implemented to ensure that noise levels are within acceptable limits.
- 6.90 The delivery of well-designed internal and external amenity spaces is paramount to enhancing the quality of life for residents. These spaces serve as the backdrop for day-to-day home life, providing not only functionality but also contributing to a positive and enriching living experience. The proposal's commitment to thoughtful design ensures that both indoor and outdoor areas are tailored to meet the diverse needs of residents, creating inviting environments that promote relaxation, social interaction, and a sense of community. By prioritising the quality of these spaces, the proposals aim to elevate the overall living experience and contribute to the well-being and satisfaction of our residents.
- 6.91 As such, it is considered that the development proposal accords with Policy DM10 (Development and Design) of the Site Allocations and Development Management Policies DPD and the Good Design Guide SPD.

## **Does the proposed development constitute sustainable development and are there material considerations that demonstrate that the proposed development should be permitted?**

- 6.92 Section 38(6) of the PCPA requires planning application proposals to be determined in accordance with the Development Plan, unless material considerations indicate otherwise. In essence, Section 38(6) of the PCPA allows development to be approved not in accordance with the Development Plan, so long as material considerations indicate otherwise. This is the advantage of the discretionary planning system.
- 6.93 This is reiterated in paragraph 12 of the NPPF, which also sets out the NPPF's support for the presumption in favour of sustainable development, which should run through all decision-making. In this context, the NPPF is clear that the assessment of whether a development is sustainable is set out in paragraphs 7 and 8 of the NPPF and is considered in three parts with regard to the effects of development in terms of:
- Economic;
  - Social; and
  - Environmental.
- 6.94 It is well established that a holistic approach, which embraces all three strands of sustainability associated with the proposed development, should be considered as part of the planning balance exercise when assessing any harm resulting from development. This would accord with the requirements of paragraph 12 of the NPPF.
- 6.95 As set out above, the Council is currently unable to demonstrate a 5YHLS. As such, it is considered that the housing policies relevant to the determination of this planning application are considered 'out-of-date'. As set out in paragraph 11d of the NPPF, this means that for decision-taking, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 6.96 Notwithstanding that the proposed development is entirely consistent with the emerging NP – and would accord with the Development Plan fully upon the adoption of the NP – and would not have an unacceptable impact in planning terms, when having regard to the NPPF, a summary of how the proposed development constitutes sustainable development, when having regard to the economic, social and environmental benefits associated with the development, is set out below.
- 6.97 Importantly, the below key benefits when taken together, should be considered an important material consideration in this application and should be weighed against any identified or perceived harm in the balancing exercise in determining whether the application should be approved.

### **1. Economic**

- 6.98 The NPPF paragraph 8(a) includes an 'economic objective' as the first overarching objective of the planning system, stating that *"to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity"*. Productivity is a concept rarely explored in any detail in plan-making or decision-taking, but the added emphasis seems appropriate given the national imperative on the issue.

- 6.99 The outbreak of Covid-19 and the war in Ukraine have created far-reaching impacts on the economy and business across the country. Lockdown measures have led to unprecedented shutdowns of large parts of the economy simultaneously, with effects being transmitted rapidly across all sectors. It has therefore become critical that local councils capitalise on opportunities to deliver economic and housing growth within their areas, to ensure they can build a strong, responsive and competitive economy for their residents.
- 6.100 Official figures from the ONS show that UK GDP is now 0.8% below its pre-coronavirus level<sup>27</sup>, meaning the UK still hasn't fully recovered from the impact of Covid-19. This economic recovery has been further impacted by the war in Ukraine. Now more than ever, it is critical that local councils capitalize on opportunities to deliver economic and housing growth within their areas, to ensure they can build a strong, responsive and competitive economy for their residents.
- 6.101 The implicit link between economic growth and housing needs is recognised in the NPPF, and the position that economic growth should not be decoupled from housing growth is further reiterated in the 'Planning for the Future' White Paper, in which the Government states it wishes to increase the supply of land available for new homes where it is needed to support economic growth (Para 1.12).
- 6.102 Additionally, '*Build Back Better: our plan for growth*' (March 2021) sets out the government's plans to support growth through significant investment in infrastructure, skills and innovation, and to pursue growth that levels up every part of the UK, enables the transition to net-zero, and supports the vision for Global Britain. In terms of housing, the strategy seeks to drive "*up the supply of housing where it is needed*" (page 73).
- 6.103 In this context, the potential economic benefits arising from the proposed residential development at Land South of Burbage are as follows.

## Construction Impacts

### *Direct Employment*

- 6.104 Based on Homes and Communities Agency [HCA] Labour Coefficients that estimate the number of Full-Time Equivalent [FTE] years of construction employment per £1m investment, combined with the development build cost (£77.8 million) and a phased construction length of twelve years, it is estimated that the construction of the proposed development could support **100 direct FTE construction workers** annually over the development period<sup>28</sup>.
- 6.105 It is reasonable to expect a proportion of the construction jobs to be taken up by local workers, particularly if measures are in place to raise local skill levels and encourage local recruitment (e.g., through apprenticeships).

### *Indirect and Induced Employment*

- 6.106 Research undertaken on behalf of the National Housing Federation indicates that the East Midlands construction industry has an indirect and induced employment multiplier of 2.19<sup>29</sup>. Applying this multiplier to the 100 direct construction FTE jobs per annum indicates an **additional 115 indirect/induced FTE jobs** would be supported by the proposed development in sectors across the UK economy. This is in addition to the direct

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<sup>27</sup> ONS (2022) *GDP third quarterly estimate, UK: July to September 2022*

<sup>28</sup> Homes and Communities Agency (HCA), *Calculating Cost per Job: Best Practice Note* (2015)

<sup>29</sup> National Housing Federation, *Local Economic Impacts Calculator (LEIC): Methodology and Assumptions* (2019)

construction FTE jobs discussed earlier, therefore indicating a total of **215 FTE jobs** supported on average annually throughout the duration of the construction phase.

#### *Economic Output*

- 6.107 The construction phase of the proposed development could also contribute to local economic output, as measured by Gross Value Added [GVA]. GVA is a measure of the difference between what is produced as output (goods and services) and the inputs (raw materials, semi-finished products etc.) used in the production of those outputs. It represents the additional value that is added through economic activity.
- 6.108 Based on Experian data, the construction sector generates an average GVA per FTE worker of £97,030 per annum in the East Midlands<sup>30</sup>. Applying this to the *direct* employment impact of the scheme (as derived above), it is estimated the direct construction activity could generate £9.6 million of direct GVA per annum. In estimating the indirect and induced uplift in economic output, a Type II GVA multiplier<sup>31</sup> of 2.21 has been applied<sup>32</sup>. This indicates that a further £11.6 million of indirect and induced GVA could be generated – on average – during each year of construction.
- 6.109 In total, this equates to **£21.1 million of direct, indirect and induced GVA** per annum<sup>33</sup>. It should be noted that not all of this will be retained locally.

### **Operational and Expenditure Impacts**

#### *Operational Employment*

- 6.110 The proposed care home to be delivered onsite could be expected to create new employment opportunities once fully developed and operational. At this stage of the development, the precise details of the care home are as yet unknown and likely to be influenced by demand for services in the local market and available land. For the purpose of this assessment, an indicative estimate of the quantum of floorspace has been assumed, based upon information provided to Lichfields by Redrow.
- 6.111 Employment densities can be used to translate floorspace figures into direct (FTE) employment. It can be assumed that the proposed care home could be expected to create approximately **65 (gross) direct FTE jobs**.
- 6.112 In addition to the direct jobs derived above, it is anticipated that a level of indirect and induced employment would also be supported by the proposals. indicates that an additional 15 indirect/induced FTE jobs could be supported at the local level, rising to 30 at the regional level. This indicates that in total, the level of direct, indirect and induced (gross) employment supported by the proposed development could be in the order of approximately **95 FTE jobs** at the regional level.

#### *Economic Output*

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<sup>30</sup> Experian, Gross Value Added, (2023)

<sup>31</sup> Type II multipliers account for indirect and induced effects

<sup>32</sup> National Housing Federation, Local Economic Impacts Calculator (LEIC): Methodology and Assumptions report (2019)

<sup>33</sup> Figures may not sum due to rounding.

- 6.113 The additional direct employment supported by the proposals can also be expected to make a positive contribution towards local economic output, measured on the basis of Gross Value Added (GVA).
- 6.114 In measuring economic growth, economists typically have regard to the quarterly (or annual) change in GVA for a given area. The proposed development is estimated to be capable of generating additional economic output (GVA) of approximately **£2.2 million per annum**, having regard to:
- The additional direct employment supported by the proposals (c. 65 FTE jobs); and
  - Experian data regarding the productivity (GVA per FTE worker) of employees in the East Midlands residential care and social work sector (£34,300 per FTE).

### **Resident Expenditure Impacts**

#### *'First Occupation' Expenditure*

- 6.115 Research suggests that the average homeowner spends approximately £5,500 to make their house 'feel like home'<sup>34</sup>. This money is normally spent on furnishing and decorating a property, generating a range of economic benefits for the local economy, including by supporting indirect and induced jobs within local businesses.
- 6.116 By applying this average level of one-off spending on household products and services to the 422 new dwellings, as well as the proposed 11 self-build units, it is estimated that the new residents could generate **£2.4 million of first occupation expenditure**. This injection of resident spending within the local economy would help to sustain local businesses and could support **15 additional FTE jobs** in the local area, thereby, increasing employment opportunities.

#### *Ongoing Resident Expenditure*

- 6.117 Analysis of Output Area Classifications indicates that housing areas within the area surrounding the proposed development site are largely dominated by households in the 'suburbanite' socio-economic classification group<sup>35</sup>. It is anticipated that the new households accommodated within the proposed market housing would broadly be within the same type of household group.
- 6.118 The ONS Family Spending Survey 2020 (2021 edition) provides data on household spending by socio-economic classification<sup>36</sup>. This indicates UK average spending levels of £692.50 per week for households in the 'suburbanite' group, which is most likely to represent the new residents given the classifications' prevalence in the surrounding area.
- 6.119 Spending by East Midlands households is estimated to be 97% of the UK level on average, resulting in an average household expenditure figure of £670.96 per week for households in the 'suburbanites' group across the region. Similarly, average expenditure levels amongst the 'Hard-pressed living' group (i.e., comprising those likely to be occupying the scheme's affordable housing) amounts to £451.70 per week across the UK and £437.65 in the East Midlands.

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<sup>34</sup> Research carried out by OnePoll surveying around 2,000 UK adults in August 2014: <http://www.barratthomes.co.uk/the-buying-process/home-buying-advice/10-Year-Warranty-Terms-and-Conditions/>

<sup>35</sup> ONS, 2011 Area Classification for Output Areas

<sup>36</sup> ONS, Family Spending, (2019)

- 6.120 Based on these assumptions, it is estimated that residents of the proposed development could generate total gross expenditure of around **£14.1 million per annum**.

*Net Additional Expenditure*

- 6.121 It is recognised that not all residents of the proposed development will be ‘new’ to the local area, as some will move from elsewhere within Hinkley and Bosworth and the East Midlands. National research provides standards on the average distance moved between a head of the household’s present and previous residential address, which can be used to estimate the share of residents of the scheme that may be new to the locality.
- 6.122 In addition, only a proportion of the gross expenditure by new residents of the proposed housing will be retained within the wider City. Based on retail expenditure retention rates set out in the Council’s Town Centre Retail Capacity Study<sup>37</sup>, it is estimated that 60.8% of comparison and convenience goods will be retained within the City. This takes account of existing shopping patterns in the local area, which show a proportion of retail expenditure leaks to other retail destinations outside of Coventry.
- 6.123 Taking these factors into account, it is estimated that the total net additional spending generated by the new residents equates to **£6.7 million per annum**. This additional spending will support the vitality and viability of local firms and could encourage other businesses to move to the local market as well as support the functioning of town centres. As this additional expenditure is likely to go towards a wider range of products and services than the first-occupation expenditure, it is also estimated that this could support a further **75 FTE jobs** in retail, leisure, hospitality, catering, and other service sectors. Therefore, in addition to the 15 FTE jobs derived from the first occupation expenditure, total residential expenditure generated by the proposed development could support up to **90 FTE jobs** per annum.

**Fiscal Implications**

*New Homes Bonus*

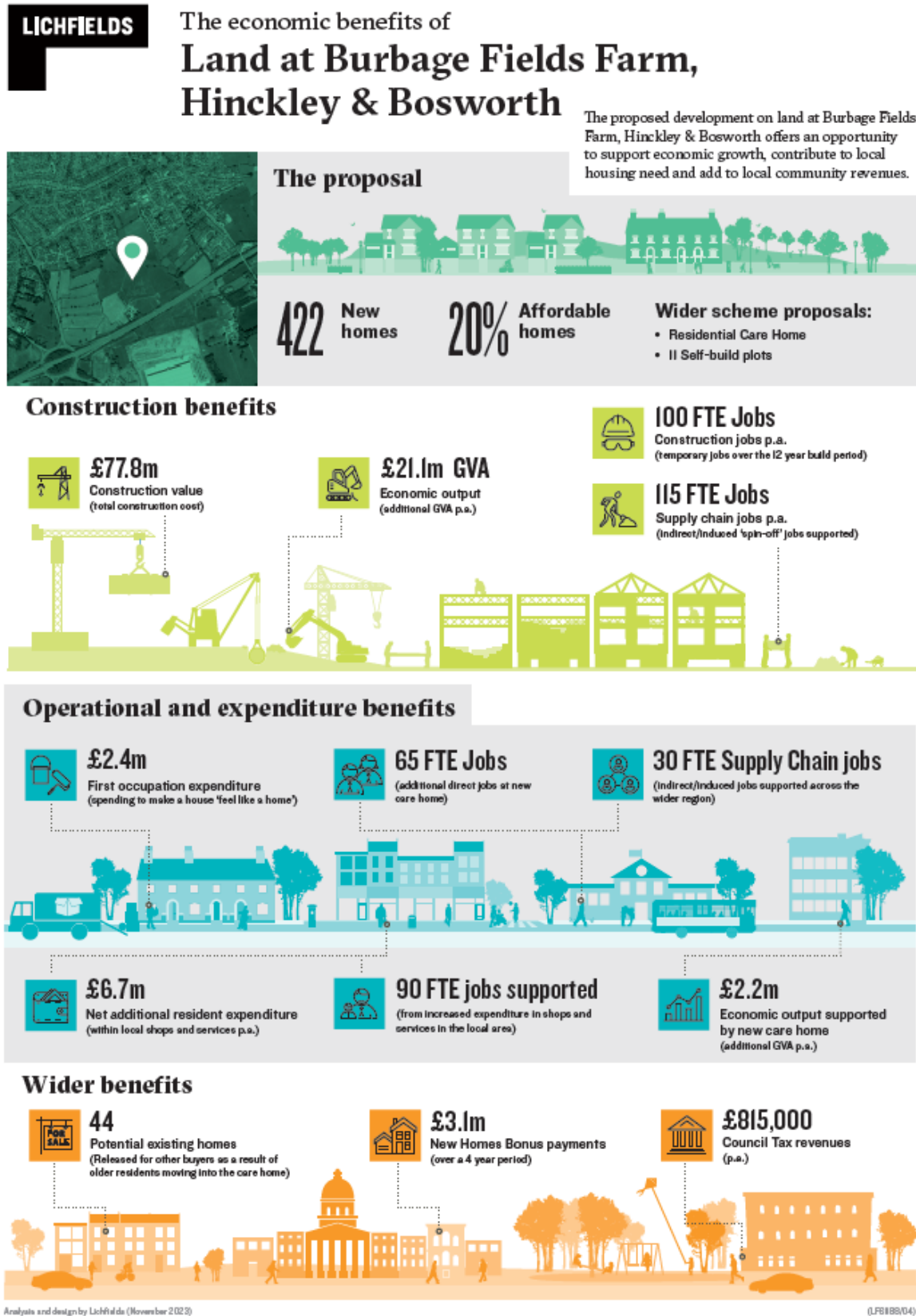
- 6.124 The New Homes Bonus (NHB) is a grant paid by Central Government to local councils to incentivise housing growth in their areas. It is estimated, based upon the proportion of houses expected to fall within each Council Tax band, that the new development could generate **NHB payments in the order of £3.1m**.

*Council Tax*

- 6.125 The proposed development would generate an increase in council tax receipts. This would provide an additional boost to the revenue base of The Council. It is estimated that the development could generate around **£815,000 per annum** in additional council tax payments in perpetuity.

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<sup>37</sup> Coventry Shopping and Centres Study (2014)



6.126 Given the ongoing economic impacts of interest rate rises and inflation, the need for councils to capitalize on opportunities to deliver economic growth within their areas is critical. It is clear from the above that the proposed development would still contribute to building a strong, responsive and competitive economy. The proposal would bring several economic and fiscal benefits in terms of job creation and increased expenditure in the local economy. This would align directly with the intent of the NPPF, which states that:

*“Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future.” (Para 81)*

6.127 The proposed development would represent a significant investment into the local economy. The applicant contends that this is a material consideration in the determination of this application, the benefits of which should be given significant weight in favour of approving the development.

## **2. Social**

6.128 NPPF paragraph 8b is clear that planning should “support strong, vibrant and healthy communities”. This also requires development to ensure access to local services that reflect the community’s needs and support its health, social and cultural wellbeing. Indeed, although pre-dating the NPPF, the CS includes several objectives which align with this, such as Spatial Objectives 5 (Housing for Everyone), 6 (Infrastructure Provision) and 7 (Healthier Active Communities).

6.129 The NPPF also is clear that planning should achieve this “by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations” (Para 8b).

6.130 In addition to this, the Government’s ‘Laying the Foundations: A Housing Strategy for England’ highlights the importance of housing delivery with regard to supporting local communities and states:

*“The problems we face are stark – we have not built enough new homes for more than a generation... Without urgent action to build new homes, children will grow up without the same opportunities to live near their families, young people will struggle to get a place to call their own and older people will not have the choice and support they need.”*

6.131 Importantly, a constrained housing supply can increase affordability pressures and impact on residents’ ability to buy housing in the areas in which they wish to live. This is particularly the case for those on lower incomes. The effect of a constrained housing supply on the local community is therefore negative. Lower-paid employees, which may include key workers, could be forced to move further afield, thus reducing the labour supply in the local area and increasing unsustainable commuting patterns.

6.132 The proposed development would deliver 422 dwellings which would include the delivery of affordable housing (84 dwellings) in accordance with Policy 15 of the CS.

6.133 In this context, the development proposals would ensure:

- A mix of market and affordable homes to meet the Borough’s housing needs is delivered. The proposed development would deliver a total of 422 dwellings, which include delivery of 338 market dwellings and 84 affordable homes to assist in meeting

the housing needs of local people. The provision of 84 homes towards the Council's affordable housing needs would make a contribution towards the Council's emerging affordable housing needs. Given the acute need for such housing within the Borough, the policy-compliant provision of affordable housing is considered to be a material consideration in the determination of this application, the benefits of which should be given significant weight in favour of approving the development;

- The Site is sustainably located on the edge of Burbage, accessible by a range of transport modes, including walking, cycling, public transport and private vehicles;
- The proposed development includes proposed landscaping and open space which would account for 9.346 ha, in excess of the Council's requirements. The open space provision would comprise informal and formal open space, natural green space, and integrated SUDs along the eastern boundary, with pockets of green space being provided throughout the site, all of which can be used and enjoyed by future residents;
- The development proposal would provide space for 11 self-build houses. Additionally, the proposals would provide a care home in order to help meet the needs of the older population within Burbage.
- The applicants are also committed to making appropriate planning obligations towards local social and community infrastructure, such as education, to ensure that the development has an acceptable impact in planning terms and that future residents have access to the necessary facilities;
- The Site is located adjacent to the settlement boundary being within a highly accessible distance of local shops, facilities and services such as education and healthcare. Burbage is a highly sustainable location which can support the proposed development ensuring a high quality of life for future residents.
- Subject to planning permission being granted, the Site is available, and housing could be delivered within the short term and can make a tangible contribution to the Council's 5YHLS and meeting local people's housing needs.

### **3. Environmental**

6.134 The NPPF, in paragraph 8, recognises the ability of sustainable development to perform an environmental role in contributing to protecting and enhancing the built environment. It highlights the need to improve biodiversity, minimise waste pollution and the use of resources, together with adaptation towards climate change.

6.135 A range of technical assessments have considered the environmental effects of the development and concluded that the development would not result in unacceptable harm subject to appropriate mitigation. In this context, the development proposals would:

- Deliver a high-quality, sensitive and sustainable development;
- Deliver habitat enhancement and improved biodiversity across the Site through the effective management of trees, hedgerows, open space provision and the implementation of an attenuation pond, and wildflower meadows;
- Retain existing green capital through the retention of mature trees and hedgerows around the perimeter of the Site along with new tree planting within, and along the edges of the Site, to soften the appearance of the built form within the landscape; and
- Implement attenuation ponds, located in the eastern section of the Site, which would allow for the most effective and efficient drainage for the Site whilst ensuring that the groundwater environment is protected.

- 6.136 This evidence demonstrates that the development proposals would not have an unacceptable impact in planning terms when considered against the policies set out in the Development Plan.

### **Access and Highways**

- 6.137 A Transport Assessment [TA], Residential Travel Plan [RTP], and Employment Travel Plan [ETP], prepared by Rodgers Leask Ltd, have been submitted in support of this application.
- 6.138 The TA found that the Site is sustainable and has good access to local facilities and amenities by both foot and cycle. It also found that the Site has been shown to meet local and national accessibility standards as a number of the key facilities, amenities and services (e.g. food retail, health, employment and education) are within maximum journey times via at least one form of sustainable transport in accordance with local and national guidance.
- 6.139 In terms of highway impact, the TA has undertaken an assessment of trip generation, using a multi-modal approach, to identify person trip generation. It should be noted that the proposed trip generation calculations have been based on 422 dwellings.
- 6.140 The TA's trip generation found that the proposed development would generate up to 375 two-way vehicle trips in a peak hour. In addition to this, the proposed development would generate up to 32 pedestrian journeys, 11 cycle journeys and 9 bus journey (off-site) during a peak hour. These additional trips can be accommodated by the existing infrastructure and the provisions of the masterplan. Overall, the TA concluded that the level of travel demand of the proposed development is to an acceptable level and can be accommodated by the proposed and existing infrastructure. The proposed development on Land South of Burbage will not have a severe impact on the local highway network and where necessary, suitable measures have been proposed to mitigate the impact of the development in accordance with the NPPF and local planning policy.
- 6.141 In terms of off-site junction improvements, the TA undertook assessments to determine the impact of the proposed development at the following junctions:
- Coventry Road / Site Access (proposed site access junction)
  - B4109 Rugby Road / Coventry Road priority junction
  - B4669 Sapcote Road / B4669 Burbage Road / B578 Hinckley Road priority junction
  - B578 Lutterworth Road / Passchendale Drive priority junction
  - A5 Watling Street / B578 Lutterworth Road priority junction
  - B4109 Rugby Road / Three Pots Road / Canberra Way roundabout
  - B4109 Rugby Road / Sketchley Road / Sketchley Lane roundabout
  - B578 Lutterworth Road / B578 Hinckley Road / Lychgate Lane priority junction
  - M69 Junction 1 signalised roundabout
- 6.142 The operational capacity of the above junctions was then assessed in the following traffic flow scenarios:
- 2021 base year ("without development");
  - 2026 future year ("without development");

- 2026 future year (“with development”);
- 2031 future year (“without development”); and
- 2031 future year (“with development”); and

- 6.143 The TA found that the proposed development resulted in an acceptable impact on all junctions, the residual vehicular traffic effect is not deemed to be severe, subject to mitigation. Furthermore, the Site is shown to be satisfactorily accessible by both vehicles and sustainable transport modes and is compliant with relevant transport-related national and local planning policies. It is demonstrated that the additional trips generated by the proposed development would not have a detrimental impact on the operation of the local highway network.
- 6.144 Merge and Diverge assessments have also been undertaken at the M69 Junction 1 and have determined that the current merge and diverge layouts are appropriate for the trips associated with the proposed development using these slip roads in the 2026 and 2031 forecast years.
- 6.145 In respect of appropriate methods of mitigation, a signalised scheme for the B4109 Rugby Road / Coventry Road junction along with a crossing point has been proposed to mitigate the impact of the development. It is anticipated that a contribution to implement this scheme will be made by the applicant. Additionally, a contribution will also been made to the signalisation of the B578 Hinckley Road / B4669 Burbage Road / B4669 Sapcote Road junction. The introduction of signalised crossings on the Sapcote Road and Hinckley Road arms provide safe crossing facilities for pedestrians, a betterment to the existing informal provision that requires pedestrians to cross within gaps in the traffic. Overall, it has been demonstrated that the signalisation of these junctions could mitigate the impact of the proposed development to an acceptable degree.
- 6.146 In terms of vehicular access, the eastern area of the Site will be accessed via an extension of Flanders Close and the Ambion Way development, the access will take the form of a 5.5m width carriageway with 2m wide footways both sides of the carriageway. A drawing (no. 19409-RLL-20-XX-DR-C-2100F) showing the connection has been submitted. As part of the access arrangements it is proposed to stop up Workhouse Lane, an existing lane that bisects the proposed development (eastern boundary) to allow for pedestrian and cyclist access onto Workhouse Lane.
- 6.147 The western area of the Site will be accessed via a new priority junction leading from Coventry Road which is adjacent to the northern boundary of the Site. The proposed site access is shown by Drawing 21390-RLL-23-XX-DR-D-5008P05. Visibility splays for the proposed site access junction have been provided in accordance with Table DG4 from Part 3 of the Leicestershire Highway Design Guide. Furthermore, the access has been designed so that a bus as well as a refuse vehicle would be able to access and egress the proposed development. Positive discussions have been held between the respective parties about extending the bus service into the site from Coventry Road. There will be no through traffic between Coventry Road and Flanders Close, however, provision will be made for pedestrians, cyclists and emergency vehicles.
- 6.148 In terms of pedestrian and cyclist access, footways and shared footway/cycleways will be provided throughout the Site. In order to connect to the existing off-site infrastructure on

Coventry Road, a 2m wide footway would be provided on the western side of the site access road, with a 3m shared footway/cycleway on the eastern side of the carriageway. There are existing footways along both Coventry Road and Flanders Close which are accessible from the proposed site accesses. The Site will have a shared pedestrian/cyclist access between the western and eastern parts of the Site in the form of a 3.5m wide shared footway/cycleway, offering connections internally as well as externally towards the wider Burbage area.

- 6.149 Car parking spaces will be allocated to each residential unit in line with LCC guidance. For the maisonette properties, one parking space is provided for each property. 2 parking spaces will be provided for all 2 and 3 bedroom units and 3 spaces will be provided for all 4 and 5 bedroom units. Cycle parking will be provided in accordance with LCC guidance, cycle parking will be provided within the curtilage of each dwelling, in sheds and garages.
- 6.150 As stated above, the TA has assessed the impact of the proposed development south of Burbage. The assessment concluded that the assessed junctions would not be subject to a severe impact to highway safety and that the existing and proposed highway infrastructure has sufficient junction capacity to accommodate the new trips generated by the development in the AM and PM peak hours. As demonstrated by the TA, the residual impact of the proposed development on the discussed junctions is not severe and thus should not be a reason for refusing the application.
- 6.151 As such, the proposed development would have an acceptable impact on local highways and is in accordance with Policy DM17 (Highways and Transportation) and Policy DM18 (Vehicle Parking Standards) of the SADMP DPD, Policy 4 (Parking) of the NP and paragraphs 110 and 111 of the NPPF.

### **Landscape and Visual Impact**

- 6.152 A Landscape and Visual Impact Assessment [LVIA], prepared by Pegasus Group, has been submitted in support of this application.
- 6.153 The LVIA has assessed landscape character and visual amenity and the resulting landscape and visual effects of the proposed development on the receiving landscape and visual resource. The landscape and visual effects have been considered in relation to the proposed land uses and the parameters that are defined on the application's supporting Land Use Parameter Plan.
- 6.154 The proposed development will be relocating part of the Burbage Round Public Right of Way ("PRoW") to link it in with a proposed footpath. Apart from this minor alteration, the PRoW will be retained.
- 6.155 It is concluded that the Site Layout (and Landscape Plan) incorporates a mitigation strategy that forms an inherent part of the proposed development and this, notwithstanding some higher impacts at close proximity (i.e. on site and on the boundaries of the Site), combined with the limited visibility and overall perception of the Site from across the wider landscape, this will minimise potential adverse effects. The proposed development would occupy a discreet pocket of the wider Burbage Common Rolling Farmland Local Character Area and would not be perceptible from much of the wider character area.
- 6.156 The proposed development, which would include the retention of hedgerow and trees, additional planting within the Site would help soften the impact on views and would be appropriate within the local landscape context. For the local landscape character (i.e. the

Site and its immediate context), the LVIA finds a ‘medium to high’ magnitude of impact in the short term and ‘medium’ in the long term (Year 15), combined with the low to medium sensitivity of the landscape (which is in line with the findings of the published Landscape Sensitivity Assessment (2017) for this area), this will result in an overall significance of effect of ‘moderate to major’ adverse in the short term reducing to ‘moderate adverse’ in the long term. Overall, for LCA F: Burbage Common Rolling Farmland, the LVIA finds a ‘low to medium’ magnitude of impact in the short term, reducing to ‘low’ in the long term (Year 15), combined with the medium to high sensitivity of the landscape, this will result in an overall significance of effect of ‘moderate’ adverse reducing to ‘minor to moderate’ adverse.

- 6.157      The only viewpoints to experience a moderate to major and major adverse visual impacts 15 years from the time of development would be a selection of receptors along the PRoW network passing through the Site and along the Site boundary. However, from some areas (for example when approaching the Site along footpath U59 from the south-west (refer to Viewpoint 4)), this will be set back behind proposed new landscape planting/bunding.
  
- 6.158      In terms of the context for views, and the implications for judging the degree of change (or magnitude of impact), notwithstanding the high visual impact for receptors using the public right of way network as it passes through the Site itself and close to its boundaries, the geographical extent of potential views to the Site and proposed development is generally limited. Limiting factors consist of a combination of existing built form to the north, east and west, the vegetated motorway corridor to the south and large scale development in the local area, including the large scale distribution warehouse buildings to the south. In the majority of those locations where the site is visible, the existing residential edge is also visible, to a greater or lesser extent.
  
- 6.159      The viewpoints assessed as having the highest significance of effect are from the higher sensitivity receptor groups of the public footpath network as it passes through the Site and immediate landscape. Elsewhere, visual effects are limited, or indeed, the proposed development will be barely perceptible/not visible.
  
- 6.160      Importantly, the visual assessment demonstrates the positive influence of mitigation creates a reduction in the impact for most locations between years 1 and 15. The ability to successfully mitigate potential impacts is a key consideration in respect of potential visual effects.
  
- 6.161      Landscape and visual mitigation measures to minimise impacts are integrated as part of the proposed development. As previously discussed, the scheme will be landscape-led with the overarching strategy focusing on green infrastructure to ensure that the local character is responded to, and to optimise the protection and screening of any visual receptors in order to minimise any identified harm.
  
- 6.162      Importantly, the LVIA submitted in support of this application has concluded that the proposals would not lead to a significant adverse impact subject to the proposed mitigation methods being implemented. Crucially, this would fall below the threshold required by Policy DM4 to conflict with the policy (i.e., a significant adverse effect). The proposed mitigation strategy is an inherent part of the scheme and this, notwithstanding some higher impacts at close proximity, combined with the limited visibility and overall perception of the Site from across the wider landscape, this will minimise potential adverse effects.

- 6.163 As such, it is considered the proposed development would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, and would not undermine the physical and perceived separation and open character between settlements and would not create or exacerbate ribbon development, and is therefore in accordance with Policy DM4 (Safeguarding the Countryside and Settlement Separation) of the SADMP DPD.

### **Flooding and Drainage**

- 6.164 A Flood Risk Assessment [FRA], prepared by Farrow Walsh Consulting Ltd, has been submitted in support of this application. This report considers the flood risk associated with a development proposal of this type and considers mitigation measures to ensure user safety.
- 6.165 The FRA confirms that the Site is located within Flood Zone 1, and it is considered the Site is identified by the Environment Agency as having a risk of flooding from overland Surface Water. Based on the above, the developer instructed JBA Consulting to undertake a hydraulic modelling study of an unnamed watercourse. The study revealed that the existing culvert located to the south of the boundary, culvert which crosses M69 motorway and location where the major flooding occurs, has enough capacity to accommodate the existing flows. The majority of the Site is considered to be at very low risk from overland flows by the EA with areas at the perimeter of the Site to the north and east are noted to be low or medium risk.
- 6.166 The additional hydraulic modelling has refined the extents of the surface water floodplain and demonstrated that the maximum depth of flooding is 0.1m in a 100yr+50% climate change event.
- 6.167 The drainage strategy can be summarised as follows:
- The use of Flow control to control discharge rate into the existing watercourse.
  - Use of rain gardens and filter strips in suitable locations.
  - Surface water runoff from the Site will be conveyed by pipes, rain gardens and filter drains attenuated within detention basins, then discharged into the existing unnamed watercourse at a controlled rate.
  - Detention ponds to be sized, to store runoff volumes in extreme storm events up to the 1 in 100 year +40% climate change storm event. The 10% urban creep should be considered.
- 6.168 In order to protect the proposed housing against the risks of flooding in the future climate change scenarios, the plots and associated structures have been located outside of the flooding zones associated with the existing unnamed watercourse.
- 6.169 The site is at a negligible risk of flooding from its own private drainage systems; however, this can be mitigated against by regular maintenance in accordance with the maintenance strategy provided within the FRA and channelling of flows within the development away from the properties.

6.170 It is considered that the construction of the new development, regular maintenance of the existing ditch, increased flood compensation area to the south and controlled discharge rate into the unnamed watercourse will reduce the flooding depths in the future.

6.171 As such, subject to compliance with the FRA's recommended mitigation measures, it is considered that the proposed development would not have an adverse impact in terms of flood risk, and would incorporate SuDS features which would ensure that the natural surface water runoff patterns are not exceeded, and the groundwater environment is protected. Therefore, the proposed development would not create or exacerbate flooding in accordance with Policy DM7 (Preventing Pollution and Flooding) of the SADMP DPD and paragraph 163 of the NPPF.

### **Noise**

6.172 A Noise Assessment [NA], prepared by RSK Environment Limited, has been submitted in support of this application.

6.173 The NA assesses the baseline conditions currently prevailing across the Site, the effect of the noise levels on the proposed development and recommends mitigation measures where necessary and practicable to achieve appropriate acoustic standards to protect the amenity of future occupants of the proposed residential properties.

6.174 Analysis of the proposed external building fabric has been undertaken in order to determine the acoustic performance of the glazed and ventilation elements. Compliance with the acoustic performance specification detailed herein is expected to result in compliance with the proposed acoustic criteria

6.175 The predicted sound levels in external amenity areas are likely to meet the proposed criterion, without specific mitigation measures in the majority of proposed external amenities. Sound levels in a limited number of external amenity areas adjacent to the M69 are likely to fall above the upper guide line level of 55 dB LAeq,16hr due to noise from vehicular movements along the motorway. Due to the close proximity of the M69, it is likely that, even with additional mitigation in the form of acoustic treatment to the boundary of amenity areas, the upper guideline of 55 dB LAeq,16ht would still be exceeded at a limited number of properties.

6.176 A high-level site suitability assessment for outline planning has been undertaken for a proposed care home and self-build plots. Due to the care home's proximity to the M69 motorway, it is likely that additional mitigation (ventilation and glazing) will be required to achieve desired internal noise levels. There is a possibility that the external amenity areas for the care home will exceed the upper guideline level 55 dB LAeq,16hr due to noise from the motorway. Mitigation for the care home should be reviewed during the detailed design phase.

6.177 The NA sets out a series of mitigation measures, which include façade treatments in the form of glazing and trickle ventilator specifications, in addition to the introduction of an acoustic barrier around the perimeter of the Site facing the M69 motorway.

6.178 The NA concludes that following the introduction of appropriate mitigation measures the recommended acoustic conditions can be provided for the proposed dwellings internally and within the majority of external amenity areas.

- 6.179 It should be recognised that external noise levels in amenity areas should be balanced against other factors such as the convenience of living in such a location and the sustainability of the development. As such, as the development has been designed (within the constraints of the scheme) to achieve the lowest practicable levels in the majority of external amenity spaces, residential use of the Site should not be prohibited.
- 6.180 The change in noise levels as a result of traffic generated by the proposed development has been assessed. The results of the assessment show that the changes in noise levels due to the changes in road traffic are likely to be negligible at all noise sensitive receptors and no specific mitigation is proposed.
- 6.181 As such, it is considered that the proposed development would appropriately mitigate any adverse impacts from noise, and would not demonstrably impact the noise environment of the neighbouring residential properties. Therefore, subject to compliance with the NAs recommended mitigation measures, it is considered that the proposed development accords with Policy DM7 (Preventing Pollution and Flooding) and DM10 (Development and Design) of the SADMP DPD.

### **Trees and Hedgerows**

- 6.182 An Arboricultural Assessment [AA], prepared by FPCR Environment and Design Limited, has been submitted in support of this application.
- 6.183 The AA sets out the results of the survey and assessment of the existing trees and hedgerows arboricultural value, based on their current condition and quality and provides an assessment of impact arising from the proposed development. As part of the AA, a Tree Retention Plan has been prepared to show the proposed indicative layout in relation to the existing tree cover and also identifies which trees would be required to be removed or retained as part of the proposed development.
- 6.184 However, the AIA reveals that the proposed layout is capable through its design to retain and incorporate a large proportion of the existing trees by virtue of their peripheral locations around the boundaries of the Site.
- 6.185 To facilitate the proposed development no significant tree loss will be required. The proposed built form would be positioned centrally to the Site which is devoid of tree cover and the existing trees on Site which are situated around the field boundaries are to be retained and reinforced as landscape buffer strips. Any trees to be removed within the centre of the Site were considered to be Category C for their low arboricultural quality and landscape value. Additional new tree planting has also been proposed within the proposed landscape buffer strips and area of public open space which is set to increase tree cover on the Site.
- 6.186 The proposed access to the north would require the removal of T36, G23, G25, H15, H16, H17 and H18 from the existing residential dwellings in this area. G24 would require being partially removed to form a boundary between the access road and the recreation ground to the east. The majority of these groups are of low arboricultural quality and given Category C.

- 6.187 To facilitate access into the Site from the south east, small sections of G1 and G2 would require removal. These were dense outgrown boundary groups of mixed broadleaved species and both were considered of low arboricultural value.
- 6.188 To the south of the Site the existing farm buildings would be required to be demolished. T18, T20, H6, G14, G15, G16, G17 and G18 are all trees and groups within the existing farm Site. They are shown to be removed to facilitate the proposed layout along with a small section of H7. All of the trees and groups within this area are of low quality and given Category C. The majority of trees within the area were of 4 metres, these trees would have been planted to provide screening for the existing farm buildings.
- 6.189 G6 will require removal to facilitate the alignment of the internal access road and T7 will require removal due to its structural condition; both of these trees were assessed to be of low value (category C and category U).
- 6.190 Overall, there is some loss required for the proposed development but it is mainly of low category C value. The Illustrative Layout shows extensive new tree planting and the development of public open space. This provides the opportunity to improve the arboricultural quality and the biodiversity of the Site and would increase the green cover on the Site. It is adjudged that this new planting mitigates for the loss of trees. When coupled with the limited contribution these trees make to the local area, it is considered that the proposed development would have an acceptable impact on trees and hedgerows. The assessment also includes recommendations on tree protection and the types of trees and planting that should be undertaken across the Site.
- 6.191 As such, subject to compliance with the AAs recommended mitigation and protection measures, the development would enhance the ecological significance of the area by incorporating planting within and around the perimeter of the Site in accordance with Policy DM6 (Enhancement of Biodiversity and Geological Interest) of the SADMP DPD, Policy 13 (Important Trees and Hedges) of the NP and paragraph 174 of the NPPF.

### **Heritage and Archaeology**

- 6.192 An Archaeological Desk-Based Assessment [ADBA], prepared by RSK Environment Limited, and Geophysical Survey Report, prepared by Headland Archaeology (UK) Ltd, have been prepared and submitted in support of this application.
- 6.193 The ADBA identifies that there are no designated heritage assets within the Site boundary, however, Burbage Conservation Area lies partly within the far northern limit of the study area, centred on the historic core of the settlement around Grove Road/Church Street. It noted that the Burbage Fields Farmhouse (a non-designated asset recorded on the Leicestershire HER) is located within the western section of the Site boundary, and sits within a setting that includes the M69, overhead pylons and its surrounding farmyards. It also noted that views from the yard are across fields towards modern housing on the outskirts of Burbage to the northeast. In regard to the proposed demolition of the non-designated Burbage Fields Farm, that ADBA concludes that the loss of these buildings could be readily mitigated through the implementation of a programme of historic building recording prior to construction. Importantly, no impacts on the setting or significance of heritage assets in the area surrounding the Site have been identified.

- 6.194 A medium potential has been assessed for the presence of unstratified Palaeolithic archaeological material where geological conditions favour this (i.e., areas of Wolston Sand and Gravel). A low-moderate potential is assessed for remains of Bronze Age, Iron Age and Romano-British date associated with field systems, settlement or burial practices, and a medium potential for medieval/post medieval remains associated with agricultural activity. The importance of any such remains is uncertain, however based on the character of recorded assets in the surrounding study area may be of low (local) to medium (regional) importance. As such, further investigation was undertaken.
- 6.195 Field K has been the subject of both geophysical survey and trial trenching in 2021, which confirmed that this part of the Site is archaeologically sterile. No impacts are therefore anticipated in this location.
- 6.196 The Geophysical Survey Report [GSR] was undertaken to assesses the likelihood of unknown archaeological remains. The GSR did not identify any anomalies of either possible or probable archaeological origin. It also found no anomalies indicative of ridge and furrow cultivation being present, which supports the LiDAR data which suggested that the perseveration of ridge and furrows was extremely poor. The GSR concludes that the Site is of very low archaeological potential.
- 6.197 The archaeological potential of the Site as a whole was considered to be low, with no clear evidence of anomalies representing archaeology or probable archaeology. The strong correlation between the non-intrusive survey results in Field K and subsequent trial trenching provides increased confidence in the interpretation of the geophysical survey results elsewhere within the Site.
- 6.198 Apart from field K, it is likely that a staged programme of archaeological work will be required as mitigation of the development impact. Given the limited extent of the area of possible archaeological potential, and the likely importance of any remains, it is recommended that such a programme of work could be undertaken as a condition of consent for the scheme, comprising preliminary targeted trial trenching to inform any strategy for mitigation works.
- 6.199 Based on the negative results of the geophysical survey and trial trenching in Field K, no further mitigation of the development impact would be required in this location. This approach was confirmed in consultation with the Team Manager (Heritage) for Leicestershire County Council in relation to the previous outline application in 2021.
- 6.200 With regard to the impact of demolition of the non-designated Burbage Fields Farm, the loss of these buildings could be readily mitigated through the implementation of a programme of historic building recording. Given the low importance of the buildings, a record to Level 2 in accordance with Historic England's guidance document Understanding Historic Buildings: A Guide to Good Recording Practice (2016) would be appropriate.
- 6.201 Therefore, whilst the proposed development will see a change of land use from agricultural to residential use, the impact of the proposed development is limited in terms of non-designated heritage assets and the potential for below-ground archaeology is low. As such, the proposed development will result in no physical harm to any designated archaeological or heritage assets and therefore complies with Policies DM11 (Protecting and Enhancing the Historic Environment) and DM13 (Preserving the Borough's Archaeology) of the SADMP

DPD, emerging Policy 8 (Ridge and Furrow Fields) of the NP and paragraphs 189 and 197 of the NPPF.

### **Ecology and Biodiversity**

- 6.202 An Ecological Appraisal [EA] and a Biodiversity-Net-Gain Report, prepared by FPCR Environment and Design Limited, have been submitted in support of this application.
- 6.203 The EA confirms that the Site does not fall within the designation boundary of any site of international, national or regionally important nature conservation importance. Neither does it fall within the designation boundary of any site which has been afforded a local non-statutory designation for its nature conservation importance.
- 6.204 A number of non-statutory candidate, potential and historic LWS are present locally. The majority comprise individual trees, hedgerows and ponds which will not be impacted by the proposed development. Burbage, Land East of Lutterworth Road candidate LWS (c.195m north east of the Site) comprises a number of species-rich grassland fields but does not have any public footpaths through it or directly linking it to the Site. On this basis, non-statutory ecological designations are not considered to pose a constraint to any future development within the Site.
- 6.205 The application Site comprises several improved grassland fields and smaller areas of habitat considered of low ecological value. Some limited areas of higher value habitats such as marsh grassland and a watercourse are also present. Several hedgerows are present, including those that were assessed to have moderately high to high ecological value under the HEGS assessment and those assessed as being important under the Hedgerow Regulations.
- 6.206 The EA concludes that the loss of the improved grassland, tall ruderal vegetation, amenity grassland and small areas of scrub from the Site would not result in a significant adverse impact to ecology, whilst the creation of public open space provides opportunities to enhance biodiversity within the Site through diverse native planting and creation of wetland features. The habitats of greatest value are to be largely retained under the proposed development, whilst the retention, enhancement and creation of additional habitats within areas of green infrastructure are incorporated within the proposed scheme. The minor hedgerow losses will be mitigated through the creation of new species-rich native hedgerows, whilst retained hedgerows will be largely buffered within areas of green infrastructure or adjacent to gardens.
- 6.207 In terms of protected species, no bat roosts were recorded within the Site during the survey work undertaken but the Site was recorded to support low levels of common bat species. On the basis that the recommended mitigation strategy is implemented, it has been assessed that the minor hedgerow loss will therefore not have a significant impact on local bat populations.
- 6.208 The Site was also found to support common and widespread bird species in small numbers, typical of the habitats present and size of site. Subject to the landscaping and mitigation strategies being implemented as recommended by the EA, the opportunities for this species group in the long run will be enhanced.

6.209 The applicants are also committed to offsetting the loss and secure a net gain in biodiversity. A Biodiversity-Net-Gain Report has been submitted in support of the application demonstrating that a net-gain is achievable. The proposed development has sought to retain and enhance habitats where possible and will create new habitats of value (other neutral grassland, moderate condition modified grassland, native scrub and hedgerows). Overall, the proposed development will result in a gain of 14.81 habitat units (equivalent of 25.48%) and a minimum gain of 7.02 hedgerow units (27.69%).

6.210 The proposals have been designed to limited impacts on the watercourse where possible and the minor loss in river units, of -0.12 (-3.31%), is not considered to be significant, with the functionality of the retained ditch/watercourse maintained.

6.211 As such, subject to compliance with the EA and the landscape strategy, the proposed development would conserve and enhance features of nature conservation in accordance with Policy DM6 (Enhancement of Biodiversity and Geological Interest) of the SADMP DPD and paragraph 174 of the NPPF.

### **Air Quality**

6.212 An Air Quality Assessment [AQA], prepared by RSK Environment Limited, has been submitted in support of this application.

6.213 The AQA has regard to relevant air quality legislation, policy and guidance, and presents the findings of an assessment of the existing baseline air quality and the potential impact on local air quality during both the construction and operational phases of the proposed development. It also includes recommended mitigation measures where appropriate.

6.214 Mitigation measures are recommended for the construction phase based on the potential dust risks and with the implementation of appropriate mitigation measures, no significant impacts are anticipated during construction.

6.215 The modelling predicts that the air quality standards for NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> will be met at all receptor locations considered in the assessment, for both the S3 and S4 scenarios. The impacts of the proposed development on NO<sub>2</sub>, PM<sub>10</sub> and PM<sub>2.5</sub> concentrations, without mitigation, are predicted to be 'negligible' at all receptor locations. Predicted concentrations across the proposed development Site itself are predicted to meet the air quality standards for both the S2 and S3 scenarios, therefore the development will not introduce new exposure to poor air quality.

6.216 It is not considered that any specific mitigation measures will be required for the operational phase. Nevertheless, it is recommended that best practice mitigation measures (such as a travel plan and the provision of electric vehicle charging points) should be included to minimise the potential impact of the development on local air quality.

6.217 As such, subject to compliance with the AQA recommended mitigation measures, the development would not contribute to poor air quality and would not result in adverse impacts, including cumulative impacts upon air quality. Therefore, it is considered that the proposed development would accord with Policy DM7 (Preventing Pollution and Flooding) of the SADMP DPD and paragraph 186 of the NPPF.

## **Waste**

- 6.218 A Site Waste Management Plan [SWMP] has been prepared by Ecoefficiency Limited and submitted in support of this planning application. Additionally, a Bin Refuse Plan (1693-08-02-145) has been submitted in support outlining the locations of waste storage facilities on site.
- 6.219 The SWDP outlines a strategy to manage waste generated by the proposed development and to divert waste away from landfills by ensuring that waste is recycled and reused where possible.
- 6.220 The proposed development places a strong emphasis on sustainable and responsible waste management practices to minimise environmental impact and contribute to the overall well-being of the community. The waste management strategy integrates a comprehensive approach, addressing the construction phase. During the construction phase, the management plan has been designed to encourage waste reduction, recycling, and responsible disposal.
- 6.221 The proposed waste management strategy aligns with local regulations and demonstrates the proposals' commitment to minimising the ecological footprint of the development. It is therefore considered that the proposed development is in accordance with NPPF paragraph 8.c) (an environmental objective).

## **Agricultural Land**

- 6.222 An Agricultural Land Classification and Soil Resources Assessment has been prepared by Reading Agricultural Consultants Ltd (RAC) and submitted in support of this planning application.
- 6.223 Guidance for assessing the quality of agricultural land in England and Wales is set out in the MAFF revised guidelines and criteria for grading the quality of agricultural land (1988) and summarised in Natural England's Technical Information Note 049. Land which is classified as Grades 1, 2 and 3a in the ALC system is defined as best and most versatile [BMV] agricultural land.
- 6.224 Agricultural land quality across the Site is limited by wetness and is classified as Grade 2, Subgrade 3a or Subgrade 3b. Overall, 62% of the total agricultural land within the Site boundary is made up of subgrade 3a (good quality) land, whilst only 18% of the land is classified as grade 2 (very good quality) agricultural land.
- 6.225 The footnote to Paragraph 175 states that '*where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality*'. Although the applicant acknowledges the preference for development on land of poorer quality, the footnote does not preclude development on land of higher agricultural quality. In any event, any harm arising as a result of the loss of BMV should be considered within the planning balance, and can be outweighed by the benefits arising from the scheme as a whole – which the applicants consider is applicable in this case.

## **Utilities**

- 6.226 A Utilities Assessment has been prepared by Mewies Engineering Consultants Ltd (M-EC) and has been submitted in support of this planning application.
- 6.227 The Utilities Assessment seeks to establish how the proposed development will be serviced with key utility supplies, whether diversion or protection of existing apparatus may be required and estimated costs for service connection and diversion works, where available.
- 6.228 The Assessment assesses the feasibility of delivering new utility connections to the proposed development. It highlights that the development will make use, as far as responsibly practicable, the existing infrastructure in the vicinity of the Site in order to minimise the impact on the existing services and the environment, thus promoting sustainable design principles. Where necessary, the Utilities Assessment highlights the diversion and measures required in order to ensure the protection of the existing apparatus. Ultimately, it also demonstrates that connections to existing local utilities networks are currently feasible and do not present any significant problems or issues. As such, it is considered that the proposed development would accord with paragraph 117 of the NPPF.

## 7.0 **Do the benefits of permitting development of the site positively outweigh any identified harm?**

- 7.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (“the PCPA”) states that the determination of a planning application should be made in accordance with the Development Plan unless material considerations indicate otherwise. In essence, Section 38(6) of the PCPA allows development to be approved not in accordance with the Development Plan, so long as material considerations indicate otherwise. This in effect requires that a balancing exercise is undertaken to determine whether the conditions presented by each case warrant whether an application should be permitted or refused.
- 7.2 This is supported by the presumption in favour of sustainable development set out at paragraph 11 of the NPPF. Paragraph 12 of the NPPF goes on to reiterate the above, stating that LPAs may take decisions that depart from an up-to-date Development Plan, but only if material considerations in a particular case indicate that the plan should not be followed (i.e., a balancing exercise).
- 7.3 As previously acknowledged, the application proposals accord with the most up to date policies within the adopted Development Plan, as the Site is located adjacent to the settlement boundary of Burbage. Therefore, new residential development on this site is supported by Policy 1 of the NP. This application should therefore be determined in accordance with paragraph 11c of the NPPF. However, the NPPF is also clear that where there are no relevant development plan policies or the policies which are most important for determining the application are out-of-date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework taken as a whole (para 11d).
- 7.4 In terms of engaging the ‘tilted balance’ as per paragraph 11d of the NPPF, the Council have historically accepted that Policy 4 of the CS and Policy DM4 of the SADMP DPD – and therefore the Burbage settlement boundary – are ‘out-of-date’ and should not be afforded significant weight. Additionally, the Council has accepted that the latest 5YHLS position is actually 4.76 years supply. In essence, the Council itself again acknowledges that the ‘tilted balance’ set out in paragraph 11d of the NPPF is triggered, which requires planning permission to be granted unless adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 7.5 Whilst it is noted that the BNP forms part of the Development Plan, and paragraph 14 of the NPPF sets out protections against the ‘presumption’ (i.e. a 3YHLS), it is not considered that the BNP meets this test. Namely, the PPG<sup>38</sup> is clear that, in order for a neighbourhood plan to meet the criteria set in paragraph 14b, the ‘policies and allocations’ in the plan should meet the identified housing requirement in full. It goes on to state that a policy on a windfall allowance alone would not be sufficient. As such, given that Policy 1 of the BNP is in essence a ‘windfall policy’, the applicants consider that the protections afforded by paragraph 14 of the NPPF would not apply in this instance – a point acknowledged in the Sketchley Lane Committee Report<sup>39</sup>.

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<sup>38</sup> PPG ID: 41-097

<sup>39</sup> Application Reference: 21/01131/OUT

- 7.6 As such, the applicants contend that the economic, social and environmental benefits associated with the development proposals, should be weighed against any perceived harm resulting from the development being located outside of the Burbage settlement boundary and loss of BMV land in the balancing exercise in determining whether the Application should be approved.
- 7.7 Turning to whether the proposed development would have an acceptable impact in environmental and technical terms, a suite of technical documents has been submitted in support of this application. As summarised previously, no adverse or unacceptable impacts were identified as a result of the technical assessments. Therefore, the proposed development constitutes sustainable development when assessed against all relevant environmental aspects. This evidence demonstrates that the proposed development would be acceptable in planning terms when considered against the relevant policies in the Development Plan.
- 7.8 The benefits associated with the proposed development are significant and should be considered within the overall planning balance. With regard to the identified conflict with Policy 4 of the CS and Policy DM4 of the SADMP DPD and the loss of BMV, it is considered that the benefits identified demonstrably outweigh the harm identified given the diminished weight afforded to Policy 4 and Policy DM4 and acute need for housing land within the Borough to address housing needs. It is therefore considered by the applicant that no unacceptable or adverse impacts have been identified which significantly and demonstrably outweigh the benefits of the proposed development.
- 7.9 As previously demonstrated, the proposed development would constitute sustainable development in the context of NPPF paragraphs 7 and 8, and that the economic, social and environmental benefits associated with the development proposals, are an important material consideration in this Application and would clearly outweigh any perceived harm raised resulting from the development falling outside of the settlement boundary or the loss of BMV land. The compelling weight of this application therefore weighs in favour of granting planning permission. In view of the above, and in consideration of the demonstrable benefits that would arise from the proposed development, the applicants contend that the proposals should weigh favourably in the planning balance and that planning permission should be granted in accordance with paragraph 11d of the NPPF.

## 8.0 Conclusions and Planning Balance

- 8.1 In summary, the proposal is for a hybrid planning application comprising 422 dwellings, including 20% affordable housing. The Site Layout Plan and accompanying plans show a mix of housing types and tenures that could be accommodated on the Site. A total of 9.346 hectares of open space would be provided within the Site, which would exceed the Council's requirements. This would comprise of public open space, including formal and informal green space, SuDS, planting and children's play provision.
- 8.2 The Site is sustainably located on the edge of Burbage, which is one of the four main urban areas of the Borough. The Site therefore would provide future residents with access to a range of existing facilities, including a mix of shops, restaurants and pubs, a library, a medical centre and pharmacy, and a post office.
- 8.3 The NPPF sets out the Government's objective "*of significantly boosting the supply of homes*" (Para 59), which can often best be achieved through planning for larger scale development, such as extensions to existing towns (Para 72), and focussing development in locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes (Para 103).
- 8.4 Alongside Hinckley, Burbage remains the most sustainable development location in the settlement hierarchy, in terms of access to services and transport. Accordingly, the Local Plan Review should seek to direct further growth to Burbage to capitalise on the sustainability of the town. Importantly, Redrow consider that the Site lends itself well to achieving the NPPF's objectives. The site offers the opportunity to achieve a landscape-led urban extension on the southern edge of Burbage, one of the most sustainable locations for growth within the Borough.
- 8.5 Section 38(6) of the PCPA and Section 70(2) of the Town and Country Planning Act 1990 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.6 It is the applicant's case that paragraph 11c of the NPPF applies, as the proposed development accords with the presumption in favour of residential development set out in Policy 1 of the NP. When having regard to Section 38(5) of the Planning and Compulsory Purchase Act 2004, it is clear that the proposed development would be entirely consistent with the Development Plan, subject to other development management considerations.
- 8.7 In this regard, it is considered that the proposed development would not have an adverse or unacceptable impact in environmental or technical terms when assessed against the policies within the Development Plan. There are, therefore, no technical reasons which should preclude the approval of the proposed development, subject to normal planning conditions.
- 8.8 Notwithstanding this, it is the applicant's case that paragraph 11d of the NPPF also applies and the 'tilted balance' is engaged for decision-taking purpose and should apply in the determination of this application. As such, the weight afforded to the 'most important' policies should be limited and outweighed by the benefits of the proposed development, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
- 8.9 Aside from a conflict with Policy DM4 and Policy 4 which have been accepted as being 'out-of-date' and therefore are afforded limited weight in the planning balance, the only other harm identified is the loss of BMV land. However, the applicants strongly contend that the benefits of the development in this instance clearly outweigh any harms.

- 8.10 Indeed, there are demonstrable and tangible benefits that would arise from the proposed development in economic, social and environmental terms in line with paragraph 8 of the NPPF. As outlined within this Planning Statement, the proposal comprises a highly sustainable form of development which would deliver a range of benefits including:
- The delivery of a range of new homes, making a significant contribution towards meeting the needs of local people in terms of both market and affordable housing in the absence of a 5 year housing land supply;
  - The creation of direct and indirect job opportunities within the local area during both the construction and operational phases of development;
  - Significant tree planting and other landscaping across the Site, the majority of which is intended to comprise native species that are conducive to enhancing biodiversity;
  - The provision of bungalows and adaptable homes in order to meet the needs of the elderly population within Hinckley and Bosworth and to help address the ageing population;
  - A development of high quality design that adheres to the principles of place making creating a vibrant and welcoming residential environment;
  - The provision of space for 11 self-build houses in order to help meet an unmet need;
  - The provision of a care home to help meet the specialist care needs of the elderly population; and
  - A range of direct and indirect economic benefits, arising from both the construction and operational stages of the development.
- 8.11 It has been demonstrated that the proposal is compliant with relevant planning policies in respect of all other environmental and technical matters. The proposed development would not have an adverse or unacceptable impact in environmental or technical terms when assessed against the policies within the Development Plan, and indeed the emerging policies within the Local Plan Review. There are, therefore, no technical reasons which should preclude the approval of the proposed development, subject to normal planning conditions.
- 8.12 The Council has demonstrated it does not have a 5 year housing land supply and in accordance with NPPF paragraph 11(d), the relevant Development Plan policies relating to the Limits of Development are out of date and that the ‘tilted balance’ and the presumption in favour of sustainable development is engaged.
- In view of the above and the tilted balance, it is considered that the material considerations and demonstrable benefits weigh substantially in favour of the proposed development within the planning balance and that planning permission should be granted in accordance with paragraph 11 and 12 of the NPPF. When having regard to the balancing exercise, it is considered that, individually and cumulatively, the benefits of the proposal demonstrably outweigh any conflict with Policy DM4 and Policy 4, particularly given the alignment with Policy 1 of the NP. The balancing exercise, in this case, is compellingly in favour of granting planning permission.

## **Appendix 1 EIA Screening**



Hinckley & Bosworth  
Borough Council

## EIA ANALYSIS AND SCREENING PROFORMA

### ANALYSIS

|          |                                                                                                       |
|----------|-------------------------------------------------------------------------------------------------------|
| <b>1</b> | <b>Case Details</b>                                                                                   |
| A        | Applicant Case Reference                                                                              |
|          | 61188/04/JK/MWS/19956095v1                                                                            |
| B        | LPA Case Reference                                                                                    |
|          | 21/00946/EAS                                                                                          |
| C        | SoS Case Reference                                                                                    |
|          | n/a                                                                                                   |
| D        | Site Address                                                                                          |
|          | Land To The South Of Coventry Road, Burbage, Leicestershire                                           |
| E        | Brief description of development                                                                      |
|          | EIA Screening Opinion for up to 600 dwellings                                                         |
| F        | Approval of reserved matters?                                                                         |
|          | <input type="checkbox"/>                                                                              |
|          | No <input type="checkbox"/>                                                                           |
|          | Approval of conditions?                                                                               |
|          | <input type="checkbox"/>                                                                              |
|          | No <input type="checkbox"/>                                                                           |
|          | If Yes, enter the description of development subject of the related planning permission               |
|          |                                                                                                       |
| G        | Area of development/works/new floorspace (as appropriate)                                             |
|          | The site area comprises of 26.42 hectares                                                             |
| <b>2</b> | <b>EIA Details</b>                                                                                    |
| <b>A</b> | <b>Schedule 1</b>                                                                                     |
| (i)      | Is the proposed development Schedule 1 development as described in Schedule 1 of the EIA Regulations? |
|          | <input type="checkbox"/>                                                                              |
|          | No <input type="checkbox"/>                                                                           |
| (ii)     | If Yes, under which description of development ie Nos 1-24?                                           |
|          |                                                                                                       |

| <b>B</b> | <b>Schedule 2</b>                                                                                                          |
|----------|----------------------------------------------------------------------------------------------------------------------------|
| (i)      | Is the proposed development Schedule 2 development as described in Column 1 of the Schedule 2 of the EIA Regulations?      |
|          | Yes                                                                                                                        |
|          |                                                                                                                            |
| (ii)     | If Yes, under which description of development in Column 1 ie Nos 1-13?                                                    |
|          | Part 10 (b)                                                                                                                |
| (iii)    | Is the development within, partly within, or near a 'sensitive area' as defined by Regulation 2 of the EIA Regulations?    |
|          |                                                                                                                            |
|          | No                                                                                                                         |
| (iv)     | If Yes, which area?                                                                                                        |
|          | N/A                                                                                                                        |
| (v)      | Are the applicable thresholds/criteria in Column 2 exceeded/met?                                                           |
|          | Yes                                                                                                                        |
|          |                                                                                                                            |
| (vi)     | If Yes, which applicable threshold/criteria?                                                                               |
|          | (ii) the development includes more than 150 dwellings; or<br>(iii) the overall area of the development exceeds 5 hectares. |

|          |                          |
|----------|--------------------------|
| <b>3</b> | <b>LPA/SOS Screening</b> |
|----------|--------------------------|

### All applications inc reserved matters/conditions

|       |                                                     |
|-------|-----------------------------------------------------|
| (i)   | Has the LPA issued a Screening Opinion (SO)?        |
|       | Yes <b>n/a</b>                                      |
|       | No                                                  |
| (ii)  | Has the SoS (GO) issued a Screening Direction (SD)? |
|       | Yes <b>n/a</b>                                      |
|       | No                                                  |
| (iii) | If Yes, is a copy of the SO/SD on the file?         |
|       | Yes <b>n/a</b>                                      |
|       | No                                                  |
| (iv)  | If Yes, is the SO/SD positive?                      |
|       | Yes <b>n/a</b>                                      |
|       | No                                                  |

### Reserved matters/conditions applications only

|       |                                                             |
|-------|-------------------------------------------------------------|
| (i)   | Was original PP subject to EIA screening?                   |
|       | Yes <b>n/a</b>                                              |
|       | No                                                          |
| (ii)  | Was a SO/SD issued for the original PP?                     |
|       | Yes <b>n/a</b>                                              |
|       | No                                                          |
| (iii) | If Yes, is a copy of the So/SD for the original PP on file? |
|       | Yes <b>n/a</b>                                              |
|       | No                                                          |

|              |                                                                                                               |  |
|--------------|---------------------------------------------------------------------------------------------------------------|--|
| <b>4</b>     | <b>Environmental Statement (ES)</b>                                                                           |  |
|              | Has the applicant supplied an ES for the current or previous (if reserved matters or conditions) application? |  |
|              |                                                                                                               |  |
|              | No                                                                                                            |  |
| <b>Name:</b> | Grace Stevens                                                                                                 |  |
| <b>Date:</b> | <b>16 August 2021</b>                                                                                         |  |

## SCREENING

### A. CHECKLIST

| Questions to be considered                                                                                                                                                                                                         | Likely/Unlikely – briefly Describe                                                                              | Is this likely to result in a Significant effect?<br><br>Yes/No – why?                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 Will construction, operation or decommissioning of the project involve actions which will cause physical changes in the locality (topography, land use, changes in waterbodies, etc)?                                            | Likely - Land use change from agriculture to residential and associated infrastructure, including open space    | No – Changes to the locality will occur from the development and its cumulative implications alongside implemented or extant planning permissions already granted in the vicinity but the impacts are not considered significant for EIA purposes                                                                                                                                                                                                                                                                                                                              |
| 2 Will construction or operation of the project use natural resources such as land, water, materials or energy, especially any resources which are non-renewable or in short supply?                                               | Unlikely – will result in the loss of agricultural land that is BMV Grade 3 according to natural England        | No – the land is not particularly environmentally sensitive or vulnerable. According to the HBBC Agricultural Land Desk Study May 2020 and the Agricultural Land Quality Report 2020, the site is predominantly sub-category 3a and 3b BMV land. Moderate/heavy clay content of the topsoil, in combination with the impeded drainage of the lower subsoil can restrict the access of machinery to land in spring/autumn during wet years, and constraining arable land use to combinable autumn sown crops in most years. BMV land predominates further north in the borough. |
| 3 Will the project involve use, storage, transport, handling or production of substances or materials which could be harmful to human health or the environment or raise concerns about actual or perceived risks to human health? | Unlikely – Residential development is unlikely to involve hazardous substances or materials.                    | No – Unlikely that hazardous substances materials would be used in the development. Notwithstanding, mitigation would be anticipated to regulate and control the development during the demolition, construction and operational stages                                                                                                                                                                                                                                                                                                                                        |
| 4 Will the project produce solid wastes during construction or operation or decommissioning?                                                                                                                                       | Likely – Construction would produce some waste (primarily resulting from construction and demolition processes) | No - appropriate mitigation measures will be applied and set out within a Site Waste Management Plan                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| 5 Will the project release pollutants or any hazardous, toxic or noxious                                                                                                                                                           | Unlikely – demolition will generate dust and plant                                                              | No – dust from demolition and vehicle emissions from plant                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

|    |                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                   |
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|    | substances to air?                                                                                                                                                                                                       | and machinery will emit typical vehicle emissions                                                                                                                                                                                                | and machinery will only be short-term with best practice measures and standard processes implemented (such as damping down) to reduce and prevent the surface and air transport of dust during construction                                                                                                       |
| 6  | Will the project cause noise and vibration or release of light, heat energy or electromagnetic radiation?                                                                                                                | Likely – noise and vibrations during construction but only short lived. Potential light but only from street lights.                                                                                                                             | No – mitigation measures can be put in place to control this ensuring the impact is not significant.                                                                                                                                                                                                              |
| 7  | Will the project lead to risks of contamination of land or water from releases of pollutants onto the ground or into surface waters, groundwater, coastal waters or the sea?                                             | Likely – there would be contamination risks should public foul sewers and public surface water sewers be identified within the site                                                                                                              | No – the site is in Flood Zone 1 and contamination risks will be mitigated through standard practice measures to be detailed within a Construction Management Plan along with Ground Investigation studies and SuDS.                                                                                              |
| 8  | Are there any areas on or around the location which are already subject to pollution or environmental damage eg where existing legal environmental standards are exceeded, which could be affected by the project?       | Likely – There is an AQMA within proximity of the site (0.6km) to the south west. The Rugby AQMA was declared due to the exceedance of the annual mean nitrogen dioxide (NO <sub>2</sub> ) air quality objectives.                               | No – subject to the submission and outcomes of an air quality assessment                                                                                                                                                                                                                                          |
| 9  | Will there be any risk of accidents during construction or operation of the project which could affect human health or the environment?                                                                                  | Unlikely – health and safety procedures for construction will be in place.                                                                                                                                                                       | No – health and safety procedures will be in place                                                                                                                                                                                                                                                                |
| 10 | Will the project result in social changes, for example, in demography, traditional lifestyles, employment?                                                                                                               | Likely – would be an increase in population in Burbage but unlikely to significantly impact the demographics of the area.                                                                                                                        | No                                                                                                                                                                                                                                                                                                                |
| 11 | Are there any areas on or around the location which are protected under international or national or local legislation for their ecological, landscape, cultural or other value, which could be affected by the project? | Likely - The fields on site have been classified as Grade 3 BMV agricultural land. The site is within an SSSI impact risk zone but not in a zone itself. The Burbage Wood and Aston Firs SSSI is located approximately 1.8km away from the site. | No - the land is not particularly environmentally sensitive, valuable or vulnerable, according to the HBBC Agricultural Desk-based Study 2022/Agricultural Land Quality Report 2020. BMV land predominates further north in the borough. Due to its distance the nearest SSSI would not be significantly affected |
| 12 | Are there any other areas on or around the location which are important or sensitive for reasons of their ecology eg wetlands,                                                                                           | Unlikely – a watercourse through the site, mature hedgerows and tree belts but all of unknown                                                                                                                                                    | No – mitigation measures can be implemented as per arboricultural assessments and ecology surveys                                                                                                                                                                                                                 |

|    |                                                                                                                                                                                                                                            |                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                  |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | watercourses or other waterbodies, the coastal zone, mountains, forests or woodlands, which could be affected by the project?                                                                                                              | ecological value. No TPOs on site                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                  |
| 13 | Are there any areas on or around the location which are used by protected, important or sensitive species of fauna or flora eg for breeding, nesting, foraging, resting, overwintering, migration, which could be affected by the project? | Likely – some initial surveys have identified trees with bat roosting potential. The Great Crested Newt survey found no evidence of the species across the site                                                 | No – mitigation measures can be implemented as per the results of ecology surveys                                                                                                                                                                                                                                                |
| 14 | Are there any inland, coastal, marine or underground waters on or around the location which could be affected by the project?                                                                                                              | Unlikely                                                                                                                                                                                                        | No                                                                                                                                                                                                                                                                                                                               |
| 15 | Are there any areas or features of high landscape or scenic value on or around the location which could be affected by the project?                                                                                                        | Unlikely                                                                                                                                                                                                        | No                                                                                                                                                                                                                                                                                                                               |
| 16 | Is the project in a location where it is likely to be highly visible to many people?                                                                                                                                                       | Views into and within the site exist from PROW and surrounding road networks                                                                                                                                    | No – mitigation measures can be implemented and informed by a Landscape and Visual Impact Assessment.                                                                                                                                                                                                                            |
| 17 | Are there any routes on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project?                                                                          | Likely- Footpath U65, U66 and U57 run through and around the site.                                                                                                                                              | No- Existing footpaths will be affected by the development however mitigation measures are yet to be explored but will include access for pedestrian and cyclists Should any footpaths remain the high visual impact from the new dwellings will be informed and considered as part of a Landscape and Visual Impact Assessment. |
| 18 | Are there any transport routes on or around the location which are susceptible to congestion or which cause environmental problems, which could be affected by the project?                                                                | Likely – already congestion in local area                                                                                                                                                                       | No – mitigation measures could be put in place to reduce the impact of the development to ensure it does not have a significant effect.                                                                                                                                                                                          |
| 19 | Are there any areas or features of historic or cultural importance on or around the location which could be affected by the project?                                                                                                       | Unlikely – situated a considerable distance away from any identified historic (i.e. conservation areas) or cultural features or locations. Potential for archaeology due to the undeveloped nature of the site. | No – heritage assessment and archaeology investigation would inform any potential development                                                                                                                                                                                                                                    |
| 20 | Is the project located in a previously undeveloped area                                                                                                                                                                                    | Likely- The site itself comprises of nine irregular                                                                                                                                                             | No - not identified as significant for EIA purposes as despite                                                                                                                                                                                                                                                                   |

|    |                                                                                                                                                                                                                                                                        |                                                                                                                  |                                                                                                                                                                                                                                          |
|----|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | where there will be loss of greenfield land?                                                                                                                                                                                                                           | parcels of greenfield land currently utilised as grazing pasture.                                                | being BMV Grade 3 agricultural land, it is adjacent to existing development and greenfield land is not in short supply                                                                                                                   |
| 21 | Are there existing land uses on or around the location eg homes, gardens, other private property, industry, commerce, recreation, public open space, community facilities, agriculture, forestry, tourism, mining or quarrying which could be affected by the project? | Likely- There are residential properties and farms in close proximity to the site.                               | No – given the existing built up area, which immediately adjoins the site to the north and east, along with the proximity of the site to the centre of Burbage, the A5 and the M69, it is not identified as significant for EIA purposes |
| 22 | Are there any areas on or around the location which are densely populated or built-up, which could be affected by the project?                                                                                                                                         | Likely – settlement boundary to the north/north east of the site                                                 | No - existing built up areas would not be significantly impacted for EIA purposes                                                                                                                                                        |
| 23 | Are there any areas on, or around, the location which are occupied by sensitive land uses eg hospitals, schools, places of worship, community facilities, which could be affected by the project?                                                                      | Likely – Burbage CofE Infant school within 1km                                                                   | No – would not be significantly impacted for EIA purposes                                                                                                                                                                                |
| 24 | Are there any areas on or around the location which contain important, high quality or scarce resources eg groundwater, surface waters, forestry, agriculture, fisheries, tourism, minerals, which could be affected by the project?                                   | Unlikely- agricultural land is BMV Grade 3 but due to poor drainage is limited to Spring and Autumn on wet years | No – the land is not particularly environmentally sensitive, valuable or vulnerable. BMV land predominates further north within the borough                                                                                              |
| 25 | Is the project location susceptible to earthquakes, subsidence, landslides, erosion, flooding or extreme or adverse climatic conditions eg temperature inversions, fogs, severe winds, which could cause the project to present environmental problems?                | Unlikely                                                                                                         | No                                                                                                                                                                                                                                       |
| 26 | Are there any plans for future land uses on or around the location which could be affected by the project?                                                                                                                                                             | Likely –<br>15/01292/OUT<br>21/00502/OUT<br>20/01012/OUT<br>19/01404/OUT<br>19/01405/OUT                         | No – cumulative impacts would not be adverse for the purposes of the EIA                                                                                                                                                                 |
| 27 | Are there any other factors which should be considered, such as consequential development which could lead to environmental effects, or the potential for cumulative impacts with other existing or planned activities in the locality?                                | Unlikely                                                                                                         | No                                                                                                                                                                                                                                       |

## B. CONCLUSIONS

|     |                                      |
|-----|--------------------------------------|
| (i) | Schedule and category of development |
|-----|--------------------------------------|

|       |                                                                                                                                                                                                                                                              |                                                                                                              |
|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------|
|       | Schedule 2 category 10 (b)                                                                                                                                                                                                                                   |                                                                                                              |
| (ii)  | Summary of features of project and of its location                                                                                                                                                                                                           |                                                                                                              |
|       | A                                                                                                                                                                                                                                                            | Characteristics of development                                                                               |
|       |                                                                                                                                                                                                                                                              | Residential development of up to 600 dwellings, associated infrastructure including access, open space, SuDs |
|       | B                                                                                                                                                                                                                                                            | Location of development                                                                                      |
|       |                                                                                                                                                                                                                                                              | Land To The South Of Coventry Road, Burbage, Leicestershire                                                  |
|       | C                                                                                                                                                                                                                                                            | Characteristics of the potential impact                                                                      |
|       | Development of greenfield site. No sensitive areas within the locality which would be significantly affected by this development. The potential impacts identified above could be mitigated resulting in no significant effects identified for EIA purposes. |                                                                                                              |
| (iii) | If a SO/SD has been provided do you agree with it?                                                                                                                                                                                                           |                                                                                                              |
|       | Yes                                                                                                                                                                                                                                                          |                                                                                                              |
| (iv)  | Is it necessary to issue a SO/SD?                                                                                                                                                                                                                            |                                                                                                              |
|       | Yes                                                                                                                                                                                                                                                          |                                                                                                              |
| (v)   | Is an ES required?                                                                                                                                                                                                                                           |                                                                                                              |
|       | No                                                                                                                                                                                                                                                           |                                                                                                              |

**C. SCREENING DECISION** (Indicate below which assessment applies)

| Assessment                                                                                                                    | Action<br>(produce<br>model letter 'x') |                                                      | Response<br>due from | Date<br>response<br>due |
|-------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|------------------------------------------------------|----------------------|-------------------------|
| Sch 2 development – threshold exceeded/criterion met/sensitive area and likely to have significant effects on the environment | ES required                             | Issue positive SO/SD                                 |                      |                         |
| Sch 2 development – not likely to have significant effects on the environment                                                 | ES not required                         | Issue negative SO/SD                                 | <b>X</b>             | <b>Grace Stevens</b>    |
| Sch 2 development but effects not clear at this stage – file to be reviewed at a later stage                                  | N/K                                     | Review when appropriate – new inform/case progresses |                      | <b>16 August 2021</b>   |
| Sch 2 but not EIA development – negative screening opinion – SoS agrees                                                       | ES not required                         | Issue negative SO/SD                                 |                      |                         |
| Sch 2 EIA development – positive screening opinion – SoS disagrees                                                            | ES not required                         | Issue negative SO/SD                                 |                      |                         |
| Sch 2 but not EIA development – negative screening opinion – SoS disagrees                                                    | ES required                             | Issue positive SO/SD                                 |                      |                         |
| Sch 2 EIA development – positive screening opinion – SoS agrees                                                               | ES required                             | Issue positive SO/SD                                 |                      |                         |
|                                                                                                                               |                                         |                                                      |                      |                         |

|              |                       |
|--------------|-----------------------|
| <b>Name:</b> | Grace Stevens         |
| <b>Date:</b> | <b>16 August 2021</b> |



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