

Delegated Report

Planning Ref: 24/00083/HYB

Applicant: REDROW HOMES AND PETER ANDREW FARMER

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: Land at Burbage Fields Farm, Bullfurlong Lane, Burbage, Leicestershire

Proposal: Hybrid planning application for 422 dwellings (in total), public open space, associated infrastructure and the demolition of 65 and 65a Coventry Road, and Burbage Fields Farm and outline planning application for a residential care home and up to 11no. self-build plots (all matters reserved except for access)

1. Recommendations

1.1. Refuse Planning Permission for the following reason:

The applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development from Coventry Road. The proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users. The residual cumulative highway and access impacts of the development are considered to be severe and significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the National Planning Policy Framework (2024) taken as a whole, contrary to Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and paragraphs 115 and 116 of the National Planning Policy Framework (2024).

2. Planning application description

2.1. The application is a hybrid planning application.

- 2.2. Part of the application seeks outline permission for a residential care home (circa 66 units) and up to 11x self-build plots. Approximately 1 acre has been set aside for the Care Home which is located towards the centre of the site, adjacent to the central green and primary street. There are two areas on site proposed for self-build plots. One area lies to the north east corner and the other area is located more centrally and proposed directly to the south of the locally equipped area of play open space area (LEAP). All matters related to the care home and self-build plots are reserved except for access.**
- 2.3. Full planning permission is also sought for 422 dwellings, open space, associated infrastructure and the demolition of 65 and 65a Coventry Road and Burbage Fields Farm.**
- 2.4. 20% affordable housing is proposed as part of the overall proposal totalling 85 units and would comprise one, two, three and four bed units.**
- 2.5. Approximately 11.25 Ha of Open Space is proposed on site including a MUGA, LEAP, LAP, a Trim Trail and natural and semi natural open space areas.**
- 2.6. The site is proposed to be served via two vehicle accesses; a new priority junction onto Coventry Road, involving the demolition of two existing properties, that will serve the majority of the site and a secondary access connecting on to Flanders Close that would serve approximately 56 of the proposed dwellings. There is no-through route**

proposed for vehicles between Coventry Road and Flanders Close, save for emergency service vehicles.

2.7. There are existing farm buildings to the south of the site which are proposed to be demolished;

2.8. The application is accompanied by the following reports and documents:

- Design and Access Statement and Addendum (March 2025)
- Planning and Affordable Housing Statement
- Older Persons Need Assessment
- Flood Risk Assessment/Sequential Test/Exception Test
- Noise Impact Assessment
- Landscape and Visual Impact Assessment/Revised Briefing Note
- Landscape Masterplan
- Transport Assessment
- Residential Travel Plan
- Employee Travel Plan
- Road Hierarchy Plan
- Highway Adoption Plan
- Parking Strategy Plan
- Ecological Mitigation/Enhancement Strategy
- Bird Survey
- Species Survey
- Biodiversity Net Gain Report/Calculations
- Bat Boxes, Bird Bricks and Hedgehog Highways Plan
- Arboricultural Assessment
- Archaeological Desk-Based Assessment
- Air Quality Assessment
- Statement of Community Engagement
- Utilities Statement
- Bin Refuse Plan
- Drainage Strategy
- Engineering Layout Plans
- Fire Distance Plan
- Phase 1 Risk Assessment
- Affordable Housing Plan
- Materials Layout Plan/Surface Materials Plan
- Enclosures Plan
- Street Scenes
- Location Plan
- Site Layout
- Topographical Survey
- Character Area Layout
- Public Open Space Plan
- House Types and Garages Packs
- Sequential Test/Exception Test (surface water)
- Open Space Typologies Plan

2.9. Since the submission of the planning application and further to consultation responses and officer comments, changes to the proposed development have been made to overcome initial concerns including:

- The proposed care home has been relocated to a more accessible and central location within the site

- An amendment to the affordable housing mix to reduce the percentage of 1x bed units
- The development has been pulled further back from the western boundary/ Bullfurlong Lane, and a wider green buffer has been created here (between 17m – 24m GI corridor);
- Speed calming and road widening have been added in response to the request from Leicestershire County Council highways;
- The introduction of a section of segregated cycleway from the Coventry Road entrance into the site for approximately 440 metres
- A shared foot/cycle network loop around the development core and which extends to the emergency access link on the eastern edge of the site on Workhouse Lane
- A reduction in the amount of shared private drives
- Raised tables added along the road network as speed control measures
- Car parking spaces have been widened where necessary;
- New swales have been included to address the comments made by the Lead Local Flood Authority.
- A new 3-bed house type range has been introduced;
- The number of M4(2) homes has increased (259 of the proposed market/ affordable dwellings will now be M4(2) compliant in comparison with 219 previously).
- The proposed development will provide 85 affordable homes, as opposed to 84 previously. The market housing provision will reduce from 338 to 337 dwellings, with the overall number of houses remaining at 422;
- The tenure split of affordable homes is shown to include Affordable Rent, Shared Ownership and First Homes.
- Updated Landscape and Visual Impact Assessment
- An Open Space Typologies plan which adheres to the Open Space Assessment 2025 requirements (published October 2025)

3. Description of the site and surrounding area

- 3.1. The application site is approximately 26.5ha of agricultural land situated to the south of Burbage at Burbage Fields Farm.
- 3.2. The site comprises 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.
- 3.3. Coventry Road lies to the north, and is proposed to be linked to the site by a narrow, linear section of land which sits between existing residential development to the west (Bullfurlong Lane) and an amenity sports field to the east.
- 3.4. The site is bounded to the south by the M69.
- 3.5. Part of the Public Right of Way network passes through the site including U66, U66A and U65 and forms a section of the Burbage Round Walk as set out within the Burbage Neighbourhood Plan.
- 3.6. The eastern part of the site, which is adjacent to the M69 and Workhouse Lane, benefits from outline planning permission, secured at appeal, for residential development (21/00502/OUT).
- 3.7. There is an underground high-pressure sewer pipe running east to west across the Site which has a 5m easement zone within which no development can be built upon; Overhead power cables run across the southern boundary of the Site. This has a 21m no build zone as well as a cable swing zone;

3.8. There is a non-designated heritage asset on site – Burbage Fields Farm.

4. Relevant planning history

4.1. 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 – (Allowed on Appeal) (located to the east of the application site)

4.2. Under the Town and Country (Planning Impact Assessment) Regulations 2017 there is a requirement to 'screen' certain types of major development or other industrial, agricultural schemes to ascertain whether they would have significant environmental effects and are considered to be EIA development. Under Schedule 2 of these Regulations there are thresholds and criteria that are applicable to certain types of development in order to be 'Schedule 2 development'.

4.3. This development is considered under Category 10 (b) 'urban development project' and the thresholds for this are:

- The development includes more than 1 hectare of urban development which is not housing development
- The development includes more than 150 dwellings
- The overall site of the development exceeds 5 hectares

4.4. In this case, the development exceeds 5 hectares and so is considered to be Schedule 2 development. This type of development requires 'screening' to determine whether it requires an Environmental Impact Assessment. The scheme has been screened by the Council as part of the pre application advice and it has been concluded that the site is not in or adjacent to an environmentally sensitive area (as per the definition within the EIA Regs), is not unusually complex and does not pose potentially hazardous environmental effects. Although it is acknowledged that the proposal would create some effects upon the environment when compared to the existing situation it was concluded that these effects would not be 'significant' and therefore under the provisions of the screening regulations the proposal did not require an Environmental Impact Assessment.

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press. A further site notice was also posted as part of the re-consultation process.

5.2. A letter of support has been received from LNT care developments in respect of the proposed Care Home on site.

5.3. A petition has been received with 916 names and addresses, objecting to the proposal.

5.4. Over 200 separate, public comments have been received from local residents/third parties, raising the following concerns/objections:

- Loss of wildlife and loss of habitat with removal of hedgerows and trees for breeding and winter visiting birds.
- Loss of tree habitat for 3 species of bat population in the area.
- The scale of the development would dominate views from the Park
- Loss of green spaces for dog walkers. Loss of this space would be detrimental to the health and wellbeing of existing residents

- There are limited green spaces and sports facilities in this area
- Congestion and Traffic issues would increase
- Double parking and long queues along Coventry Road are already a significant problem
- The proposal seems to indicate that the only access in and out of this site is from Coventry Road. An alternative means of access should be considered – Coventry Road is totally unsuitable
- The substation is in an unsuitable location
- Doctors and Schools are overstretched and oversubscribed. This development would make matters worse
- The proposed dwellings are too close to the Overhead Power Cables and M69. This is a safety hazard for future occupiers of the development especially children
- We would like a public consultation to look over the plans in more detail
- This development would create overcrowding for Burbage
- This is an unwelcome development in this part of the neighbourhood
- Air Quality concerns
- Noise concerns
- Light pollution concerns
- Flooding concerns
- Where will rainwater go when the farmland has been built on?
- Loss of countryside character
- The 'key change' to pull back properties from the western boundary/ Bullfurlong Lane has only served to reduce the size of the houses being built. There are now a far greater number of three bed houses with small gardens than ones suitable for (bigger) families.
- Excess on road parking due to insufficient room on the proposed driveways for all cars belonging to the properties
- Raw sewerage overflowing into the surrounding lane and fields whenever there is a slight increase in rainfall is already an issue in the area. Adding a further 422 homes PLUS a care home will only add to the existing problem.
- The Infrastructure Capacity Study shows land that has been strategically allocated for building houses. This is not an allocated site.
- The children's nursery allowed along Coventry Road (Britannia Road) coupled with this application will cause severe traffic problems in this part of Burbage.

6. Consultation

6.1. No objection has been received from:

- Environment Agency – subject to conditions
- NHS England – subject to a S106 financial contribution of £351,436.80
- HBBC Drainage – subject to conditions
- HBBC Environmental Health – subject to conditions
- HBBC Economic Regeneration Team – request a local employment and training strategy as part of a S106 agreement
- LCC Planning Obligations Team – subject to financial contributions in respect of Waste, Libraries and Education (Primary, SEND and Early Years) totalling £2,651,716.23
- LCC Tree Officer
- LCC Minerals and Waste
- LCC Archaeology – subject to a condition
- LCC Drainage – subject to conditions
- LCC Ecology – subject to conditions
- Leicestershire Police – subject to a financial contribution of £79,613.00

- National Highways – subject to conditions

6.2. HBBC Housing Officer – Although the NPPF was revised in December 2024 to remove the requirement for First Homes, and for the 10% affordable home ownership provision, the original application pre dates the changes, which are not being applied retrospectively, so the tenure mix remains as below. To comply with the guidance prevailing at the time, which supersedes the tenure mix set out in the Core Strategy, 21 properties should be provided as First Homes, 43 properties for affordable or social rent and 21 for shared ownership. This would satisfy the requirements in NPPF that 25% of all affordable housing should be provided as First Homes and meet the requirement for 10% of all dwellings for affordable home ownership.

6.3. Local Highway Authority – Objection.

The applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development and the proposal. The key concerns are with the site access arrangements are with the scale of development which was proposed to be served off the Coventry Road access. The applicant has confirmed in their revised TN that Coventry Road would provide access for 378 residential dwellings and the 66-bed care home. The additional access would be via Flanders Close which would serve a further 55 dwellings.

The LHA was not against the principle of the additional 55 dwellings off Flanders Close but remains concerned about the applicant's ability to deliver the site access due to it being a private road and the red line boundary not connecting to the public highway.

There would be implications for the layout of Flanders Close which would need to be made now to facilitate the delivery of this access. Furthermore, whilst the principle of a private access via Flanders Close could be considered, given that this would be required via a shared surface, this would not be considered safe and suitable for all users as no suitable pedestrian connectivity would be provided.

Whilst the applicant has indicated footways being provided at this location, it is not clear how this could practically tie into the existing layout and has not been demonstrated. The applicant has not demonstrated how access would be provided, or suitably maintained, to the two existing private drives off the exiting turning head. This area is currently not in the red line boundary and, while Flanders Close is the subject of a Section 38 agreement, there is no guarantee that it would become public highway in the future. We have advised the applicant that the proposed priority T-junction on Coventry Road is not "appropriate given the scale of development". To demonstrate the visibility splays would be acceptable the applicant has undertaken a new speed survey on Coventry Road. The speed survey undertaken in July 2025 showed that the speeds were 0.7mph lower eastbound and 1.5mph lower westbound compared to the 2021 results. The LHA accept the visibility splays are in accordance with the guidance in Table 6: Visibility Splays of the Leicestershire Highway Design Guide.

The applicant has acknowledged that a ghost right turn would be required if the strict application of the guidance in CD123 Figure 2.3.1 was applied, but the applicant considers the 500 AADT threshold needs to be considered in context and in line with Manual for Streets 2 guidance. The applicant has indicated that a lot of the site accesses on Coventry Road are priority junctions. However, proposals are reviewed on a site-by-site basis and the proposed development would provide approximately five times the number of dwellings and number of trips compared to an example provided by the applicant. Any build-up of congestion on Coventry Road could also result in vehicles waiting to exit the development becoming frustrated and taking unnecessary risks when they leave the proposed development.

The LHA considers the level of on-street parking in the area could result in existing traffic having to use the wrong side of the carriageway near the site access and conflict with development traffic which could result in collisions. It remains that the LHA does not consider a simple priority junction to be suitable for this location and scale of development. Furthermore, the applicant has not progressed with an additional vehicular access which could link the main part of the development with the smaller parcel of development off Flanders Close.

The LHA asked the applicant to make a fair and reasonable contribution to the A47 Dodwells / Coventry Road / A5 junction to help mitigate the impact of the proposed development. The applicant has responded in their latest TN that they do not agree that a contribution is required given there are less than 30 trips through the junction which LCC consider to be a suitable trigger point for further investigation.

The application site is crossed by PRow Footpaths U66 and U66a and adjoins Bullfurlong Lane (a presumed public right of way) which links to Footpaths U57, U59 and U65. Notwithstanding the above the LHA has reviewed the Technical Note the applicant states: 'It can be confirmed that the applicant is addressing all of these comments on PRow by means of separate discussions through a third-party specialist.' Any such discussions would be welcome.

- 6.4. Active Travel - Requests further information. The M69 motorway restricts the site's permeability as it acts as a barrier along the south boundary. The internal layout of the site provides good permeability for pedestrians and cyclists. However, concerns are raised about the lack of apparent traffic calming measures, particularly noting the straight length of the main street entering the site. Access to the site could be improved by providing additional access for pedestrians and cyclists from the north eastern boundary to increase overall permeability. The new potential bus route into the site is considered essential to provide access to public transport to new residents, ensuring a bus stop is within 400 metres of each dwelling. Finally, further information is requested on the staff facilities that would be provided at the care home. The additional provision of a bi-directional cycleway is welcomed although beyond which all footways and the shared use route meet side road junctions with large corner radii, allowing vehicles to turn faster and deflecting safe crossing points well into each side street. Further space should also be provided for the shared use route around the bus stop adjacent to the LEAP, to avoid potential conflict between pedestrians and cyclists.

*The concerns raised by Active Travel are noted by the LPA, but it is considered that these matters can be satisfactorily addressed by means of suitably worded conditions

- 6.5. HBBC Conservation Officer - There is one non-designated heritage asset recorded within the site boundary by the Leicestershire Historic Environment Record (HER ref.: MLE24420) - Burbage Fields Farm, Bullfurlong Lane (Farmstead), comprising a farmhouse, yards, barns, silos and concrete areas of hardstanding. A number of barns and outbuildings date to the mid-late 19th century (brick built with pitched slate-tiled roofs, some replaced with corrugated sheet roofing) alongside modern steel framed barns. The farmhouse is a multiphase structure, with ground floor and first floor extensions. The farm complex is of some limited evidential, historic and aesthetic value and as such is of a local level of heritage significance. In my opinion the proposal demonstrates no heritage benefits. Any non-heritage public benefits should be identified by the decision-taker and the balanced judgement applied. If it is considered that the public benefits do not outweigh the harm caused by the total loss of the significance of the local heritage asset then the proposal will fail to comply with Policies DM11 and DM12 of the SADMP and paragraph 209 of the NPPF. If recommended for approval a programme of historic building recording

should be secured via planning condition to mitigate the loss of the historic structures at Burbage Fields Farm.

- 6.6. HBBC S106 Monitoring/Open Space Officer – Subject to requirements for on-site open space and S106 obligations being met in accordance with the Open Space Needs Assessment (2025) and the Playing Pitch and Outdoor Sports Strategy (2025).
- 6.7. HBBC Waste - Wheeled bin collection points as shown require significant revision. Many of the bin collection points (labelled BCP in the drawing) do not meet the requirements of the waste collection service as they do not appear to be at the boundary of the adopted highway. Please initially confirm which roads will be adopted and then show in a site layout plan, bin collection points which meet the criteria set out by the Wheeled Bin and Container Policy.
- 6.8. Burbage Parish Council – Object. Burbage Parish Council strongly objects to this application for the following reasons:
 - Traffic forecasts provided in support of the proposed development were based on data collected in 2021 and were not only out-of-date but were gathered during a period when Covid-19 restrictions and working practices were still in place and traffic volume would have been below the expected norm. The data is therefore inaccurate.
 - Traffic generated by the proposed development would add significantly to traffic flow along Coventry Road and Windsor Street, through to Church Street and Hinckley Road, adding to existing problems with flow in general and leading to potential gridlock at peak times. Existing issues of peak-time delays at the junctions with Salem Road and more significantly Sapcote Road are likely to be exacerbated.
 - Traffic wishing to turn right out of the proposed development onto Coventry Road could face particular difficulties. The road is very often reduced to effectively a single carriageway, as a result of vehicles being parked on the roadside, which also impairs visibility at that junction, and is often gridlocked.
 - A single access point to the proposed site is deemed insufficient for a proposed development of this scale and the volume of traffic likely to be generated by it.
 - It was noted that an 'emergency link' through Flanders Close is indicated on the plans but that no detail is provided by the applicant as to how this link would be managed to allow use by emergency responders only and prevent use by general traffic. We strongly object to any future proposal to upgrade this link to serve as a secondary access to the development.
 - The amount of traffic likely to be generated within the proposed development, including vehicles visiting and servicing the proposed care home, together with the application site's proximity, in part, to the motorway, would subject residents of the proposed development to potentially health-affecting air pollution and noise pollution.
 - Issues relating to flooding/sewage at the bottom of Bullfurlong Lane have previously been reported and continue to affect existing residents. The proposal to introduce swales to deal with run-off from the development site will exacerbate existing waterlogging issues on this Council's bottom sports pitch at Britannia Road recreation ground.
 - Burbage parish already has insufficient public green space for the benefit of the physical and mental wellbeing of existing residents, and for biodiversity. The continued loss of green space and natural habitat within the parish is deemed to be unsustainable and to pose a risk of significant adverse effect on both residents and the natural environment. The proposal to increase a green buffer

zone on the western boundary of the proposed development is noted but deemed insufficient in itself to address these wider concerns.

- It is noted that, while outside of the scope of this consultation, it is proposed to site an electricity sub-station on land adjoining the application site, which would result in the loss of further green field land and amenity for local residents.
- Existing public services, including GP and dental practices are already straining to cope with current demand, and schools within the parish are already over-subscribed.
- Burbage Parish Council states that, if any part of the proposal was to be permitted, should there be any indication that the developer may seek to transfer any open space or formal play area to the Parish in the future we would be interested.

7. Policy

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 5: Transport Infrastructure in the sub regional centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

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

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

7.3. Burbage Neighbourhood Plan

- Policy 1 – Settlement Boundary
- Policy 2 – Design and Layout
- Policy 4 – Parking
- Policy 5 – Footpaths and Cycleways
- Policy 9 – Wildlife and Green Corridors
- Policy 10 – Landscape Character
- Policy 11 – Area of Landscape Sensitivity
- Policy 12 – Important Trees
- Policy 13 – Open Recreational Parks

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highway Design Guide
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Landscape Sensitivity and Green Infrastructure Study for Leicester & Leicestershire (October 2017)
- Open Space Needs Assessment (2025)
- Outdoor Sports and Playing Pitch Strategy (2025)
- Housing Needs Study (2024)
- Affordable Housing SPD (2011)
- Leicestershire Minerals and Waste Local Plan

8. Appraisal

8.1. The application is a hybrid planning application. The outline element includes the provision of a care home (circa 66 beds) and 11x self-build plots. All matters are reserved except for access. The full element of the application is for the development of 422 dwellings, open space, associated infrastructure and the demolition of 65 and 65a Coventry Road and Burbage Fields Farm.

8.2. The following represent the key issues in this case:

- Principle of development
- Housing land supply
- Housing mix and supply
- Landscape and visual impact
- Design and Layout
- Impact upon highway safety
- Heritage Impacts
- Archaeology
- Residential amenity
- Flood risk and drainage
- Ecology and biodiversity
- Minerals
- Planning Obligations
- Planning balance

Principle of development

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

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

Allocations and Development Management Policies DPD (2016) (SADMP) and the Burbage Neighbourhood Plan.

- 8.5. The Emerging Local Plan for 2024-45 reached Regulation 18 stage (July-September 2024) and thus can only be given limited weight at this stage as it has not been tested through examination in public. The application site has been submitted to the Borough Council for consideration through the call for sites process, although was not a site identified within this document for allocation. Since the Regulation 18 consultation, revised affordability ratios have been published, the Standard Housing Method housing figure for the Borough has changed, and the plan period has been extended. As set out in the Local Development Scheme the Borough Council will be going out for a further Regulation 18 consultation September 2025 with Regulation 19 Consultation taking place March/April 2026 with submission to the Secretary of State being November 2026. Therefore, as highlighted above little weight can be attached to the current Regulation 18 Local Plan.
- 8.6. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located adjacent to the settlement of Burbage but is on land which is designated as open countryside.
- 8.7. Policy DM4 of the SADMP states “that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 8.8. Development in the countryside will be considered sustainable where:
 - 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 Policy 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
- 8.9. Policy 1 of the Burbage Neighbourhood Plan states that ‘residential development on land within or adjacent to the settlement boundary will be supported, subject to complying with other development plan policy’. This is an edge of settlement proposal with the main access of the site proposed from Coventry Road.
- 8.10. Whilst there is conflict with Policy DM4 of the Site Allocations and Development Management Policies DPD 2016, the proposed development is located on the edge of an urban settlement, is not considered to be isolated, does not exacerbate ribbon

development and is not within the National Forest. The proposal therefore needs to be assessed against the material planning considerations set out in the below sections.

Housing land supply

- 8.11. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.12. The Planning Policy team have reviewed the revised NPPF and implications for the Council's Five Year Housing Land Supply (5YHLS). As of April 2024, the Council had 5.26 years of housing supply. However, Council can no longer demonstrate a 5-year housing land supply and the latest figures are expected to show up to 3.95 years of supply as of April 2025.
- 8.13. For decision taking, a 5YHLS is a material consideration in all relevant applications for dwellings in the Borough. Because a 5YHLS cannot be fully demonstrated at this time and due to the age of relevant housing policies in the Core Strategy, in accordance with paragraph 11d) of the NPPF, the Council should still grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.14. Under these circumstances, the NPPF sets out, in paragraph 11d) that, for decision makers:
- “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development 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”*
- 8.15. Paragraph 60 of the NPPF sets out that *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.
- 8.16. Paragraph 79 of the NPPF sets out that:

“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply:

- where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;*
- where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific*

deliverable sites as set out in paragraph 77 of this framework, in addition to the requirement for an action plan.

- where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.”

- 8.17. Therefore, currently the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Housing mix and supply

- 8.18. Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a ‘very good’ rating against Building for Life, unless unviable. The Good Design Guide SPD also advocates the use of the Building for Life assessment.
- 8.19. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 8.20. The affordable housing statement submitted with the application indicates that the full 20% affordable housing requirement will be provided on site. This would give a total of 85 affordable housing units. The applicant has provided a revised breakdown of the affordable housing as follows:
- 15x 1 bed units (flats)
 - 3x 2 bed bungalows
 - 15x 2 bed units (flats)
 - 25x 2 bed 2 storey units
 - 19x 3 bed 2 storey units
 - 8x 4 bed 2 storey units
- 8.21. Policy set out in the Core Strategy (policy 15), indicates that 20% of the dwellings in the urban areas should be for affordable housing, of which 75% should be for affordable rent and 25% for shared ownership. At the time the application was submitted (2024), the policy relating to tenure required at least 10% of all housing on qualifying sites to be for affordable home ownership, and 25% of the affordable housing provision to be for First Homes. Negotiations around affordable housing provision on this site complied with this guidance. However, this guidance was removed in the most recently published National Planning Policy Framework issued in December 2024. Conversely, the Housing Officer has confirmed in their latest response that the changes do not apply retrospectively and therefore the affordable housing tenure split for this application remains as per the 2024 situation.
- 8.22. In addition to market and affordable housing provision, the proposal also seeks to provide a 66x bed Care Home and 11x self-build plots as further housing options/products for the local community. Seven bungalows are also proposed as part of the housing mix (4x market and 3x affordable). M4 (2) compliant dwellings (accessible and adaptable) are also included in the housing mix for this development proposal.

- 8.23. The latest Housing Needs Study (2024) suggests a demand for bungalows and that the delivery of some bungalows might be particularly attractive to older person households downsizing and this in turn may help to release larger (family-sized) accommodation back into family use. Specific guidance in the PPG is given on assessing the housing needs of older people, which highlights the importance of planning for these needs:

“The need to provide housing for older people is critical. People are living longer lives and the proportion of older people in the population is increasing. In mid-2016 there were 1.6 million people aged 85 and over; by mid-2041 this is projected to double to 3.2 million. Offering older people a better choice of accommodation to suit their changing needs can help them live independently for longer, feel more connected to their communities and help reduce costs to the social care and health systems. Therefore, an understanding of how the ageing population affects housing needs is something to be considered from the early stages of plan-making through to decision-taking.”

- 8.24. The HBBC Housing Needs Study 2024 states that the older person population is projected to increase notably moving forward. An ageing population means that the number of people with disabilities is likely to increase substantially. Key findings for the 2020-41 period include:

- a 39% increase in the population aged 65+ (potentially accounting for 57% of total population growth);
- an 68% increase in the number of people aged 65+ with dementia and 56% increase in those aged 65+ with mobility problems;
- a need for around 1,500 housing units with support (sheltered/retirement housing) – around three-fifths in the market sector;
- a need for around 790 additional housing units with care (e.g. extra-care) – again split between market and affordable housing (around two-thirds market);
- a need for additional nursing and residential care bedspaces; and
- a need for 483-822 dwellings to be for wheelchair users (meeting technical standard M4(3)).

In the context of national trends of ageing, the importance of catering sufficiently for the needs and demands of elderly households is clearly given specific attention in national policy and guidance and is therefore a material consideration.

- 8.25. As this is a development which will provide a significant amount of affordable housing for the Borough, a cross section of property types for rented accommodation is requested. The section 106 agreement should contain a requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection. The Borough Council is following national guidance with respect to First Homes properties, therefore the local connection will be set as people who have current residency, employment requirements, family connections or special circumstances, such as caring responsibilities.
- 8.26. In this case, it is considered that this proposal is deemed to be acceptable with respect to housing mix, provision of elderly accommodation and affordable housing provision and therefore accords with development plan policy.

Landscape and Visual Impact

- 8.27. Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.28. The Burbage Neighbourhood Plan states that applications for large developments on the edge of the village must be supported by a Landscape and Visual Impact Assessment (LVIA). An LVIA has been submitted as part of this hybrid planning application. An independent landscape consultant has assessed the report on behalf of the Council and provided a response.
- 8.29. The Burbage Neighbourhood Plan specifically references landscape impact and states that developments creating or enhancing a network of natural features or access to the countryside will be welcomed.
- 8.30. The site is located adjacent to the existing residential edge of Burbage, including the established residential edge to the north, and the more recent emerging residential edge to the east. The settlement edge is currently characterised by residential estates of mixed ages and styles (for example, off Lutterworth Road and Coventry Road). To the south, the highways infrastructure of the M69 corridor provides a physical limit to the site and other extents of the emerging settlement edge.
- 8.31. The site does not lie within or close to a nationally designated landscape. Indeed there are no landscape or environmental designations or sensitivities or note for the site and its immediate surroundings.
- 8.32. Policy 10 of the Burbage Neighbourhood Plan relates to landscape character and states that:
- "Development which has a significant adverse impact on the viewpoint shown on the Landscape Setting and Key View Map (Figure 27, Page 66), which cannot be mitigated, will not be supported."*
- The application site does not form part of the identified landscape setting and key view referred to above. The site is also not within the area of landscape sensitivity identified in the Neighbourhood Plan (Policy 11).
- 8.33. At a national level, the site is situated within the National Character Area (NCA) 94, Leicestershire Vales.
- 8.34. At the Borough level, landscape character is addressed by the Hinckley and Bosworth Landscape Character Assessment. The site is in an area defined by the guidance as 'LCA F - Burbage Common Rolling Farmland'. The key characteristics of LCA F include:
- Large scale, gently rolling arable and pasture farmland with local variations in topography influenced by small streams;
 - Burbage Common and ancient woodland is of national and local importance as an ecological and recreational resource;
 - Medium to large scale rectilinear field pattern bounded by low hedgerows and post and wire fencing with smaller scale pasture fields around the settlements. Field boundaries and hedgerows generally follow contours;

- Urban fringe influences as a result of exposed settlement edges of Hinckley and Earl Shilton situated on higher ground and recreational uses around Burbage Common;
- Sparse settlement within the area, comprising individual buildings and scattered farm complexes;
- Major transport corridors dissect the landscape and introduce noise and movement;
- Open landform and lack of tree cover allows for expansive and distant views to edge of settlement, often situated on the skyline, and punctuated by major infrastructure; and
- Public rights of way including the Leicestershire Round, concentrated around Burbage Common and extending outside the borough into Blaby.

8.35. The site however falls within Sensitivity Area 8 – Burbage South and East of the HBBC Landscape Character Assessment. The key sensitivities and values associated with this area include:

- Low hedgerows to field boundaries reflecting the post medieval field pattern and form part of the overall ecological network
- The semi-rural character of the area and its role as the setting to Burbage historic core
- Woodland spinneys, streams and small water bodies in the area around Lutterworth Road provide ecological interest

Any new development in this area should:

- Seek to avoid development on the higher ridge top area adjacent to the cemetery which forms the immediate rural setting to the historic core of Burbage and maintain this area as a rural green wedge
- Plan for successful integration of development in the landscape through sensitive design and siting, including use of appropriate materials and landscape mitigation to enhance sense of place
- Seek to retain historic field patterns where distinctive s-shaped or dog-leg boundaries remain
- Retain the pattern of hedgerows and hedgerow trees and incorporate further buffer planting to major transport corridors and new development
- Promote opportunities to maintain and enhance the network of rights of way and consider opportunities to create and promote an integrated green infrastructure network around the Burbage, Hinckley, Barwell and Earl Shilton urban edge
- Protect localised areas that retain a natural character, notably the small areas of semi-natural woodland, plus the streams and waterbodies

8.36. The Council's Landscape Sensitivity Assessment judges this area to have a Low to Medium sensitivity to residential development.

8.37. The Landscape Consultant on behalf of the Council (Red Kite), has raised concerns about the impact the proposal would have on landscape and visual impact. The consultant concludes that if the application is consented, the emerging settlement boundary of Burbage would not be a comfortable organic growth. It could also be perceived as materially and visually connecting to the commercial (Amazon) warehousing located to the south of the M69. The consultant notes that the proposed landscape masterplan should retain and reinstate the internal hedgerows where lost or fragmented in order to help protect the unity of the field structure and conform with the principle of sense of place and also retain and protect the Graded A (under BS5837) English Oaks - T9, T13, T24 and T37 which are of "high arboriculture and landscape value" and also protect their high amenity value through retaining the

setting to appreciate the specimen in the landscape, all in accordance with Policy 2 of the 'Burbage Neighbourhood Plan'. The LPA are of the view that the proposal lies in close proximity to a number of recently approved developments and is bounded to the south by the motorway. The views over the site are marred by the line of pylons running through the site and long range views of large warehouses in the immediate distance. Whilst the concerns of the landscape consultant are noted, in this case, it is considered that the landscape (particularly views) have been impacted over time. In addition to this, the scheme is providing a very large amount of open space and landscaping on site due to some of the constraints identified and so this also helps to balance out the impact of development from a landscape and visual amenity perspective.

- 8.38. Paragraph 136 of the NPPF highlights that trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change. Planning decisions should ensure that opportunities are taken to incorporate trees, secure long term maintenance of newly planted trees and that existing trees are retained wherever possible.
- 8.39. The application details state that whilst the proposed layout will seek to retain as much as possible in terms of internal hedgerows, some loss will occur and some will become fragmented. The proposal does however provide for new landscape planting, including new hedgerows, for example along the north-eastern boundary of the site. Additional benefits to existing landscape elements will be achieved through new planting to reflect local character as appropriate (including the use of native species). The applicant has also confirmed the retention of 4x Grade A Oak Trees on site (ref T9, T13, T24 and T37). The implementation of long term management and maintenance plans will also ensure that both existing and proposed landscape components continue to establish and mature to form additional screening and filtering around and within the site.
- 8.40. The landscape consultant has recommended the imposition of conditions should the case officer be minded to approve application. It is therefore considered that some of the harm identified could be mitigated by means of suitably worded conditions.
- 8.41. Overall therefore, in the opinion of the LPA, the landscape in this area is considered to have a low to medium sensitivity to residential development due to the strong influences of the existing settlement edge of Burbage, the location of pylons and the proximity of the M69. With the mitigation proposed, the resultant impact is considered to be low to medium in landscape terms. With the inclusion of conditions as recommended by the landscape consultant, it is considered that on balance, the landscape harm identified could be mitigated for and is therefore given limited weight in the overall planning balance.

Design and Layout

- 8.42. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.43. Paragraph 139 of the latest NPPF states that:

'Development that is not well designed should be refused. Significant weight should be given to:

- *Development which reflects local design policies and government guidance on design, taking into account any local design guidance and SPDs such as design codes and/or*
- *Outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings'*

8.44. Policy 2 of the Burbage Neighbourhood Plan relates to design and layout considerations. The focus of the policy seeks to ensure residential development respects its surroundings and where appropriate should follow the existing pattern of development and retain important natural features such as trees, hedgerows and streams.

8.45. The proposed house types from the Redrow Heritage range include the following range of architectural detailing:

- 2 storey bays to larger properties, resulting in prominent gables fronting the streets,
- A mix of roof types, including pitched and hipped;
- Bay windows with traditional roofs;
- Porch canopies above the main doorways, with traditional details such tiled, pitched roofs, brick piers and timber brackets;
- Brick, soldier course and arched lintels above openings;
- Brick string courses;
- Timber gable details;
- Use of bullseye windows;
- A mix of facing materials including a variety of brick types; and
- Render features on prominent plots, with tile hanging

8.46. The majority of residential development will be 2-storey, reflecting the surrounding built form of Burbage and the existing dwellings to the north and east of the application site. Seven bungalows are also proposed across the site.

8.47. The layout and the arrangement of the built form creates a network of street and spaces which includes the following design principles/features:

- Primary access from Coventry Road, leading to a tree lined primary street;
- A central green space to create a focal point within the development.
- Provision of informal pedestrian and cycle routes through the public open space;
- The design of the development is based on the principle of perimeter blocks that enclose back gardens, providing a strong frontage to the public realm and ensuring active frontages overlook streets and spaces wherever possible.
- a clear hierarchy of streets;
- Key buildings are located within the development to terminate views within the street scene and frame views to the public open space, acting as wayfinding devices ensuring a legible network of streets and spaces;
- Existing tree and hedgerow planting have been retained wherever possible within the proposals;
- The development is set back from the edges of the site to create new areas of public open space, sound buffers;
- Active frontages to proposed areas of public open space, providing natural surveillance and opportunities for active overlooking;
- Terraced units have been utilised near the M69 to provide a continuous build line to mitigate the acoustic impact of the vehicular traffic.

- Seven single storey dwellings are proposed.

8.48. A number of areas of public open spaces are also proposed as part of the design and layout of the development:

CENTRAL GREEN SPACE – the focal point of the development

The SOUTHERN GREEN SPACE - with a MUGA/NEAP, linked by a series of footpaths providing a pedestrian network throughout the Site.

SUDS - integrated into the proposed layout through the drainage ponds, located at the lowest point of the site. Planted in order integrate within the landscape.

ORCHARD - A formal orchard to be located in the northern corner of the site. It is a natural high point within the scheme, it will provide a natural landscape zone between the residential parcels and the land to the east.

DEVELOPMENT EDGE - Development is set back from the edges of the site creating a soft edge. This will help to provide opportunities to retain existing planting, provide hedge hedgerows and trees, and encourage use of the public open space via the proposed pedestrian route that runs around the perimeter.

LAP/TRIM TRAIL - Trim trail equipment is to be used to create an outdoor trail of activities for children and adults to walk, climb etc. These are interspersed throughout the public open space.

8.49. The design/appearance/scale of the proposed care home and self-build plots are not provided at this stage as this element of the scheme is for outline permission only. Details relating to appearance, landscaping, layout and scale for these elements of the development would be determined at the reserved matters stage.

8.50. The proposed care home has been relocated as part of revisions to the layout of the scheme and this has resulted in a more central, inclusive and accessible location when compared to the original scheme. This is considered of benefit from a design and layout perspective at this stage of the application process.

8.51. The Council's waste team have flagged concerns with the proposed location of bin collection points across the site and state that they do not accord with the requirements of the waste collection service as they do not appear to be at the boundary of the adopted highway. It is considered that bin collection points for the proposed dwellings can be dealt with by a suitably worded condition prior to construction of the dwellings.

Impact upon highway safety

8.52. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

8.53. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.

8.54. Paragraph 116 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation would be severe.

8.55. Both National Highways and Active Travel have been consulted on this application. In their initial responses they requested that determination of this application be

deferred whilst further information is sought/assessment of the application considered. Several responses reiterated the need for further information and recommended deferral of a decision until such a time as the requested details were provided.

- 8.56. Further information has subsequently been provided to National Highways by the applicant and they are now content that the application is acceptable subject to conditions. The proposed conditions include the submission of details in respect of excavation works, landscaping works and geotechnical submissions, an external lighting plan, full details of the proposed acoustic fence including future maintenance and its location, a drainage survey in line with DMRB CS 551 drainage surveys and a detailed surface water drainage design and details of any planting being undertaken in proximity to the M69 boundary including future maintenance. In addition, National Highways have also requested a Construction Traffic Management Plan specifically for the A46 trunk road.
- 8.57. Active Travel states that the M69 motorway to the south restricts the site's permeability as it acts as a barrier along the south boundary. The internal layout of the site provides good permeability for pedestrians and cyclists. However, concerns are raised about the lack of apparent traffic calming measures, particularly noting the straight length of the main street entering the site. Access to the site could be improved by providing additional access for pedestrians and cyclists from the north-eastern boundary of the site next to plot SB5 to increase overall permeability. The new potential bus route into the site is considered essential to provide access to public transport to new residents, ensuring a bus stop is within 400 metres of each dwelling. Moreover, it is important to include in the Section 106 agreement that bus stops would be provided in the appropriate form. Further detail on the quantification of daily active travel movements generated by the development needs to be included in the Transport Assessment and the Travel Plan, and therefore, information is requested. Finally, further information is requested on the staff facilities that would be provided at the care home to ensure compliance with LTN 1/20 guidance. However, it is considered that a significant number of the concerns raised by Active Travel could be overcome by suitably worded conditions and the provision of information at the reserved matters stage of the application process.
- 8.58. Several rounds of consultation have also been carried out with the local highway authority in order to seek to overcome the concerns and objections they have raised. The LHA has advised the applicant throughout the application process that the proposed priority T-junction on Coventry Road is not "appropriate given the scale of development".
- 8.59. The applicant has acknowledged that a ghost right turn would be required if the strict application of the guidance in CD123 Figure 2.3.1 was applied, but the applicant considers the 500 AADT threshold needs to be considered in context and in line with Manual for Streets 2 guidance. The applicant has indicated that a lot of the site accesses on Coventry Road are priority junctions and the applicant has also referenced a development of 72 dwellings and many of the side roads in the area that lack a ghost right turn. However, the LHA have highlighted that those other priority junctions do not serve the proposed level of development and other access points were available. The LHA review proposals on a site-by-site basis and do not consider this comparison is reasonable. Furthermore, the proposed development would provide approximately five times the number of dwellings and number of trips compared to the example provided by the applicant. In addition, it would provide right turning vehicles with protection in a dedicated waiting area and allow non-development traffic to continue their journeys unimpeded. Also, as set out in the

previous highways responses, any build-up of congestion on Coventry Road could result in vehicles waiting to exit the development becoming frustrated and taking unnecessary risks when they leave the proposed development.

- 8.60. The LHA acknowledge the additional information provided by the applicant but does not agree that the site access arrangements are safe and suitable to serve the proposed development. Whilst the LHA is prepared to work with applicants and have some flexibility on proposals to facilitate development, it remains that the LHA does not consider a simple priority junction to be suitable for this location and scale of development.
- 8.61. Furthermore, the applicant has not progressed with an additional vehicular access which could link the main part of the development with the smaller parcel of development off Flanders Close. Whilst the principle of a private access via Flanders Close could be considered, given that this would be required via a shared surface, this would not be considered safe and suitable for all users as no suitable pedestrian connectivity would be provided. Whilst the applicant has indicated footways being provided at this location, it is not clear how this could practically tie into the existing layout and has not been demonstrated.
- 8.62. The LHA also asked the applicant to make a fair and reasonable contribution to the A47 Dodwells / Coventry Road / A5 junction to help mitigate the impact of the proposed development. The applicant has responded to say that they do not agree that a contribution is required given there are less than 30 trips through the junction which LCC consider to be a suitable trigger point for further investigation. The LHA have advised that the request for a contribution is based on the existing situation at this junction which is already operating over capacity and will deteriorate in the future base and future with development scenarios. The level of 30 development trips through the junction is a general guide for assessments and does not necessarily mean a junction which has fewer than 30 trips should not be assessed even if it is operating over capacity. The LHA remain of the view that a contribution is needed in this case.
- 8.63. The latest response from the LHA recommends that the application is refused on highway grounds. Despite the submission of further information, the applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development, and the proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users. The residual cumulative impacts of the development are considered to be severe and significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the National Planning Policy Framework (2024) taken as a whole, contrary to Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and paragraphs 115 and 116 of the National Planning Policy Framework (2024).
- 8.64. The proposal is therefore considered to be contrary to development plan policy and the adverse impacts of the proposal in highway and access terms therefore outweighs the benefits of the scheme in this case.

Heritage Impacts

- 8.65. There is one non-designated heritage asset recorded within the site boundary by the Leicestershire Historic Environment Record (HER ref.: MLE24420) - Burbage Fields Farm, Bullfurlong Lane (Farmstead), comprising a farmhouse, yards, barns, silos and concrete areas of hardstanding. A number of barns and outbuildings date to the mid-late 19th century (brick built with pitched slate-tiled roofs, some replaced with

corrugated sheet roofing) alongside modern steel framed barns. The farmhouse is a multiphase structure, with ground floor and first floor extensions. The farm complex is of some limited evidential, historic and aesthetic value and as such is of a local level of heritage significance.

- 8.66. Paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.67. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM12 states that “development proposals should make every effort to retain the significance of locally listed heritage assets”.
- 8.68. The Conservation Officer has been consulted on the application. The proposed development would entail the demolition of all buildings at Burbage Fields Farm resulting in a permanent and irreversible impact upon its local heritage significance. It does not appear particularly practicable to avoid such harm via revising the site layout given the scale of the proposal. In accordance with Policy DM11 of the SADMP and to further employ the balanced judgement required by the paragraph 209 of the NPPF the harm caused to the local heritage asset by the proposal should be weighed against its public benefits. Paragraph 020 of the Planning Practice Guide (Historic Environment section reference ID: 18a-020-20190723) states that “public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8)”. Public benefits may include heritage benefits, such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long term conservation
- 8.69. The proposal demonstrates no direct heritage benefits. Any non-heritage public benefits should be identified by the decision-taker and the balanced judgement applied. The Conservation Officer notes that if the application is to be recommended for approval, then as per the request of Leicestershire County Council, a programme of historic building recording should be secured via planning condition to help mitigate the loss of the historic structures at Burbage Fields Farm.
- 8.70. It is considered that the scheme provides a number of public benefits which include:
- New housing including the provision of 85 affordable housing units
 - A 66x bed care home
 - 11x Self Build Plots
 - An array of market dwellings (1 to 4 bed) including 7x bungalows as part of the overall housing mix (4x market and 3x affordable).
 - 219 M4(2) compliant dwellings (accessible and adaptable)
 - 11.25 Ha of Open Space including a MUGA/NEAP, LEAP, LAP and Trim Trail
 - The creation of jobs and local employment opportunities
 - Biodiversity Net Gain

- Investment in local community facilities – contributions towards Britannia Fields

8.71. Taking into account the above public benefits and a programme of historic building recording via planning condition to mitigate the loss of the historic structures at Burbage Fields Farm, on balance, the proposed development is considered to accord with the requirements of the NPPF and local planning policy with regard to heritage considerations, specifically Policies DM11 and DM12 of the SADMP.

Archaeology

8.72. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. The NPPF also reiterates this advice.

8.73. In line with the National Planning Policy Framework, Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 200 states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and where necessary a field evaluation.

8.74. The LCC Archaeology Team were consulted on the application and initially requested further information. They considered that the desk-based assessment (DBA) submitted with the application contained inadequate information and underplayed the overall baseline potential. They noted that considering the positive archaeological results arising from investigations within the wider landscape (including those to the immediate north of the site) the potential was likely to be high for later prehistoric and Roman remains. LCC Archaeology requested a comprehensive programme of trial trenching (up front) in order to establish an understanding of the archaeological resource through testing geophysical anomalies, in addition to any geophysical 'blank' areas.

8.75. The applicant subsequently provided further information. LCC Archaeology are now satisfied with the level of information provided at this stage.

8.76. Subject to a suitably worded condition relating to a written scheme of investigation the Archaeology Team have no objections to the application being granted permission and it is considered that proposal accords with Policy DM13 of the SADMP and the requirements set out within the NPPF with respect to archaeological considerations.

Impact upon neighbouring residential amenity

8.77. Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

8.78. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.

- 8.79. Paragraph 135 (f) of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.80. Paragraph 191 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development.
- 8.81. The application site lies in close proximity to the M69 and borders the motorway on its southern edge. A noise impact assessment was submitted by the applicant. As part of the development scheme a noise bund has been proposed. The assessment also highlights that due to the proximity of dwellings to the M69 motorway, additional mitigation in respect of ventilation and glazing would be required to achieve desired internal noise levels for future occupiers.
- 8.82. Design considerations that have been proposed to aid the noise mitigation include:
- A continuous 5m bund across the southern boundary of site as an acoustic barrier along the M69 motorway.
 - Maximising the separation distance between source and receiver;
 - Using existing features to reduce noise propagation across the site;
 - Orientate the buildings in a manner which reduces the noise levels within habitable rooms (particularly bedrooms); and
 - Building envelope design to mitigate the noise to acceptable levels, whilst providing adequate ventilation.
- 8.83. The Council's Environmental Health Team was consulted on the application and has requested a number of conditions with respect to noise, a construction environmental management plan including air mitigation, construction hours, land contamination and a landfill gas scheme. These are all reasonable requests that can be appropriately secured by means of conditions and will help to protect residential amenity for both existing residents and future occupiers of the site.
- 8.84. Objections from third parties/local residents have been received in relation to noise and air pollution concerns. Assessments have been submitted by the applicant and assessed by the Council. It is considered that the proposed conditions to be placed on the scheme (particularly those relating to noise, air quality and construction management), will ensure sufficient scrutiny and control and ensure that local concerns are appropriately mitigated.
- 8.85. Subject to conditions recommended by the Environmental Health Team this application is considered to be acceptable in amenity terms and in compliance with Policy 7, Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

- 8.86. Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.

- 8.87. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.88. The application site is located within Flood Zone 1 being at low risk of fluvial flooding but with high risk of surface water flooding in the vicinity of the ordinary watercourse which flows through the site. The proposals seek to discharge at 43.3l/s via dry attenuation basins to the on-site watercourse.
- 8.89. Approximately 15% of the site is at high risk from surface water flooding. Specifically, areas along the perimeter of the site to the north and east are at medium and high risk of flooding from Surface Water.
- 8.90. A sequential test was submitted by the applicant in light of the *Mead Realisations Ltd v Secretary of State for Housing Communities and Local Government & North Somerset Council* [2025] EWCA Civ 32 ('Mead') judgement, dated 30 January 2025, the revised National Planning Policy Framework (December 2024) (NPPF) and the Planning Practice Guidance [PPG] for Flood Risk and Coastal Change (updated August 2022). At the time the application was submitted a Flood Risk Sequential Test was required for 'vulnerable' uses located within areas at risk of flooding, including (inter alia) surface water flooding.
- 8.91. It is very important to highlight however, that since the submission of the applicant's sequential test, government guidance was subsequently updated on flooding (Sept 2025) – specifically in respect of surface water flood risk. It is now the case that:
- 'Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.'*
- 8.92. The applicant has also subsequently provided a guidance note which contains updated information on SuDS considerations and further clarity on the full drainage strategy details. The LLFA welcomes the inclusion of filter strips and swales and notes the applicant's commitment to further SuDS in the form of rainwater harvesting and water butts, to be included at a later stage of the phased development.
- 8.93. Subject to a condition in relation to a scheme to treat and remove suspended solids from surface water run-off during construction works, the Environment Agency have no objections to the scheme as proposed.
- 8.94. Subject to conditions in respect of surface water matters the LLFA raise no objections.
- 8.95. It is therefore considered that the development can demonstrate it will be safe for its lifetime taking account of the vulnerability of its uses, without increasing flood risk elsewhere, and where possible, will reduce flood risk overall. Plots and associated structures have been located outside of the flooding zones associated with the existing unnamed watercourse.

- 8.96. Critically, key consultees have raised no objections in flooding terms.
- 8.97. Subject to compliance with the FRA's recommended mitigation measures and conditions as recommended by the LLFA and the EA, it is considered that the proposed development would not have an adverse impact in terms of drainage and flood risk and is compliant with development plan policy and the latest government guidance.

Ecology and Biodiversity

- 8.98. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.99. Policy 9 of the Burbage Neighbourhood Plan states that development should seek to protect and enhance the network of green spaces, stepping stones and wildlife corridors including species rich hedgerows which provide a valuable linear network allowing for the movement, as well as providing a habitat for wildlife.
- 8.100. The Biodiversity Net Gain (BNG) assessment for this application was initially calculated using the DEFRA Biodiversity Metric 3.1 and associated User Guide and Technical Supplement¹. Since the time of the survey Defra have published a new version of the metric Defra ver.4.0. The BNG assessment was therefore updated in accordance with the Defra BM4.0 Metric and associated User Guide and Technical Supplement². The overall baseline value of the site is 58.06 habitat units. With the hedgerow types and target conditions set out above, proposed development is able to deliver approximately 38.08 hedgerow units, which results in a net gain of 11.93 habitat units (46.87%). With the minor loss in ditch and brook sections to culverts, to facilitate internal roads, the site will have a total of 3.45 units post-intervention, which results in a minor loss of 0.12 habitat units (-3.28%). Through the retention and enhancement of habitats, where possible, along with the creation of other neutral grassland, native scrub, orchard, species rich amenity grassland and the provision of native urban trees, the post-development value of the site will be 64.07 habitat units. The proposed scheme therefore will result in a net gain of 6.01 habitat units, which represent an increase of 10.35%.
- 8.101. LCC Ecology have been consulted on the application and raise no objections. They have stated that the majority of the site is modified grassland which is of relatively low conservation significance. The hedgerows, trees and watercourse on site provides more ecological value and therefore should be protected during works (where being retained). Some low conservation significance bat roosts were recorded but will need an EPS licence from Natural England prior to building demolition. LCC Ecology have confirmed that they are satisfied with the Ecology Mitigation/ Enhancement Strategy produced by FPCR in July 2024 and the Biodiversity Net Gain Assessment undertaken by FPCR in August 2024 and 2025.
- 8.102. The applicant has also confirmed that the Grade A trees assessed and identified within the Arboricultural Assessment will be retained as part of the future development proposals. The Tree Officer has no concerns in this regard.
- 8.103. Therefore, subject to conditions relating to a Construction Environment Management Plan for biodiversity (CEMP) and a Landscape and Ecological Management Plan (LEMP) and the retention of Grade A trees, this application is

considered to be acceptable with respect to ecological matters and is in compliance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016, Policy 9 of the Burbage Neighbourhood Plan and the requirements of the NPPF.

Minerals

- 8.104. The application site is located wholly within the safeguarding area for sand and gravel as identified in the Leicestershire Minerals and Waste Local Plan 2019-2031. Policy M11: Safeguarding of Mineral Resources seeks to prevent the sterilisation on the mineral resource by non-mineral development and requires planning applications for non-mineral development to be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.
- 8.105. The application submission includes a Minerals Assessment. Based on the information set out in the report, the Minerals and Waste Team at LCC (MWPA) is satisfied that it would not be practicable or viable to extract the underlying sand and gravel resource prior to proposed development taking place. It is noted that, at paragraph 5.15, the Mineral Resource Assessment indicates that there may be an opportunity to utilise limited quantities of sand and gravel as an as-dug fill material for site grading or landscaping works. The MWPA considers that this would be a sustainable use of the mineral resource and requests that an advisory note to this effect be placed on any planning permission.
- 8.106. No conditions have been requested by the Minerals Team in this case. As such, the application is considered to be acceptable in this regard and compliant with Development Plan Policy and the requirements of the NPPF.

Planning Obligations

- 8.107. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.108. Since the submission of this application, the Council has published an up to date Open Space Assessment (Oct 2025) and as such, planning applications (where relevant) now need to adhere to the most recent requirements and calculations for on-site and off-site open space provision. The previous 2016 Open Space Study is now out of date and no longer applicable. The applicant has revised the open space and typologies plan to accommodate the required provision. The Council is satisfied that the proposal accords with the Open Space Needs Assessment (2025)
- 8.109. The on-site open space provision requirements as per the 2025 Open Space Assessment for this site are as follows:
- Amenity Greenspace = 13,856 sq metres
 - Equipped Play = 2508 sq metres
 - Natural and Semi-Natural = 20,784 sq metres
 - Provision for young people (MUGA) = 2926 sq metres

The total on-site maintenance calculation = £73,807.78 (per year to cover a 20 year period).

- 8.110. The off-site open space requirements as per the 2025 Open Space Assessment for this site are as follows:
- Allotments = £26,951.65

The total off-site maintenance calculation = £1,018.42 (per year to cover a 10 year period).

- 8.111. With respect to outdoor sports provision, off-site contributions would be required for Britannia Road and the Parish Council are looking at the siting of 3G Pitches.
- 8.112. The outdoor sports requirements have been assessed against the Council's recently published Playing Pitch and Outdoor Sport Strategy. There are 4 analysis areas for Hinckley and Bosworth and Burbage falls within the Urban South Analysis Area. For clarification, at the time of writing this report, the Council is not seeking contributions for indoor sports requests – so the only requests being considered for this application are for outdoor sports only using the Playing Pitch Strategy and not the sport facility calculator.
- 8.113. Looking over the Urban South Analysis area, the following outdoor sports contributions are applicable for this site:

Adult Football – spare capacity – no contribution sought
Youth Football – shortfall – contribution sought
Mini Football – spare capacity – no contribution sought
3G Pitch – shortfall – contribution sought
Rugby – at capacity – contribution sought
Cricket – shortfall – contribution sought

Capital Costs (where there are shortfalls/at capacity)

Youth Football £59,953.00
3G Pitch £80,114.00
Rugby £19,573.00
Cricket £28,410.00
Total = £188,050.00

Lifespan/Maintenance (for 10 years)

Youth Football £12,111.00 per annum
3G Pitch £2,380.00 per annum
Rugby £3,621.00 per annum
Cricket £5,288.00 per annum
Total = £23,400.00 (per year for 10 years)

Changing room costs = £318,143.00 (cost applicable to all whether or not there is a shortfall)

Total Outdoor Sport Contribution = £188,050.00 + £318,143.00 + £234,000.00 = £740,193.00

- 8.114. The Parish Council despite their objections to the scheme have stated that they would like to take on the management and maintenance of the open space for this application if it is approved.
- 8.115. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
- A) Necessary to make the development acceptable in planning terms;

- B) Directly related to the development; and
- C) Fairly and reasonably related in scale and kind to the development.

8.116. The request made by Leicestershire Police is not considered to be CIL compliant and is therefore not included within the list set out below. This is consistent with the Council's historic position on the matter.

8.117. The financial contributions and planning obligations sought are detailed below:

Affordable Housing – 20% (85 units)

- 21 homes for First Homes
- 43 homes for affordable rent
- 21 homes for shared ownership
- Library Services (Burbage Library) – £12,849.12
- LCC Waste Management (Barwell HWRC) - £21,446.49
- Healthcare £351,436.80.
- Early years education (Burbage Church of England Infant School) £617,862.96
- Primary Education (Burbage Church of England Infant School & Burbage Junior School) - £1,772,468.76
- Secondary Education – No contribution required
- Post 16 Education – No contribution required
- Primary SEND Education (The Dorothy Goodman School Hinckley) £95,856.60
- Secondary SEND Education (The Dorothy Goodman School Hinckley) £131,232.30
- On site and off site Open Space provision to be provided as per the details set out above.
- Total Outdoor Sport Contribution = £740,193.00
- A Local Employment and Training Strategy
- Council's Monitoring and Site Visit Fees
- Council's Legal Fees

8.118. The nearest library to this development is Burbage Library and it is estimated that the total assumed occupancy of 1276.5 arising from the development will create additional pressures on the availability of the facilities at that library, and others nearby. This contribution would be used at to provide improvements to this library and its facilities, including, but not limited to, books, materials, or associated equipment or to reconfigure the internal or external library space to account for additional usage of the venue arising from an increase in members to the library as a result of this development. This contribution may also be spent to fund new library provision. **The total library contribution being sought is £12,849.12.**

8.119. The nearest Recycling and Household Waste Site to this development is Barwell RHWS and the proposed development would create additional pressures on the site. This contribution would be used for site reconfiguration, including the development of waste infrastructure, to increase the capacity for this Household Waste and Recycling Centre, or any other HWRC directly impacted by this development. **The total waste contribution being sought is £21,446.49**

8.120. In terms of healthcare, it is considered that the development will result in a minimum population increase of 1,098.24 patients:

422 dwellings x 2.42 patients = 1,021.24 patients

11 self-build plots x 1 patient = 11 patients

66 bed care home x 1 patient = 66 patients

The GP Practice in closest proximity of the application site is Burbage Surgery. An increase in patient registrations at a GP surgery requires the practice to proportionately increase their facility to maintain services, in order to support the health needs of their patient list. **The requested contribution of £351,436.80 is made and would be required prior to first occupation.**

- 8.121. Having investigated the impact on Early Years childcare from the proposed development, it is determined that this development will see an increase of 33.66 Early Years children to the area, and therefore, a full contribution will be required to ensure there is childcare available to meet this demand. There are currently 3 providers within a one-mile distance of the proposed development site, providing a total of 120 spaces. In the Summer period 2025, there were 111 children aged from 9 months to 4 years who claimed the Free Early Education as recorded on the Headcount. This does not take into account any non-funded children. This means that there is a surplus of 9 places. There are 7 other developments within Burbage with a planned housing total of 738 dwellings. This creates 62.73 places that are required. This deficit along with the additional 33.66 places from this development creates a total deficit of 96.39 places. With the surplus of 9 places, there is still a deficit of 87.39 places in the area, so a full claim is justified. **Therefore, the total amount sought in respect of Early Years Education is £617,862.96**
- 8.122. Primary Education - The development yields 52 infant aged children. Burbage Church of England Infant School is the catchment infant school for the development and has a net capacity of 270 places and there will be a deficit of 129 places if this development goes ahead. The overall deficit including all schools within a two mile walking distance of the development is 78 pupil places. A total of 50 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 28 places. The 52 places created by this development cannot be fully accommodated at nearby schools. The development yields 71 junior aged children. Burbage Junior School is the catchment primary school for the development and has a net capacity of 376 places and there will be a deficit of 186 places if this development goes ahead. The overall deficit including all schools within a two mile walking distance of the development is 179 pupil places. A total of 60 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 119 places. The 71 places created by this development cannot be accommodated at nearby schools. **Therefore a request for contributions in respect of the primary education for £1,772,468.76 is justified.**
- 8.123. The development yields 68 secondary aged children. Hastings High School is the catchment secondary school for the development and has a net capacity of 1000 places and there will be a deficit of 142 places if this development goes ahead. The overall surplus including all schools within a three-mile walking distance of the development is 88 pupil places. The 68 places created by this development can be accommodated at nearby schools. **Therefore, there is no request for secondary education on this occasion.**
- 8.124. The development yields 14 post 16 aged children. The Hinckley School is the catchment post 16 school for the development and has a net capacity of 300 places and there will be a deficit of 88 places if this development goes ahead. A total of 56 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 32 places. The 14 places created by this development can therefore not be accommodated at nearby schools. However, The Hinckley School is forecast to have a significant number of surplus capacity in the 11-16 age range which may be re-purposed to accommodate

additional Post 16 students. **As such an education contribution will not be requested for Post 16 on this occasion.**

- 8.125. The council seeks developer contributions towards the cost of expanding special school provision for developments of 100 dwellings or more.
- 8.126. The council seeks developer contributions towards the cost of expanding special school provision for developments of 100 dwellings or more. This development will yield 1.46 primary aged SEND children. The Dorothy Goodman School Hinckley has a net capacity of 380 and there will be a deficit of 53 places if this development goes ahead. A total of 10 pupil places have been deducted that are being funded from S106 agreements for other developments in the area meaning an overall deficit of 43 pupil places. **Therefore, a full request for contributions towards Primary SEND of £95,856.60 is justified, which is calculated by taking the number of deficit places for primary aged children, multiplied by £65,664.00.**
- 8.127. This development will yield 1.61 secondary aged SEND children. The Dorothy Goodman School Hinckley has a net capacity of 380 and there will be a deficit of 53 places if this development goes ahead. A total of 10 pupil places have been deducted that are being funded from S106 agreements for other developments in the area meaning an overall deficit of 43 pupil places. **Therefore, a full request for contributions towards Secondary SEND of £131,232.30 is justified, which is calculated by taking the number of deficit places for secondary aged children, multiplied by £81,531.00.**
- 8.128. The Council also require monitoring fees and legal fees as part of any agreed Section 106 Agreement.
- 8.129. All of the above contributions, with the exception of Leicestershire Police, are considered to meet the three tests set out in the NPPF and therefore would form part of a Section 106 legal agreement if the application were to be approved.

Planning Balance

- 8.130. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.131. The Council cannot demonstrate a 5YHLS and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are out of date as they focused on delivery of a lower housing requirement than is now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.132. The provision of up to 422 dwellings including 7 bungalows, 85 affordable housing units, a 66 bed care home and 11x self build plot is considered to be a significant benefit of the proposal and significant weight is given in the overall planning balance.
- 8.133. The scheme does not fully comply with Policy DM4 of the SADMP but the impact on landscape and visual amenity has been assessed and is considered to be low to medium for this development proposal. As such limited weight is given to this impact in the overall planning balance. Conditions were also suggested by the landscape consultant to help mitigate some of the impacts. Therefore, the landscape impact

does not significantly and demonstrably outweigh the other material benefits identified in this case.

- 8.134. Taking into account the following public benefits alongside a programme of historic building recording via planning condition to mitigate the loss of the historic structures at Burbage Fields Farm, on balance, the proposed development is considered to accord with the requirements of the NPPF and local planning policy with regard to Heritage considerations, specifically Policies DM11 and DM12 of the SADMP

Public benefits

New housing including the provision of 85 affordable housing units

A 66x bed care home

11x Self Build Plots

An array of market dwellings (1 to 4 bed) including 7x bungalows as part of the overall housing mix (4x market and 3x affordable).

219 M4(2) compliant dwellings (accessible and adaptable)

11.25 Ha of Open Space including a MUGA/NEAP, LEAP, LAP and Trim Trail

The creation of jobs and local employment opportunities

Biodiversity Net Gain

Investment in local community facilities – contributions towards Britannia Fields

- 8.135. However, the applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development. The proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users. The residual cumulative impacts of the development are considered to be severe and significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the National Planning Policy Framework (2024) taken as a whole, contrary to Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and paragraphs 115 and 116 of the National Planning Policy Framework (2024).

9. Equality implications

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officer have taken this into account and given due regard to this statutory duty in the consideration of this application.
- 9.3. There are no known equality implications arising directly from this development.
- 9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and

family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Recommendation

10.1 Refuse Planning Permission for the following reason:

The applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development from Coventry Road. The proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users. The residual cumulative highway and access impacts of the development are considered to be severe and significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the National Planning Policy Framework (2024) taken as a whole, contrary to Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and paragraphs 115 and 116 of the National Planning Policy Framework (2024).

This decision is based upon the following plans/information:

Site Location Plan, Drg No. 1693-08-02-120 Rev A
Site Layout Plan, Drg No. 1693-08-02-100 Rev G
Materials Layout Plan, Drg No. 1693-08-02-111 Rev C
Coloured Site Plan, Drg No. 1693-08-02-110 Rev C
Types of POS, Drg No. 1693-08-02-104 Rev E
Landscape Masterplan, Sheet 1 of 2, Drg No. c-2109-01 Rev K
Landscape Masterplan, Sheet 2 of 2, Drg No. c-2109-02 Rev K
Road Hierarchy Plan, Drg No. 1693-08-02-148 Rev C
Topographical Survey Plan, Drg No. 1693-08-02-128
Site Sections, Drg No. 1693-08-02-116 Rev C
Street Scenes, Drg No. 1693-08-02-112 Rev C
Fire Distance Plan, Drg No. 1693-08-02-127 Rev C
Highway Adoption Plan, Drg No. 1693-08-02-122 Rev C
Existing, Proposed PROW, Drg No. 1693-08-02-115 Rev A
Road Hierarchy Plan', Revision C dated 14 August 2025
Refuse Tracking and Vis Splays' Drg No. 1693-08-02-170 dated August 2025
Transport Assessment and Appendices
SLR Road Safety Risk Assessment (Ref: 407.064917.00001 Rev 01, dated 24th June 2025, and
presented in Appendix D) of the proposed site access arrangement (based on
Dwg 21390-RLL23-XX-DR-D-5008 Rev P10);
Updated Coventry Road automatic traffic count (ATC) surveys, undertaken
from 28th June 2025 to 4th July 2025 (Appendix E);
Updated site access capacity assessment (informed by 2025 ATC traffic data),
and (Appendix F);
Updated site access layout (Dwg 21390-RLL-23-XX-DR-D-5008 Rev P11,
presented in Appendix G) to include amended visibility splays (based on 2025
ATC recorded 85th percentile speed data).
Rodgers Leask Limited Technical Note 'Land south of Burbage' Ref: 21390-
RLL25-XX-TN-D-5028, Revision P01, dated 8 August 2025
Residential Travel Plan
Employment Travel Plan
Junction Modelling Files
Traffic Flow Spreadsheets
Bin Refuse Plan, Drg No. 1693-08-02-145 Rev C
Enclosures Plan, Drg No. 1693-08-02-121 Rev C

Management Company Plan, Drg No. 1693-08-02-144 Rev C
Surface Materials Plan, Drg No. 1693-08-02-140 Rev C
Affordable Housing Plan, Drg No. 1693-08-02-132 Rev C
Parking Strategy Plan, Drg No. 1693-08-02-147 Rev C
Character Area Layout, Drg No.1693-08-02-164 - Rev C
Bat Boxes, Bird Bricks and Hedgehog Highways, Drg No.1693-08-02-100 Rev C
Drainage Strategy, Sheet 1 of 6, Drg No.FW2285-D-400-01 Rev A6
Drainage Strategy, Sheet 2 of 6, Drg No.FW2285-D-400-02 Rev A6
Drainage Strategy, Sheet 3 of 6, Drg No.FW2285-D-400-03 Rev A6
Drainage Strategy, Sheet 4 of 6, Drg No.FW2285-D-400-04 Rev A6
Drainage Strategy, Sheet 5 of 6, Drg No.FW2285-D-400-05 Rev A6
Drainage Strategy, Sheet 6 of 6, Drg No.FW2285-D-400-06 Rev A6
Flood Risk Assessment received 21 August 2025
Flood Risk Sequential Test received 21 August 2025
Hydraulic Modelling Study
Consolidated Drainage Strategy Sheet 1 of 3, Drg No.FW2285-D-410-01 Rev A5
Consolidated Drainage Strategy Sheet 2 of 3, Drg No.FW2285-D-410-02 Rev A5
Consolidated Drainage Strategy Sheet 3 of 3, Drg No.FW2285-D-410-03 Rev A5
Engineering Layout Sheet 1 of 6, Drg No.FW2285-E-500-01 Rev A6
Engineering Layout Sheet 2 of 6, Drg No.FW2285-E-500-02 Rev A6
Engineering Layout Sheet 3 of 6, Drg No.FW2285-E-500-03 Rev A6
Engineering Layout Sheet 4 of 6, Drg No.FW2285-E-500-04 Rev A6
Engineering Layout Sheet 5 of 6, Drg No.FW2285-E-500-05 Rev A6
Engineering Layout Sheet 6 of 6, Drg No.FW2285-E-500-06 Rev A6
Supplementary Planning Statement received 06 June 2025
Burbage Field Sequential Test Report received 06 June 2025
Ecology Mitigation / Enhancement Strategy (Updated) received 1 May 2025
BNG Metric 4.0 dated 17.11.2025
Landscape and Visual Briefing Note dated 31 March 2025
Landscape and Visual Impact Assessment
Private House Type Pack received 7 March 2025
Affordable House Type Pack received 7 March 2025
Garage Type Pack received 7 March 2025
Arboricultural Assessment Rev D
Biodiversity Net Gain Report Rev F November 2025
Bird Survey Report
Updated Species Survey Report
Noise Impact Assessment (2061522-RSK-RP-001-(07)
Flood Risk Assessment Parts 1 -11
Archaeological Desk-Based Assessment (P22-353)
Headland Archaeology response to LCC Archaeology
Geophysical Survey Report
Geo-Environmental Report (Parts 1 and 2)
Air Quality Assessment
Trial Trenching Evaluation Report
Design and Access Statement and Addendum
Minerals Assessment
Phase I Geo-environmental Desk Study
Proposed Noise Bund Longitudinal Sections Sheet 1 of 2 FW2285-E-510-01
Proposed Noise Bund Longitudinal Sections Sheet 2 of 2 FW2285-E-510-02
Proposed Bund Foundation (Drawing Number: FW2285-S-110 Rev A1)
Bund Fence Foundation
Utilities Assessment
Statement of Community Engagement