

**Delegated Report
Report to the Planning Manager (Development Management)**

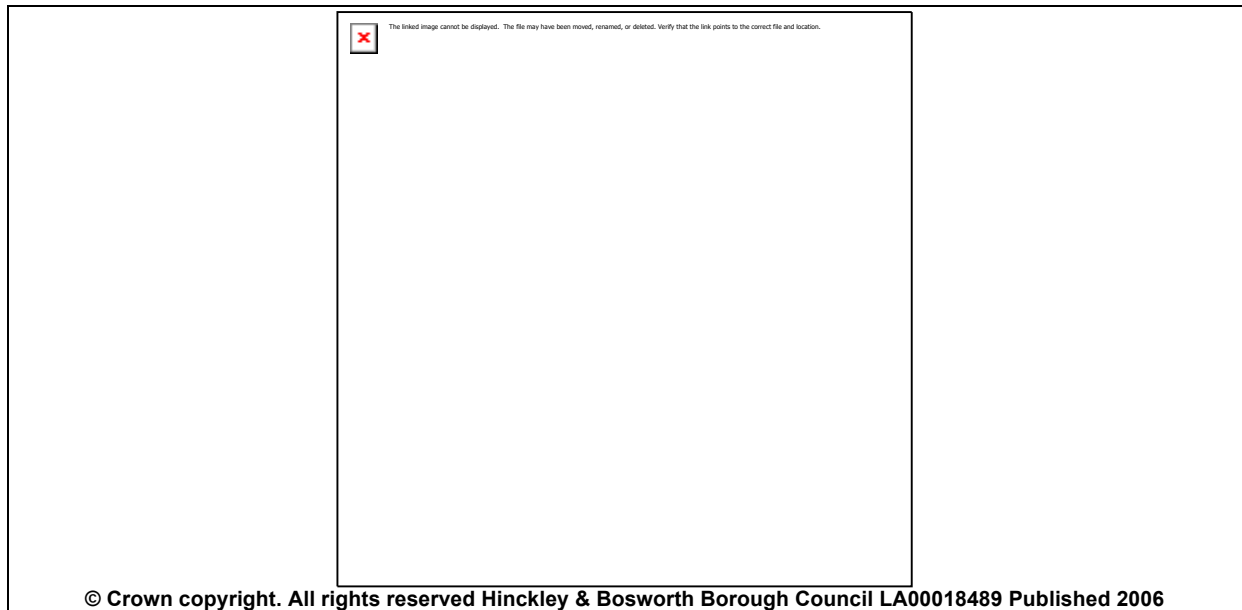
**Planning Ref: 23/01229/OUT
Applicant: Ms Ashleigh Genco
Ward: Barwell**



**Hinckley & Bosworth
Borough Council**

Site: Land East Of The Common Barwell

Proposal: Outline Planning application for up to 95 dwellings with associated access, open space and landscaping following demolition of all buildings on site



1. Recommendations

- 1.1. **Refuse planning permission** for the **reasons** listed at the end of this report.

2. Planning application description

- 2.1. The planning application is in outline form. Only the principle of the proposed development and the means of access are to be considered in detail for the purposes of this assessment. All other matters – landscaping, layout, scale and appearance would be deferred to reserved matters should permission be granted
- 2.2. The planning application seeks outline planning permission for the development of the application site to provide up to 95 homes.
- 2.3. The proposed single point of vehicle access is located to the south of 89 The Common and “hugs” a row of proposed dwellings that are arranged in a perpendicular fashion to The Common, to the north of the access road. Public open space is located to the south of the access and extends eastwards towards Inglenook Farm. The illustrative masterplan shows the easternmost fields as being retained for public open space with the proposed dwellings being located within, what are currently the western and central fields. A landscape buffer abuts Dawsons Lane and two new accesses – a pedestrian link and a cycle and pedestrian link are taken off Dawsons Lane. A network of footpaths are shown through the houses and public open space, which features a circular walk, and a

new footpath is shown, linking the site with the A47. A play area, outdoor recreation space and attenuation basin are shown within the public open space.

- 2.4. The current proposals are a reduced scheme compared to that proposed under planning application reference 21/01229/OUT which was dismissed under appeal reference 3295558 following a public inquiry.

3. Description of the site and surrounding area

- 3.1. The application site comprises approximately 10.92 hectares and is made up of nine field parcels, which are used as paddocks, divided by mature native hedgerows and trees and some sections of fencing. The site is accessed at present by field accesses taken from The Common and Dawson's Lane. The site slopes gently upwards towards Dawson's Lane.
- 3.2. The boundaries of the site are predominantly defined by existing hedgerows and sporadic tree planting. The site is bounded to the north by Dawson's Lane; to the west by the rear boundaries of the existing dwellings on The Common and The Enterprise Centre. Open countryside lies beyond the site boundaries to the east and south. The A47, Leicester Road, is located beyond the fields/paddocks located to the south of the site.
- 3.3. The site is located within the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge, a multi-functional designation that provides recreational opportunities; performs an agricultural role; provides opportunities for flora and fauna; and links urban areas with open countryside. Its primary function is to guide development form of urban areas in order to maintain settlement identity and prevent coalescence.
- 3.4. The site is located in Flood Zone 1 and is at low risk of fluvial flooding. The part of the site that is bounded by the A47 is at high risk of surface water flooding. There are also some areas at low risk of surface water flooding within the site which correspond with the existing settlement edges. There are no heritage assets within the vicinity of the site and the site is not subject to any Tree Preservation Order.
- 3.5. The site composition has undergone minor changes, compared to earlier applications, now excludes the field/paddock to the south that bounds the A47 and in its place includes the paddock located to the west of The Enterprise Centre.

4. Relevant planning history

17/00030/PP

- Residential development of up to 185 dwellings (outline - access only)
- Appeal dismissed
- 20.07.2018

17/00507/SCOPE

- Screening opinion for residential development of up to 185 dwellings and associated infrastructure.
- 13.06.2017

17/00531/OUT

- Residential development of up to 185 dwellings (outline - access only)
- REFUSED – Appeal Dismissed
- 29.08.2017

21/01470/OUT

- Residential development of 110 dwellings with associated access, open space and landscaping (outline - access only)
- Appeal dismissed
- 27.3.2023

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. In response to the publicity surrounding this application 13 objections have been received. The areas of concern raised can be summarised as follows:
- Loss of Greenspace/ incursion on Green Wedge
 - Flood risk
 - Traffic issues/congestion/car reliance
 - Highway Safety
 - Loss of privacy
 - Access for emergency services
 - Strain on infrastructure
 - Light pollution
 - Loss of outlook
- 5.3. The development's impact on house prices was raised as a concern in more than one response. Whilst this matter is clearly a concern to residents, unfortunately this matter is not a material planning consideration that can be taken into account in the determination of this planning application.
- 5.4. No representations of support have been received.

6. Consultation

- 6.1. The following provides a summary of the consultation responses that have been received. Where appropriate, a fuller account of the consultation responses have been incorporated into the body of the report below.

No comment

- Environment Agency
- LCC Trees
- LCC Minerals
- Coal Authority

No Objection subject to conditions and/or planning obligations

- Housing Strategy

- Leicester Police
- NHS England
- LLFA
- LCC Archaeology
- Environmental Health
- HBBC Ecologist
- HBBC Conservation
- HBBC Drainage
- Environmental Health
- LCC Developer Contributions

Objection

- LCC Highways

7. Policy

7.1. Core Strategy (2009)

- Policy 3: Development in Barwell
- Policy 5: Transport Infrastructure in the Sub-regional Centre
- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- 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 DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. Earl Shilton and Barwell Area Action Plan (2014)

- Policy 2: Provision of Community Facilities
- Policy 3: Primary, Secondary and upper Education provision

- Policy 4: Provision of Indoor Sports and Leisure Facilities
- Policy 5: Waste Management Provision
- Policy 19: Regeneration of the District Centres
- Policy 20: Skills Development

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Hinckley and Bosworth Landscape Character Assessment (2006)
- Green Wedge Review (2020)
- Affordable Housing SPD
- Earl Shilton and Barwell Area Action Plan: Topic Paper 2
- Strategic Housing Market Assessment (2014)
- Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage

Assessment against strategic planning policies

7.6. Paragraph 2 of the National Planning Policy Framework (NPPF) (2023) reaffirms that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. 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.

7.7. The development plan in this instance comprises the adopted Core Strategy (2009), the Earl Shilton & Barwell Area Action Plan (2014) and the adopted Site Allocations & Development Management Policies (SADMP) DPD (2016).

7.8. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the 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.

7.9. ***Housing Land Supply Position***

- 7.10. The Council's housing land supply position is set out within its 'Residential Land Availability Monitoring Statement 1 April 2021 to 31 March 2022'. This paper is based on the need to deliver 472 dwellings per annum, demonstrating a housing supply calculated at 4.89 years under the Standard Method.
- 7.11. Due to the shortfall in the five year housing land supply, paragraph 11(d) of the NPPF is triggered. This application should therefore be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 7.12. Footnote 8 to paragraph 11 clarifies *"this includes, for applications involving the provision of housing, situations where a) the local planning authority cannot demonstrate a five year housing land supply (or a four year supply, if applicable, as set out in paragraph 77); and does not benefit from the provisions of paragraph 76; or (b) where Housing Delivery Test indicates that the delivery of housing was substantially below 75% of the housing requirement over the previous three years"*. In this instance "a" of footnote 8 is applicable.
- 7.13. Paragraph 77 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 95% of the local planning authority's housing 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.'*
- 7.14. The Council acknowledges that it cannot currently demonstrate a five year housing land supply position, and so by way of footnote 8 of the Framework the 'tilted balance' element of the presumption in favour of sustainable development as set out in paragraph 11(d) is triggered. The latest Action Plan can be found at https://www.hinckley-bosworth.gov.uk/downloads/file/7754/housing_delivery_test_action_plan_july_2022
- 7.15. Whilst some of the policies most relevant for this proposal are considered to be out-of-date the amount of weight to be afforded to them will be dependent on their consistency with the Framework. Due to the lack of a 5 year housing land supply, paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise.

Spatial Strategy

- 7.16. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.

- 7.17. Barwell is an Urban Area as identified in Policy 3 of the Core Strategy and is identified as such in chapter 4 of the SADMPDPD with detailed allocations for Barwell contained in the Earl Shilton and Barwell AAP. Barwell supports Hinckley as the sub regional centre and along with Burbage and Earl Shilton, provides more local services to the populations residing there.
- 7.18. Two large Sustainable Urban Extensions (SUE's) are identified in the AAP for Earl Shilton and Barwell, these have been allocated on the basis of their ability to contribute to the long-term housing needs of the Borough and to address issues in relation to deprivation and regeneration in the settlements (para 4.1 and 4.2 of the AAP).
- 7.19. Currently the SUE to the west of Barwell does not have planning permission but outline permission exists, subject to the signing of a S106 agreement for the SUE to the east of Earl Shilton (ref 12/00295/OUT). In terms of sustainability, the settlement of Barwell is considered to be a highly sustainable location.

Other Strategic Policy

- 7.20. The site lies outside but adjoining the settlement boundary of Barwell in the Countryside as identified in Policy DM4 of the SADMPDPD. New residential development in this location is not acceptable in line with the provisions of the policy and as such the principle of development in the countryside is contrary to policy DM4.
- 7.21. The application site is located within the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. The green wedge protects the separation of the settlements, helping to protect their individual identities and provides easy access from the urban areas into green spaces and contributes towards the quality of life for residents in their urban areas. They also provide a "green lung" to urban areas; this relates to environmental value such as green infrastructure, wildlife sites, air quality and flood alleviation measures. Policy 6 of the Core Strategy identifies acceptable land uses, provided the operational development associated with the use does not damage the function of the green wedge. The acceptable uses are as follows:
- a) Agriculture, including allotments and horticulture not accompanied by retail development
 - b) Recreation
 - c) Forestry
 - d) Footpaths, bridleways and cycleways
 - e) Burial grounds
 - f) Use for nature conservation
- 7.22. It is also stated in the policy that development in the Green Wedge should:
- a) Retain the function of the Green Wedge
 - b) Retain and create green networks between the countryside and open spaces within the urban areas
 - c) Retain and enhance public areas to the Green Wedge, especially for recreation; and
 - d) Should retain the visual appearance of the area
- 7.23. Policy 20 of the Core Strategy identifies that the green wedge between Hinckley and Barwell should be maintained as it plays an important environmental and

landscape protection role. The proposal for residential development is not a form of development supported by Policies 6 and 20 of the Core Strategy and therefore would be in conflict with the development plan.

- 7.24. Paragraphs 39 to 41 of the previous appeal decision, relating to the same site, set out that development of the site would have an effect on the character and appearance of the area and on the Hinckley/Barwell/Earl Shilton Green Wedge. The current application has reduced the proposed development by 94 units, however, the fact remains that any development on this parcel of land would remain contrary to policy. For the reasons outlined above the principle of residential development on this site is contrary to the spatial policies within the development plan, specifically Policy 6 and 20 of the Core Strategy and Policy DM4 of the SADMP.

Design and impact upon the character of the area

- 7.25. Policy DM4 of the adopted SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development. Furthermore, as identified above, Policy 6 of the Core Strategy identifies acceptable land uses within the green wedge and also identifies that land uses should retain the function of the green wedge, retain and create green networks between the countryside and open spaces within urban areas, retain and enhance public access to the green wedge, especially for recreation and should retain the visual appearance of the area.
- 7.26. Policy DM10 of the adopted 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 that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the area generally.
- 7.27. The planning application was accompanied by an LVIA.

Landscape Character

- 7.28. The application site is situated within the Character Area F: Hinckley, Barwell and Burbage Fringe identified within the Hinckley and Bosworth Landscape Character Assessment (LCA) (2006). The key characteristics of the area are:
- Gently rolling landform with some areas of flat land such as Burbage Common.
 - Mix of arable and pasture with isolated areas of woodland.
 - Increasing industrial use around urban areas
 - Medium sized rectilinear field pattern bounded by mixed hedgerows and few hedgerow trees.
 - Agricultural land provides open areas of separating landscape between Barwell, Earl Shilton and Hinckley.
 - Landscape heavily influenced by established settlements, often situated on higher ground, with masts and poles prominent.
 - Significant transport infrastructures subdivides area
 - Distinctive landscape features such as Burbage Common and Wood have local and national importance as ecological and recreational resources

- Localised containment provided by woodland by urban areas frequently visible on ridgelines

- 7.29. The LCA identifies that the sensitivity of this area varies across the diverse urban fringe character area. It is concluded that strategically significant landscapes of high sensitivity are located close to principal urban areas. In the context of the previous application/appeal, the Council's Landscape Consultant found that the impact of the development upon the Landscape Character Area had been downplayed in the LVIA. This appears to be the case once again.
- 7.30. In the context of the earlier application/appeal the Council was advised that at a district level there would be Moderate adverse effects on the landscape character of Area F at year 1 reducing to Moderate-Minor adverse in year 15. At a site to local level there would be a Medium to High magnitude of change at year 1 reducing to Medium in year 15. This would result in a Moderate adverse effect in year 1 and Moderate to Minor adverse by year 15. There would be some Major-Moderate adverse effects on site features including land use which would be partly offset by Moderate neutral and beneficial effects through new planting. Effects on vegetation will arise from the impact on three hedgerows and a section of the boundary along The Common.
- 7.31. The adverse effects at district and site and local level count against the proposed development giving rise to some significant effects (where moderate and above). There appears to be no reason why an alternative conclusion would be made in the context of the current application and this weighs heavily against the development proposals.

Visual Effects

- 7.32. The Council was advised in the context of the previous application/appeal that Major Adverse to Moderate Adverse effects arise from the development and impact upon public views. These include views from Dawson's Lane looking to the south (Major adverse and Major to Moderate adverse); elevated views from Shilton Road looking to the south (Moderate adverse); and at the proposed access from The Common (Moderate adverse).
- 7.33. It is possible that views from Dawsons Lane could be partly mitigated by the increased planting compared to earlier iterations of the scheme, yet it should be noted that the Inspector in the context of the earlier appeal considered the potential for additional planting on Dawson's Lane. She noted that *"Notwithstanding this [the prospect of reducing the scheme to 95 dwellings and increasing planting along the boundary with Dawsons Lane] the housing of the scale indicated, i.e., with a maximum height of 9m, would be visible above the hedgerow to users of Dawsons Lane."* She added that *"it was put to me that landscaping in the form of extensive planting of trees could mitigate these effects. However, landscaping cannot be considered permanent, and all vegetation has a natural life cycle and is susceptible to disease. Furthermore, extensive planting of tree belt would, in any event, alter the existing open character of the site and the rural amenity it currently affords users of Dawsons Lane and the allotments."*
- 7.34. It is unlikely that the long views from Shilton Road will be improved due to the elevated position. The impact on views from The Common have likely been worsened due to the location of dwellings to the south and south east of 89 The Common, in a configuration that is not characteristic of the site's surroundings and settlement pattern, and the inclusion of housing within an additional field/paddock within the centre of the site. Where moderate and above these visual effects amount to significant effects at a local level to visual receptors and this weighs heavily against the development proposals

Green Wedge

- 7.35. As explored above a Green Wedge Review was undertaken in 2020 which reviews the two green wedges within the borough and assists in determining whether any alterations to the boundaries should be made. Within this review Area C: East of The Common and south of Shilton Road is assessed, which includes the application site. The assessment pro-forma in appendix c of the Review notes that:

"Due to the sloping topography of the green wedge, development of this site would have a substantial visual impact and bring development closer to the A47, compromising the integrity of the wedge". It also observes that the Green Wedge in this location provides *"green open space in a predominantly urban environment"*. The assessment of this area concludes:

"The topography enables a unique character to the edge of Barwell; there are long distance views from Shilton Road. From this vantage point it is possible to view Burbage, Elmesthorpe and the spire of the church in Stoney Stanton. Paragraph 24 of the Inspector's Planning Appeal Decision for Shilton Road also found this area was particularly sensitive in terms of providing a green lung. The Inspector stated 'I consider the scheme would have a substantial and adverse effect on the third purpose – that of providing a green lung into the urban areas. Attributable in no small part to the elevation of Shilton Road, the existence of the appeal site as undeveloped land ensures the extension of the countryside into the built-up area of Barwell in a particularly attractive manner'. The Landscape Character Assessment (2017) supports this and identifies that a key

sensitivity within this area is the 'extensive visibility and long distance views across open expanses of rolling farmland' and 'any change/development has the potential to be widely visible'.

This area helps to guide development form and contributes collaboratively to the prevention of the merging of settlements. It provides access via public rights of way, allotments and horse paddocks, performing the role of a green lung and a recreational resource.

The area is particularly sensitive to coalescence, providing a green lung and acting as recreational resource. It also plays an important role in connecting Barwell to Earl Shilton and provides intravisibility between a number of the settlements.'

- 7.36. In a recent Appeal Decision at The Common, Barwell, the Inspector identified that the appeal site would was an integral part of the Green Wedge. He noted that *'the site would significantly erode the function of coalescence, visual appearance and the green lung element afforded by this site. These harms together lead me to conclude that substantial harm arises to the character and appearance of the countryside'*. This highlights the importance of this area in the function of the green wedge.'
- 7.37. Ultimately the Green Wedge review recommends that no changes to the Green Wedge boundary should be made in the vicinity of the application site. The site itself consists of a number of agricultural fields/paddocks, divided by boundary hedgerows and trees. The site slopes upwards towards Barwell. The site is bound by residential development to the west (The Common); a mixture of paddocks and residential to the north and allotments and agriculture to the west, and is adjacent to agricultural fields to the south and the southern most part is bound by the A47. The site is distinctively different in character to the urban form of the village of Barwell and is rural in nature.
- 7.38. Whilst there are a number of hedgerows and trees within the application site, due to the topography there are still public views into the site both locally from The Common and Dawson's Lane and from further afield. Additionally this site enables long distance views from Barwell to Burbage and other village's key vistas. This site therefore provides a 'green lung' upon the edge of Barwell which plays an important contribution towards the quality of life for residents within the urban area of Barwell and plays an important role in the setting of the settlement. It has a recreational and perceptual value to those using the surrounding footpaths and footways.
- 7.39. The application includes a large area of proposed green infrastructure. It is proposed that this would include informal footpaths linking into the existing pedestrian routes through the village, areas of amenity and meadow grassland, equipped area of play space, proposed attenuation area. Whilst there is a large area of open space proposed on site, it is considered that this does not remove the harm of the built development upon the character of the area as the overall amount of green space is reduced, as is the separation between the two settlements. The presence of existing built incursions within the Green Wedge, including the buildings around Inglenook Farm and White Oaks, would be exacerbated by the proposed development. The recreational value of the allotments as a countryside pursuit would also be degraded by the presence of additional built form. Whilst the inclusion of public footpaths within the development is a public benefit and promotes countryside access; the development overall narrows the area of open land and changes its characteristics. Those using surrounding routes would have an altered

experience from entering the countryside to one of passing through or near an urban extension.

- 7.40. It should be noted that the Inspector in deciding the most recent appeal noted the loss of Green Wedge. Whilst she identified no harm in respect of settlement separation she noted the role played by the Green Wedge in providing easy access from the urban areas into green spaces, thereby contributing towards the quality of life for local residents. In this regard the Inspector observed that there is currently no public access to the site she stated that:

“The development could provide access into and through the site by way of creation of new footpaths. However, its value as a Green Wedge i.e., a green space, would be significantly diminished by the development. Furthermore, whilst footpaths across the site might provide a route to Burbage Common this is equally accessible along The Common and other routes.

Furthermore, even though public access is not currently available onto the appeal site, based on submissions from local residents, it is clear it still has a function as green space. It enhances the local area and makes an attractive contribution to the quality of life of nearby urban residents who are presently able to enjoy it from the adjacent public footpaths and allotments, for example. This would be diminished by the development.”

- 7.41. The Inspector concluded her consideration of Green Wedge matters by observed that *“By virtue of the physical loss of Green Wedge and the resulting diminishing of its value and the effects that would have on the quality of life of local residents, I find that the development would not retain the function of the Green Wedge nor would it retain the visual appearance of the area.”*
- 7.42. There is no reason why different conclusions would be made in the context of the current application.
- 7.43. It should however be acknowledged that the detailed design and appearance of the scheme would be fully assessed at reserved matters stage if planning permission was granted.

Appeal Conclusions

- 7.44. In the context of the previous most recent appeal (3295558) the Inspector made a number of remarks that are still considered to be relevant despite the scheme being reduced. The current application proposes up to 95 dwellings and the Inspector noted that, in the light of the Appellant's offer to reduce the scheme to 95 dwellings *"I am not satisfied that such a small reduction in dwellings would overcome my concerns"*. In making this comment the Inspector would have had regard for the fact that the application was in outline form and that the layout was not fixed. Whilst the inclusion of additional paddocks have allowed for additional landscaping within the housing layout, the development remains dense, particularly on the western side of the site.

Impact upon neighbouring residential amenity

- 7.45. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. The NPPF in paragraph 135 bullet "f" seeks to ensure a high quality of design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.46. The residential properties which could be most impacted by the development, with regards to overlooking, privacy and overbearing impacts, are those properties situated to the western side of The Common, properties within Garner Close and along Dawsons Lane.
- 7.47. This is an outline application with all matters reserved with the exception of access. Full details of matters arising from scale, layout, and appearance and landscaping are not available and would be considered at reserved matters stage, should permission be granted. The impact of the development on the amenity of neighbouring occupiers must therefore be deferred to a reserved matters assessment. At this stage there is nothing to suggest that reasonable amenity standards could not be achieved and so a reason for refusal on this basis cannot be substantiated.
- 7.48. To ensure the development does not have a detrimental impact upon existing residential amenity a condition would be applied to any forthcoming consent requiring the submission of a construction environmental management plan, no waste materials to be burnt on site and a restriction of construction hours to 08:00- 18:00 Monday – Friday, 09:00 – 13:00 Saturday and no working on Sunday or Bank Holidays. These conditions are considered to be reasonable and necessary to mitigate the impacts of the development.
- 7.49. With the use of the recommended condition the development would accord with SADMP policy DM10 and the advice contained in the NPPF in respect of amenity.

Housing Mix and Affordable Housing

- 7.50. Core Strategy, policy 15, states that sites of 15 dwellings or more, or 0.5 hectares or more in urban settlements, require 20% of the housing to be offered for affordable housing. This site exceeds the threshold and therefore if 95 dwellings are provided, 19 should be offered for affordable housing.
- 7.51. Since the Core Strategy was adopted there have been changes introduced nationally which affect the delivery of on-site affordable housing. The main changes in urban areas are to tenure types. Section of the NPPF requires 10% of all homes on qualifying sites to be for affordable home ownership. Subsequent to this guidance, NPPF also introduced a new affordable home ownership product called First Homes. On qualifying sites, 25% of all affordable housing should be for First Homes.
- 7.52. As this application is in outline form the precise quantum and mix of housing will be determined at reserved matters stage. The tenure breakdown for this site would need comprise 10 homes for affordable rent, 5 homes for First Homes and 4 homes for shared ownership.
- 7.53. The applicant has indicated that 30% of the dwellings will be offered as affordable housing and would deliver 29 affordable, which would give the following tenure breakdown: 8 First Homes; 5 shared ownership homes; 16 affordable or social rented homes.
- 7.54. Affordable home ownership properties should normally comprise a mix of 2 and 3 bedroomed houses; affordable homes for rent should include 4 x 1 bed roomed properties as well as a mix of 2 bedroomed 4 person and 3 bedroomed 5 person houses. The properties should meet the Nationally Described Space Standards.
- 7.55. If permission were to be granted, a S106 agreement would be drafted to secure the required affordable housing and a mix of housing types and tenures. In the absence of such an agreement or mechanism to secure a policy compliant mix of homes a reason for refusal will accordingly be included on any decision notice.

Highway Matters

- 7.56. The Highway Authority originally advised that additional information was required to be submitted by the Applicant in order for the proposals to be considered fully. The following additional information was requested:
- A Stage 1 Road Safety Audit (RSA1) of the site access proposals and off-site works, along with a designer's response and amended drawing if required;
 - Clarity in respect of the why the proposed future year assessment is 2035 as opposed to 2029 and adjustments to 2029 if necessary; and
 - Clarity in respect of alternative assumptions applied in order for the LHA to consider accepting traffic growth factors.
- 7.57. The applicant has submitted an e-mail to the LPA dated 11th March 2024, which includes additional information in respect of the proposals, notably:
- A Stage 1 Road Safety Audit (RSA1), dated March 2024, which includes a designer's response;
 - Stantec drawing number 332610546/5501/001 Rev P04, which details the site access arrangements; and
 - A spreadsheet detailing committed developments in the area.

Site Access

- 7.58. The Highway Authority has reviewed the submitted RSA1 of the site access proposals. This has raised two problems. Firstly the swept path requirements of large vehicles turning, entering and exiting the proposed new priority T junction require the vehicles' bodies to encroach into the opposing vehicular traffic lanes. Secondly there is a lack of corduroy tactile paving where pedestrians cross the carriageways and join the shared pedestrian/pedal cycle facility could lead to a potential increased risk of blind or visually impaired pedestrian collisions occurring with pedal cyclists, whereby blind or visually impaired pedestrians could sustain personal injury. This problem was identified at two locations. The Applicant has responded to the problems as follows: 1. The Applicant has stated the junction has been designed in accordance with Manual for Streets and LHDG guidance and that similar designs have been accepted elsewhere in the county for similar scale developments. In addition, it is stated that a refuse collection vehicle would only travel to/ from the site on a weekly basis and that the risk of conflict is likely to be low. The Applicant is not proposing to amend the access design. 2. The Applicant has agreed the recommendation in the RSA1 to provide corduroy tactile paving and shared space pedestrian/pedal cycle facility signing.
- 7.59. The Highway Authority has considered the applicant's response in respect of problem 1 and accepts that whilst a refuse collection vehicle would encroach fully in to opposing lanes, such a vehicle would only be required to access the site infrequently during the week. In addition, speed cushions are proposed to reduce the speed of traffic either side of the site access, along with a reduction of the speed limit from 40mph to 30mph. On this basis, the LHA accepts the applicant's response to problem 1.
- 7.60. In respect of problem 2, it should be noted that shared use footway/cycleway facilities are proposed on the southern corner of the proposed access junction. The tactile paving here should be corduroy hazard paving as per section 3 of the Department for Transport document "Guidance on the use of tactile paving surfaces" The paving currently shown is for segregated facilities. The Highway Authority notes that as part of the previous application, visibility splays were

based on the 85th percentile traffic speeds for the road, which were 36.6mph northbound and 38.6mph southbound. On this basis the Applicant provided visibility splays of 2.4 x 73 metres at the access in addition to the proposed speed cushions either side.

- 7.61. The Highway Authority notes that splays of 2.4 x 47m have been provided in each direction as part of the current application. The Highway Authority therefore request that splays of 2.4 x 73 metres are provided at the access to support the current proposals along with a number of additional changes to safely accommodate pedestrian and cyclist movements.

Highway Safety

- 7.62. Once the LHA is in a position to review the capacity assessments, further advice will be provided on Highway Safety.

Trip Generation and Distribution

- 7.63. The Highway Authority has advised that the proposed trip generation and distribution analysis was accepted.

Junction Capacity Assessments

- 7.64. The LHA previously advised that the Applicant has undertaken capacity assessments at the following junctions:

1. Chapel Street / High Street / Shilton Road / Stapleton Lane Priority controlled mini roundabout
2. A47/ The Common / B4668 Leicester Road priority-controlled roundabout
3. A47 / Leicester Road priority-controlled roundabout;
4. A47 / A447 Ashby Road / B4667 Ashby Road signalised junction; and
5. The Common / Proposed Site Access junction

- 7.65. Previously, the Highway Authority advised that baseline traffic flow data collected by the Applicant has first been adjusted to take into account Covid-19 uplift factors and then uplifted to a baseline year of 2024 and future year of 2035 using TEMPro traffic growth factors. Clarity was requested as to why a future year of 2035 was used as opposed to 2029. The applicant has clarified that a future year assessment of 2035 has been undertaken following the County's advice on the previous application (21/01470/OUT).

- 7.66. As part of the previous application, it was request that the TA should account for an assessment year of opening year + 10 where the housing trajectories of committed development extended beyond the five-year period. This advice has been followed for this application assessing a future year of 2035. This is accepted by the Highway Authprity. In addition, the LHA previously advised that the Applicant had also stated within paragraph 7.5.2 of the TA that growth assumptions have been adjusted to account for the committed developments that have been manually added to the assessment. No clarification had been provided on what adjustments have been made. It was therefore advised that further clarification would be required in respect of alternative assumptions applied in order for traffic growth factors to be accepted.

- 7.67. The applicant has subsequently provided a spreadsheet which details the committed developments and housing trajectories in the area. The assumptions were based upon those projections detailed in the HBBC Residential Land Availability Monitoring Statement (RLAMS) 2022 which was the latest available information at the time of the submission of the application. Two sites, Westfield Farm and land North East of Triumph Motorcycles are currently under

construction and as such the housing assumptions within the growth rates for 2021 – 2024 was adjusted accordingly reflecting the build out trajectories from Appendix 4 of the RLAMS. For the remainder of the committed development sites where no construction had begun the housing projections were adjusted within the growth rates for 2024 -2035 to account for these developments.

- 7.68. The Highway Authority has requested that the applicant provide the traffic flow diagrams for each of the developments included for the calculations, along with an indication as to how many additional vehicles would travel through the junctions based on this information.

Off site implications

- 7.69. The Highway Authority previously advised that Leicestershire County Council are continuing to investigate a potential improvement scheme for Junction 4 and it is a contribution would be required from the proposed development towards an improvement scheme, which will be in proportion to the impact and scale of the development proposed.

- 7.70. The applicant acknowledges that Junction 4 operates over capacity in both the current and future year scenarios but consider a contribution towards an improvement scheme at the junction to be unnecessary. Leicestershire County Council is currently working on a scheme to put in place at the junction. As part of the appeal decision for the previous application, the Planning Inspector highlighted that there was no suitable mitigation in place to resolve the capacity issue. It was also stated the applicant should not shoulder the full responsibility for upgrading the junction. It would however be reasonable for the applicant to contribute proportionately towards a wider scheme.

Internal Layout

- 7.71. As previously advised, the internal layout of the development is not for consideration at this stage and therefore the indicative plans have not been considered in detail.

Highway Conclusions

- 7.72. In summary the following matters remain outstanding and the following details are required in order to make a full assessment of the highway implications of the scheme:

- Details of additional improvements to the site access.
- Further information to support the alternative assumptions calculations, such as provision of the traffic flow diagrams of the developments considered and the number of additional vehicles forecast through each junction.
- Junction model files for review and approval
- Contribution to junction improvements to improve capacity

- 7.73. In the absence of the above information it cannot be concluded that the scheme will not pose a threat to highway safety and it cannot be concluded that there would be no severe cumulative impact on the highway network. Whilst a contribution to junction improvements was not pursued in the context of the earlier appeal, the Planning Authority accepts that work is progressing in terms of deriving a project and proportionate contribution to meet the CIL tests. Whilst ideally all of these matters would have been resolved in the context of the determination of this application, it has not been possible within the timeframe set by the Planning Guarantee. Given the in-principle reason for refusal, on this occasion it is considered reasonable to refuse the application on highways

ground also. If the applicant does pursue an appeal, the Highway Authority and Planning Authority will however work with the applicant to continue to resolve matters

Ecology

- 7.74. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. Paragraph 180 bullet “d” of the NPPF requires planning decisions to contribute to and enhance the natural and local environment by (inter alia) minimising impacts upon and providing net gains for biodiversity.
- 7.75. The Council’s Ecologist has confirmed that the submitted ecology report is satisfactory and demonstrates that much of the existing grassland and hedges on the site have high conservation value. Some of the grassland would meet Local Wildlife Site criteria (the two oblong fields alongside the eastern boundary and the field behind houses on the south side of Garner Close). There are also some veteran ash (T5, T7, T8 and T42) , which meet Local Wildlife Site criteria in their own right, and a veteran oak (T39). These should be retained.
- 7.76. The two oblong species-rich candidate LWS fields will be enhanced as a result of development, according to the ecology report and the masterplan, which is welcomed. The field to rear of Garner Close will be lost to development. It’s clear that some mitigation/ compensation for the loss of grasslands is possible with in the red-line boundary.
- 7.77. The baseline habitat assessment that form the first part of the BNG metric are also satisfactory. The assessments are repeated in the accompanying documents, and correctly cross-referenced to the habitat plan. The grasslands are assessed as either ‘Other Neutral Grassland’, for the more species-rich fields, or ‘modified grassland’ for those that are of lesser 2 value. Two of the cLWS fields are classed as Other neutral grasslands (field 10 and 4). The third field (9) which does meet LWS criteria is classed as the less valuable ‘Modified grassland’. Although field 9 meets LWS criteria, it is only on the basis of a few plants of some indicator species. For this reason the lower classification is accepted. All the grasslands have value as relatively undisturbed grasslands, and there is potential and opportunity to improve their biodiversity value through management.
- 7.78. It is proposed to convert all the retained meadows (both ‘Other Neutral Grasslands’ and ‘Modified grassland’) to a higher category of more value – ‘Lowland Meadow’. This appears to be a scarce habitat in Leicestershire, although it is difficult to apply the habitat descriptions in the BNG documentation to the grasslands of this type in Leicestershire; however it is assumed that it would be close to SSSI standard. Normally caution would be advised when ‘Lowland Meadow’ is proposed as a biodiversity gain; it is often unrealistic or overambitious, given the scarcity of this very high-quality grassland habitat in our area. On balance, it is possible, and should be the aim of management. This is based partly on the location and context of the site, which is separated from heavily improved agricultural grasslands and arable land that may have adverse indirect impacts. They are also, in part, still of reasonable quality and clearly have not been heavily improved.
- 7.79. No proposals for how Lowland Meadow will be achieved have been put forward. A combination of haycutting and grazing, preferably in rotation, will be required. Hay-cutting alone will not achieve the desired result.
- 7.80. The main loss of habitat is field 4, which meets LWS criteria. It will all be lost to development (it is the southernmost parcel of the scheme, numbered 4 on the illustrative masterplan). This is regrettable, and if possible, the layout should seek to retain all or some of it. It contains one locally notable plant species – Pepper Saxifrage. This is not common in Leicestershire, and is in decline; it is particularly associated with old semi-improved or unimproved grasslands. It is recommended that, if this field is lost to development, the Pepper Saxifrage and other grassland

is translocated into one of the retained but currently species-poor meadows, to assist in the conversion to Lowland Meadow. Translocation should be based on a more detailed survey of both receptor and donor, to establish the locations of the best turf to move and the best place in which to translocate – which should be close in terms of soil-type, aspect, drainage etc. to the donor site's features.

- 7.81. Small amounts of woodland are proposed, some in Fields 9 and 10, which are already relatively species -rich (and meet LWS criteria). It would be preferable if this tree and shrub planting was relocated to another field of lower value, to avoid loss of potentially better grassland habitat.
- 7.82. A large SUDS feature is shown on the illustrative masterplan and features in the BNG as habitat creation. For it to achieve the desired condition it will need to be designed to optimise biodiversity value.
- 7.83. The majority of hedges within the site are retained with gaps to allow access. Further hedge planting in compensation is proposed, and is acceptable; overall the development should be in clear net-gain as regards hedgerow habitat.
- 7.84. Several small badger setts are present along the northern site edge. They may comprise subsidiary setts to a main sett in the wider area. They are not main setts in themselves, and can be closed down under licence from natural England.
- 7.85. The Council's Ecologist recommends that, on balance the development is acceptable and can achieve BNG onsite; there should be no need for offsetting. This is subject to the following two measures: :
- the submission of a 30-year landscape and biodiversity management plan that 3 demonstrates that all the grassland retained on site can achieve 'Lowland Meadow' status within the time period. This will require a combination of hay meadow and grazing, which must be established on granting of planning permission and before development starts, to avoid further damage to grasslands through neglect or inappropriate management.
 - grassland translocation from the LWS field that will be lost into the retained grasslands. It is unlikely that all the grassland will need to be translocated, but recommend that at least 50% of the area is earmarked for this approach. A method statement will be needed, and it should be done before development starts.
- 7.86. These measures should be subject to planning conditions. The baseline assessment will form the basis for any future reserved matters. Each reserved matters application for each phase will need to revisit the BNG metric and make any changes needed as plans develop. In accordance with DEFRA current proposals, on-site gains should be front-loaded – therefore the landscape and biodiversity plan, establishment of the correct meadow management regime and the grassland translocation should occur alongside the first phase of development; it cannot be deferred to the end.
- 7.87. A planning condition regarding badger mitigation will be needed, as set out in the submitted document (PCA, April 2022). In the 3-month period before the commencement of ground clearance for each phase of development, an updated badger surveys and updated mitigation plan for that phase must be submitted to and approved, alongside the reserved matters,
- 7.88. The veteran/near-veteran oak and ash should also be retained and this should be secured by condition.

- 7.89. With the use of the recommended conditions, the development proposals comply with SADMP Policy DM6 and the advice contained in the NPPF. Notwithstanding the public concern regarding the development's impact on wildlife, no objection is raised on these grounds.

Archaeology

- 7.90. Policy DM13 relates to the preservation of the Borough's archaeology and requires, where a development proposal has the potential to impact a site of archaeological interest, developers should set out an appropriate assessment, and where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 7.91. The County Archaeologist has noted the submission of a Desk Based Assessment (SLR DBA submitted 20/12/2023), although they suggest that the conclusions drawn within the document are based upon an inadequate level of information. The DBA states that 'the lack of findings in the evaluation suggests the site does not contain buried archaeological remains beyond Medieval ridge and furrow cultivation'. However the 2018 targeted evaluation undertaken in response to 17/00531/OUT was limited to two specific areas where anomalies had been identified in the geophysical survey. Whilst this was sufficient in addressing the need to enable an informed planning decision, the evaluation did not provide a comprehensive investigation of the site's archaeological interest.
- 7.92. Whilst geophysical survey can be a useful tool in establishing presence of archaeological deposits, it is not definitive and cannot be used to establish absence. As a minimum, the applicant should be required to provide further post-determination trenching to address the potential for archaeological buried remains across the remainder of the site, and determine the scope and targeting of any required mitigation.
- 7.93. In accordance with the NPPF developers should record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.
- 7.94. In that context it is recommended that the current application could be approved subject to conditions for an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary by intrusive and non-intrusive investigation and recording. The Historic & Natural Environment Team (HNET) will provide a formal Brief for the latter work at the applicant's request.
- 7.95. If planning permission is granted the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, and with relevant Chartered Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development. The recommended measures will be secured by condition if planning permission is granted and would ensure compliance with SADMP policy DM13 and the advice contained in the NPPF.

Flood Risk, Drainage & Pollution

- 7.96. Policy DM7 of the SADMP relates to the prevention of pollution and flooding and identifies a number criteria that development should achieve. The criteria most relevant to this proposal are a) proposals would not adversely impact the water quality, ecological value or drainage function of water bodies in the Borough; d) it would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity; e) appropriate remediation of contaminated land in line with minimum national standards is undertaken; f) it will not contribute to poor air quality; h) the development doesn't create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against in line with National Policy.
- 7.97. Due to the former agricultural use a land contamination assessment should be undertaken prior to the commencement of development. This could be secured by planning condition should planning permission be granted.
- 7.98. A Noise Assessment was submitted in support of the planning application. It has been highlighted that the acceptable noise standards will be exceeded across parts of the site. It is acknowledged in the report that careful consideration will be required at the detailed design stage to ensure maximum protection to the amenity of future residents. At reserved matters stage the design and layout of the development should be informed by the noise assessment and should consider orientation of buildings, bunding, barriers, construction measures to ensure maximum protection from noise is achieved. It has also been highlighted that where acoustic ventilation is required, it should be mechanical rather than passive to ensure that adequate ventilation is provided when windows are closed. Due to these factors it is considered that a condition requiring a scheme for protecting proposed dwellings from noise associated with road traffic and industrial/commercial noise to be submitted prior to the commencement of development is necessary.
- 7.99. An Air Quality Assessment was submitted with the application. The air quality assessment recommends the development of a green travel plan to further reduce the impact of the development. A travel plan has been submitted. It is identified by Environmental Health (Pollution) that it is best practice to incorporate into detailed design properties with garages including a charging point for electric vehicles and accordingly this will be conditioned.
- 7.100. A further air quality assessment would be required once the layout and construction methods have been finalised to ensure the conclusions and recommendations of the air quality assessment remain accurate. Therefore a condition requiring the submission of a revised air quality assessment, including proposed mitigation measures, prior to the commencement of development is necessary.
- 7.101. The site is within Flood Zone 1 and there are no historic records of fluvial flooding on site. There are some areas within the site that are at risk of surface water flooding. Conditions requiring the submission of surface water drainage scheme, a management scheme of surface water on site during construction and the long term maintenance of the sustainable surface water drainage system. A condition securing this information prior to the commencement of development would be reasonable and necessary to ensure flood risks are minimised on and off site.
- 7.102. Due to the outline nature of this application details of lighting have not been provided and therefore the impacts of this issue cannot be undertaken. This matter could, however, reasonably be considered at reserved matters stage.
- 7.103. Based on the assessment above and subject to appropriately worded conditions, as referred to above, the development would be in accordance with Policy DM7 of the SADMP and the relevant advice contained in the NPPF.

Planning Obligations

7.104. 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. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016 updates these standards and also identifies the costs for off-site and on-site contributions

7.105. 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..

7.106. The following planning obligations are sought:

- HBBC POS Contributions comprising
 - Equipped Open Space on site provision (to include a minimum cost of equipment to be provided) plus maintenance
 - Casual Informal Open Space on site provision plus maintenance
 - Accessible Natural Green Space on site provision plus maintenance
 - POS to be transferred to a management company
 - Outdoor Sports provision and maintenance contribution (offsite)
- HBBC 30% Affordable Housing comprising
 - 8 First Homes
 - 16 Affordable Rent
 - 5 Shared Ownership
 - Affordable home ownership properties are usually a mix of 2 and 3 bedroomed houses; affordable homes for rent would ideally include 4 x 1 bed roomed properties as well as a mix of 2 bedroomed 4 person and 3 bedroomed 5 person houses. All properties should meet Nationally Described Space Standards where possible. A cascade should be included in the section 106 legal agreement to require the affordable rented housing to be offered in the first instance to people with a local connection to Barwell, and in the absence of applicants with a local connection, to people with a connection to the Hinckley and Bosworth, as defined in the council's Housing Allocations Policy.
- A Local Employment and Training Strategy
- Monitoring fees of £489 per obligation payable prior to commencement of development
- £219 site inspection fee payable prior to arranged visit (min 2 inspections of open space areas)
- Council's Legal Fees
- NHS England
- LCC Planning Obligations
 - Libraries - Earl Shilton Library - £2,868.78
 - Waste - Barwell HWRC - £4,705.35
 - Secondary Education (11-16) - Heath Lane Academy - £283,602.74

➤ Post 16 Education - The Hinckley School - £60,590.15

- 7.107. There is a policy basis for each contribution and the method of calculating each contribution shows that the obligations are directly related, fairly and reasonably related in scale and kind to the development proposed and subsequently meet the skills tests. The obligations set out above, together with the highways contribution, Travel Plan framework, and affordable housing should have been included in a Section 106 Agreement. In the absence of a legal agreement to secure the necessary obligations, reasons for refusal will accordingly be included at the end of this report.

8. Equality implications

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 8.3 Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

- 8.4 There are no known equality implications arising directly from this development.

9. Conclusion

- 9.1 This report has assessed the development proposals against the presumption that planning permission should be granted for sustainable development unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This report has demonstrated that there are serious policy breaches and that the proposals do not constitute sustainable development. Nonetheless, it is necessary to weigh the harms and benefits arising from the proposals.
- 9.2 The development would make a modest contribution to the supply of market housing and this benefit is held in moderate positive weight in the overall planning balance. Whilst there is no legal agreement to secure a contribution to affordable housing, had one been drafted the applicant would have offered a 30% proportion of the development in the form of affordable housing which would have been held in significant positive weight. There would also be economic benefits in terms of the construction of the development and those associated with the resultant increase in local population. These social and economic benefits are held in moderate weight.
- 9.3 There are a number of areas of compliance with development plan policies including matters surrounding amenity, drainage and environmental health, and biodiversity/ecological matters and are subsequently not regarded as benefits as such. These matters are subsequently held in neutral weight when considering the overall benefits of the scheme.

- 9.4 The benefits and adverse impacts are carefully weighed in the planning balance. It is considered that the significant public benefits of the scheme identified above would not outweigh the substantial harm apportioned to the countryside and settlement character and pattern, by virtue of the introduction of built form; the significant harm apportioned to the harm to the function of the Green Wedge; the significant and permanent harm to the intrinsic value, beauty and undeveloped rural character of the area; and the significant harm arising from the landscape and visual impacts of the development.
- 9.5 Significant negative weight is apportioned in the light of lack of evidence to show that the development would not have a significant impact on the highway network and would not pose a risk to highway safety and the lack of obligations to mitigate the development's impact on infrastructure.
- 9.6 The substantial harm arising from the development proposals is considered to significantly and demonstrably outweigh the significant public benefits identified. Weighing all the above factors into the planning balance, and having regard to the NPPF as a whole, all relevant policies of the Development Plan, in applying paragraph 11 of the NPPF; it is considered that the adverse impacts significantly and demonstrably outweigh the identifiable benefits of the proposal as a whole. The development proposals cannot be regarded to represent a sustainable form of development and it is recommended that this application is refused for the reasons set out below.

10. Recommendation

11.1 Refuse planning permission for the following reasons:

1. The proposed development would result in an unsustainable residential development in the designated countryside outside the settlement boundary of Barwell and located within the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. From the development would arise harmful impacts upon the intrinsic value, beauty and undeveloped rural character of the area; landscape character; public views; the function of the Green Wedge; and harm to the existing settlement character and pattern. The development proposals are contrary to Policy 6 of the Core Strategy, Policies DM4 and DM10 of the Site Allocations & Development Management Policies Development Plan Document (2016).
2. The applicant has failed to demonstrate that the development would not have a severe cumulative impact on the highways network and has not shown that the development would pose no risk to highway safety. The development proposals are contrary to policy DM17 of the Site Allocations & Development Management Policies Development Plan Document (2016) and the advice contained in the NPPF.
3. In the absence of a completed Legal Agreement, the proposed development fails to make adequate provision for affordable housing, contrary to policy 15 of the Core Strategy and section 6 of the NPPF.
4. In the absence of a completed legal agreement the proposed development fails to provide planning obligations that would mitigate the development's impact on infrastructure contrary to Core Strategy policy 19, policy DM3 of the Site Allocations & Development Management Policies Development Plan Document (2016) and paragraph 55 of the NPPF.