

# Planning Statement

Land West of Ratby

On behalf of Lagan Homes Limited

**Town and Country Planning Act 1990 (as amended).**



WaterFront House, Waterfront Plaza, Station Street, Nottingham NG2 3DQ

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## CONTENTS

1. INTRODUCTION.....	6
1.1 BACKGROUND .....	6
1.2 PRE-APPLICATION ENGAGEMENT.....	7
1.3 APPLICATION SCOPE .....	7
1.4 STRUCTURE OF PLANNING STATEMENT .....	8
2. SITE CONTEXT & CHARACTERISTICS .....	9
2.1 INTRODUCTION .....	9
2.2 SITE LOCATION .....	9
2.3 KEY SETTLEMENT CHARACTERISTICS .....	9
2.4 THE SITE AND SURROUNDING AREA .....	10
3. THE PROPOSED DEVELOPMENT .....	13
3.1 INTRODUCTION .....	13
3.2 ACCESS & HIGHWAYS .....	13
3.3 SOCIAL INFRASTRUCTURE .....	14
3.4 GREEN INFRASTRUCTURE AND PUBLIC OPEN SPACE .....	15
3.5 HOUSING MIX .....	16
3.6 OTHER WORKS.....	17
4. PLANNING POLICY .....	18
4.1 INTRODUCTION .....	18
4.2 THE CORE STRATEGY DPD .....	20
Strategic Housing Policies – Policies 7 and 8 .....	20
Housing Mix, Type, Tenure and Design – Policies 15 and 16.....	22
Open Space & Green Infrastructure – Policies 19, 20 and 21 .....	23
4.3 SADMP-DPD.....	24
Overview .....	24
Presumption in Favour of Sustainable Development – Policy DM1 .....	25
Delivering Renewable Energy and Low Carbon Development – Policy DM2 .....	26
Infrastructure & Delivery – Policy DM3 .....	26
Safeguarding the Countryside and Settlement Separation – Policy DM4 .....	28
Enhancement of Biodiversity and Geological Interest – Policy DM6 ...	29

Preventing Pollution and Flooding – Policy DM7 .....	32
Safeguarding Open Space, Sport and Recreational Facilities – Policy DM8 .....	32
Development and Design – Policy DM10 .....	33
Historic Environment – Policies DM11, DM12 and DM13 .....	35
Highways and Transportation – Policies DM17 and DM18 .....	38
4.3 NATIONAL POLICY .....	39
National Planning Policy Framework (December 2023) .....	39
5. MATERIAL CONSIDERATIONS .....	44
5.1 INTRODUCTION .....	44
5.2 DELIVERY OF MARKET AND AFFORDABLE HOUSING .....	44
5.3 BIODIVERSITY NET GAIN .....	45
5.4 SOCIAL INFRASTRUCTURE .....	45
5.5 ECONOMIC BENEFITS .....	46
5.6 EMERGING POLICY .....	46
5.7 APPEAL DECISIONS .....	47
5.8 OTHER MATERIAL CONSIDERATIONS .....	48
6. PLANNING BALANCE .....	49
6.1 PRINCIPLE OF DEVELOPMENT .....	49
6.2 BENEFITS OF THE PROPOSED DEVELOPMENT .....	50
Delivery of Market and Affordable Housing .....	51
Provision of Biodiversity Net Gain .....	51
Provision of Social Infrastructure .....	52
Economic Benefits .....	52
Emerging Policy .....	52
Other Material Considerations .....	53
6.3 ADVERSE IMPACTS OF THE PROPOSED DEVELOPMENT .....	54
The Development Plan .....	54
Heritage .....	54
Landscape .....	55
6.4 PLANNING BALANCE – CONCLUSIONS .....	55
7. HEADS OF TERMS .....	57
7.1 INTRODUCTION .....	57
7.2 HEADS OF TERMS .....	57

Affordable Housing ..... 57

Transport..... 58

Education ..... 58

Community Hub ..... 58

Open Space and Play Areas ..... 58

Libraries ..... 58

Healthcare ..... 59

8. SUMMARY & CONCLUSION ..... 60

8.1 SUMMARY..... 60

8.2 CONCLUSION..... 61

LIST OF APPENDICES

## 1. INTRODUCTION

### 1.1 BACKGROUND

**1.1.1** Marrons is instructed by Lagan Homes Limited (hereafter “the Applicant”) in relation to the preparation and submission of a planning application for the following Proposed Development:

*Outline planning application (with all matters reserved apart from access) for a phased, mixed-use development comprising about 470 dwellings (Use Class C3) or, in the alternative, about 450 dwellings and care home/extra care facility (Use Class C2/C3). Provision of community hub (Use Class F2); provision 1FE primary school (Use Class F1); and associated operations and infrastructure including but not limited to site re-profiling works, sustainable urban drainage system, public open space, landscaping, habitat creation, internal roads/routes, and upgrades to the public highway.*

**1.1.2** Section 70(2) of the Town and Country Planning Act 1990 (as amended) and Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), require that planning applications are determined in accordance with the statutory Development Plan, unless material considerations indicate otherwise.

**1.1.3** The Planning Statement is to assess and justify the Proposed Development against the planning policy context. The Government’s National Planning Policy Framework (“NPPF”) articulates planning policies for England. The NPPF is a material consideration in the determination of this planning application.

**1.1.4** This Planning Statement should be read in conjunction with the following assessments, plans and other supporting documents as follows:

- Site Location Plan by FPCR
- Illustrative Layout Plan by FPCR
- Landscape Visual Appraisal by FPCR

- Design and Access Statement by FPCR (incorporating Parameter Plans)
- Statement of Community Involvement by Marrons
- Heritage Desk Based Assessment by Cotswold Archaeology
- Flood Risk Assessment and Drainage Strategy by Pell Frischmann
- Preliminary Ecological Appraisal by FPCR
- Biodiversity Net Gain Report by FPCR
- Desk Study and Preliminary Risk Assessment by Travis Baker
- Transport Assessment by Pell Frischmann
- Travel Plan by Pell Frischmann
- Tree Survey and Arboricultural Impact Assessment by FPCR
- Agricultural Land Quality Report by Land Research Associates

## **1.2 PRE-APPLICATION ENGAGEMENT**

**1.2.1** The Proposed Development has been underpinned by extensive survey work and refinement based on extensive engagement. Targeted engagement has been undertaken with the Local planning authority (“LPA”), technical consultees and key local stakeholders. A wider public consultation in respect of the Proposed Development has also been held. Further details are contained within the Statement of Community Involvement (“SCI”) prepared by Marrons.

## **1.3 APPLICATION SCOPE**

**1.3.1** This application is submitted in outline with all matters reserved apart from access. The matters reserved for later consideration comprise layout, scale, appearance and landscaping, although these have been considered in the accompanying Design & Access Statement by FPCR and have been instrumental in

shaping the overall parameters of the Proposed Development. Approval for full details of access is sought and the relevant details are submitted. A full list of proposed access drawings are provided below.

## **1.4 STRUCTURE OF PLANNING STATEMENT**

**1.4.1** In drafting this Planning Statement, the following structure has been followed:

- Chapter 1 – Introduction
- Chapter 2 – The Site and Surroundings
- Chapter 3 – The Proposed Development
- Chapter 4 – Planning Policy
- Chapter 5 – Other Material Considerations
- Chapter 6 – Planning Balance
- Chapter 7 – Draft Heads of Terms
- Chapter 8 – Conclusion

## **2. SITE CONTEXT & CHARACTERISTICS**

### **2.1 INTRODUCTION**

**2.1.1** This chapter of the Planning Statement sets out a description of the Site and the surrounding context. It should be read principally in conjunction with the following supporting documents:

- Design & Access Statement by FPCR
- Landscape Visual Assessment by FPCR

**2.1.2** The Proposed Development has been informed by a full suite of technical reports, which provide a full and detailed understanding of the Site's characteristics and the surrounding area.

### **2.2 SITE LOCATION**

**2.2.1** The Site lies broadly to the west of the village of Ratby. Ratby itself is situated within the Borough of Hinckley and Bosworth within the county of Leicestershire, lying approximately 1km to the west of the Glenfield area of Leicester (as the crow flies). The north-eastern extent of the village is bounded by the M1 motorway, with Martinshaw Wood to its north west and a variety of other wooded areas stretching to the west along Burroughs Road and Markfield Road. Nearby large villages include Groby (to the north east) and Kirby Muxloe to the south, with the latter lying within the neighbouring District of Blaby.

**2.2.2** The western and southern extents of the village are predominately characterised by agricultural fields.

**2.2.3** Burroughs Road bisects the northern and southern parcels of the Site and Desford Lane lies to the south, beyond its southern boundary.

### **2.3 KEY SETTLEMENT CHARACTERISTICS**

**2.3.1** Ratby is a large and sustainable village with a population of just over 4,200 people according to the 2021 census. According to the Ratby Village Design

Statement, much of the village developed in the 19<sup>th</sup> and 20<sup>th</sup> centuries, apart from the historic core of the village centred on its conservation area.

**2.3.2** The Core Strategy (2009) classifies Ratby as a Key Rural Centre. Paragraph 3.20 of the supporting text sets out that Key Rural Centres play an important role in providing services to their populations, as well as those of the wider rural hinterland. Ratby is also recognised within the Core Strategy as being one of the Key Rural Centres relating to Leicester, given its location on the edge of the Leicester Principal Urban Area.

**2.3.3** Table 1 of the accompanying Transport Assessment lists the local amenities available within Ratby, which include a variety of education, retail, employment and health related uses.

**2.3.4** The village has seen some development in recent times, which has come forward in a somewhat piecemeal fashion. These recent developments include:

- Land off Desford Land - Outline planning permission for up to 225 dwellings granted on appeal in February 2024.
- Land South of Markfield Road I (Martinshaw Meadows) – Full planning permission granted for 90 dwellings in May 2021 and currently under construction.
- Land South of Markfield Road II – Outline planning permission granted for up to 75 dwellings in September 2023. Application for Reserved Matters approval pending consideration.
- Springfield Riding School, Groby Road – Approved in detail for up to 168 dwellings in June 2020 and in the latter stages of construction.

## **2.4 THE SITE AND SURROUNDING AREA**

**2.4.1** The Site comprises approximately 32.7 hectares (ha) and principally, though not exclusively, consists of farmland divided into various field compartments by

hedgerows and hedgerow trees. Other land uses within the site boundary comprise plantation woodland to the North West and a recreation area, with play equipment to the east of the Site, just to the north of Burroughs Road. Burroughs Road, which is a relatively narrow rural lane, bisects the Site on an east/west axis and is currently accessed from Ratby via Main Street, one of the principal routes through the village.

**2.4.2** The western boundary of the main body of the Site is demarcated by woodland. A watercourse known as Rothley Brook runs through the adjacent woodland to the west and beyond the Site's boundary to the south. Also to the south, lies Pear Tree Office Park and allotments, which are accessed from Desford Lane.

**2.4.3** To the east of the site, near Burroughs Road, there's a recreation area to the north and a playing field to the south. The recreation area, leased to the Parish Council by Lagan Homes, is part of the Site, while the playing field is not. Beyond the eastern boundary, there are residential and commercial properties accessed from Main Street and Stamford Street, creating a developed area along the boundary.

**2.4.4** Beyond the Site's northern boundary lies Land to the South of Markfield Road I, also known as Martinshaw Meadows, which is currently in the latter stages of construction. Land to the west of this site is also consented in outline for residential development and is the subject, at the time of this writing, to a pending application for Reserved Matters Approval.

**2.4.5** The Site hosts various Public Rights of Way (PRoW). The first is Footpath R50, which crosses the north-eastern parcel between Phase 1 (developed by Lagan Homes) and Stamford Street before entering Phase 2 and connecting to Markfield Road. The second is Footpath R48, which is accessed from Stamford Street in the east before crossing the Site directly to connect to Burroughs Road in the south. The route then follows Burroughs's Road to the west before entering the plantation woodland to the North West and skirting the westernmost parcel of the Site before continuing onto the wider woodland to the north. The third is Footpath R55 which is entirely off-site but skirts the Site's eastern boundary along the existing recreation ground. The fourth is Footpath R44 which originates at Burroughs Road in the north before crossing the fields forming part of the subject Site and running to the south in

a “zig zag” formation before adjoining off-site woodland and intersecting with the R42 Bridleway to the south.

### 3. THE PROPOSED DEVELOPMENT

#### 3.1 INTRODUCTION

**3.1.1** This section of the Planning Statement sets out the key characteristics of the Proposed Development. As articulated above, the Proposed Development is submitted in outline, with all matters reserved apart from access for residential and community uses, including a new primary school and community hub, as well as significant public open space and new planting.

**3.1.2** The accompanying drawings supporting this submission are:

- Concept Masterplan by FPCR – Drawing No. 10783-FPCR-xx-xx-DR-L-0007
- Illustrative Layout by FPCR – Drawing No. 10783-FPCR-xx-xx-DR-L-13-P04
- Design & Access Statement by FCPR
- Access Drawings (as set out below)

**3.1.3** The Proposed Development has been formulated following extensive discussion with consultees and key local stakeholders, as well as a public consultation exercise.

#### 3.2 ACCESS & HIGHWAYS

**3.2.1** Approval for access is sought from Land South of Markfield Road I (i.e. Phase 1), Land South of Markfield Road II (i.e. Phase 2), Burroughs Road and Desford Lane. To this end, access drawings are submitted for approval. These are as follows:

- Desford Lane – Site Access Drawing – 109003-PEF-ZZ-ZZ-DR-TP-00001
- Burroughs Road – Internal Access Design – 109003-PEF-ZZ-XX-DR-TP-00002
- Phase 1 - Site Access Drawing – 109003-PEF-ZZ-XX-DR-TP-00008
- Phase 2 – Site Access Drawing – 109003-PEF-ZZ-XX-DR-TP-00009

**3.2.2** To the south, a new access is proposed from the Pear Tree Office park spur, which connects to Desford Lane. Desford Lane itself would be subject to walking and cycling connectivity improvements, as described in the Transport Assessment, to tie into provision secured through the approved residential scheme off Desford Lane for 225 dwellings.

**3.2.3** To the north, Phases 1 and 2 provide access onto Markfield Road. The accesses for each to Markfield Road are already approved. The proposal would connect into the main spine roads that will be constructed through each of these schemes, forming separate access points from each phase into the Site.

**3.2.4** The Desford Lane access would connect through Phase 2 to the north, forming a link between Desford Lane Markfield Road, thereby providing an alternative north/south connection to Main Street.

**3.2.5** This link road would traverse Burroughs Road and consideration has been given within the proposed access drawings to the inter-relationship between the two. The section of Burroughs Road between the new link road and Main Street would be closed off to vehicles, other than those needing to access the playing field to the south of Burroughs Road or the Plough Inn from Main Street. The western section of Burroughs Road would remain open to traffic as it is currently, but traffic would access the western section of Burrough's Road via the new link road rather than via Main Street.

### **3.3 SOCIAL INFRASTRUCTURE**

**3.3.1** The Proposed Development would make provision for a new community hub and 1 Form Entry (FE) primary school. The context for this is that the current Ratby Primary School is small, lacks modern facilities and does not have space to expand. It is also operating at 90% capacity. The masterplan identifies a 1ha site for a new primary school.

**3.3.2** The location of the primary school has been carefully thought about and advice has been sought from Leicestershire County Council. The location of the proposed primary school was chosen to ensure it would be sited in a place well-connected to

the existing village by foot and cycle and to ensure that it can be accessed easily from the proposed link road. The location just to the north of Burroughs Road in the eastern area of the Site, would allow for a safe and convenient walking route from the existing village as well as the wider development.

**3.3.3** The community hub is a response to dialogue with representatives of the Parish Council. The existing village hall is small and of insubstantial construction. It is not fit for purpose and the Parish Council representatives identified a new community hub to replace the current village hall as potential benefit. The Proposed Development therefore makes provision for this. Once again, the location has been carefully thought about to ensure a central location within the Site, that is accessible to the Site's key arterial routes and to the village at large.

**3.3.4** The location and quantum of land apportioned to the education and community uses proposed are set out in the accompanying Concept Masterplan. Further details of the design rationale including illustrations of the community hub are within the accompanying Design & Access Statement.

### **3.4 GREEN INFRASTRUCTURE AND PUBLIC OPEN SPACE**

**3.4.1** The Concept Masterplan indicates the scale and disposition of green spaces. Overall, it indicates 17ha of green infrastructure including the retained vegetation, new planting, land for habitat creation, accessible green space and proposed drainage basins. Ample scope exists for new structural planting, including new tree planting, which would enhance Ratby's role and function within the National Forest.

**3.4.2** A series of recreational routes will permeate the Site and its green spaces, along with broad locations identified for equipped play areas. The recreational routes and green infrastructure also provide opportunities for more informal play areas throughout the Site. The existing recreation ground would be reduced in size, but retained in part, with new high quality play equipment provided, which would be a considerable improvement on the existing situation, as this area presently only incorporates limited facilities. The land lost from the existing recreation area would be re-provided and enhanced in size and in quality elsewhere within the Site.

**3.4.3** The generously-proportioned green spaces afforded by the proposals provide ample scope for Biodiversity Net Gain (BNG) enhancements. Using the standard Department for Environment, Food and Rural Affairs (DEFRA) metric, the Proposed Development would achieve a Biodiversity Net Gain (BNG) score of 17.63% for habitat units and 10.17% for hedgerow units.

**3.4.4** Unless otherwise required to facilitate internal access and infrastructure works, the Site’s trees and hedgerows would be retained by the Proposed Development and, where possible, enhanced as part of wider Green Infrastructure strategy.

**3.4.5** The following sets out the amount of open space proposed by typology:

Table 1 Open Space Typology Requirements and Provision

Open Space Typology	Requirement	Provision
Equipped Children’s Playspace	0.1692ha	0.1692ha
Casual / Informal Green Space	0.7896ha	7.1ha
Accessible Natural Green Space	2.256ha	3.6ha

**3.5 HOUSING MIX**

**3.5.1** This outline planning application proposes about 475 dwellings or, in the alternative, 450 dwellings with a Use Class C2/C3 care home or extra care facility. The location of the extra care facility or care home is shown indicatively on the Concept Masterplan on a site comprising approximately 0.6ha. The location has been chosen as it is well-served by the link road, as well as the proposed community hub, and provides a convenient, direct walking route to the village along Burrough’s Road.

**3.5.2** The remaining dwellings will comprise a mix of housetypes and tenures, with affordable housing provided to policy-compliant levels with the exact mix responding to the Borough Council's latest evidence on housing needs. The illustrative masterplan shows a high-level layout and block structure.

**3.5.3** It is anticipated that the proposed dwellings will be arranged in a logical, perimeter block format allowing for active frontages to key spaces as well as the public open space. The development blocks would be permeated by green corridors and new tree planting in order to provide a pleasant, leafy environment which will connect future occupiers to nature and the countryside beyond.

**3.5.4** The high-level layout and block structure also allows for key buildings and spaces within it to promote legibility and distinctiveness in the built environment. Further details of the place-making strategy are described in the Design & Access Statement, which accompanies this planning application.

### **3.6 OTHER WORKS**

**3.6.1** The Proposed Development would need to be enabled by Site re-profiling works to create the necessary development platforms, road gradients and Sustainable Urban Drainage Systems (SUDs).

**3.6.2** This outline planning application is supported by a Sustainable Drainage Report by Pell Frischmann, which is accompanied by a Conceptual Surface Water Drainage Strategy (Drawing No. 109003-PEF-ZZ-XX-DR-CD-0500 Rev P04). This drawing demonstrates how surface water run-off would be captured by a series of detention basins placed throughout the Site, before being discharged at greenfield rates to the surrounding watercourses.

## 4. PLANNING POLICY

### 4.1 INTRODUCTION

**4.1.1** Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that decisions on planning applications must be taken in accordance with the statutory Development Plan, unless material considerations indicate otherwise. The judgement in Corbett v Cornwall Council [2022] EWCA Civ 1069 set out the following principles

- That the Section 38(6) duty can only be properly performed if the decision-maker establishes whether or not the proposal accords with the development plan as a whole;
- Development plan policies can pull in different directions and that some may support the proposal and others may weigh against it;
- A decision maker is required to assess the proposal against the potentially competing policies and then decide whether in light of the whole plan the proposal does or does not conflict with it;
- That this exercise is not mechanical or mechanical exercise and it is not a question of counting; and
- The exercise calls for a series of judgements to be made, which may include determining the relative importance of the policy, the extent of any breach and how firmly the policy favours or sets it face against such a proposal.

**4.1.2** In the case of Hinckley and Bosworth Borough Council, the statutory development plan comprises the Local Plan 2006 to 2026, which comprises a number of different Development Plan Documents (DPDs). These are:

- The Core Strategy DPD (adopted December 2009);
- The Site Allocations & Development Management Policies DPD (adopted July 2016);

- Hinckley Town Centre Area Action Plan (adopted March 2011); and
- The Earl Shilton and Barwell Area Action Plan (adopted September 2014).

**4.1.3** Neighbourhood Development Plans (NDPs) also form part of the statutory development plan. Ratby does not have an adopted NDP.

**4.1.4** Supplementary Planning Documents (SPDs), whilst not forming part of the statutory Development Plan, are material considerations. In the case of the Borough of Hinckley and Bosworth, the following SPDs are adopted:

- The Land South of Station Road, Market Bosworth Masterplan SPD; and
- The Good Design Guide SPD

**4.1.5** In addition to the local planning policy framework, the National Planning Policy Framework (NPPF) sets out the Government's planning policies for England. The NPPF was last updated in December 2023. An updated draft NPPF is currently being consulted upon by the Government as of the time of this writing.

**4.1.6** The NPPF sets out that emerging planning policies may be given weight in decision making, depending on certain factors. These will be discussed further below. It is worthy of note, however, that Hinckley and Bosworth Borough Council is currently undertaking an update to its Local Plan known as the Local Plan Review ("LPR"). The LPR Regulation 18 consultation was published on 31<sup>st</sup> July 2024 and runs until 27<sup>th</sup> September 2024. The LPR articulates the proposed scale and distribution of planned housing and other forms of growth between 2020 and 2024.

**4.1.7** In addition to any adopted or emerging local planning policy documents and national policy set out by the Government, there are a variety of material considerations which should be taken into account by the local planning authority. These are set out in Section 5 below.

## **4.2 THE CORE STRATEGY DPD**

**4.2.1** The Core Strategy DPD was adopted in 2009 and covers the Plan period 2006 to 2026. The Core Strategy provides the over-arching strategy and long-term vision for the Borough, whilst subsequent DPDs are intended to implement that strategy and vision. Below, we set out the key policies which are of most relevance and consider how the Proposed Development complies.

### **Strategic Housing Policies – Policies 7 and 8**

**4.2.2** The Core Strategy sets a target for housing provision of 450 dwellings per annum (dpa) amounting to 9,000 homes over the Plan period. The Core Strategy's housing requirement is derived from the East Midlands Regional Spatial Strategy (RSS), which is long since revoked and based upon housing needs evidence from 2004.

**4.2.3** Policy 7 sets out the overarching approach to Key Rural Centres (KSCs), of which Ratby is one. It states that housing development will be supported within settlement boundaries on the basis that it provides a mix of housing types and tenures. Policy 8 appertains to Key Rural Centres relating to Leicester. Again, Ratby falls into this category.

**4.2.4** Policy 8 sets out a framework for development of the village, stating that land will be allocated for a minimum of 75 new homes. Reference is also made to other matters, such as addressing deficiencies in the quality, quantity and accessibility of green space and play provision in Ratby; improving the green infrastructure network; supporting the improvements to Ratby Village Hall or development of a new designated community centre; supporting measures to direct through traffic away from Ratby Village; supporting measures to reduce noise and air pollution; and requiring new development to respect the character and appearance of Ratby's conservation area by incorporating locally distinctive features of the conservation area into new development.

**4.2.5** Policies 7 and 8 both specify a strategic approach to housing development in Ratby, which the Proposed Development would not comply with. The Site is not within

the settlement boundary nor does it relate to the minimum quantum of new homes expected in the settlement within the current Plan period. Overall, therefore, Policies 7 and 8 do not support the principle of development, which would result in a conflict. That, however, is not the end of the matter.

**4.2.6** The Core Strategy is now extremely dated, based on a long since abandoned “top down” approach to defining housing needs. The Core Strategy will also become time expired in under two years. More recent approaches to calculating housing need, such as the Standard Method, and the need to accommodate unmet need from Leicester resulting from the Standard Method’s “urban uplift,” represent considerable departures from the housing needs evidence underpinning the Core Strategy and represent the baseline for current decision-taking. More will be said on this in the next section. Suffice to say for now, however, the Proposed Development conflicts with Policies 7 and 8 of the Core Strategy in respect of their approach to the location and numbers of new homes at Ratby in the current Plan period.

**4.2.7** Policy 8 refers to a number of other strategic challenges facing the village. In respect of pre-existing deficiencies in public open space, the Proposed Development would make such provision vastly in excess of the policy requirements set out in Policy 19 as set out in Table 1 above. As such, the Proposed Development is key in delivering significant new, recreational resources for the village thereby meeting this key objective of the Core Strategy. Relatedly, the Proposed Development would improve the strategic green infrastructure network through the delivery of significant new structural planting, including to the western boundary of the Site along which runs Rothley Brook.

**4.2.8** Policy 8 mentions supporting improvements to existing community centres (Ratby Village Hall, Parish Church and Ratby Methodist Church) or the development of a new designated community centre. The Proposed Development incorporates land for a new community hub, thereby delivering upon this key objective of Policy 8.

**4.2.9** Finally, in relation to supporting measures to direct through traffic away from Ratby Village, it is worthy of note that the Proposed Development would lead to the construction of a new north–south link between Markfield Road and Desford Lane.

Whilst not reducing the levels of through traffic *per se*, this would reduce the number of trips along Main Street, which is currently a focal point for congestion at peak hours and would lead to a local betterment.

### Housing Mix, Type, Tenure and Design – Policies 15 and 16

**4.2.10** Policy 15 sets out that the starting point target for affordable housing in the Borough is 40% within the rural areas. For the purposes of Policy 15, the “rural area” includes all areas of the Borough outside of Hinckley, Barwell, Earl Shilton and Burbage. The policy recognises that these figures may be negotiated on a site-by-site basis taking account of local need, existing provision, characteristics of the site and viability. For all sites, the desired tenure split for affordable housing is 75% social rented and 25% intermediate housing.

**4.2.11** Policy 16 sets out that the Borough Council will require a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking into account the type of provision that is likely to be required, having regard to the specific needs of each submarket area informed by the most up-to-date housing needs evidence. The policy also states that all developments of 10 or more dwellings are to meet a “very good” rating against the Building for Life Criteria, subject to viability, and must achieve at least 30 dwellings per hectare on sites within and adjoining the Key Rural Centres and other rural settlements.

**4.2.12** Policy 15 sets out the starting point for the expected level of affordable housing contribution. In the location of the Site, the target is 40% subject to viability and site characteristics. It is recognised that Policy 15, as with other policies of the Core Strategy, is extremely dated, and it will be necessary to take a balanced view on any more up-to-date viability evidence prepared as part of the LPR. It is also true that the requirement of 40% figure was adopted on the basis that only fairly small sites were expected to come forward within the rural area. These would not have needed to support infrastructure requirements, such as the Site in this case, and as such could sustain such a high level of affordable housing provision.

**4.2.13** As to Policy 16, the proposals have been underpinned by discussions with the Borough Council's housing officer in relation to the mix and tenure split for the affordable housing. The mix of housing that is anticipated on the application forms.

**4.2.14** Given that evidence on affordable housing need is always evolving, particularly in the context of the LPR, and the market mix will be subject to subsequent applications for Reserved Matters Approval, the figures in Table 2 should be regarded as indicative. However, they clearly indicate that a good mix of house types are achievable on the Site through the Proposed Development.

#### **Open Space & Green Infrastructure – Policies 19, 20 and 21**

**4.2.15** Policy 19 relates to Green Space and Play Provision. Policy 19 sets out qualitative standards used in relation to green space and play provision to ensure that all residents have access to sufficient, high quality, accessible green spaces and play areas.

**4.2.16** Policy 20 sets out priorities in relation to the implementation of the Green Infrastructure Network. Raby is identified in the key diagram on page 26 as lying within the North Eastern GI zone. The corresponding section of Policy 20 refers to the Ratby to Desford Multifunctional Corridor and sets out an ambition to provide a recreational corridor along Rothley Brook, between Ratby and Desford where the stream corridor provides a landscape-scale connecting feature between the two settlements. Policy 20 concludes by stating that development that would compromise the delivery of the Green Infrastructure Network will not be permitted.

**4.2.17** Policy 21 sets out ambitions to support the implementation of the National Forest Strategy to the north-east of the Borough, where proposals will need to contribute to the delivery of the National Forest Strategy. That includes measures such as increasing woodland cover; enhancing biodiversity; developing a new woodland economy; outdoor recreational and sports provision; and tourism developments. Specifically in relation to new developments, Policy 21 requires that these reflect the Forest context in their accompanying landscape proposals by providing on-site or nearby landscaping which meets guidelines, currently encapsulated in the National Forest Guide for Developers and Planners. In simple

terms, the Guide requires all development sites of over 10ha to provide 30% of its area as Forest green infrastructure.

**4.2.18** Conformity with the standards in Policy 19 is addressed in Table 1 above. It is worthy of note that the Proposed Development provides significant excess in provision against the quantitative requirements.

**4.2.19** As to the Green Infrastructure Network, the Proposed Development retains a considerable offset to Rothley Brook to the south and, to the west, introduces additional structural planting alongside the existing woodland to complement this corridor. The Proposed Development would therefore complement the Green Infrastructure Strategy.

**4.2.20** Finally, in relation to the National Forest planting standards, the Proposed Development would deliver a total of 17ha Green Infrastructure out of a 32.7ha gross site area. Whilst landscape details are reserved for later consideration, this equates to 51% of the total site area dedicated as Green Infrastructure, and thus provides ample scope to meet the National Forest's 30% target.

### **4.3 The Site Allocations and Development Management Policies DPD**

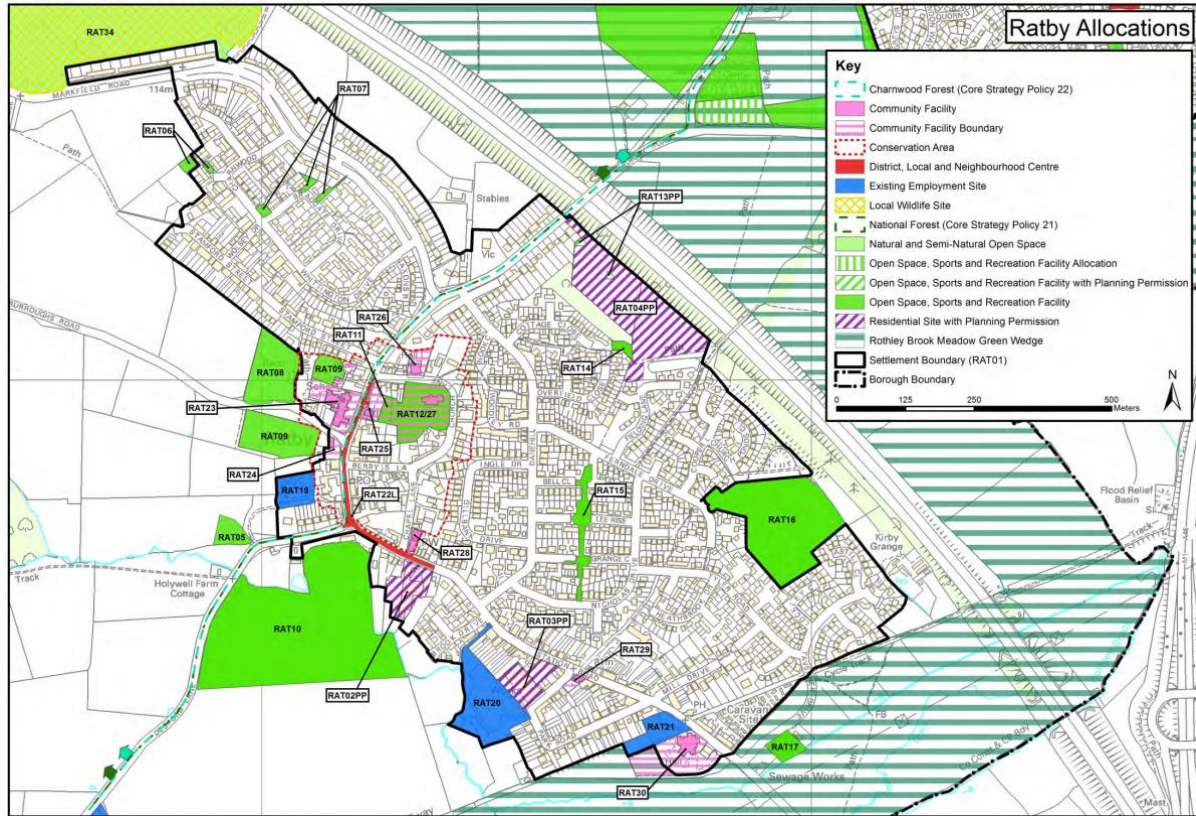
#### **Overview**

**4.3.1** The Site Allocations and Development Management Policies DPD allocates land to deliver the development requirements highlighted within the Core Strategy. It also includes development management policies which apply across the Borough and will be used when determining planning applications.

**4.3.2** Page 56 of the Site Allocations and Development Management Policies DPD contains a policies map for Ratby, which indicates housing allocations, as well as allocates for other land uses. There are no allocations for housing in Ratby other than residential sites that already have planning permission, as indicated on the map. Other matters of interest include the identification of Burroughs Road Green Space (RAT 08) as an amenity green space falling within the purview of Policy DM8. The

Ratby settlement boundary is also identified. An extract of the map is provided at **Figure 1** below.

Figure 1 Policies Map Extract for Ratby.



### Presumption in Favour of Sustainable Development – Policy DM1

**4.3.3** Policy DM1 sets out that planning applications which accord with the policies of the Local Plan will be approved without delay, unless material considerations indicate otherwise. Where there are no policies relevant to the application or the relevant policies are out of date, the Borough Council will grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, or where the NPPF indicates that development should be restricted.

**4.3.4** For the reasons explained in the next section of this Planning statement in relation to the national policy framework, the decision on this planning application should be made in the context of the presumption in favour of sustainable development (i.e. the tilted balance), given that the relevant or most important policies

are substantively out-of-date. Accordingly, planning permission should only be refused where the adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits or unless the NPPF indicates that development should be restricted. We return to this matter in the context of the planning balance below.

### **Delivering Renewable Energy and Low Carbon Development – Policy DM2**

**4.3.5** Policy DM2 relates to reducing environmental impact through carbon reduction measures. The policy sets out that planning applications should demonstrate how reasonable steps have been taken to avoid or mitigate adverse impacts, including but not limited to landscape, noise, visual and cumulative impacts.

**4.3.6** These matters are addressed in more detail in respect of the relevant policies relating to them below. However, in brief, the landscape framework has been arrived out through careful consideration of the Site and its context. A “ground up” approach has been taken to the master planning of the Site, which has been constraints led and driven, by landscape opportunities and constraints. More details are supplied within the accompanying Landscape Visual Assessment and Design and Access Statement.

**4.3.7** In relation to noise, the Proposed Development is residential-led and accordingly, would not present any fundamental land use conflicts. The nearest significant source of noise is the M1 motorway which is a considerable distance from the Site and will not materially impact its occupant.

**4.3.8** The Proposed Development complies with Policy DM2.

### **Infrastructure & Delivery – Policy DM3**

**4.3.9** Policy DM3 sets out that where a development creates the need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate mechanism. Where because of the physical circumstances of the site and/or prevailing or anticipated market conditions, a developer can demonstrate that the

viability of a proposal affects the provision of affordable housing and/or infrastructure provision, the Borough Council will balance the adverse impacts of permitting the scheme with any identified planning benefits. Schemes that seek to reduce infrastructure contributions on these grounds will need to be accompanied by appropriate evidence.

**4.3.10** The Proposed Development will generate impacts upon local infrastructure, but it would also provide unique opportunities to address local infrastructure challenges, which will provide a betterment for the village as a whole.

**4.3.11** The comprehensive masterplanning of the Site across Lagan's residual landholding following the grants of planning permission for the sites south of Markfield Road was driven, in part, by the need to achieve development at a scale that could address wider strategic challenges. Hence, the Proposed Development makes provision for a 1FE primary school and a community hub.

**4.3.12** The existing Ratby primary school is near capacity. It occupies a site that offers no room to expand. The Proposed Development will provide more land for meeting education needs in the village and provide financial contributions. This amounts to a considerable benefit in the context that this opportunity would not be available without development of the wider Site.

**4.3.13** It has long since been recognised that Ratby's community facilities are in need of upgrading. That is reflected in Lagan's discussions with the Parish Council, as well as Policy 8 of the Core Strategy. As such, the Proposed Development incorporates land and capital contributions for a spacious and modern community hub building.

**4.3.14** In respect of other infrastructure matters, the Proposed Development will make contributions, either financial or "in kind," to highways improvement works which meet the statutory tests set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010. The Proposed Development's impact in this regard is set out in the accompanying Transport Assessment, which uses Leicestershire County Council's Pan Regional Transport Model (PRTM) to assess the impacts upon the road network.

**4.3.15** Subject to the appropriate infrastructure contributions being secured, the Proposed Development complies with Policy DM3.

#### **Safeguarding the Countryside and Settlement Separation – Policy DM4**

**4.3.16** Policy DM4 states that the intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The policy then proceeds to list circumstances where development in the countryside will be considered sustainable. Residential development, as a general proposition, is not included within that list. A number of other criteria (i.e. clauses i) – v)) are included in relation to those categories of development, which are regarded as “sustainable” in a countryside location.

**4.3.17** The Proposed Development does not represent a scheme which Policy DM4 regards as “sustainable” within the countryside. That amounts to a *prima facie* breach of Policy DM4, as the Site is located upon land which is, in planning policy terms, located in the countryside outside of any settlement. However, the Site Allocations and Development Management Policies DPD, including its settlement boundaries, flows from the development requirements of the Core Strategy which, as set out above and in further detail below, are significantly out-of-date. If current development needs are to be met, then using land for residential development classed as the open countryside beyond settlement boundaries is an inevitability. That renders Policy DM4, insofar as it seeks to restrict residential development outside of settlement boundaries, substantively out of date alongside Policies 7 and 8 of the Core Strategy.

**4.3.18** As referred to above, Policy DM4 contains a number of other criteria which are clearly intended to apply to forms of development that would be otherwise acceptable within a countryside location. Of relevance here, is its requirement for development not to have a significant adverse effect on intrinsic value, beauty and open character and the landscape character of the open countryside, and the need to safeguard open land between settlements.

**4.3.19** Chapter 7 of the accompanying LVA considers landscape effects on landscape receptors during the construction phase, on the completion of the Proposed Development and over the longer term (15 years after completion of the Proposed

Development). In relation to the impact upon the Site and immediate context, the LVA identifies a Major – Moderate Adverse effect at Year 1 arising from the change in the Site itself from completely undeveloped land to developed land. That would reduce to moderate adverse 15 years after completion owing to the maturing landscape mitigation.

**4.3.20** Effects in visual terms are judged within the LVA to be Major Adverse on completion, reducing to Major – Moderate Adverse overall, in the longer term (year 15), once new planting matures.

**4.3.21** These findings of the LVA demonstrate that in the long-term, the Proposed Development would not, when considered as a whole with mitigation in place, have and a significant adverse effect upon the character of the Site and its immediate area and that therefore, clause i) of Policy DM4 is complied with.

**4.3.22** In relation to clause ii), which specifies that development should not undermine the physical and perceived separation and open character between settlements, there is no question of this occurring in the context of the Proposed development. The Site is well contained by the built form of Ratby to the east, the consented developments to the north along Markfield Road, Desford Lane to the south and mature woodland to the west, which will be bolstered by additional planting, brought forward as part of the Proposed Development. The closest settlements to the west of Ratby are Botcheston and Newton Unthank which are a very considerable distance. As such, visual and spatial separation between the settlements would be retained by the Proposed Development.

#### **Enhancement of Biodiversity and Geological Interest – Policy DM6**

**4.3.23** Policy DM6 sets out that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value, including proposals for their long term future management. Major developments, in particular, must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. Reference is also made to on site features of ecological interest, which the policy states should be retained, buffered and managed favourably to maintain their

value. The policy closes by setting out criteria in respect of Internationally and Nationally Designated Sites; Irreplaceable Habitats; and Locally Important Sites.

**4.3.24** This outline planning application is accompanied by an Ecological Appraisal by FPCR. There are no ecological designations on the Site itself. In relation to off-site ecological designations, the following key points are of note:

- A single site of national importance (Groby Pool and Woods SSSI) is located within 2km of the Site, lying 1.7km to the northeast. No direct or indirect impacts are anticipated due to distance;
- The closest non-statutory designated site is Tributaries of Rothley Brook, located to the west and to the south of the Site, with the watercourse itself approximately 15m from the Site's boundary. In order to safeguard the watercourse during the construction phase, a Construction and Environment Management Plan (CEMP) can be implemented, which can be secured by a suitably worded planning condition;
- Martinshaw Wood Local Wildlife Site and Burroughs Wood Local Wildlife Site, are c.200m north and c.460 west of the Site, respectively, and designated due to the presence of ancient woodland. Potential impact pathways exist arising from the construction phase in relation to traffic movements, which can be adequately mitigated by way of a CEMP. The open space and walking routes proposed within the Site itself will ensure that visitor pressure does not significantly increase to these designations, to the extent they are publically accessible.

**4.3.25** In relation to on-Site habitats and flora, the majority of the fields comprise modified grassland of limited biodiversity value. The grasslands proposed as part of the Proposed Development would be more species-rich and provide grassland of a greater diversity, thereby mitigating the loss of the small areas of other neutral grassland currently present on the Site.

**4.3.26** The Site hosts a number of hedgerows. Whilst not of considerable ecological value, they do provide suitable habitat for nesting birds and resources / commuting and foraging for a range of species. As set out within the Concept Masterplan, most of the hedgerows are proposed for retention with the extent only that to secure internal access and compensated for through the provision of replacement planting. The same is also true of the trees on the Site.

**4.3.27** A badger sett was identified within the off-Site woodland to the northwest and along the Site's boundary. Full details are within the Confidential Badger Report. Precautionary best practice measures can be secured by way of the CEMP and a check prior to the start of works that the Site's badger status as not changed.

**4.3.28** In relation to Great Crested Nets, EDNA analysis returned negative results for the on-site pond and pool of standing water just to the north of the Site. A positive result was returned for Pond 3, which is located 45m to the south of the Site's boundary. Accordingly, this outline planning application is supported by a Great Crested Net Report and Mitigation Strategy.

**4.3.29** In relation to bats, all mature trees are proposed for retention and thus no adverse impact will occur upon roosts. In relation to foraging and commuting, the Site is adjudged to have potential to provide good foraging habitat to the local bat population. As such, bat activity surveys have been recommended, commenced and are currently ongoing, with the results to date provided in the Interim Bat Report.

**4.3.30** Policy DM6 requires major development proposals to consider provision for Biodiversity Net Gain. Since the adoption of Site Allocations and Development Management Allocations DPD, the Environment Act 2021 has come into force which requires development proposals to achieve at least a 10% improvement to biodiversity, measured against a standard metric, over the baseline position.

**4.3.31** The Proposed Development would secure a BNG of 17.63% in habitat units and 10.17% in hedgerow units. Both measurements are in excess of the minimum requirement.

**4.3.32** Having regard to the above and subject to suitable ecology mitigation being secured by way of planning condition, the Proposed Development complies with Policy DM6.

#### Preventing Pollution and Flooding – Policy DM7

**4.3.33** Policy DM7 sets out that adverse impacts from pollution and flooding should be prevented by ensuring that development proposals demonstrate they will not adversely impact water quality, ecological value or drainage function of water bodies in the Borough; remediation solutions are provided; reasonable steps are taken for the abatement of obtrusive light; the development will not contribute to poor air quality; the development will not result in land instability; and development does not create or exacerbate flooding by being located away from areas of flood risk.

**4.3.34** The Desk Study and Preliminary Risk Assessment indicates that the Site is at low risk of contamination nor are there any abnormal ground conditions. The submitted Flood Risk Assessment (FRA) indicates that the Site is entirely within Flood Zone 1 and is accordingly at low risk of flooding. Alongside the Sustainable Urban Drainage Strategy, the FRA indicates that the Proposed Development would be safe from flooding for its lifetime and would not increase flood risk elsewhere.

**4.3.35** Accordingly, the Proposed Development complies with Policy DM7.

#### Safeguarding Open Space, Sport and Recreational Facilities – Policy DM8

**4.3.36** Policy DM8 stipulates that planning permission will not be granted for proposals resulting in the loss of buildings in recreational or sporting uses and areas of open space except where:

- A replacement of an equivalent typology is provided, as defined by the most recent Open Space, Sport and Recreational Facilities Study, in an appropriate location serving the community; or
- It is demonstrated that there is a surplus of recreational land, facilities and open space of the same typology exceeding the needs of the local community; or

- The development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on the remainder of the site, or a nearby site serving the same community.

**4.3.37** Most of the Site comprises agricultural fields and so is not subject to an existing recreational or sporting use. As set out above, the existing recreation ground to the west of the existing built-up area would be partially developed, but also partly retained as a Locally Equipped Area of Play (LEAP). At present the play equipment on the recreation ground is not particularly high quality, in addition to the recreation area being quite sparse. Through the Proposed Development, new equipment will be provided on a pleasantly landscaped area adjacent to the primary school and still easily accessible to the village.

**4.3.38** In addition to the improved provision on the recreation ground itself, the land lost from new development will be compensated for through the creation of new green space towards the south of the Site, which will include a Neighbourhood Equipped Area of Play (NEAP) and a further LEAP. This location is slightly further away from the core of the village than the existing recreation ground, but it would still be readily accessible via Burroughs Road and the network of existing and proposed walking routes permeating the Site.

**4.3.39** As such, an appropriate replacement for the open space lost both in terms of quality in a suitable location would be secured and no conflict arises in respect of Policy DM8.

#### Development and Design – Policy DM10

**4.3.40** Policy DM10 states that developments will be permitted providing the following matters have been considered and are found to be acceptable:

- It would not have a significant adverse effect on privacy or amenity;
- The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site;

- It complements or enhances the character of the surrounding area;
- The use and application of building materials respects the materials of existing, neighbouring buildings and the local area generally;
- It incorporates a high standard of landscaping where this would add to the quality of the design and siting;
- It maximises opportunities for the conservation of energy and resources;
- Where parking is to be provided charging points for electric or low emission vehicles are included where feasible;
- An appropriate sustainable drainage scheme is submitted to and approved by the relevant Authority; and
- It maximises natural surveillance and incorporates the principles of Secured by Design.

**4.3.41** Policy DM10 is a policy predominantly relevant to detailed design and this is an outline application, submitted with matters of scale, appearance, landscaping and layout reserved for later consideration. However, the accompanying Design and Access Statement sets out a robust design and place-making approach.

**4.3.42** In respect of privacy and amenity, there are no fundamental land use conflicts, given that the surrounding area is predominantly residential. Nor would any such impacts arise in respect of the Proposed Development itself upon the surrounding area. Care has been taken in respect of the interface with the properties along Stamford Street, with an offset of green space provided. There are no other areas where the Proposed Development would impact upon the amenity of residential occupiers during its operation phase. Potential effects in respect of overlooking can be addressed through the retention of sufficient back-to-back distances through the detailed layout.

**4.3.43** External materials are a matter reserved for later consideration. However, there is no reason why the Proposed Development cannot take appropriate cues from surrounding development in this respect.

**4.3.44** As regards landscaping, detailed landscape proposals are reserved for later consideration. However, the Proposed Development is landscape-led and the Illustrative Masterplan has been driven by the need to retain and bolster landscape planting. This has resulted in a series of green corridors that permeate the Site, as well as new structural planting, particularly to the west, to provide reinforcement to the existing, extensive woodland planting.

**4.3.45** In terms of energy and resource conservation, the new homes will be constructed to comply with the most up-to-date Building Regulations, which have stringent carbon and energy saving measures embedded, including the requirement for Electric Vehicle (EV) charging points.

**4.3.46** As set out above, the outline planning application is supported by a Sustainable Drainage Strategy, which outlines how surface water runoff would be attenuated on-site and discharged to surrounding watercourses at greenfield rates. It is expected that Leicestershire County Council in its capacity as the Lead Local Flood Authority (LLFA) will review on comment on the proposed outline drainage strategy.

**4.3.47** In relation to “Secured by Design” standards, the Proposed Development is underpinned by sufficient detail at this stage to demonstrate that natural surveillance will be provided over key spaces, predominately as a result of the logical perimeter block structure. There is no reason why this approach cannot be carried through to future applications for Reserved Matters Approval.

#### **Historic Environment – Policies DM11, DM12 and DM13**

**4.3.48** Policy DM11 sets out that the Borough Council will protect, conserve and enhance the historic environment. All development proposals are required to demonstrate an understanding of the significance of heritage assets and their setting; the impact on the setting of assets; how the benefits of the proposal will outweigh any harm caused; and any impact on archaeology in line with Policy DM13.

**4.3.49** Policy DM12 sets out that all development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement. In relation to listed buildings, the policy sets out that development affecting the setting of listed buildings will only be permitted where it is demonstrated that they are compatible with the significance of the building and its setting. In relation to conservation areas, Policy DM12 states that development proposals should preserve and enhance the significance of the conservation area. Consideration should also be given to important features, as identified in the Conservation Area Appraisal and Management Plan and other factors, including:

- Appropriate boundary treatments;
- The preservation and enhancement of key views and vistas;
- The replacement of dead or dying important trees and hedgerows;
- Reinforce or mirror the historic street pattern and plan form where feasible;
- Use sensitively styled street furniture;
- The use of natural building materials; and
- The retention of key spaces within the conservation area.

**4.3.50** Policy DM13 sets out that where a proposal impacts a site of archaeological interest, developers should set out in the application an appropriate desk-based assessment and, where applicable the appropriate investigations. Where applicable, feasible and justified the Borough Council will require remains to be preserved *in situ* and where this is not possible or justified, the Borough Council will require a full investigation and recording by an approved archaeological organisation prior to the commencement of development.

**4.3.51** This outline planning application is supported by a Historic Environment Desk Based Assessment (DBA) by Cotswold Archaeology. The DBA identifies the potential

for archaeological remains within the Site, which include the route of a Roman Road and ridge and furrow earthworks, likely of a medieval date.

**4.3.52** In respect of above ground heritage assets, the DBA sets out that that the Site does not contribute to the significance of any surrounding Listed Buildings, including the Grade II\* Listed Church of Philip and St James. The DBA identifies less than substantial harm at the lower end of the scale is identified in respect of the impact upon the setting of the Ratby Conservation Area.

**4.3.53** Policy DM11 sets out that sufficient information must be submitted to understand the significance of a heritage asset and its setting, as well as impact upon it. It must also be demonstrated how the benefits of the proposal would outweigh any harm caused. The DBA has been submitted which draws upon sufficient information to understand the impacts of the development. The Design and Access Statement considers how the Proposed Development responds to the opportunities and constraints of the area, including the conservation area. Matters of public benefit in a heritage context are set out in the planning balance below and are considered to outweigh any harm and according, the Proposed Development would not fall into conflict with Policy DM11.

**4.3.54** Policy DM12 sets out that all development proposals would be expected to secure the continued protection or enhancement of heritage assets. In respect of conservation areas, it sets out that development affecting conservation areas should consider a series of detailed design criteria. These largely relate to matters of detailed design, which are for the future Reserved Matters stage, but as set out within the DBA, no key views or vistas into or out of the conservation area would be affected by the Proposed Development.

**4.3.55** The less than substantial harm that arises is not in respect of detailed design, but in respect of the loss of agricultural fields. Such harm is not consistent with securing the continued protection or enhancement of heritage assets, but as less than substantial harm, it must still be weighed in the balance against the public benefits, as set out in national policy and Policy DM11. As such, when read in conjunction with DM11 and national policy, no breach would occur in respect of DM12, providing that

public benefits outweighed the less than substantial harm. We return to this in respect of the planning balance below.

**4.3.56** Policy DM13 in relation to archaeology requires that developers set out an appropriate DBA and, where applicable, the results of a field evaluation relaying the significance of any affected asset. A DBA has been submitted which contains detailed information in respect of archaeology and this has been informed by a geophysical and a site walkover survey. As such, subject to any further investigations that might be deemed necessary and a suitably-worded planning condition in respect of such investigation and, if necessary, recording, the Proposed Development complies with Policy DM13.

#### Highways and Transportation – Policies DM17 and DM18

**4.3.57** Policy DM17 (Highways and Transportation) – Policy DM17 sets out a number of criteria where development proposals will be supported. Amongst these, include seeking to make best use of existing public transport services and, where appropriate, providing opportunities for improving the vitality of those services; seeking to ensure there is convenient and safe access for walking and cycling to services and facilities; demonstrating there is not a significant adverse impact on highway safety in the case of development which generates significant movement; that development is located where the need to travel will be minimised; and where it can be demonstrated that the residual cumulative impacts of development on the transport network are not severe.

**4.3.58** Policy DM18 (Vehicle Parking Standards) Policy DM18 specifies that proposals for new development will be required to provide an appropriate level of parking provision justified by the appropriate assessment.

**4.3.59** The submitted Transport Assessment and Travel Plan by Pell Frischmann set out how opportunities to maximise sustainable travel have been taken up and how the Site is well-related to services and facilities by foot and cycle, as well as by public bus. The Transport Assessment considers the traffic impacts of the Proposed Development in accumulation with other developments and proposes targeted mitigation to address the impacts.

## 4.3 NATIONAL POLICY

### National Planning Policy Framework (December 2023)

#### *Sustainable Development*

**4.3.1** The National Planning Policy Framework (NPPF) was last updated in December 2023. Chapter 2 relates to achieving sustainable development and identifies an economic objective; a social objective and an environmental objective.

**4.3.2** Paragraph 11 sets out a presumption in favour of sustainable development (otherwise known as “titled balance”), which in practical terms means approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:

- The application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed or;
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF when taken as a whole.

**4.3.3** The decision in relation to this outline planning application must be taken in the context of the presumption in favour of sustainable development due to the extremely dated planning policy framework in Hinckley and Bosworth Borough. As set out in further detail below, the application of the policies in the NPPF that protect areas or assets of particular importance do not provide a clear reason for refusing the Proposed Development and so, planning permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits.

**4.3.4** In its Five Year Housing Land Supply (5YHLS) Statement covering 1<sup>st</sup> April 2023 to 31<sup>st</sup> March 2028, the Borough Council sets out that it has a very marginal 5YHLS of 5.6 years, which equates to a modest surplus of 145 dwellings. That conclusion is

reached against a Local Housing Need (LHN) figure of 433 dwellings per annum (dpa), calculated using the Government's Standard Method.

**4.3.5** Irrespective of this, the language used in the NPPF is clear that a lack of housing land supply and/or a failure of the Housing Delivery Test are two routes which can engage the presumption in favour of sustainable development (or "titled balance") described in paragraph 11d, but this is not a closed list and there are other reasons why most important policies can be out of date. That approach follows well established judicial precedent first considered by Lindblom J (as he then was) in the case of Bloor Homes Limited v Secretary of State for Communities and Local Government [2024] EWHC 754 (admin); [2017] PTSR 1283. At paragraph 45 of the Judgement he stated as follows:

*"These ["absence," "silence" and "out-of-date"] are three distinct concepts. A development plan will be "absent" if none has been adopted for the relevant area and the relevant period. If there is such a plan, it may be "silent" because it locks policy relevant to the project under consideration. And if the plan does have relevant policies these may have been overtaken by things that have happened since it was adopted, either on the ground or in some change in national policy, or for some other reason, so they are now "out-of-date." Silence will be either a matter of fact or a matter of construction, or both. And the question of whether relevant policies are no longer up-to-date will be either a matter of fact or perhaps a matter of both fact and judgement."* [Emphasis Added]

#### *Determining Applications*

**4.3.6** Paragraph 48 sets out that local planning authorities may give weight to the relevant policies in emerging plans according to:

- The stage of preparation;
- The extent to which there are unresolved objections to relevant policies; and
- The degree of consistency of the relevant policies in the emerging plan to the NPPF

**4.3.7** The Borough Council is in the process of preparing a new local plan which will cover the plan period to 2041. A Regulation 18 (Draft Plan) has been published for consultation and proposes to allocate the Site for 450 dwellings and associated infrastructure. The implications are considered further in the planning balance below.

*Delivering a Sufficient Supply of Homes*

**4.3.8** Chapter 5 of the NPPF relates to delivering a sufficient supply of homes. Paragraph 60 states that to support the Government's objective of boosting the supply of homes, it is important that sufficient amount and variety of land can come forward when it is needed. This includes the needs of groups with specific housing requirements. The overall aim, it is stated, is to meet as much of an area's identified housing need as possible, including an appropriate mix of housing types for the local community. That advice is amplified by paragraph 63.

**4.3.9** Paragraph 77 of the NPPF sets out that local planning authorities should identify and update annually a specific deliverable sites to provide a minimum of five years' worth of housing or a minimum of four years' worth of housing where the provisions of paragraph 226 apply.

**4.3.10** As we have set out above, the Borough Council can demonstrate a five year housing land supply, but that is only because sites have been permitted outside of settlement boundaries and allocations given the historic lack of 5YHLS. If the 5YHLS is maintained, it will be necessary to permit sites in locations which are not allocated for growth until a new local plan is adopted.

*Promoting Healthy and Safe Communities*

**4.3.11** Paragraph 96 of the NPPF sets out that planning policies and decisions should aim to achieve healthy, inclusive and safe places which, amongst other things, promote social interaction; are safe and accessible; and enable and support healthy lifestyles. Relatedly, paragraph 97 states that local planning authorities should plan positively to provide the social, recreational and cultural facilities and services the community needs.

**4.3.12** Paragraph 102 specifies that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the well-being of communities. Planning policies, it is stated, should be based on a robust and up-to-date assessments of the need for open space, sport and recreation facilities.

**4.3.13** Correspondingly, paragraph 103 states that existing open space, sports and recreational buildings should not be built on unless they are surplus to requirements, the loss resulting would be replaced by equivalent or better provision in a suitable location; or the development is for an alternative sports and recreational provision.

**4.3.14** Paragraph 104 sets out that planning policies and decisions should protect and enhance public rights of way and access, taking opportunities to provide better facilities for users.

*Promoting sustainable transport*

**4.3.15** Paragraph 109 sets out that the planning system should actively manage patterns of growth and focus significant developments on locations which are or can be made sustainable, through limiting the need to travel.

**4.3.16** Paragraph 114 specifies that in the assessment of sites, it should be ensured that appropriate opportunities to promote sustainable transport modes can be – or have been – taken up and that, amongst other things, safe and suitable access to the site can be achieved for all users.

**4.3.17** Paragraph 115 states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe.

**4.3.18** Paragraph 117 sets out that all developments that will generate significant amounts of movement should be required to provide a travel plan and should be supported by a transport statement or assessment.

*Conserving and enhancing the historic environment*

**4.3.19** Section 16 of the NPPF relates to conserving and enhancing the historic environment. The NPPF sets out that, amongst other things, local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting). In addition, the application is required to describe the significance of the heritage assets affected. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to that asset's conservation. Where a proposed development leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

## 5. MATERIAL CONSIDERATIONS

### 5.1 INTRODUCTION

**5.1.1** In this chapter, we identify the key material planning considerations applicable to the Proposed Development.

### 5.2 DELIVERY OF MARKET AND AFFORDABLE HOUSING

**5.2.1** As discussed above in relation to the relevant strategic policies of the development plan, the fundamental point is that the existing planning policy framework fails to enable sufficient houses to be built to meet current housing needs. This failure has manifest social consequences for individuals seeking to purchase their own homes, and for people unable to access the property market and accordingly require an affordable home.

**5.2.2** Whilst Hinckley and Bosworth claims it can demonstrate a marginal five year housing land supply of 5.6 years at the current time, it can only do so against its current Local Housing Need (LHN) figure calculated using the Standard Method, which is 433 dwellings per annum (dpa). However, the housing requirement in the Borough's emerging local plan is considerably higher (660 dpa), as it considers Leicester's unmet housing needs.

**5.2.3** In addition, whilst a five year housing land supply may be demonstrated, it can only be maintained through the consenting of sites outside of the settlement boundaries and allocations established by the Core Strategy 2009 and the subsequent Site Allocations and Development Management Policies DPD. Not to do so would surely lead to a further lapse in the supply of housing land.

**5.2.4** In relation to affordable housing, we note that the Housing Needs Study (HNS) dated April 2024 estimates an affordable housing need in the Borough of 430 dwellings per annum. By comparison, the Government's live tables on affordable housing supply conclude that over the last ten years, the Borough has only seen an average of 116 affordable housing completions per annum. The Borough has therefore accumulated a substantial shortfall in affordable housing delivery, which is reflected in indicators such as the Borough's affordability ratio and a marked decline

in affordability year on year over the last decade (other than between the years of 2022 and 2023). The Borough's median house price is 7.56 times median earnings, indicating that homeownership is an unrealistic aspiration for much of the Borough's population.

**5.2.5** Within that context, the delivery of much-needed market and affordable housing is undoubtedly a benefit of the Proposed Development.

### **5.3 BIODIVERSITY NET GAIN**

**5.3.1** Given its age, the Development Plan does not consider biodiversity net gain in the context of the statutory metric. An assessment has been made of the opportunity presented by the Concept Masterplan to provide a BNG over and above the minimum 10% required by legislation. This concludes that 17.63% BNG could be provided in relation to habitat units and 10.17% for hedgerow units. The precise amount of BNG can be determined through the detailed design stage.

**5.3.2** Given that the statutory requirement for BNG is 10%, the provision of BNG over and above the minimum amount is clearly a positive material consideration which weights in favour of the scheme.

### **5.4 SOCIAL INFRASTRUCTURE**

**5.4.1** The Proposed Development makes provision for land and capital contributions towards a new community hub. Upgrades to community facilities or the delivery of a new community are a long-standing ambition of the community in Ratby and of the Borough Council, as reflected in the 2009 Core Strategy. The need for improved community facilities was also a key theme in the Applicant's discussions with representatives of the Parish Council.

**5.4.2** In addition, the Proposed Development makes provision for land and capital contributions towards a new 1FE primary school. Given that the village's current primary school is outdated and has no room to expand, the Proposed Development would provide the opportunity for modern educational facilities in Ratby, which would support the settlement's ongoing sustainability and its ability to meet its own needs.

## **5.5 ECONOMIC BENEFITS**

**5.5.1** The building of new homes supports economic activity among businesses involved in construction and their wider supply chain. Employment is also generated through construction, which adds wealth through employee compensation that is then spent through the wider economy. Future occupants of the Proposed Development would also spend money to support local services, business and service provision during the operation phase of the Proposed Development.

**5.5.2** The proposed primary school and community hub would also result in positive employment and indirect employment generation through the need to staff and maintain these facilities, providing a source of local employment. The affordable rented units would be subject to ongoing management by a Registered Provider. This would accrue further economic benefits during the operation phase of the Proposed Development.

## **5.6 EMERGING POLICY**

**5.6.1** The Borough Council is preparing a new local plan (known as the Local Plan Review or “LPR”), which will define and meet development needs up to 2041. The LPR has been in the process of being prepared for some time and is clearly required given the datedness of the current planning policy framework and the corresponding need to grant planning permission on sites which are not allocated for development.

**5.6.2** At the time of this writing, the current iteration of the LPR is currently undergoing its Regulation 18 consultation, having previously progressed to Regulation 19 stage in 2022 prior to being revisited due to updated housing needs evidence, amongst other matters. The LPR proposes an allocation on the Site for 450 dwellings and associated infrastructure. It is also being advanced on the basis of a housing requirement of 660 dpa, significantly in excess of the Borough’s current LHN of 433 dpa due to the need to address unmet housing need emanating from Leicester

**5.6.3** Clearly, the LPR is not at the time of this writing at an advanced stage of preparation, with the current iteration having not been consulted upon before. However, as the LPR progresses towards adoption, it will progressively accrue more

weight. As it contains the most up-to-date evidence on housing need, its provisions in this regard are clearly to be preferred to strategic policies in the Core Strategy 2009.

## **5.7 APPEAL DECISIONS**

**5.7.1** There are numerous appeal decisions in the Borough where Inspectors have found the Development Plan's strategic policies in relation to the amount and location of housing development to be substantively out-of-date, thereby engaging the presumption in favour of sustainable development.

**5.7.2** At a recent appeal Inquiry relating to a site at Stoke Golding (APP/K2420/W/20/3262295) determined 21<sup>st</sup> May 2021 the local planning authority accepted that Policy 7: Key Rural Centres and Policy 11: Key Rural Centres were out-of-date due to the existence of a more up-to-date assessment of housing requirements. As such, the Inspector concluded that these policies were out-of-date for the purposes of paragraph 11d of the NPPF (see paragraph 79 of the Inspector's decision letter). Policy 11 of the CS serves an identical purpose to Policy 8 of the CS as described above; it merely relates to a different settlement. As such, conclusions about weight in the context of this appeal decision must also apply to Policy 8.

**5.7.3** At Land Adjacent to Lockey Farm, Hunts Lane, Desford (APP/2420/W/23/3332401) in a Decision Letter dated 25<sup>th</sup> March 2024, the Inspector confirmed at paragraph 10 that the policies which are most important to determining the appeal, including Policy 8 and policy DM4, were out of date and paragraph 11d) of the NPPF was engaged as a consequence.

**5.7.4** At Land off Desford Lane, Ratby (APP/K2420/W/23/3330774) likewise found paragraph 11 of the Decision Letter that the housing requirement of the Core Strategy had been superseded by a nationally derived housing target calculated using a different methodology, and the need to co-operate with neighbouring authorities to address unmet housing demand, which results in a higher housing target. It follows that the Development Plan no longer reflects current housing need and fails to support the Government's objective of significantly boosting the supply of homes. The policies relating to housing provision were therefore found to be out-of-date.

## **5.8 OTHER MATERIAL CONSIDERATIONS**

**5.8.1** The Appeal Proposal would result in the provision of significant amounts of public open space and green infrastructure in excess of policy requirements. The creation of new public open space and green infrastructure would become a significant wider community benefit, thereby encouraging health and wellbeing.

**5.8.2** The Proposed Development would be built in accordance with current Building Regulations which require specific measures to reduce carbon emissions. This would increase the amount of energy efficient housing stock in the area and make a contribution toward reducing carbon emissions, thereby assisting to address the challenges posed by climate change.

**5.8.3** The April 2024 HNS undertakes an analysis of the housing needs of older people and concludes that there is a “strong potential need for housing with care” (i.e. extra-care), both market and affordable, alongside a need for some additional nursing and residential care bed-spaces. The Proposed Development incorporates land for an extra care facility or care home and therefore, the potential for it addressing the acute housing needs for this group is a material consideration in the determination of this planning application.

## 6. PLANNING BALANCE

### 6.1 PRINCIPLE OF DEVELOPMENT

**6.1.1** Planning law specifies that decisions on planning applications must be taken in accordance with the statutory Development Plan, unless material considerations indicate otherwise. It is clear that the Proposed Development would not conform with Policies 7 or 8 of the Core Strategy, as it would exceed the number of homes anticipated for Ratby in a location beyond the settlement boundaries. Likewise, the Proposed Development would conflict with Policy DM4 of the Site Allocations and Development Management Policies DPD, because it is outside of the settlement boundaries upon land designated as countryside.

**6.1.2** The Core Strategy was adopted in 2009 and based upon housing needs evidence from 2004. Its housing requirement of 450 dwellings per annum (dpa) is derived from the long since received East Midlands Regional Spatial Strategy (RSS) and as its plan period runs to 2026, it will shortly be time expired. The settlement boundaries set out within the more recent Site Allocations and Development Management Policies DPD derive from the Core Strategy.

**6.1.3** The position in respect housing need in Hinckley and Bosworth Borough has moved on significantly since the adoption of the Core Strategy. The Council is now signatory to a Statement of Common Ground (SoCG) with its fellow HMA authorities to accept a proportion of unmet housing need from Leicester. Based on this apportionment, the annualised housing requirement for Hinckley and Bosworth Borough is 660 dpa, the same figure which underpins the preparation of the LPR.

**6.1.4** The Government is consulting on changes to the Standard Method for calculating housing need. This would see the Borough's LHN rise from 432 dpa to 689 dpa. Whilst the changes to the method are only for consultation at this stage, they will affect Hinckley and Bosworth from the date of other new NPPF's publication given that the Borough's strategic policies are over five years old. Assuming the proposed method was adopted as national policy in its current form, this will likely result in the Borough's 5YHLS dropping to below five years once more.

**6.1.5** As such, whilst the local planning authority claims to be able to demonstrate a marginal 5YHLS at the present time, in order to maintain the supply it will be necessary to continue to approve sites outside of allocations and settlement boundaries until such a time as a new local plan is adopted.

**6.1.6** In addition to the matters above as regards the housing need position in the Borough, it should be noted that the cornerstone of the Core Strategy's approach to meeting housing needs was the delivery of two large urban extensions of 2,000 homes at Earl Shilton (Policy 2) and 2,500 at Barwell (Policy 3). These two sites were due to commence in 2012, over ten years ago, and should now be delivering 400 dpa, amounting to around 50% of the Core Strategy's housing provision. To date, these allocations have not delivered a single completion. The consequence of this is that it has been necessary to permit residential development elsewhere in the Borough in order to meet housing needs so to the extent that the Borough has been able to demonstrate a deliverable forward supply of housing land, some of this has been in spite of the Core and not because of it. The Stoke Golding Inspector observed at paragraphs 81 and 82 of the Decision Letter that it was apparent planning permission has been granted for sites outside of settlement boundaries even where the minimum Core Strategy housing figures have been exceeded, which only serves to illustrate that the spatial strategy has had to be applied flexibly constituting a further reason why the Core Strategy is substantively out-of-date.

**6.1.7** Given the forgoing, Policies 7 and 8 of the Core Strategy and Policy DM4 of the Site Allocations and Development Management Policies DPD are substantively out of date. As the "most important" policies controlling the amount and distribution of housing, the presumption in paragraph 11d of the NPPF is engaged, meaning that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits (i.e. "the tilted balance.")

## **6.2 BENEFITS OF THE PROPOSED DEVELOPMENT**

**6.2.1** It is an accepted position by the local planning authority in recent appeals and confirmed by the findings of the successive Planning Inspectors, that most important policies for the supply of housing (i.e. Policies 7, 8 and DM4) are substantively out-

of-date. The titled balance is therefore engaged and the benefits of the Proposed Development must be weighed adverse the adverse impacts. This is considered further below.

### Delivery of Market and Affordable Housing

**6.2.2** The adopted Development Plan is based on very dated housing needs evidence and it is inevitable that its strategic policies in relation to the amount and distribution of development will need to be breached, if development needs are to be met. As reflected in the content of the WMS of July 30<sup>th</sup> 2024, the Government accepts that we are in the midst of an acute housing crisis and it seeks to boost significantly the supply of market and affordable housing. The NPPF similarly underpins this objective.

**6.2.3** Whilst a five year housing land supply can be demonstrated, this is only in spite of the current planning policy framework rather than because of it. If housing needs are to be met and supply maintained, housing on unallocated sites must continue to come forward.

**6.2.4** The most up-to-date evidence base and affordable housing delivery statistics demonstrate there is a considerable shortfall of affordable homes in the Borough. Other indicators, such as the affordability ratio, illustrate a clear and declining picture of housing affordability in the Borough.

**6.2.5** As a result, the benefits of Proposed Development in relation to market and affordable housing delivery should attract **substantial weight**.

### Provision of Biodiversity Net Gain

**6.2.6** It has been demonstrated that the Proposed Development could provide a 17% BNG for habitat units and 10.17% BNG for hedgerow units. The precise amount of BNG can be determined through the detailed design stage, but given the provision of BNG in excess of the statutory metric of 10% and the priority given in national policy and legislation to the regeneration of natural habitats, this benefit of the scheme should attract **significant weight**.

### Provision of Social Infrastructure

**6.2.7** The Proposed Development makes provision for a new community hub and a new 1FE primary school. The new community hub is a stated and long-standing ambition of the local community, with the evidence of a need for such a facility in Ratby dating back to at least the 2009 Core Strategy. It is highly unlikely that such a facility will come forward in isolation without enabling development and there is no evidence of any other site or proposal that could deliver it. As such, the Proposed Development provides a unique benefit that will promote opportunities for social interaction and underpin the viability and viability of the community.

**6.2.8** In relation to the proposed 1 FE primary school, Ratby village only has one primary school, which has a roll of 379 against a capacity of 420, meaning that it is at 90% capacity. The existing primary school has no means of expansion. As such, the Proposed Development would provide additional land for education in Ratby, again underpinning the social sustainability of the settlement and enabling people to meet their day-to-day needs in the local area.

**6.2.9** We consider that **significant weight** should be accorded to the benefits of the proposed social infrastructure provision.

### Economic Benefits

**6.2.10** As set out above, the Proposed Development would accrue economic benefits during its construction and operation phases, both direct and indirect. Given the scale of the Proposed Development and the fact that it will incorporate managed affordable housing, non-residential community/education uses, and possibly an extra care/care home facility, its economic benefits will reach beyond the simply construction phase, and provide sources of local employment in the longer term. As such, we accord **significant weight** to the economic benefits of the Proposed Development.

### Emerging Policy

**6.2.11** The Site is proposed to be allocated for 450 dwellings and associated infrastructure in the emerging LPR to 2041. As set out above, the emerging LPR and its proposed allocations are based on the most recent housing needs evidence and

demonstrate a clear direction of travel in relation to the housing requirement and the future strategy for meeting it. That is clearly to be preferred to the very dated Core Strategy.

**6.2.12** In addition, as set out above, the Government is currently consulting on changes to the Standard Method for calculating housing need, which at present would result in a considerable uplift for the Borough's LHN and will apply from the date the new National Planning Policy Framework is published in the absence of an up-to-date local plan. This will reduce the Borough's five year housing land supply to well below five years.

**6.2.13** The new NPPF is currently subject to consultation and liable to change. The LPR is only at a formative stage, having only just been published for its first, full Regulation 18 consultation. As such, the weighting provided to both can only be **limited** at the present time, but this situation may well be different at the time this application is determined.

#### Other Material Considerations

**6.2.14** The Appeal Proposal would result in the provision of significant amounts of public open space and green infrastructure in excess of policy requirements. The creation of new public open space and green infrastructure would become a significant wider community benefit, thereby encouraging health and wellbeing.

**6.2.15** The Proposed Development would be built in accordance with current Building Regulations which require specific measures to reduce carbon emissions. This would increase the amount of energy efficient housing stock in the area and make a contribution toward reducing carbon emissions, thereby assisting to address the challenges posed by climate change.

**6.2.16** The Proposed Development proposes a care home or extra care facility, in the alternative to general residential development. The evidence base suggests an acute need for such a facility, particularly for extra care.

**6.2.17** To the above benefits, we accord **moderate weight**.

## 6.3 ADVERSE IMPACTS OF THE PROPOSED DEVELOPMENT

### The Development Plan

**6.3.1** As set out above, the Proposed Development would result in a conflict with the spatial policies of the Development Plan. In a plan-led system, this would inevitably accrue some harm. However, given the datedness of these strategic policies, such a conflict is inevitable if housing needs are to be met and based on the number of planning permissions that have been granted on this basis, both by the local planning authority itself and by Planning Inspectors at appeal, it is not a novel proposition that unallocated land needs to be brought forward now.

**6.3.2** In addition, whilst it is only at its formative stages, the emerging LPR sets out a clear direction travel, with the Site included as part of the LPR's strategy for delivering growth.

**6.3.3** Therefore, only **limited weight** is accorded to the conflict with the strategic policies of the Development Plan.

### Heritage

**6.3.4** As set out above, the DBA by Cotswold Archaeology assesses the Proposed Development as resulting in less than substantial harm to the setting of Ratby's conservation area, at the lower end of the scale. The NPPF requires that **great weight** is accorded to such harm, which then must be weighed against the public benefits of the Proposed Development.

**6.3.5** We have set out comprehensively the public benefits accruing from the Proposed Development above and our weighting to these. In short, the benefits arising from the Proposed Development are many, varied and weighty. The less than substantial harm accruing to Ratby's conservation area, whilst necessarily attracting great weight in the overall balance, will result in less than substantial harm to the setting of this heritage asset, at only the lower end of the scale. Accordingly, we conclude that the public benefits of the proposal outweigh the less than substantial harm to the setting of Ratby's conservation area.

## Landscape

**6.3.6** The Proposed Development would lead to the creation of substantial areas of new public open space, green infrastructure and habitat. Nonetheless, it will result in the introduction of built development where there previously was none.

**6.3.7** The Site and the surrounding landscape are not especially sensitive nor are they designated for landscape, scenic or visual quality. The impacts of the Proposed Development in landscape and visual terms will therefore be localised and limited largely to the receptors within and immediately adjoining the Site. Whilst the impact on these receptors arising from the Proposed Development would be moderate-major in Year 1 of the Proposed Development, this would reduce to moderate adverse once the proposed landscaping matures in Year 15.

**6.3.8** As a result of the above, whilst the Proposed Development would inevitably result in some harm to the landscape and character of the Site, the localised nature of the impact and scope for mitigation indicates that this harm should be given no more than **moderate weight** in the overall planning balance.

## 6.4 PLANNING BALANCE – CONCLUSIONS

**6.4.1** The “most important” policies of the Development Plan are out-of-date, which engages the presumption in favour of sustainable development as set out at paragraph 11d of the NPPF. Planning permission should therefore be granted unless the application of the policies in the NPPF itself that protect areas or assets of particular importance provide a clear reason for refusing the development proposed or any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against the policies within the NPPF taken as a whole.

**6.4.2** As set out at Footnote 7, the NPPF contains policies in relation to the protection of designated heritage assets, which include conservation areas and their settings. As set out above, we have concluded on the basis of evidence from heritage specialists that the Proposed Development would result in less than substantial harm at the lower end of the scale to the setting of Ratby Conservation Area. However, the NPPF indicates that such harm must be balanced against the public benefits of the proposal.

We have undertaken that exercise and concluded that these outweigh the less than substantial harm accruing to Ratby's Conservation Area. Accordingly, this impact does not provide a "clear reason" for refusing the proposed development and does not rebut the presumption.

**6.4.3** In relation to the second limb of paragraph 11 d), we have considered the harms and the benefits arising from the Proposed Development. The benefits are many, varied and weighty. The adverse impacts, aside from heritage which is addressed above, are limited in number and no more than moderate in their overall weighting. Accordingly, we conclude that the adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits and that as such, planning permission should be granted.

## 7. HEADS OF TERMS

### 7.1 INTRODUCTION

**7.1.1** Alongside the wide range of planning benefits that the Proposed Development will deliver, it is anticipated that an appropriate package of Section 106 contributions will be negotiated and agreed with the local planning authority, which must comply with the statutory test contained at Regulation 122(a) of the Community Infrastructure Levy (CIL) Regulations 2010. These set out that a planning obligation may only constitute a reason for granting planning permission if the obligation is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development

**7.1.2** It should be noted that this section of the Planning Statement is intended to be used to inform future discussions regarding the structure of the legal agreement during the determination of the planning application. Other elements may be added if deemed necessary by the local planning authority, relevant consultees and other parties in agreement with the Applicant and subject to the statutory tests set out above.

### 7.2 HEADS OF TERMS

#### Affordable Housing

**7.2.1** It is expected that the Section 106 legal agreement will contain provisions to secure a proportion of affordable housing, comprising an appropriate mix and tenure split as agreed with the local planning authority. Based on local needs evidence as it currently stands, previous sections of this Planning Statement set out the anticipated mix of affordable homes, but it is expected that this may evolve during discussions with the local planning authority and relevant stakeholders.

### Transport

**7.2.2** It is possible that the Proposed Development may affect the capacity of off-site junctions and that as such, contributions may be required to the improvements agreed with the Local Highway Authority at this locations

**7.2.3** In addition, it is expected that sustainable transport contributions may be required either by way of financial contribution or works “in kind.”

### Education

**7.2.4** As set out above, the Proposed Development incorporates land for a new 1FE primary school. It is expected that any legal agreement will require clauses relating to the delivery of this land, as well as any capital contributions required.

### Community Hub

**7.2.5** As set out above, the Proposed Development incorporates land for a new community hub. It is expected that any legal agreement will incorporate clauses to govern the delivery of this facility, as well as any capital contributions expected from the Proposed Development.

### Open Space and Play Areas

**7.2.6** The Proposed Development incorporates a number of equipped play areas, as well as public open space and Green Infrastructure planting. It is expected that the Section 106 will incorporate measures to secure the proposed public open space, equipped areas of play and planting.

### Libraries

**7.2.7** It is expected that Leicestershire County Council may seek a financial contribution towards libraries for the improvement of Ratby Library. The exact form, content and nature of this obligation will be subject to further discussion with the County Council and the local planning authority.

## Healthcare

**7.2.8** It is expected that contributions towards primary healthcare may be required, depending on the capacity of local facilities and subject to the passing of the statutory tests referred to above. Any requests for secondary healthcare contributions will be carefully scrutinised by the Applicant, having regard to the judgement in The University Hospitals of Leicester NHS Trust, R (On the Application Of) v Harborough District Council [2023] EWHC 263 (Admin).

## **8. SUMMARY & CONCLUSION**

### **8.1 Summary**

**8.1.1** Lagan Homes seeks outline planning permission with all matters reserved apart from access for a phased, mixed use development comprising about 450 dwellings and a C2 care home or C3 “extra care” facility or about 475 homes in the alternative, alongside associated infrastructure including a new 1FE primary school, community hub, public open space, sustainable urban drainage infrastructure and new green infrastructure.

**8.1.2** We have assessed the Proposed Development against the provisions of the statutory Development Plan and found conflict with the strategic policies which govern the amount and location of new development. However, these strategic policies are fifteen years old and are underpinned by housing needs evidence which is about twenty years old. They also rely on the delivery of two SUEs at Barwell and Earl Shilton which despite their long-standing allocation, have yet to come forward.

**8.1.3** Whilst the local planning authority claims to be able to demonstrate a five year housing land supply of 5.6 years, this has only been established and will only be maintained by releasing land for development in locations not envisaged for development within the Development Plan. For the reasons explained above, the five year housing land supply in the Borough may also be short-lived.

**8.1.4** The Site is proposed for allocation in the emerging LPR, which responds to the most recent evidence on housing need including unmet need emanating from Leicester, and demonstrates a clear direction of travel in relation to the formulation of strategic policies that are fit for purpose.

**8.1.5** Irrespective of the five year housing land supply position, the presumption in favour of sustainable development is engaged, which means that planning permission should be granted unless the NPPF itself indicates development should be restricted by providing a “clear reason” for refusing planning permission or unless the adverse impacts of doing so clearly and demonstrably outweigh the benefits.

**8.1.6** We have established that the Proposed Development would be accompanied by a significant number of benefits. These benefits are varied and weighty. Conversely, we have established that the Proposed Development would only lead to a small number of harms, which are of only limited to moderate weight, other than the less than substantial harm to the setting of Ratby's conservation area, to which we have ascribed "great weight" and weighed this harm against the public benefits of the Proposed Development.

**8.1.7** On the basis of the variety and strength of the public benefits associated with the Proposed Development and the magnitude of the less than substantial harm which would occur at only the lower end of the scale of harm, the public benefits of the Proposed Development outweigh the less than substantial harm to this heritage asset.

**8.1.8** For the above reasons, the NPPF does not provide a "clear reason" for refusing planning permission nor do the adverse impacts of granting planning permission significantly and demonstrably outweigh the benefits. Planning permission should therefore be granted.

## **8.2 CONCLUSION**

**8.2.1** The Proposed Development complies with the provisions of the Development Plan save for policies that are substantively out of date. The conflict with these policies does not amount to harm that would justify the refusal of planning permission in the context of the titled balance. The evidence base accompanying this planning application indicates that a high-quality, landscape-led development can come forward in a way that mitigates adverse impacts and delivers a substantial number of benefits for the settlement and the wider local planning authority area.

**8.2.2** As such, we respectfully requested that the local planning authority supports this planning application and grants planning permission.