

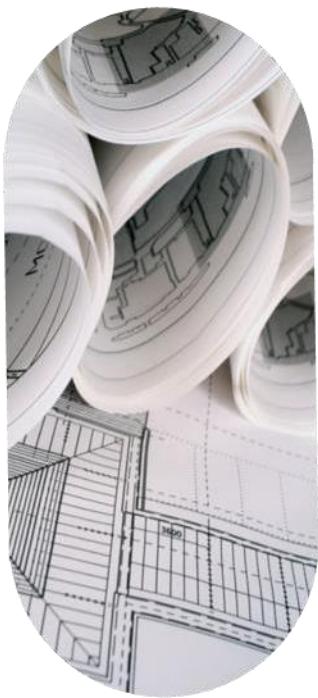


 Part of Shakespeare Martineau

## Richborough

Land situated to the east of Brascote Lane and south of Arnold's Crescent, Newbold Verdon

### PLANNING STATEMENT





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## 1. INTRODUCTION

1.1 This Planning Statement has been prepared by Marrons on behalf of Richborough and forms part of an outline planning application for residential development of up to 135 dwellings at 'Land situated to the east of Brascote Lane and south of Arnold's Crescent, Newbold Verdon'.

1.2 The application site comprises 13.77ha of which 6.91ha already benefits from outline planning permission (22/00277/OUT) for up to 239 dwellings (Phase 1). The Phase 1 land within the red line of this application is included merely to provide for access/egress to the public highway at Brascote Lane; the Phase 1 consent will be unchanged by this application. The remaining 6.86ha comprises the land where the proposed 135 dwellings and associated infrastructure is proposed to be contained (Phase 2).

1.3 This Statement should be read in conjunction with the range of other supporting technical documents and plans submitted as part of this application including:

- Access Drawing(s) (Hub Transport Planning)
- Air Quality Assessment (BWB)
- Arboricultural Assessment (Tyler Grange)
- Biodiversity Net Gain Metric (Tyler Grange)
- Design and Access Statement (Marrons)
- Ecological Impact Assessment (Tyler Grange)
- Flood Risk and Sustainable Drainage Statement (BWB)
- Geophysical Survey (RPS)
- Geo-environmental Desk Study (Geotechnical Engineers Limited)
- Heritage Statement (RPS)
- Landscape and Visual Impact Appraisal (Tyler Grange)
- Landscape Masterplan (Tyler Grange)
- Noise Risk Assessment (BWB)
- Parameter Plan (Marrons)
- Planning Statement (Marrons)



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- Site Location Plan (Marrons)
- Transport Assessment (Hub Transport Planning)
- Travel Plan (Hub Transport Planning)
- Utilities Statement (BWB)

1.4 The purpose of this Planning Statement is to demonstrate that there are no adverse impacts of the proposals that would significantly and demonstrably outweigh the benefits and, as such, planning permission should be granted.



## 2. THE SITE AND SURROUNDING AREA

2.1 The site and its characteristics are set out in detail within the Design and Access Statement (DAS). The relevant matters for the purposes of this Statement are:

- The application site comprises 13.77ha of which 6.91ha already benefits from outline planning permission (22/00277/OUT) for up to 239 dwellings (Phase 1). The Phase 1 land within the red line of this application is included merely to provide for access/egress to the public highway at Brascote Lane; the Phase 1 consent will be unchanged by this application. The remaining 6.86ha comprises the land where the proposed 135 dwellings and associated infrastructure is proposed to be contained (Phase 2);
- Arnold Crescent is located to the north of the site. There is a playing field and tennis courts to the North East of the site;
- To the site's southern boundary, and partially contained within the red line boundary, is the permitted residential development of Phase 1. This is displayed visually on the Phased Boundary Plan contained within the DAS and included below for completeness;



- Vehicle access to the site is provided through connections to the



application to the South of the site, ref: 22/00277/OUT, which connects to the existing highway network on Brascote Lane. Pedestrian access to the site can also be gained through connections to Phase 1, as well as access points via the Public Right of Way on the South East and North East of the site;

- The site is highly sustainable and is well located for local services and facilities in Newbold Verdon, such as Newbold Verdon Primary School, the Church of St James, Alans Way Playing Fields, Newbold Verdon Cricket Club, Newbold Verdon Medical Centre, Nisa Local Store, Liberteas Coffee Shop, Jubilee Inn, Heathbrook Pharmacy, Newbold Verdon Library and some shops. It is within walking distance of bus stops along Main Street. The Inspector considered that in respect of the allowed appeal at Phase 1<sup>1</sup> and concluded that “*the attractiveness and useability of the walking routes is relatively high*” and that the site was a “*suitable location for housing, with adequate access to services and the proposal meets the requirements of Policy DM17 of the SA DPD, which requires good walking access to services and facilities and where the need to travel will be minimised and the use of sustainable transport modes can be maximised.*”;
- Newbold Verdon Primary School is located 0.5 miles away. It is generally recognised that 1.2 miles represents the maximum preferred walking distance for school trips and, therefore, the local school is within reasonable walking/cycling distance;
- The site has good access to a range of further facilities and services in Market Bosworth (a 9 minute car journey) including Market Bosworth Secondary School. Market Bosworth is also home to a good selection of retail shops, supermarkets, restaurants and pubs;
- There is a bus service which frequently runs from Main Street (within walking distance to the north of the site) to Market Bosworth

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<sup>1</sup> APP/K2420/W/23/3331081 - Land East of the Windmill Inn, Brascote Lane, Newbold Verdon



and Leicester (153). The Inspector considered that “*This is a reasonable bus service for a rural location, providing a useable service to the larger service centres of Market Bosworth, Desford and Leicester*”; and

- Hinckley Train Station is a 20 minute car journey from the application site. Services can be serviced from this station to destinations including Leicester and Birmingham.



### 3. THE PROPOSED DEVELOPMENT

3.1 This section provides a detailed description of the proposed development. Further details are also provided within the accompanying Design and Access Statement and application plans.

#### DESCRIPTION OF DEVELOPMENT

3.2 The application seeks outline planning permission for the residential development of the Land situated to the east of Brascote Lane and south of Arnold's Crescent, Newbold Verdon.

3.3 The description of development is as follows:

*"Outline planning application for construction of up to 135 dwellings with associated landscaping, open space, drainage infrastructure and associated works (all matters reserved except access from Brascote Lane)."*

3.4 The plans submitted for approval are:

- Site Location Plan (Dwg 902832.36.01A);
- Parameter Plan (Dwg 902832.36.06A);
- Proposed Site Access Layout (Dwg T24516.010C).

3.5 The proposed development comprises the following components:

- An application site area of 13.77ha of which 6.91ha already benefits from the Phase 1 outline planning permission and is included to provide for access/egress to the public highway at Brascote Lane. The remaining 6.86ha comprises the land where the proposed 135 dwellings and associated infrastructure is proposed to be contained;
- A net developable Area of 3.54ha as defined on the Parameter Plan;



- The development of up to 135 new homes;
- The provision of up to 40% affordable housing;
- Vehicle and pedestrian access to Brascote Lane via the Phase 1 site;
- Additional pedestrian access connections through the Public Right of Way to the east of the site;
- Areas of public open space and opportunities for tree and shrub planting throughout the site in line with the details contained on the Parameter Plan;
- Links to the Country Park located within the Phase 1 consent (22/00277/OUT);
- A Children's Play Area; and
- Sustainable Drainage measures by way of attenuation storage and the use of existing sewer infrastructure for foul effluent.

3.6 Matters of layout, landscaping, scale and appearance are reserved for future determination.

3.7 The proposals have been designed sensitively to take into account the constraints and opportunities of the site. The scheme will provide a high quality, attractive and distinctive housing scheme with appropriate house types, associated landscaping and access.

**PLANNING HISTORY**

3.8 The 6.86ha of the site where the proposed 135 dwellings and associated infrastructure is contained does not have any relevant planning history. However, the site represents a second phase of development in this part of the village alongside Phase 1 which is partially contained within the site boundary for access purposes.

3.9 Phase 1 will deliver up to 239 dwellings across the 14.34ha site, located at 'Land at Brascote Lane, Newbold Verdon'. The application was validated on the 15<sup>th</sup> March 2022 and was reported to Planning Committee on the 19<sup>th</sup> September 2023. The application was recommended for approval, subject to

a number of conditions and the completion of a S106 agreement.

3.10 The committee resolved to refuse the application, contrary to the Planning Officer's recommendation, with a decision notice issued on the 21<sup>st</sup> September 2023. This decision was appealed by the applicant and allowed by Inspector Woodwards on 17<sup>th</sup> May 2024 (ref: APP/K2420/W/23/3331081).

3.11 The extract of the Phase 1 Parameter Plan (n1741.004.D) is included below.



3.12 The Inspector recognised within paragraph 22 of the Decision that Newbold Verdon “provides a reasonable range of services and facilities, including pubs, a primary school, a Co-op, churches, a post office, and other shops and facilities. The walking distances to the facilities are agreed as is the methodology of measuring from the middle of the appeal site to provide an average measurement.” He continued in paragraph 25; “The proposal is, therefore, in a suitable location for housing, with adequate access to services and the proposal meets the requirements of Policy DM17 of the SA DPD,



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*which requires good walking access to services and facilities and where the need to travel will be minimised and the use of sustainable transport modes can be maximised.”*

3.13 Importantly, the Inspector places “*substantial positive weight*” on the provision of both market and affordable housing which remains relevant for the Phase 2 development now proposed.



## 4. THE DEVELOPMENT PLAN

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a planning application is determined in accordance with the development plan unless material considerations indicate otherwise.

4.2 The development plan for the purposes of this application comprises of the Core Strategy which was adopted in December 2009 and the Site Allocations and Development Management Policies Development Plan Document which was adopted in July 2016.

### Core Strategy (2009)

#### Core Strategy Policy 7: Key Rural Centres

4.3 Policy 7 says that to support the Key Rural Centres and ensure they can provide key services to their rural hinterland, the council will support housing development within settlement boundaries.

#### Core Strategy Policy 11: Key Rural Centres Standalone

4.4 Policy 11 states that to support the local services in Newbold Verdon and maintain rural population levels the council will allocate land for the development of a minimum of 110 new homes. The policy also requires new development to respect the character and appearance of the Newbold Verdon Conservation Area by incorporating locally distinctive features of the conservation area into the development.

#### Core Strategy Policy 14: Rural Areas: Transport

4.5 Policy 14 supports accessibility within the rural areas, with developers required to contribute towards these initiatives through developer contributions and/or land where they meet the tests set out in national guidance. This includes viable, high quality public transport network between the Key Rural Centres and their nearest urban centre and between the Rural Villages and their nearest Key Rural Centre or urban centre.



### Core Strategy Policy 15: Affordable Housing

4.6 Policy 15 says that to support the provision of mixed, sustainable communities, a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. At least 480 dwellings will contribute to this target in rural areas, including rural exception sites brought forward via Policy 17 Rural Needs. To achieve this target, the council will expect a proportion of affordable housing to be provided on eligible sites.

4.7 The on-site target for affordable housing at Newbold Verdon is 40%. The policy goes on to state that for all sites, the tenure split will be 75% social rented and 25% intermediate housing.

### Core Strategy Policy 16: Housing Density, Mix, and Design

4.8 This policy emphasises that the council requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking into account the type of provision that is likely to be required.

4.9 All developments of 10 or more dwellings are required to meet a 'very good' rating (16 or more positive answers out of 20) against the Building for Life criteria, unless it can be demonstrated that this is not viable on the particular site.

4.10 The policy goes on to say that proposals for new residential development will be required to meet a minimum net density of at least 30 dwellings per hectare within and adjoining the Key Rural Centres, Rural Villages and Rural Hamlets.

### Core Strategy Policy 19: Green Space and Play Provision

4.11 This policy sets standards used to determine where improvements to green space and play areas are needed or where new facilities are required.

### Core Strategy Policy 24: Sustainable Design and Technology

4.12 The policy states that residential developments in Key Rural Centres and



Rural Villages will be expected to meet the sustainability targets set out in Building a Greener Future.

### **Site Allocations and Development Management Policies Development Plan (2016)**

#### **Policy DM1: Presumption in Favour of Sustainable Development**

4.13 This policy says that planning applications that accord with the policies in the Local Plan will be approved without delay, unless material considerations indicate otherwise.

4.14 Where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then the Borough Council will grant permission unless material considerations indicate otherwise

#### **Policy DM3: Infrastructure and Delivery**

4.15 Policy DM3 says that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism.

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

4.16 This policy states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.

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

4.17 Policy DM6 say 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.

4.18 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.



4.19 On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.

4.20 International and Nationally Designated Sites will be safeguarded. Development which is likely to have any adverse impact on the notified features of a nationally designated site will not normally be permitted.

### **Policy DM7: Preventing Pollution and Flooding**

4.21 Policy DM7 says that adverse impacts from pollution and flooding will be prevented. This will be ensured through proposals demonstrating a number of elements including that they will not contribute to poor air quality and no adverse impact on water quality or drainage function of water bodies.

### **Policy DM10: Development and Design**

4.22 This policy states that Developments will be permitted providing that the following requirements are met:

- a. *It would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion; be adversely affected by activities in the vicinity of the site; architectural features;*
- b. *The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site;*
- c. *It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features;*
- d. *The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally;*
- e. *It incorporates a high standard of landscaping where this would add to the quality of the design and siting;*



- f. *It maximises opportunities for the conservation of energy and resources through design, layout, orientation and construction in line with Core Strategy Policy 24;*
- g. *Where parking is to be provided charging points for electric or low emission vehicles are included where feasible;*
- h. *An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority. Schemes should incorporate wildlife areas, ponds, swales and permeable paving where appropriate;*
- i. *It maximises natural surveillance and incorporates the principles of Secured by Design and has considered the incorporation of fire safety measures.*

#### **Policy DM11: Protecting and Enhancing the Historic Environment**

4.23 The policy states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.

4.24 All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:

- a. An understanding of the significance of the heritage asset and its setting; and
- b. The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
- c. How the benefits of the proposal will outweigh any harm caused; and
- d. Any impact on archaeology in line with Policy DM13.

#### **Policy DM12: Heritage Assets**

4.25 This policy says that all development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough.



### Policy DM13: Preserving the Borough's Archaeology

4.26 The policy states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.

4.27 Where applicable, justified and feasible the local planning authority will require remains to be preserved in situ ensuring appropriate design, layout, ground levels, foundations and site work methods to avoid any adverse impacts on the remains.

### Policy DM17: Highways and Transportation

4.28 This policy says that development proposals will be supported where they:

- Seek to make the best use of existing public transport services and, where appropriate, provide opportunities for improving and sustaining the viability of those services; and cycling to services and facilities; significant movement;
- Seek to ensure that there is convenient and safe access for walking and cycling to services and facilities;
- Demonstrate that there is not a significant adverse impact upon highway safety; and in the case of development that generates significant movement;
- That the development is located where the need to travel will be minimised and the use of sustainable transport modes can be maximised;
- Where it can be demonstrated that the residual cumulative impacts of development on the transport network are not severe.

4.29 Furthermore, where appropriate, improvements will be required to be undertaken to the highways and transportation network to limit any significant impacts arising from the development (taking into account cost effectiveness).

### Policy DM18: Vehicle Parking Standards



4.30 All proposals for new development will be required to provide an appropriate level of parking provision justified by an assessment of the site location, type of housing, other modes of transport available (e.g. public transport and cycle provision) and appropriate design. Any development will be expected to provide disabled parking provision.

### **Local Plan Regulation 18 Consultation (July – September 2024)**

4.31 Following the publication of a Regulation 18 Draft Plan in June – August 2021 and a Regulation 19 Draft Plan in February – March 2022 the Council undertook a further Regulation 18 consultation in July – September 2024.

4.32 This followed an extension to the plan period to 2041 as set out within the December 2022 Local Development Scheme (LDS). A further update to the LDS was published in February 2024 and set out the Council's intention to undertake a further Reg 18 and 19 consultation at that time. The latest LDS identifies Submission of the Plan as being prior to the 30<sup>th</sup> June 2025 with adoption in January or February 2026.

4.33 The latest Regulation 18 draft plan was considered necessary as emerging evidence was suggesting that the previous spatial strategy may not have been deliverable. In addition, changes to national planning policy have taken place that needed to be taken into account and the discussions around Leicester City Council's un-met housing and employment need has been finalised.

4.34 The draft plan contains proposed strategic level development sites (over 500 dwellings or one hectare of employment land), proposed major residential development sites (101 to 499 dwellings) and a set of draft strategic policies to support them. The remaining non-strategic development allocations (residential sites below 100 dwellings and employment sites below one hectare) and non-strategic planning policies will follow in the Regulation 19 pre-submission version of the plan.

4.35 The draft Local Plan has a plan period of 2020-2041 and proposes a Development Strategy (Policy SP02) which includes the provision of 13,862 dwellings in line with the latest Statement of Common Ground. The Council may need to review this approach in light of the wording contained within the



latest consultation draft NPPF.

4.36 Newbold Verdon remains a Key Rural Centre which provide a range of services to meet most of the day to day needs of residents and act as a focal point to help meet the needs of the surrounding rural communities.

4.37 No strategic housing allocations are identified at Newbold Verdon within the Reg 18 draft plan.

4.38 NPPF Paragraph 48 is clear that weight can be given to relevant policies in emerging plans according to their stage of preparation, the extent of unresolved objections and degree of consistency with the Framework. In this regard, it is considered that limited weight can be applied to the policies within the Reg 18 draft Local Plan at this stage.

### **Newbold Verdon Neighbourhood Plan**

4.39 Following an aborted submission, a second Regulation 14 Neighbourhood Plan was consulted on between August and September 2020. In broad terms, that consultation suggested a minimum need for 100 dwellings in Newbold Verdon over the period to 2036. As the pre-submission plan has not been submitted to Hinckley and Bosworth Borough Council or progressed to examination, and given its stage of preparation, no weight can be applied to the emerging Neighbourhood Plan.



## 5. THE NATIONAL PLANNING POLICY FRAMEWORK AND OTHER MATERIAL CONSIDERATIONS

5.1 The National Planning Policy Framework 2024 (NPPF) is a material consideration in planning decisions. It confirms the statutory status of the development plan as the starting point for decision-making (paragraph 2).

5.2 Annex 1 of the NPPF confirms that the policies in the Framework should be taken into account in dealing with applications from the day of its publication (paragraph 231). Due weight should be given to existing development plan policies according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given) (paragraph 232).

5.3 The Framework is a significant material consideration in the determination of this application. The following paragraphs in particular are considered to be of relevance:

### Section 2: Achieving Sustainable Development

5.4 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three objectives to sustainable development: economic, social and environmental. These are interdependent and need to be pursued in mutually supportive ways. Each aspect is considered below in relation to the proposed development.

5.5 Paragraph 10 confirms that sustainable development should be pursued in a positive way, and at the heart of the Framework is the presumption in favour of sustainable development.

5.6 For decision-taking this means “approving development proposals that accord with an up-to-date development plan without delay” (paragraph 11c). Where there are no relevant development plan policies or the policies which are most important for determining the application are out of date, permission should be granted unless:



- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination(paragraph 11d).

### **The Economic Objective**

5.7 In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) LPAs must have regard to any local financial considerations when determining planning applications in so far as they are a material consideration.

5.8 In this respect, this development will generate economic benefits via the provision of construction jobs, indirect jobs in the housebuilding supply chain, increased expenditure in the local area associated with the furnishing of new homes and increased footfall and expenditure at local shops and businesses. In addition the development would provide revenue for Hinckley and Bosworth Borough Council via council tax payments.

5.9 Information taken from the HBF report “The Labour Needs of Extra Housing Output: Can the Housebuilding Industry Cope” identifies that about 1.5 construction jobs per dwelling can be associated with the build of houses. On this basis, the proposal will result in the creation of circa 203 local full time equivalent jobs associated with the construction of the development and more in the supply chain.

### **The Social Objective**

5.10 The scheme will provide up to 135 homes. The proposals will help to create



a sustainable, inclusive and mixed community including the provision of homes, including affordable homes at a time of significant need and a shortfall in supply. In the case of affordable homes the shortfall in provision, at a time of increasing need and little prospect of future supply meeting that need, is considered to constitute a housing crisis.

5.11 The proposals also provide for a good level of Green Infrastructure including an enhancement of existing vegetation where possible through additional green infrastructure planting, new planting including new open space.

5.12 As with all new residential development, the proposals will result in an increase in population and will therefore have some impact upon local infrastructure. Not all impacts will be negative (for example increased footfall and revenue for local services).

5.13 Once the various statutory consultees have responded to the planning application and provided evidence demonstrating any requirements being sought to meet the needs arising from the development are CIL compliant, the applicants will be willing to enter into a S106 agreement, subject to an assessment of viability.

#### **The Environmental Objective**

5.14 The site can be sensitively developed in a way that does not result in any unacceptable harm to local amenity, character, or settlement identity. An appropriate design solution is proposed including the provision of planting and areas of green space.

#### **Section 4: Decision making**

5.15 Paragraph 39 says that local planning authorities should approach decisions on proposed development in a positive and creative way. Paragraph 40 says that early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties.



## Section 5: Delivering a Sufficient Supply of Homes

5.16 Paragraph 61 confirms the Government's objective of significantly boosting the supply of homes and paragraph 63 confirms that this should include the size, type and tenure of housing needed for different groups in the community.

5.17 Paragraph 66 says that where major development involves the provision of housing, planning policies and decisions should expect that the mix of affordable housing meets identified local needs across social rent, other affordable housing for rent and affordable home ownership tenures. Paragraph 71 sets out that mixed tenure site can provide a range of benefits, including creating diverse communities and supporting timely build out rates.

5.18 Paragraph 73 recognises that small and medium sized sites are often built-out relatively quickly and make an important contribution to meeting the housing requirement of an area.

5.19 Paragraph 78 says that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies or against their local housing need where the strategic policies are more than five years old.

5.20 Paragraph 78 sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific deliverable sites should in addition include a buffer of (moved forward from later in the plan period) of:

- 5% to ensure choice and competition in the market for land; or
- 20% where there has been significant under delivery of housing over



the previous three years, to improve the project of achieving the planned supply; or

c) From 1 July 2026, for the purposes of decision-making only, 20% where a local planning authority has a housing requirement adopted in the last five years examined against a previous version of this Framework, and whose annual average housing requirement is 80% or less of the most up to date local housing need figure calculated using the standard method set out in national planning practice guidance.

5.21 Paragraph 83 of the NPPF says that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.

### **Section 8: Promoting Healthy and Safe Communities**

5.22 Planning policies and decisions should aim to achieve healthy, inclusive and safe places which a) promote social interaction; b) are safe and accessible and c) enable and support healthy lifestyles (paragraph 96).

5.23 Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities (paragraph 103). Paragraph 105 says that planning policies and decisions should protect and enhance public rights of way and access.

### **Section 9: Promoting Sustainable Transport**

5.24 In assessing applications, it should be ensured that: a) appropriate opportunities to promote sustainable transport modes are prioritised taking into account of the vision of the site b) safe and suitable access to the site can be achieved for all users;c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree through a



vision led approach (paragraph 115).

5.25 Paragraph 116 says that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network, following mitigation, would be severe taking into account all reasonable future scenarios.

### Section 11: Making Effective Use of Land

5.26 Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land (Paragraph 124).

5.27 Paragraph 125 says that decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively.

5.28 Paragraph 129 recognises that planning policies and decisions should support development that makes efficient use of land, taking into account the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

5.29 Paragraph 130 states that where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should



include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;

- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

## Section 12: Achieving well-designed places

5.30 Paragraph 131 recognises that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.

5.31 Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the



surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience (paragraph 135).

#### **Section 14: Meeting the challenge of climate change, flooding and coastal change**

5.32 Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (paragraph 170).

5.33 Applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff and which are proportionate to the nature and scale of the proposal. Sustainable drainage systems provided as part of proposals for major development should:

- a) take account of advice from the Lead Local Flood Authority;
- b) have appropriate proposed minimum operational standards; and
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetimes of the



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development (paragraph 182).

### **Section 15: Conserving and enhancing the natural environment**

5.34 Planning decisions should contribute to and enhance the natural and local environment by: protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; minimising impacts on and providing net gains for biodiversity; preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate (paragraph 187).



## 6. ASSESSMENT OF THE PROPOSED DEVELOPMENT

6.1 The application should be determined in accordance with the development plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004).

6.2 The following considerations are set out below:

- The Principle of Development & Site Location
- Highways and Access
- Affordable Housing & Housing Mix
- Flood Risk and Drainage
- Ecology
- Air Quality
- Landscaping
- Trees
- Open space
- Heritage and Archaeology
- Noise
- Layout, Scale and Design
- Economic and Other benefits

### Principle of Development & Site Location

6.3 Newbold Verdon is a sustainable location suitable for growth, as it benefits from a number of local facilities and services. The site broadly represents infill development which is contained by existing, or proposed, residential development to the north and south alongside the allotments to the west and playing fields to the east.

6.4 Newbold Verdon has a range of facilities and services to provide for day-to-



day needs, including Newbold Verdon Primary School, the Church of St James, Aslans Way Playing Fields, Newbold Verdon Cricket Club, Newbold Verdon Medical Centre, Nisa Local Store, Liberteas Coffee Shop, Jubilee Inn, Heathbrook Pharmacy, Newbold Verdon Library and some shops. It is within walking distance of bus stops along Main Street.

6.5 Hinckley Train Station is a 20 minute car journey from the application site. Rail services can be taken from this station to destinations including Leicester, Birmingham and Nuneaton.

6.6 The site itself is within walking distance of Newbold Verdon with the services on Main Street being 500m-900m from the site. The Co-Op Food is 600m from the site and Primary School and Play Park is 900m.

6.7 The site is located within a 20 minute journey of the centre of Hinckley which offers significant services, facilities and employment opportunities.

6.8 The appeal Inspector for Phase 1 recognised within paragraph 22 of the Decision that Newbold Verdon “*provides a reasonable range of services and facilities, including pubs, a primary school, a Co-op, churches, a post office, and other shops and facilities. The walking distances to the facilities are agreed as is the methodology of measuring from the middle of the appeal site to provide an average measurement.*”

6.9 Consequently, it is regarded that the site is located in a wholly sustainable location which should weigh favourably in the planning balance.

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

6.11 The Spatial Strategy adopted as part of the Core Strategy (para 4.29) states that ‘the focus of most new development will be in and around the Hinckley sub regional centre as this is where there is a concentration of services, where accessibility can be maximised and modal choice made available’. However,



the strategy also recognises that the needs of rural settlements must also be taken into account to ensure they remain vibrant, mixed communities.

6.12 The Core Strategy was adopted in December 2009 and is now over 15 years of age. As a result, the Council has utilised the Standard Method as a basis of calculating their 5 year housing land supply. Therefore, the housing policies in the development plan are considered to be out of date as they focused on delivery of a lower housing requirement and the application should be determined in accordance with Paragraph 11(d) of the Framework. Therefore, the tilted balance is engaged, regardless of the 5-year housing land supply; a position accepted by the Council in recent appeals.

6.13 However, the Council are still required to demonstrate a minimum of five years' worth of housing as per paragraph 78. The latest Hinckley and Bosworth Borough Council's Residential Land Availability Report covers the period 1 April 2023 – 31 March 2028. The report states that as of 1st April 2023, the Council claim a 5.6 year housing land supply against a local housing need of 433 dwellings per annum.

6.14 The Council's Residential Land Availability Report pre-dates the publication the National Planning Policy Framework 2024 which introduced a new standard method. This method identifies a local housing need of 649 dwellings per annum (i.e. 216 dpa higher than the previous standard method), which alongside the re-introduction of the appropriate buffer (5%), will significantly alter the Council's housing land supply far below a 5 year supply.

6.15 Core Strategy Policy 11 relates to development in Newbold Verdon and sets out that the council will allocate land for 110 new homes. SADMP Policy DM4 seeks to protect the countryside's intrinsic value, beauty, open character and landscape character from unsustainable development. It has been clearly established within recent appeal decision in the Borough that Core Strategy Policy 11 and SADMP Policy DM4, are out-of-date and the 'tilted balance' applies irrespective of housing land supply (Appeal decisions 3331081<sup>2</sup> and 3330774<sup>3</sup>). As a result the NPPF dictates that the weight attached to the most important policies for determining the applications are reduced.

<sup>2</sup> APP/K2420/W/23/3331081 - Land East of the Windmill Inn, Brascole Lane, Newbold Verdon

<sup>3</sup> APP/K2420/W/23/3330774 - Land off Desford Lane, Ratby



## Highway and access

6.16 Policy DM17 in the Site Allocations and Development Management Policies DPD concerns highways and transportation. It seeks to make the best use of existing public transport services and ensure that there is convenient and safe access for walking and cycling to services and facilities. Proposals should demonstrate that there is not a significant adverse impact upon highway safety and that the residual cumulative impacts of development on the transport network are not severe.

6.17 Hub Transport Planning have provided highways and transportation advice in respect of the proposals including producing a Transport Assessment and Travel Plan. The robust assessment for 135 dwellings proposed concludes that a satisfactory vehicular access to the site can be achieved and the proposed development would also be accessible by sustainable travel modes such as public transport, walking and cycling.

6.18 The Transport Assessment was prepared on the basis of the methodology previously used for Phase 1. The report provided an initial review of traffic impact, and subsequent discussion with LCC will identify where additional modelling or assessment is required.

6.19 As the Phase 2 site takes access onto Brascote Lane through Phase 1, and the access junction associated with that development, there is no testing scenario for either existing network or without committed development. A review of PIA (Personal Injury Accident) data obtained from LCC indicated that 15 PIAs have occurred within the Newbold Verdon area including two occurring along the B582/B585 corridor. The volume and pattern of accidents recorded in the area does not give any undue cause for concern.

6.20 Vehicular and pedestrian access to the wider highway network is proposed from Brascote Lane, a single priority/give-way access junction, as in the Phase 1 development. Within the development, two points of connection are proposed between the Phase 1 development and this Phase 2 proposal. The development proposal is estimated to have the potential to generate a maximum of 92 two-way vehicle trips during the AM peak hours, and 93 two-way trips in the PM peak hours. This equates to 1.5 additional vehicles on the



local highway network every minute, which is demonstrated to have a minimal/negligible traffic impact when assigned to the network.

6.21 Capacity assessments have indicated that the development proposals would not have a material impact at any off-site junctions, which are forecast to continue to operate with limited queuing and delays at the 2026 and 2036 future assessment years. Furthermore, the analysis indicates that the proposed site access would operate well within capacity at the future assessment.

6.22 Car and cycle parking at the site will be in line with the guidance set out in the LHDG (Leicestershire Highway Design Guide).

6.23 The site benefits from being close to bus stops, with Main Street served by a good bus service towards Leicester and giving access to Market Bosworth, a Key Rural Centre like Newbold Verdon. The 153 bus service provides a 51 minute journey to Leicester throughout weekdays and Saturday, making it a feasible option for commuting and other journey purposes.

6.24 Importantly, Inspector Woodwards agreed with this position in respect of the appeal at the Phase 1 site<sup>4</sup> and concluded that:

*“24. The appeal site is within a reasonable walking distance of bus stops along Main Street. Bus service 153 runs from these stops. It runs roughly hourly, including both early in the morning and into the evening, Monday to Saturday. There are no services on Sundays. This is a reasonable bus service for a rural location, providing a useable service to the larger service centres of Market Bosworth, Desford and Leicester.”*

6.25 The assessment work undertaken and detailed in this report demonstrates that, in NPPF terms, the development will not have a severe impact on the operation of the local highway network nor any unacceptable impact on highway safety.

6.26 It is therefore concluded that the proposals accord with national, regional, and local transport related policies including DM17 and, as such, it is considered there are no reasons why the proposals should be resisted on traffic or

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<sup>4</sup> APP/K2420/W/23/3331081 - Land East of the Windmill Inn, Brascole Lane, Newbold Verdon



transportation grounds.

### Affordable Housing & Housing Mix

6.27 Core Strategy Policy 15 'Affordable Housing' identifies a minimum target of 2,090 affordable homes to be provided in the Borough from 2006 to 2026, averaging at 105 dwellings per annum. In Rural areas the affordable housing target is 40%, with at least 480 dwellings to be provided in these locations within the plan period.

6.28 The affordable housing need targets have substantially increased since the Core Strategy publication:

- In the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) published in 2017 to 247 dwellings per annum (2011-2036).
- Affordable housing need increased again in the most recent Housing Needs Statement (HNS) published in 2019 to 271 dwellings per annum (2018-2036).
- The HENDA figure was further updated in 2022, to 498 affordable dwellings per annum 2020 to 2041.

6.29 This figure has been consistently not met by the Council since 2020 with nearly a 1,000 affordable dwellings shortfall in the last 3 years of available data. This is clearly a substantial shortfall of affordable dwellings in just 3 years.

6.30 The scheme will deliver up to 40% affordable housing, this brings clear social and economic benefits and should be given substantial weight, in accordance with the conclusion reached by Inspector Woodwards at the recent Windmill Inn, Brascole Lane appeal (3331081). This is particularly the case given the significant need and recent failures to delivery affordable homes within the Borough. It is highly unlikely that the required number of affordable homes will be provided across the Borough in the future given historic delivery rates and the fact there is a pressing need now.

6.31 Policy 15 of the Core Strategy also seeks a tenure split of 75% socially rented and 25% intermediate housing and recognises that this target will be



monitored regularly and may be revised to reflect changes in the housing market and local circumstances. The applicant will continue to discuss the affordable housing provision following submission of the application.

6.32 Policy 16 of the Core Strategy states that the council requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking into account the type of provision that is likely to be required. Table 3 gives an overview of projected housing needs:

**Table 3: Profile of new housing needed to meet household type projections**

Medium and Larger Family Units*	Multi-person Provision, Student Housing, Flats etc	Smaller and Medium Sized Units**
32%	4%	64%

*(Source: Strategic Housing Market Assessment Page 6-194, Figure 6-30)*

\* two and three bed houses and larger = medium to larger family units

\*\* one and 2 bed flats, 2 bed houses and 2 bed bungalows = smaller and medium

6.33 The more recent Housing Needs Study (2019) suggests the following housing tenure and size.

Suggested Mix of Housing by Size and Tenure to 2036				
	1-bedroom	2-bedrooms	3-bedrooms	4+bedrooms
Market	5%	30%	45%	20%
Affordable home ownership	10%	50%	30%	10%
Affordable housing (rented)	25%	40%	30%	5%

6.34 It is important that the right mix of housing is developed across Hinckley and Bosworth over the forthcoming years. The proposal, submitted in outline with all matters reserved with the exception of access, reserves the details of the final housing mix.

6.35 However, the applicant notes the council's desired tenure split in the Housing SPD and recent needs assessment, and will be subject to further discussions with the Council's Housing Officer. It is clear that a suitable housing mix can be delivered within the built area defined on the Parameter Plan (90232.36.06).

### Flood Risk and Drainage

6.36 Policy DM7 'Preventing Pollution and Flooding' in the Site Allocations DPD outlines criteria which developments must meet including to not create or exacerbate flooding by being located away from areas of flood risk unless



adequately mitigated against in line with National Policy.

6.37 A Flood Risk Assessment and Drainage Strategy prepared by BWB identifies that the site is located within Flood Zone 1 (Environment Agency Flood Map for Planning). The Environment Agency defines Flood Zone 1 land as having a less than 1 in 1,000 annual probability of river or sea flooding.

6.38 A detailed hydraulic modelling study was undertaken in September 2021 for the Phase 1 site, to inform the FRA and provide a robust understanding of the fluvial flood risk posed from the nearby local watercourse network. This model was updated in April 2024, to be in line with updated hydrological guidance and to include a representation of an Unnamed Ordinary Watercourse and structure to the east of the Phase 2 site. The modelling confirmed that the proposed development is at low risk of flooding, and could be considered safe for its lifetime without displacing flood water and increasing flood risk elsewhere, located outside the 1 in 100 year +28% climate change design event floodplain.

6.39 The risk of surface water flooding has also been assessed following a review of available data. The majority of the site is shown to be at very low risk of surface water flooding. Areas of surface water flood risk are present along the southern site boundary, associated with the Thurlaston Brook. There is also a low risk (1 in 1000-year) surface water flow route, which partially encroaches within the site along the western boundary.

6.40 The nearest adopted gravity foul sewer is a 300mm asset located within a grass verge near Brascote Lane at manhole reference 4309.

6.41 In compliance with the requirements of NPPF, and subject to the mitigation measures proposed, the development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area subject to suitable management of surface water runoff discharging from the site and therefore is compliant with Policy DM17.

### Ecology

6.42 Policy DM6 in the Site Allocations and Development Management Policies DPD looks at the 'enhancement of biodiversity and geological interest'. It states



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. On site features should be retained, buffered and managed and the removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.

6.43 An Ecological Impact Assessment has been undertaken which notes the site is 3.7km from Botcheston Bog SSSI with no direct impact from the development. There are four pLWS located immediately adjacent to or near the site boundary which are retained and incorporated into proposals where possible.

6.44 A loss of discrete sections of hedgerow and treeline, and discrete culverting of sections of the Thurlaston brook watercourse to facilitate new site access. To mitigate the impact, the proposal includes a retention of the majority of habitats of ecological importance, including wet woodland, mature trees, and the majority of the boundary hedgerows, treeline and watercourse. The development will result in the loss of areas of modified and other neutral grassland, but include the creation of new areas of grassland, ecologically designed sustainable drainage systems, tree and hedge planting, and scrub/shrub planting.

6.45 Tree T7 will require removal to facilitate the connection between Phase 1 and the Phase 2, and the tree has potential to support roosting bats. The proposal will include the planting of replacement trees on site, to mitigate environmental loss. Bat emergence and/or aerial climbing inspections will therefore be undertaken in the optimal survey season, with an addendum report detailing methodology, results and mitigation requirements to follow.

6.46 The baseline habitats on the site comprise grassland (modified and other neutral), wet woodland, and cropland, with native hedgerows, treelines and a watercourse bounding the site. The proposed development has been designed



with consideration for the Mitigation Hierarchy, to firstly avoid impacts to ecologically valuable habitats where possible, before considering mitigation and compensation measures.

6.47 Areas of grassland and cropland will be lost to facilitate the proposed development, as well as two discrete areas of hedgerow and treeline, and watercourse, that will be removed and culverted, respectively. The proposals include a diverse scheme of habitat creation and enhancement, including new grassland creation, tree and hedgerow planting, structural shrub and scrub planting, and the creation of ecologically designed sustainable drainage (SuDS) basins.

6.48 The Statutory Biodiversity Metric has calculated that the proposed development will result in a total net biodiversity unit change of:

- -21.80 habitat units equating to -47.45%;
- +2.24 hedgerow units equating to +12.81%; and
- +0.52 watercourse units equating to +10.40%.

6.49 The site as presented would be unable to deliver a measurable net gain as measured using the BNG metric. Considering the constraints to the layout and the fact the opportunities for biodiversity have been maximised with the proposals as far as possible, it should be possible to undertake biodiversity offsetting to compensate for losses, in accordance with Local Policy. Therefore, with the implementation of appropriate offsetting compensation, an overall measurable biodiversity net gain can be secured for the site, and therefore comply with the relevant planning policy and legislation.

6.50 The proposals include the enhancement of green infrastructure boundaries which will assist in the proposal ability to provide for a net gain in biodiversity. The proposal therefore accords with Policy DM6.

### Air Quality

6.51 Policy DM7 seeks to ensure adverse impacts from pollution including that proposals demonstrate they will not contribute to poor air quality. In this regard, an Air Quality Assessment has been undertaken by BWB in support of the



application.

6.52 A qualitative construction phase assessment was undertaken and measures were recommended for inclusion in a DMP to minimise emissions during construction activities. With the implementation of these mitigation measures the impact of construction phase dust emissions is considered to be 'not significant' in accordance with IAQM guidance.

6.53 Mitigation measures will be incorporated into the Site to minimise emissions associated with the operation of the proposed development and thereby comply with Policy DM7.

### **Landscape**

6.54 Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside.

6.55 A Landscape and Visual Impact Assessment (LVIA) has been undertaken by Tyler Grange in support of this application. Site boundaries are defined by a watercourse and associated shrub and trees to the south, hedgerow and hedgerow trees to the west and east, and hedgerow alongside the southern edge of Newbold Verdon to the north.

6.56 The Site is identified within Newbold and Desford Rolling Farmland LCA. The fieldwork undertaken, and detailed within the LVIA, has confirmed that the Site is somewhat typical of the wider landscape character area in terms of key characteristics present, but these are limited to the commonplace, and not fundamentally defining features. The Site forms only a small part of a much wider landscape character area, and it does not contain any unique, rare or notable components, but does provide opportunity to incorporate identified landscape strategy measures as part of proposals.

6.57 The development would inevitably bring about changes in the local urban/landscape pattern. However, that change will be consistent with and will complement the existing townscape to the north and south in respect of Phase 1 in terms of use, pattern, grain, and the creation of areas of POS aiming to connect to nearby recreational facilities such as Alan's Way Playing fields to the east and the 'Country Park' of Phase 1 to the south.



6.58 There are no predicted significant adverse effects on published landscape character areas as a result of the proposal. The assessment concluded that no receptor group would experience any greater level of effect than moderate adverse which would occur at public footpath S26 and reduce by year 15. The majority of visual impacts are minor adverse reducing to negligible by year 15 – these are set out in full within the accompanying LVIA.

6.59 Visibility of the Site is only possible from the existing settlement edge to the north (limited to directly adjacent properties only), the adjoining allotments and Public Footpath S26 as it runs through the Site's eastern extent. All other visibility is restricted to glimpses through gaps in hedgerows. This means that both the landscape and visual effects are very limited in geographic extent, and all effects are therefore localised to the Site and its immediate context, affecting only a very small number of private residents, and users of only short sections of a small number of the public footpath routes surrounding the Site.

6.60 A series of recommendations have been made as a result of the baseline landscape and visual appraisal work undertaken.

6.61 The development can be set within a robust landscaped and vegetated edge, which will provide a transitional edge between new built form, the wider landscape to the south east and Phase 1 to the south and complements the existing built settlement edge and the rural context of the countryside to the south-east of the village.

6.62 Overall, the proposed development and defined Development Parameters will not result in unacceptable effects on the landscape or visual resource. On this basis and taking into account the above, the proposal accords with Policy DM4.

### Trees

6.63 Policy DM6 requires major development to include measures to deliver biodiversity gains while on site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.

6.64 A Tree Survey has been undertaken which identified 7 tree groups, 7



hedgerows and 32 trees. With the exception of removal required to facilitate the site access these features will be retained where possible. Enhancement will occur through additional onsite planting.

6.65 On this basis the proposal accords with Policy DM6 in respect of arboricultural impact.

### Open Space

6.66 Core Strategy Policy 19 'Green Space and Play Provision' sets out standards that will be used in relation to green space and play provision to ensure all residents have access to sufficient, high quality, accessible green spaces and play areas. Policy 19 requires 0.05ha of equipped children's play space and 0.82ha of informal play space and accessible natural green space.

6.67 As detailed, on an illustrative basis, the outline proposals can provide for 1.00ha of informal play space and accessible natural green space and 0.05ha of equipped children's play. The proposal can also provide incidental green space, including SUDs, ecological areas and vegetation. This area totals 2.27ha and is displayed on the Public Open Space Typologies Plan contained within the DAS.

6.68 The proposal, therefore, over provides against the green space standards which weighs in favour of the social and environmental benefits of the scheme.

### Heritage and Archaeology

6.69 Policies DM11, DM12 and DM13 are all relevant and set out that the Council will protect, conserve and enhance the historic environment.

6.70 A Heritage Statement has been produced by RPS in support of the proposal, which identifies 11 Listed Buildings, the Newbold Verdon Conservation Area and a Scheduled Monument within 1km of the site. The Statement concludes that there are no designated heritage assets which are considered to be impacted by the proposed development.

6.71 A Geophysical Survey has been undertaken across the site and did not record any anomalies suggestive of archaeological remains. The survey did record former field boundaries and thus the negative results are considered to be



reliable.

6.72 Therefore, there are no fundamental heritage constraints to the site's residential development and the proposal complies with local policy.

### Noise Impact

6.73 BWB prepared a Noise Impact Assessment for the Phase 1 site. This assessment was based on the results of a baseline noise survey undertaken in November 2021 at the Site. The noise assessment showed that with appropriate consideration to noise mitigation measures, a commensurate level of protection can be afforded to future noise sensitive receptors on the site.

6.74 The proposed development is situated further back from Brascote Lane, by approximately 130m. This positioning suggests that recommended external noise levels would achieve recommended levels without any mitigation measures. Both existing residential developments to the west, and development in the site to the south, of the proposed development would provide further noise screening.

6.75 Confirmation from the Council, based on the observations above, stated that a full Noise Assessment was not required to support the application.

6.76 Therefore, based on the Phase 1 Noise Assessment results, and the observations above, it has been demonstrated that the site is suitable for residential development.

### Layout, scale and design

6.77 As a result of the application being submitted in Outline with all matters reserved except access the final layout, scale and design are reserved for future consideration.

6.78 Spatial Objective 9 in the Core Strategy refers to 'Identity, Distinctiveness and Quality of Design' and seeks to ensure development contributes to the local distinctiveness of the Borough, and enhances both settlement identity and the environment through the quality of sustainable design. It says that design and other measures will be used to develop strong community identities and neighbourhood pride.



6.79 Core Strategy Policy 16 states that all developments of 10 or more dwellings are required to meet a 'very good' rating (16 or more positive answers out of 20) against the Building for Life criteria, unless it can be demonstrated that this is not viable on the particular site.

6.80 Policy DM10 in the Site Allocations and Development Management Policies DPD refers to 'Development and Design'. It says that developments will be permitted providing they follow 10 requirements.

6.81 The Design and Access Statement (DAS) demonstrates that care has been taken to design the scheme, enhance the features on the site and deliver a sustainable extension to Newbold Verdon as defined on the submitted Parameter Plan.

6.82 Core Strategy Policy 16 also states that proposals for new residential development will be required to meet a minimum net density of at least 30 dwellings per hectare within and adjoining the Key Rural Centres such as Newbold Verdon. This development is for up to 135 homes with detailed design matters reserved for future determination. Based on the areas contained on the Parameter Plan the proposal would deliver a net density of 39 dwellings per hectare.

6.83 The proposed development can deliver a mixture of housetypes providing a wide range of accommodation and tenure. The local character of Newbold Verdon can be represented with the proposal through the use of a suitable palette of material and detailing.

6.84 In line with the Good Design Guide SPD the site design will take account of the need to ensure that the local identity and heritage of the borough is preserved and enhanced as part of the future detailed design.

6.85 It is considered that, in line with the details contained on the Parameter Plan, that the final layout (reserved as part of this outline application) will enable the delivery of dwellings which can complements and enhances the character and visual appearance of the area in accordance with Policy DM1 and Policy DM10. Notwithstanding that design is not a matter for consideration as part of the submitted outline application.



### Economic and Other Benefits

6.86 In accordance with Section 70(2) of the Town and Country Planning Act 1990 (as amended) LPAs must have regard to any local financial considerations when determining planning applications in so far as they are a material consideration

6.87 In this respect, the proposal will generate economic benefits via the provision of construction jobs, indirect jobs in the housebuilding supply chain, increased expenditure in the local area associated with the furnishing of new homes, as well as revenue for Hinckley and Bosworth Borough Council via council tax payments. The local economy should also benefit from increased footfall and expenditure at local shops and businesses.

6.88 The proposal will result in the creation of circa 203 local full time equivalent jobs associated with the construction of the development and more in the supply chain.

6.89 The scheme also provides a number of other material benefits that should be considered in the planning balance. The full background to these benefits are explored in the technical subsections. To avoid repetition and to summarise, those added benefits are set out in brief as:

- The opportunity to provide a mix of house sizes and a range of house types to meet needs and defined through a subsequent Reserved Matters application;
- A vehicular and pedestrian access connection to Brascote Lane;
- Public Open Space and Children's Play Space;
- Tree and shrub planting throughout the site;
- Sustainable Urban Drainage measures; and
- Ecological benefits and biodiversity net gain.

6.90 Consequently, it is clear that the scheme provides a number of other substantial and tangible benefits that should be properly considered in the planning balance.



## Planning Balance

6.91 In respect of the planning balance, and as detailed within this Statement, the harms associated with the proposed development are limited to the site's location outside of, but adjacent to, the out of date Limits of Development and the landscape impacts focused at the local level. As already shown in this statement, the Limits of Development are out of date and can only be attributed limited weight and the limited effects on the landscape, at the localised level, is clearly outweighed by the need to provide significant new development. There are no other harms associated with the proposed development that cannot be appropriately mitigated.

6.92 The benefits of the proposed development include:

### Social Benefits:

- **Market Housing** within the context of a marginal housing land supply and a future shortfall upon adoption of the new Standard Method and the provision of a housing mix to meet local needs – ***very significant weight***;
- **40% Affordable Housing** within the context of a significant, and increasing, local need and shortfall in supply – ***substantial weight***;
- Creation of new green space and play area publicly accessible to both new and existing residents in accordance with the Parameter Plan – ***moderate weight***;

### Economic Benefits:

- The proposal would result in a number of economic benefits, notably job creation during construction, increased local spend at shops and facilities alongside an increased Council Tax receipt – ***Significant weight***,

### Environmental Benefits:

- The ecological enhancement on site securing Biodiversity Net Gain



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above the required 10% – ***moderate weight***;

6.93 It is clear that the limited adverse impacts would not significantly and demonstrably outweigh the benefits when assessed against the NPPF policies taken as a whole. As such, and in the context of paragraph 11(d) of the NPPF, the application should be approved without delay.



## 7. SECTION 106 AGREEMENT HEADS OF TERMS

7.1 It is accepted that as with all new residential development, the proposals will result in an increase in population and will thereby have some impact upon local infrastructure. Not all impacts will be negative (for example increased footfall and revenue for local shops).

7.2 At this outline stage, the applicant anticipates that they will enter into a Section 106 agreement with the Council, unless the matter can be dealt with by condition and assuming the following legal tests at Regulation 122 of the CIL Regulations are met:

- a) necessary to make the development acceptable in planning terms*
- b) directly related to the development; and*
- c) fairly and reasonably related in scale and kind to the development.*

7.3 The applicant welcomes early discussions with the Council regarding potential planning obligations and how they satisfy the CIL tests, acknowledging the outline stage of proposals. At present, a draft heads of terms is set out below:

- **Affordable housing** – up to 40% of the dwellings will be affordable homes. The council's desired tenure split in the Housing SPD and recent needs assessment is noted, and will be subject to further discussions with the Council's Housing Officer.
- **Public open space** – POS will be provided on site. The arrangements for maintenance of these areas will be subject to further discussions, but will most likely be managed by a maintenance company.
- **Education** – financial contribution towards local facilities based upon up-to-date evidence.
- **Healthcare** – financial contribution towards local facilities based upon up-to-date evidence.

7.4 Any agreement will be subject to any obligation being demonstrated to meet the CIL tests as required within paragraphs 54 – 57 within the Framework, and taking into consideration the viability and costs associated with the development.



## 8. SUMMARY AND CONCLUSIONS

8.1 This Planning Statement has been prepared by Marrons on behalf of Richborough and forms part of an outline planning application for up to 135 dwellings at 'Land situated to the east of Brascole Lane and south of Arnold's Crescent, Newbold Verdon'.

8.2 Richborough has an outstanding record of promoting and delivering residential schemes across the country and as such the site is considered to be readily available if planning permission is approved. The applicant is fully committed to the scheme which is especially important when considered in the context of Annex 2 the NPPF. The ultimate developer would be responsible for securing Reserved Matters permission at the site and constructing the scheme.

8.3 The application site comprises 13.77ha of which 6.91ha already benefits from outline planning permission at Phase 1 (22/00277/OUT) for up to 239 dwellings. The Phase 1 land within the red line of this application is included merely to provide for access/egress to the public highway at Brascole Lane; the Phase 1 consent will be unchanged by this application. The remaining 6.86ha comprises the land where the proposed 135 dwellings and associated infrastructure is proposed to be contained (Phase 2). As a result, the site represents a logical infill development at Newbold Verdon which is contained to the north and south by residential dwellings, to the east by playing fields and to the west by existing allotments.

8.4 The site is located in a sustainable location with the Inspector<sup>5</sup> concluding that the Phase 1 site was "*in a suitable location for housing, with adequate access to services and the proposal meets the requirements of Policy DM17 of the SA DPD, which requires good walking access to services and facilities and where the need to travel will be minimised and the use of sustainable transport modes can be maximised.*" The National Planning Policy Framework 2024 (NPPF) is a

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<sup>5</sup> APP/K2420/W/23/3331081 - Land East of the Windmill Inn, Brascole Lane



material consideration in planning decisions. This revised Framework sets out a clear expectation that local planning authorities should act proactively and positively support of housing growth cross the country at this time of a national housing shortage.

8.5 The development plan for the purpose of this application comprises the Hinckley and Bosworth Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

8.6 The Core Strategy is now over 15 years of age and progress on bringing forward the new Local Plan has been slow and protracted. As a result, the Council utilise the Standard Method as a basis of calculating their 5 year housing land supply. Therefore, the housing policies in the development plan are considered to be out of date, as they focused on delivery of a lower housing requirement and the application should be determined in accordance with Paragraph 11(d) of the Framework. The tilted balance is consequently engaged, regardless of the 5-year housing land supply a position accepted by the Council in recent appeals.

8.7 Notwithstanding this, the latest Hinckley and Bosworth Borough Council's Residential Land Availability Report covers the period 1 April 2023 – 31 March 2028. The report states that as of 1st April 2023, the Council could demonstrate a 5.6 year of housing land supply against a local housing need of 433 dwellings per annum.

8.8 Additionally, alongside the publication of the revised Framework the Government has also updated the standard method for calculating housing need across the Country. Local authorities are now required to plan for numbers of homes that are proportionate to the size of existing communities, by taking 0.8 per cent of existing stock as a floor, which is broadly consistent with the average rate of housing growth over recent years.

8.9 This method identifies a local housing need 689 dwellings per annum, which alongside the re-introduction of the appropriate buffer, will significantly alter the Council's housing land supply upon adoption far



below a 5 year supply.

8.10 Newbold Verdon is identified as a Key Rural Centre and a focus for new growth in the rural area where the day to day needs of residents are met by available services and facilities. This is a significant benefit that should be considered favorably in the planning balance.

8.11 The proposals will provide a significant boost of up to 135 new homes in a wholly sustainable location, surface water drainage features, and open space including new planting and areas of landscaping.

8.12 The boost of homes and investment in the local economy is also believed to carry additional weight whilst we are grappling with a national housing crisis. Affordable housing need in Hinckley and Bosworth is also significant and under provision to date is severe constituting a local housing crisis. The provision of affordable homes in this context should be given substantial weight in the planning balance. This is particularly true in light of the proposed changes to the NPPF being consulted on and emphasis on the need for sufficient market and affordable housing through the changes to the Standard Method.

8.13 In the context of the three dimensions to sustainable development: economic, social and environmental (listed in the NPPF) the proposal will:

- Provide a significant boost to homes in Newbold Verdon at a density appropriate to the site's location, surroundings and site context;
- Provide a mix of high quality homes of varied sized to suit a range of demographics in wholly sustainable locations;
- The provision of a policy compliant level of affordable housing at a time of a housing crisis;
- Have access to a range of services and facilities in Newbold Verdon;
- Provide jobs associated with the construction and sale of new homes;



- Lead to additional expenditure capacity of Newbold Verdon and the surrounding area to the benefit of local services and facilities boosting their vitality and viability;
- Provide the Council with a significant boost to their economy via council tax payments;
- Provide open space including new planting and a country park;
- Provide a carefully designed and comprehensive SuDS strategy; and
- Make provision for any financial contributions towards healthcare, education, open space and community facilities as necessary and if they are justified and reasonably related to the development.

8.14 As set out in detail throughout this Planning Statement, the proposed development wholly accords with the up to date policies within the development plan and the impacts of granting consent are not significant and demonstrable, but the material benefits to be gained are considerable.

8.15 Put simply, there are no insurmountable technical issues in the development control sense that should prevent permission being granted for this wholly sustainable development at a site in a local authority which currently can demonstrate a marginal housing supply which will fall upon adoption of the proposed NPPF changes. Therefore, it is respectfully requested that planning permission is granted without delay.