



# Land to the east of Ashby Road Hinckley

## Supporting Planning Statement and Affordable Housing Statement

September 2025

## Quality Control

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<b>Client</b>	Davidsons Developments Ltd			
<b>Title</b>	Supporting Planning Statement and Affordable Housing Statement			
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**Appendix A – Plans from the Adopted Green Infrastructure Strategy**

**Appendix B – 4 Green Wedge functions as set out in the Council’s Green Wedge Review 2020**

## 1.0 Introduction

- 1.1 This **Supporting Planning Statement and Affordable Housing Statement** ('Statement') has been prepared on behalf of the applicant, Davidsons Developments Ltd., in relation to an outline planning application for the construction of up to 103 dwellings with all matters reserved apart from the vehicular access from Ashby Road (the A447), at land to the east of Ashby Road, Hinckley (the Site).
- 1.2 The Statement outlines the context within which the application is made, describes the Site and proposals and provides a detailed assessment of the main planning considerations, together with a reasoned justification of the merits of the scheme when assessed against relevant national and local planning policy and other material considerations.
- 1.3 The proposal has been informed by significant technical evidence. The application, therefore, includes a suite of information so that the proposal can be fully considered by the Local Planning Authority (LPA). This Statement should be read alongside these reports, which are listed in Paragraph 4.5 below.
- 1.4 The proposal addresses the site-specific context and opportunities to ensure a sustainable and sensitive residential development, taking account of the sensitivities of the Green Wedge alongside the pressing need to supply additional homes within the Borough in view of the Council's significant housing land supply issues.
- 1.5 The submission demonstrates that with appropriate landscaping alongside sensitive siting and design, the development of the Site for 103 dwellings will physically affect the extent of the Green Wedge but not undermine its main separation function whilst providing sustainably located and much needed new homes within the Borough. The minimum separation of the settlements of Hinckley and Barwell, relative to implemented and extant permissions, will be maintained, the exposed settlement edge will be improved and the currently private Site will offer new recreational opportunities within the Green Wedge for new and existing residents, alongside other community benefits.
- 1.6 This Statement concludes that the Council should confidently support the principle of residential development at the Site as applied for, and also support the specific access details as submitted. Overall, the proposal represents a sustainable and appropriate

development where, on balance, the significant benefits of the scheme exceed any harms. Consequently, there are no planning reasons why the proposed residential development should not be permitted.

## 2.0 The Site

- 2.1 The circa 5.53 hectare application site is located immediately to the east of Ashby Road (A447) to the northeast of Hinckley, and around 350m north of its junction with Normandy Road (A47). A copy of the location plan showing the application site is provided in Figure 1.
- 2.2 The Site adjoins the northern extent of the Hinckley settlement, adjacent to existing homes.



Figure 1: The application site

- 2.3 Identified as a Sub-Regional Centre within the current Development Plan, Hinckley is one of the most sustainable settlements in the Borough, providing numerous key services and facilities in proximity to the Site.
- 2.4 The A47 and A447 are key arterial routes connecting Hinckley to the strategic highway network and neighbouring settlements. Bus routes 148 and 158 provide frequent services between Leicester and Nuneaton, with stops along Ashby Road being immediately opposite and adjacent to the Site. A public right of way, which runs from east to west towards Barwell, is situated just beyond the Site's northern boundary (Public Footpath U43)
- 2.5 The Site, which comprises 2 arable fields, is situated immediately to the north of an existing row of dwellings that front Ashby Road, and opposite dwellings and Hinckley and Bosworth Community Hospital on the western side of Ashby Road. The latter extends at depth from the road and there are number of houses rear of those facing the road (along Ashby Grange).
- 2.6 The nearby dwellings are predominantly 2-storey detached and semi-detached properties. The dwellings that back onto part of the Site's western boundary have rear gardens that are around 30m long.
- 2.7 The Site appears generally flat but there is a gentle north-east fall across both fields, such that the north-eastern part of the overall Site is the lowest part overall.
- 2.8 To the north and east of the Site is open countryside. Public allotments accessed from the A47 (Normandy Way) are situated to the south of the Site just beyond the eastern extent of a residential garden (and currently the subject of an application for 25 dwellings Ref: 25/00199/FUL).
- 2.9 Native hedgerows separate the Site's northern and north-eastern boundaries from the farmland beyond. Additionally, a roadside hedge runs along part of the Site's western boundary. A further hedgerow separates the two fields that form the application site. There are 2 mature oak trees close to this central hedge.

- 2.10 The submitted Design and Access Statement (DAS) provides additional information regarding the Site's context alongside a series of photos of the Site and its surroundings.
- 2.11 The Site falls within the Leicestershire Vales National Character Area and forms part of the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge, which is a functional designation rather than a landscape designation.
- 2.12 At a local level the Site is identified as forming part of the Burbage Common Rolling Farmland Character Area (Local Character Area F), which includes the arable farmland that separates the Site from the western and far southern extent of the settlement of Barwell (Hinckley Road and St Mary's Ave/Powers Rd/Crabtree Rd). Existing dwellings on the edge of the Barwell settlement are visible in the distance across the farmland.
- 2.13 The Site is within Flood Zone 1 and is not covered by any landscape, heritage or ecological designations. Similarly, it is not within a Conservation Area and there are no listed buildings at the site or nearby. The nearest listed buildings are Barwell Farmhouse approximately 350m to the north and St Mary's Church to the north-east, with the latter situated within the built-up area of Barwell.
- 2.14 An Agricultural Quality assessment undertaken in relation to the application identifies the land as Subgrade 3b given its poor drainage in relation to the underlying geology and related soil type i.e. it is not 'Best and Most Versatile (BMV)' agricultural land.
- 2.15 The Site is identified as being part of an expansive Minerals Safeguarding Area regarding sand and gravel reserves.

### 3.0 The Site's Planning History

- 3.1 22/00572/OUT – Outline application for the erection of 5 dwellings with all matters reserved apart from access at land north of 258 Ashby Road, Hinckley. Appeal against non-determination dismissed in May 2023 (Appeal Ref: 3307030)
- 3.2 This appeal site related to land immediately adjacent to the most northerly dwelling (258) on the eastern side of the Ashby Road (i.e. just part of the current application site).
- 3.3 The appeal was dismissed, as the Inspector did not consider that the benefits of the 5 dwelling scheme outweighed the harms, such that it was concluded that the tilted balance in favour of sustainable development under Paragraph 11d(ii) of the NPPF did not apply. The identified harm focused on the loss of part of the Green Wedge in terms of dwellings encroaching onto the undeveloped space within the Green Wedge '*diminishing its purpose to keep the settlements visually separate*'.
- 3.4 Whilst the Inspector noted that the proposed residential development fell outside of the Settlement Boundary, and hence contrary to the adopted Spatial Strategy for housing (under Policy DM4 of the SDAM), he concluded:

'Whilst the appeal scheme would not conform with the development strategy, it is in an accessible location close to the settlement boundary. Given the above, I ascribe only minor weight to the harm caused by the appeal scheme being in an inappropriate location for residential development.'

'... future residents would be able to access services and facilities, conveniently and safely, by walking, cycling or using public transport. As such, the appeal scheme would comply with SADMP Policy DM17'.

- 3.5 The Council's case that the site was an unsustainable location for residential development under Policies DM4 and DM17 was hence firmly rejected.

## 4.0 Proposed Development

4.1 As introduced above, outline planning permission is sought for up to 103 dwellings with all matters reserved apart from full details of a vehicular access from Ashby Road (A447). The access will be in the form of a single priority-controlled junction, supported by new pedestrian and cycle facilities to connect with and improve existing facilities along Ashby Road, including a new signalised crossing point. The access works will require the removal of just 12.5m (approx.) of the existing frontage hedge.

4.2 A copy of the proposed Illustrative Layout plan is provided in Figure 2 below.



Figure 2: Illustrative Layout

4.3 Whilst the application is made in outline, the submission indicates:

- Infrastructure to support the development including an internal road network, drainage facilities and new cyclist and pedestrian facilities.
- A density of around 36 dwellings per hectare made up of predominantly 2 storey dwellings (based on the net development area).
- A mix of dwelling types, sizes and tenures, including 20% of the dwellings being affordable homes (i.e. circa 21 homes).
- A street and residential block layout that sensitively takes account of the site's relationship with the wider area, the existing hedges and allows outwards facing dwellings, including new dwellings fronting Ashby Road.
- A landscape strategy that results in significant on-site public open space (circa 43% of the total Site area) including the northern and north-eastern parts of the Site providing a buffer between the new dwellings and surrounding countryside, including structural landscaping,
- A central green space - 'arrival green' - around a retained oak tree and a landscaped habitat corridor/buffer between existing rear gardens and new plots.
- Very limited hedgerow loss and the supplementation of retained hedgerows plus new boundary hedgerows and significant tree planting, including trees along the main road into the site.
- Habitat creation and supplementation in relation to the provision of on-site Biodiversity Net Gain (10% on-site BNG).
- An equipped play area within the large northern public open space, and a path linking to a section of the public footway that leads directly to the nearby public footpath to the north.

- On-site surface water attenuation measures to manage run-off sustainably, with an attenuation pond illustrated towards the north-eastern part of the Site to take account of the Site's natural levels.

4.4 The Illustrative Layout plan demonstrates how the proposed development can integrate sensitively into the landscape, minimising impact on the character of the area and enhancing green infrastructure. In this regard, the plan shows the extent of the proposed areas for dwellings extending no further north than existing dwellings on the western side of Ashby Road, by way of the large area of open space in the northern part of the Site. Similarly, as noted above, built development zones are shown set back from the Site's north-eastern boundary to allow for open space and planting between the new dwellings and the countryside beyond.

4.5 The application includes the following plans and reports:

- Location Plan
- Illustrative Layout Plan
- Access Plan
- Preliminary Drainage Strategy Plan
- Design and Access Statement
- Character Assessment & Appraisal
- Landscape and Visual Impact Assessment
- Flood Risk Assessment and Drainage Strategy (including Topographical Survey)
- Transport Assessment and Draft Travel Plan
- Acoustic Assessment
- Air Quality Assessment
- Archaeological Desk-Based Assessment
- Tree Survey Plans/details and Arboricultural Impact Assessment
- Ecology Impact Assessment
- Biodiversity Net Gain Metric (existing baseline and proposed)
- Phase I Site Appraisal (Desk Study)
- Mineral Resource Assessment Desk Study
- Utilities Assessment
- Agricultural Quality Assessment.

## 5.0 Planning Policy & Other Material Considerations

5.1 This section identifies relevant national planning legislation, national and local planning policy and guidance relevant to the application, and other material considerations.

5.2 Under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications shall be determined in accordance with the Development Plan unless material considerations indicate otherwise. Case law and appeal decisions demonstrate that the relevant test is whether a proposal complies with the Development Plan when 'taken as a whole' rather than having to necessarily be in accordance with every aspect of every relevant policy.

### The Development Plan

5.3 The adopted Development Plan for the Borough consists of:

- **The Hinckley and Bosworth Core Strategy DPD 2006-2026** adopted 2009 (The CS).
- **The Site Allocations and Development Management DPD 2006-2016** adopted in 2016 (The SADM), which is accompanied by a proposals map (The SADM).
- **The Leicestershire Minerals and Waste Local Plan** adopted in 2019

5.4 The weight that can be placed on policies is determined by the degree to which they are in conformity with the NPPF including issues surrounding housing land supply and delivery, along with their adoption status.

5.5 In terms of the latter, the Council commenced the preparation of a new Local Plan in 2018 and various rounds of public consultation occurred. However, since the publication of the revised NPPF in December 2024 and the associated new Standard Method for calculating local housing need (resulting in the Borough's housing need figure increasing significantly), the Council has amended its Local Development Scheme (LDS).

5.6 A consultation on a revised draft plan is timetabled to take place in September 2025 followed by a consultation on the draft submission plan in March 2026. The revised emerging plan is, therefore, at an early stage with the estimated examination date now being early 2027. Overall, given its early stage in the plan making process, the emerging plan has very limited weight in terms of the determination of applications and appeals within the Council area currently.

5.7 The most relevant adopted Development Plan policies for the assessment and determination of the application are:

### **The Hinckley and Bosworth Core Strategy (2009)**

5.8 The Core Strategy (CS) outlines the vision and strategic objectives for the Borough's development. Hinckley is identified as a Sub-Regional Centre, with policies supporting its role as a key location for growth and development.

5.9 **Policy CS1: Development in Hinckley** seeks to support Hinckley's role as a sub-regional centre whilst ensuring that development contributes to its character and sense of place alongside infrastructure delivery including:

- The allocation of land for a minimum of 1120 dwellings [over the plan period].
- The provision of open space and play space to meet the standards in Policy 19.
- Strategic interventions for green infrastructure as set out in Policy 20, including the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge.

5.10 **Policy CS6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge** states that:

*'Green Wedge uses will be encouraged that provide appropriate recreational facilities within easy reach of urban residents and promote the positive management of land to ensure that the Green wedge remains or is enhanced as an attractive contribution to the quality of life of nearby urban residents.'*

5.11 The *first part of the policy* goes on to list what land uses will be considered acceptable (e.g. forestry) in the Green Wedge subject to operational development associated with

such uses not causing damage to the '*function of the Green Wedge*'. Residential development is not listed as an acceptable use/development type.

5.12 Notwithstanding the first part of the policy, the second part of the policy requires development within the Green Wedge to:

- (a) Retain the function of the Green Wedge.
- (b) Retain and create green networks between the countryside and open spaces in urban areas.
- (c) Retain and enhance public access to the Green Wedge, especially for recreation.
- (d) Should retain the visual appearance of the area.

5.13 The 'function' of the Green Wedge is not defined within the policy but supporting text at Paragraph 4.28 states:

*'The Green Wedge between Hinckley, Barwell and Earl Shilton protects the separation of the three settlements, helping to protect their individual identities and provide easy access from the urban areas into green spaces, contributing towards the quality of life for residents in these urban areas. Maintaining the Green Wedge is an important part of protecting the green infrastructure of the borough. There are opportunities within the green wedge for enhancement to further increase its amenity and ecological value.'*

5.14 Further details of 'function' are provided in the Green Wedge Review (2020), which is detailed below.

5.15 **Policy CS15: Affordable Housing** states that a minimum of 2090 affordable homes will be provided in the Borough between 2006 and 2026.

5.16 The policy requires 20% of homes on sites in the urban area of Hinckley to be affordable, with a tenure split of 75% social rented and 25% intermediate, as a starting point.

5.17 **Policy CS16: Housing Density, Mix and Design** requires:

- All developments of over 10 dwellings to provide a suitable mix of dwelling types and tenures taking account of the most up to date data including the Housing Market Assessment and local data; and
- Residential development within and adjoining Hinckley is to have a minimum density of 40 dwellings per hectare, albeit it states that this may be reduced where a site's characteristics dictate that a lower density is appropriate.

5.18 **Policy CS19: Green Space and Play Provision** sets out the Council's expectations for residential development in terms of the quantity of and access to green space and play space.

5.19 **Policy CS20: Green Infrastructure** relates to the implementation of the Council's Green Infrastructure Network by way of supporting a series of strategic interventions including one relating to the southern part of the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge:

*'Maintain the Green Wedge between Hinckley and Barwell as it plays an important environmental and landscape protection role. Look to develop it into a large-scale recreational asset to serve the [proposed] Sustainable Urban Extensions [SUEs] and residents living in North Hinckley.'*

**The Site Allocations and Development Management DPD (2016)**

5.20 The Site Allocations and Development Management Plan (SADM) notes that of the 1120 new dwelling stated as a minimum in the Core Strategy, by 2015 a minimum of 779 were still required.

5.21 Paragraph 3.27 states that the Strategic Interventions listed in **Policy 20 of the Core Strategy** (CS20) regarding the delivery of green infrastructure networks are 'of an aspirational and indicative nature'.

5.22 Supporting text within the SADM states:

*'Areas of Green Wedge primarily seek to guide the development form of urban areas. The presence of Green Wedge helps to maintain settlement*

*identity whilst providing green infrastructure links between settlements as a 'green lung' and recreation resource'*

5.23 **Policy DM1: Presumption in Favour of Sustainable Development** reflects a previous iteration of Paragraph 11 of the NPPF.

5.24 **Policy DM3: Infrastructure and Delivery** states that '*where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make provision directly or indirectly through appropriate funding mechanisms*'. Notwithstanding this, the policy notes the balance to be struck between any viability-related lack of provision, relative to the overall planning benefits of a scheme.

5.25 **Policy DM4: Safeguarding the Countryside and Settlement Separation** seeks to protect the intrinsic value, beauty and open and landscape character of the 'countryside' and protect it from 'unsustainable development'.

5.26 The first part of the policy sets out the type of developments that will be supported (e.g. outdoor sport). General housing is not stated as a development type supported by the policy.

5.27 The second part of the policy provides a list of criteria for assessing the countryside development types that the policy does support (e.g. outdoor sport). It states that development must:

- (i) Not have a significant effect on the intrinsic value, beauty, open character and landscape character of the countryside;
- (ii) Not undermine the physical and perceived separation and open character between settlements;
- (iii) Does not create or exacerbate ribbon development;
- (iv) Protects the role and function of the Green Wedge in line with Core Strategy Policy 6; and
- (v) Contribute to the National Forest Strategy where the site is within the National Forest.

5.28 **Policy DM6: Enhancement of Biodiversity and Geological Interest**, which predates the national mandatory BNG requirements, requires development proposals to demonstrate how they will conserve and enhance features of nature conservation and geological value including '*... measures to deliver biodiversity gains through*

*opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services' alongside their long-term management.*

5.29 **Policy DM7: Preventing Pollution and Flooding** seeks to ensure that development will not result in adverse pollution and/or flooding including taking account of design and mitigation measures. The policy sets out that flood risk is to be avoided or mitigated in line with National Policy.

5.30 **Policy DM10: Development and Design** requires development to meet various design standards including:

- 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 vibration and visual intrusion);
- The development's scale, layout, density, mass, details, materials and architectural features complementing or enhancing the character of the surrounding area;
- High standards of landscaping;
- Energy and resource efficiency through design, layout, orientation and construction; and
- The use of appropriate sustainable drainage schemes.

5.31 **Policy DM11: Protecting and Enhancing the Historic Environment** includes the need to demonstrate any impact on archaeology in line with Policy DM13.

5.32 **Policy DM13: Preserving the Borough's Archaeology** requires any potential development impact on archaeology to be set out in a desk-based assessment with later further field evaluation and reporting where appropriate.

5.33 **Policy DM17: Highways and Transportation** provides a list of when developments will be supported in terms of highway and transportation matters. Those relevant to the application are:

- A location where the need to travel will be minimised and the use of sustainable travel maximised;
- Seeking to make the best use of existing public transport services;

- Seeking to ensure convenient and safe access for walking and cycling to services and facilities;
- Demonstrating '*no significant adverse impact*' on highway safety; and
- Demonstrating that the residual cumulative impacts of development on the transport network '*will not be severe*'.

5.34 **Policy DM18: Vehicle Parking Standards** requires all new developments to provide an 'appropriate level of parking' justified by an assessment of the site's location, the proposed type of house, other available modes of transport and appropriate design.

#### **The Leicestershire Minerals and Waste Local Plan (adopted 2019)**

5.35 **Policy M11: Safeguarding of Mineral Resources** seeks to protect safeguarded minerals from being **sterilised** by development. Amongst other things, it sets out that planning permission will be granted for development that is incompatible with the safeguarding of mineral within an MSA where it is demonstrated that the mineral has no potential value. Any overriding need for the development is also stated as a consideration.

#### **The National Planning Policy Framework (the NPPF/the 'Framework')**

5.36 The NPPF provides the Government's policies in respect of development, supplemented by National Planning Policy Guidance (NPPG).

5.37 Whilst the NPPF does not change the statutory status of the Development Plan as the starting point for decision making, it is a key material consideration in the context of the provisions of S38(6) of The Planning and Compulsory Purchase Act 2004.

5.38 **Chapter 2 - Sustainable Development** states that to achieve sustainable development the planning system has three overarching objectives, which are interdependent and should be achieved in mutually supportive ways:

- (a) An economic objective to help build a strong, responsive and competitive economy;
- (b) A social objective to support strong, vibrant, and healthy communities; and
- (c) An environmental objective to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land.

5.39 So that sustainable development is pursued in a positive way, at the heart of the NPPF is a '*presumption in favour of sustainable development*' which for decision taking is defined in Paragraph 11 as:

*'(c) Approving development proposals that accord with an up-to-date development plan without delay; or*

***(d) Where there are no development plan policies, or the policies which are most important for determining the application are out of date, granting permission unless:***

- (i) the application of policies in this Framework that protect areas or assets of particular importance [e.g. National Park, SSSI] provides a strong reason for refusing the development; or*
- (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, 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.'*

\*Defined as Paragraphs 66, 84, 91, 110, 115, 129, 135 and 139 of the NPPF.

5.40 The words emphasised in bold above set out the 'tilted balance' that applies to decision making where there are no relevant Development Plan Policies in relation to the main issues and/or the relevant policies are out of date. Footnote 8 of the NPPF clarifies that for applications involving the provision of new housing this includes where a Local Planning Authority:

- Cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer as set out in paragraph 78 of the NPPF); or
- Where the Housing Delivery Test indicates that the delivery of housing [across the plan area] was less than 75% of the housing requirement [set out in the Development Plan] over the previous three years.

- 5.41 Paragraph 38 states that Local Planning Authorities should approach decision-taking in a positive and creative way, and 'work proactively with applicants to secure developments that will improve economic, social and environmental conditions'. It states that '***Decision-makers at every level should seek to approve applications for sustainable development where possible.***'
- 5.42 **Chapter 5 - Delivering a Sufficient Supply of Homes** emphasises the need to significantly boost the supply of homes to meet the needs of present and future generations.
- 5.43 Paragraph 61 states that to support the Government's objective of significantly boosting the supply of homes it is important that '*... a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay*'
- 5.44 Paragraph 66 states:
 

*'Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.'*
- 5.45 Paragraph 72 requires Local Planning Authorities to identify a sufficient supply and mix of sites for housing, taking into account their availability, suitability and likely economic viability. The consequences of allowing housing delivery rates to fall below certain levels are set out in Paragraph 79.
- 5.46 Paragraph 73 notes that small and medium sites can make an important contribution to meeting the housing requirement of an area and are often built out relatively quickly.
- 5.47 **Chapter 8 covers the Promotion of Healthy and Safe Communities.** Paragraph 96 promotes the provision of healthy, inclusive and safe places including encouraging social interaction and street layouts that provide easy pedestrian and cycle connections. The provision of safe and accessible green infrastructure is encouraged as a method of enabling and supporting healthy lives.

5.48 **Chapter 9 promotes Sustainable Transport** and also covers highway safety matters.

- Paragraph 110 states that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.

5.49 Paragraph 115 states that it should be ensured that developments:

- Prioritise sustainable transport modes taking account of the vision for the site, the type of development and its location.
- Achieve safe and suitable access to the site for all users.
- Have streets, parking areas and other transport elements that are designed to meet current national guidance.
- Cost effective mitigation of any significant impacts on the transport network (in terms of capacity and congestion) to an acceptable degree through a vision-led approach.

5.50 Paragraph 116 is clear that:

*'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe taking into account all reasonable future scenarios.'*

5.51 Paragraph 117 sets out that within the context of Paragraph 116, developments should, amongst other things, give priority to pedestrians and cyclists and, as far as possible, facilitate access to high quality public transport including the provision of facilities to encourage public transport use; create places that minimise the scope for conflicts between pedestrian, cyclist and vehicles and support electric charging facilities.

5.52 **Chapter 11 covers Making Effective Use of Land.**

5.53 Paragraph 129 states that planning policies and decisions should promote an efficient use of land, taking account of:

- (a) The identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it.

- (b) Local market conditions and viability.
- (c) The availability and capacity of infrastructure and services, and the potential for further improvement and the scope to promote sustainable travel modes to limit future car use.
- (d) The desirability of maintaining an area's prevailing character and setting or promoting regeneration and change.
- (e) The importance of securing well designed, attractive and healthy places.

5.54 **Chapter 12** regarding **Achieving Well-Designed Places** sets out policy in relation to achieving well-designed places and stresses that high-quality design is a fundamental aspect of the NPPF, ensuring that developments function well and add to the overall quality of the area.

5.55 Paragraph 135 provides a comprehensive list of what applications should achieve at the detailed design stage and provided in full in the submitted Design and Access Statement (DAS). Of particular relevance at this outline stage are parts (a), (c) and (e), which respectively state that developments:

*'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; ...*

*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) ...*

*Optimise the potential of a site to accommodate an appropriate amount and mix of development (including green and other public open space).'*

5.56 Paragraph 136 seeks the retention of trees where possible plus the incorporation of new trees into development.

5.57 **Chapter 14** regarding **Meeting the Challenge of Climate Change, Flooding, and Coastal Change** highlights the need for developments to be resilient to climate change impacts, including flood risks.

5.58 For the purposes of determining planning applications, Paragraphs 170 and 181 refer to ensuring that development is safe for its lifetime in terms of flood risk without

increasing flood risk elsewhere and notes the need for site specific Flood Risk Assessments in various circumstances.

- 5.59 Paragraph 182 states that major development that could affect drainage around the site should incorporate sustainable drainage systems to control flow rates and reduce volume of runoff.
- 5.60 **Chapter 15** regarding **Conserving and Enhancing the Natural Environment** requires planning decisions to contribute to and enhance the natural environment.
- 5.61 The impact of development on habitats, species and biodiversity is covered alongside pollution considerations.
- 5.62 Paragraph 187 states that planning policies and decisions should contribute to and enhance the natural environment by:
  - (a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
  - (b) Recognising the intrinsic character and beauty of the countryside and the wider benefits from natural capital and economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
  - (c) Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
  - (d) Minimising impacts on and providing net gains for biodiversity, including establishing coherent ecological networks that are most resilient to current and future pressures which support priority or threatened species such as swifts, bats and hedgehogs; and
  - (e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air or noise pollution.
- 5.63 The chapter covers ground conditions/land contamination and the potential impact of noise, light and air pollution on health, living conditions and nature conservation, including securing suitable mitigation. In terms of noise, Paragraph 198(a) states that decisions should:

*'Mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and quality of life.'*

5.64 Paragraph 199 states that opportunities to improve air quality or mitigate impacts should be identified through various measures including travel management and green infrastructure provision and enhancement.

5.65 **Chapter 16 - Conserving and Enhancing the Natural Environment** states (at Paragraph 207) that LPAs should require applicants to describe the significance of any affected heritage assets, with level of detail no more than is sufficient to understand the potential impact of the proposal on significance. It notes that a desk-based assessment should be required where a site has the potential to include heritage assets with archaeological interest, and where necessary, later field-based evaluation and recording should occur.

5.66 **Chapter 17 - Facilitating the Sustainable Use of Mineral Resource** provides that Local Planning Authorities should not normally permit development proposals in Mineral Safeguarding Areas that might constrain mineral working (Paragraph 225).

### Other Material Considerations

Other material considerations include:

- National Planning Policy Guidance including the National Design Code
- Good Design Guide SPD (adopted in March 2020 and reviewed in 2023)
- Green Wedge Review (September 2011)
- Hinckley/Barwell/Earl Shilton/Green Wedge Review (September 2020)
- Hinckley and Bosworth Open Space Study (2016)
- Hinckley and Bosworth Landscape Character Appraisal (2017)
- Hinckley and Bosworth Green Infrastructure Strategy (2020)
- Affordable Housing SPD (2011)
- Hinckley and Bosworth Housing Strategy (2018-2023)
- Leicester and Leicestershire Housing and Economic Needs Assessment – Final Report (June 2022) - The 'HENNA'
- Housing Delivery Action Plan (June 2024)
- Housing Needs Study (April 2024)

- The Leicestershire County Council Highway Design Guide (Updated December 2024)
- Appeal decisions and court judgements, including the 2023 appeal decision relating to the site as detailed above and various allowed appeals regarding residential development in the countryside and/or the Green Wedge, as detailed below.
- Documents and legislation referred to in the submitted technical reports.

### **The Good Design Guide SPD**

5.67 The Good Design Guide SPD provides guidance for the future development of the towns, villages and wider rural areas of the Borough, including Chapter 4 which covers residential development on green and brownfield sites. The Council's Local Development Scheme explains that rather than setting prescriptive requirements or standards, the SPD seeks to encourage developers 'to think about the context of a site and how development might contribute to and enhance an area'.

### **The Hinckley and Bosworth Green Infrastructure Strategy (July 2020)**

5.68 The GIS 2020 provides the Council's broad strategy for Green Infrastructure across the Borough, including links between existing and potential new green spaces. It promotes a network of green infrastructure with reference to tourism, amenity, recreational, wildlife, air quality and flood risk alleviation.

5.69 A priority plan within the Strategy proposes 'Greenways through Hinckley' by way of pedestrian routes to connect a series of green spaces in Hinckley through to Barwell via the Green Wedge, including recreational provision. The purely indicative route is shown running close to, or potentially through, the currently private application site (See maps in Appendix A).

### **The Green Wedge Review (2011)**

5.70 The first Green Wedge Review in 2011 assessed the Borough's Green Wedges using the following 4 criteria, which are identified and defined in the Leicester and Leicestershire Green Wedge and Joint Methodology as the functions of Green Wedge:

Preventing the merging of settlements;

Guiding development form;  
 Providing a green lung into urban areas; and  
 Acting as a recreational resource.

### **The Hinckley/Barwell/Earl Shilton/Burbage Green Wedge Review (2020)**

- 5.71 The Council's 2020 review of the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge is the most up to date review of this Green Wedge ('The Council's GWR 2020'). It was carried out using the 4 Green Wedge functions identified by the Joint Methodology, as per the 2011 review (see above). A copy of the definition of these 4 functions are provided in Appendix B
- 5.72 That part of the Green Wedge between Normandy Road and Hinckley Road (which the application site forms a small part of) was assessed as 'Area A'.
- 5.73 The review describes that Area A is sensitive to the impact of development as it is one of the narrowest parts of the Green Wedge between existing settlements, and notes that parts of the built-up edge of Barwell can be viewed from parts of the edge of Hinckley and vice versa.
- 5.74 The general conclusion of the Review for Area A is that it performs an important separation function between Hinckley and Barwell, with this concentrated by the narrow nature of the existing gap between the settlements at this point. It also identifies the importance of this part of the Green Wedge as a 'green lung' guiding development form between Barwell and Hinckley and providing access to the countryside via well used existing rights of way.

### **Off-Site Appeal Decisions**

- 5.75 In addition to the appeal relating to part of the site (see above), various appeals are material considerations in terms of the assessment and determination of the application, as they provide pertinent insights into the assessed acceptability of similar developments with benefits carefully weighed against any harms. These include:

#### **Appeal Decision 3323113: Land east of Stoke Road and north of Normandy Way, Hinckley:**

5.76 Here the Inspector emphasised the sustainability of the proposed development and the ability to mitigate landscape harm through design and landscaping. Whilst being agricultural land outside of the Green Wedge, the Inspector's position supports the argument that the proposed development to the east of Ashby Road, which is sustainably located, can also integrate well with the surrounding area, maintaining and enhancing the Green Wedge's functions.

**Appeal Decision 3330774: Land off Desford Lane, Ratby, Leicestershire LE6 0HF**

5.77 The Inspector emphasised the importance of meeting housing needs and acknowledged that development would not significantly detract from the area's character. The development hereby proposed development aligns with this decision by contributing to housing supply whilst ensuring that design and landscaping minimise potentially adverse impacts. In term of housing supply and affordable housing specifically the Inspector concluded:

*'The principal benefits, already mentioned in connection with heritage assets, are the provision of new market and affordable housing. Those homes would help meet demand for housing, which both parties recognise is not being adequately met in the borough at the current time. I give both those benefits significant weight' (Para.51).*

**Appeal Decision 3222850: Land at Crabtree Farm, Hinckley Road, Barwell, Leicestershire**

5.78 This appeal decision of July 2019 related to the provision of 25 dwellings, open space and land for a new burial ground (Ref: 18/00279/OUT) on the southern side of Barwell, which like the application site, is outside of the settlement boundary and within the Green Wedge. The appeal was allowed.

5.79 Taking account of the site's location and proposed boundary structural planting the Inspector concluded whilst the development would '*as a matter of fact, be a physical incursion that would result in some harm*' in conflict with Policy 6 '*the role and function of the Green Wedge would not be undermined in any perceptual sense by the development proposed on that approach to the settlement.*' (Paras. 23 and 27). This finding is relevant to the current case.

5.80 In terms of the overall planning balance, with the tilted balance applied, the Inspector concluded:

*'There is an agreed significant shortfall in housing land supply. The homes would be located in an accessible location and would bring economic and other benefits. To be weighed against that is the harm that I have found in relation to the character and appearance of the area and to the role and function of the Green Wedge. In my view, that harm would be limited in the wider context and would not outweigh the significant benefits of the proposal, let alone significantly and demonstrably outweigh them when assessed against the Framework as a whole. In these circumstances, I consider that the appeal scheme would comprise sustainable development and the presumption in favour of such, as set out in the Framework, and the development plan, applies. That is a significant material consideration that outweighs any conflict with some elements of the development plan. Therefore, for the reasons set out above, I conclude on balance that the appeal should succeed.'* (Para. 54).

5.81 The following extracts of the Inspector's decision also support parts of the case made herein:

- *'As confirmed in the related Statement of Common Ground, the Green Wedge is not a landscape designation. Rather, its purpose is to protect the separation of Hinckley, Barwell and Earl Shilton, helping to protect their individual identities and provide easy access from the urban areas into green spaces'* (Para.21).
- *The provision of play space and routes through the site 'would enhance public access into the Green Wedge compared with the existing situation, where there is no public access to any part of the site'* (Para. 24).

#### **Appeal Decision 3348387 Land East of The Common, Barwell**

5.82 This recent appeal for development of up to 95 dwellings within the Green Wedge at Barwell (23/01229/OUT) was allowed in March 2025 with the Inspector placing enhanced weight on the supply of housing, including significant weight on the provision of affordable housing, in the tilted balance exercise. The delivery of 95 dwellings was assessed as making a '*meaningful contribution to the supply of new*

*houses locally and help to meet the present under supply ...'* (Paragraph 43). Up to 103 dwellings are proposed in the current application.

5.83 The housing supply policies of Development Plan were found to be out of date through a failure to deliver the plan's housing strategy and also the continued lack of a 5-year housing land supply. Housing supply policies, including those relating to the Green Wedge, were hence afforded reduced weight in the tilted balance exercise. This and other aspects of the Inspector's findings are discussed with the Planning Assessment of this Supporting Planning Statement.

5.84 In terms of the above the Inspector stated the following:

*'On the main issues I have found that the principle of development in this area of countryside conflicts with SAMD policy DM4 but this only carries limited weight because of the Council's HLS position'* (Para. 41).

## 6.0 Planning Assessment

6.1 The proposed residential development of up to 103 dwellings on Land to the East of Ashby Road, Hinckley alongside the access detail, requires a detailed planning assessment in relation to national and local planning policies when taken as a whole, and taking account of other material considerations. This section critically evaluates the proposal in this way including taking account of the Council's current housing supply and delivery position, the Green Wedge Review (2020) and key relevant appeal decisions.

### The Principle of the Development

6.2 As detailed above, the NPPF emphasises a presumption in favour of sustainable development.

6.3 At a high level and amongst other things, the NPPF seeks to protect the environment including the countryside's intrinsic qualities; the provision of green infrastructure for recreational and environmental purposes; and the provision of homes. In terms of the latter it stresses the importance of housing delivery with reference to the aim of achieving 1.5 million homes over the next 5-years in response to the Country's housing crisis.

6.4 Applications for residential development must be determined in accordance with the adopted Development Plan unless material consideration indicate otherwise. The Framework is an important and up to date material consideration. As detailed above, where policies most relevant to the determination of the application are out of date, including the Council not being able to demonstrate a 5-year housing land supply, the 'tilted balance' of Paragraph 11d(ii) of the NPPF applies. Where Paragraph 11d(ii) is engaged, applications must only be refused if the adverse impacts of the proposal would 'significantly and demonstrably' outweigh its benefits when assessed against the framework as a whole.

6.5 At the recent Barwell Green Wedge appeal the Council suggested it had a 3.55 year housing land supply whilst the appellant suggested a slightly lower figure of 3.23 years, with both based on the new Standard Method of December 2024, including the 5% buffer required by the NPPF. The Inspector hence concluded that the Council

could not demonstrate the 5-year housing land supply requirement of the NPPF. This has not changed.

- 6.6 Importantly, the Inspector **also** concluded that '*the Core Strategy adopted in 2009 has to be regarded as 'out of date' as the development strategy put forward has not been achieved*'. In reaching this conclusion the Inspector made reference to the significant delay in the full delivery of the two main Sustainable Urban Extensions (SUEs) and other identified sites in the plan. This indicates that all policies of the Core Strategy that restrict where dwellings can be built are out of date, including Policy CS6 regarding the Green Wedge, as a separate issue to the 5YHLS matter. Up to date housing delivery rates are also relevant.
- 6.7 The tilted balance is engaged and the site is not affected by anything outlined in Footnote 7 of Paragraph 11d(i) of the NPPF that could 'disengage' it (e.g. National Park, SSSI, Green Belt).
- 6.8 Importantly, the application of the 'tilted balance' does not remove the Development Plan as the starting point for the determination applications, but it does mean that 'out of date' policies should be afforded reduced weight in the harm versus benefit tilted balance assessment where they do not comply with the NPPF, including the overarching aim of delivering homes.
- 6.9 Whilst the Site abuts the existing settlement of Hinckley, it is nonetheless located outside of what is identified as Hinckley's 'Settlement Boundary' in the adopted Development Plan. The site is hence situated in the 'countryside' in planning policy terms such that Policy DM4 of the SADM applies. This aims to seeks to protect the intrinsic value, beauty and open and landscape character of the 'countryside' and protect it from '*unsustainable development*'. The latter relates to the location of development in relation to accessibility by sustainable travel modes, plus other relevant social, economic and environmental impacts.
- 6.10 General residential development is not a type of development in the countryside that the first part of Policy D4 of the SADM supports. The principle of residential development at the application site is, therefore, in conflict with Policy DM4. Similarly, the application is contrary to Policy CS6 in terms of the type of development supported in the Green Wedge.

6.11 However, policies CS6 and DM4 are clearly restrictive policies in relation to the delivery of homes. Therefore, both are out-of-date, and hence must be afforded reduced weight in the determination of the application, as per the conclusions reached in various appeals cited above. Indeed, the Inspector for the recent Barwell appeal case (3348387) afforded the policy conflict with Policy DM4 only **limited weight**:

*'On the main issues I have found that the principle of development in this area of countryside conflicts with SAMD policy DM4 but this only carries limited weight because of the Council's HLS position'. (Para. 41)*

6.12 Notwithstanding the above, it must first be recognised that housing development at the application site will not undermine a key aim of Policy DM4, which is to prevent development in unsustainable locations in accessibility/transport terms. Indeed, as concluded by the Inspector for the 5-dwelling scheme on part of the application site (see Planning History above), the proposal did not conflict with Policy DM4 in terms of being an accessible location for new dwellings in transport terms despite being outside of the Settlement Boundary.

6.13 In this case, the principle of 'sustainable development' underpins the proposed development, which will deliver much needed homes in a high-quality residential environment with excellent access to local services and transport networks, and meet sustainable construction standards. The provision of homes also forms part of the social aspect of sustainable development and will be considered separately below.

6.14 By situating the development within an established Sub-Regional Centre, the proposal aligns with:

- The NPPF's core objective of promoting sustainable growth by providing housing in locations with access to key services, public transport and infrastructure; and
- The Core Strategy's original objective of direct housing to the most sustainable locations, which includes Hinckley.

6.15 Specific details of the scheme's excellent sustainable transport options, including various improvements that the scheme will bring, will be considered in more detail in the **Highway Safety, Network Capacity & Sustainable Transport** part of this Planning Assessment, with reference to Policy DM17.

6.16 Overall, in light of the site's sustainable location in transport terms and the Council's current housing land supply position, the site is an acceptable location for residential development in principle, subject to the impact on the countryside, landscape and Green Wedge, with the latter seeking to guide rather than prevent development and maintain settlement separation, as set out in the assessment criteria of Policy CS6.

6.17 Policy DM4 provides assessment criteria for assessing development in the Countryside that part one of the Policy supports. Whilst this does not include housing, the Inspector for the recent Barwell appeal (3348387) accepted that the Council's position that these criteria should nonetheless be used to assess the proposed development (i.e. dwellings in the Countryside). This was accepted by the Inspector such that the same approach is followed herein and with the submission LVIA.

6.18 The relevant assessment criteria of Policy DM4 are:

- (i) Not have a significant effect on the intrinsic value, beauty, open character and landscape character of the countryside;
- (ii) Not undermine the physical and perceived separation and open character between settlements;
- (iii) Does not create or exacerbate ribbon development;
- (iv) Protects the role and function of the Green Wedge in line with Core Strategy Policy 6; and

6.19 These assessment criteria, and those of Policy CS6 regarding the Green Wedge, will be considered in separate sections of this Planning Statement under the headings **Landscape Impact, The Green Wedge and Site Design including Character and Appearance** (alongside other relevant policies).

6.20 In terms of housing delivery as a material consideration and a social aspect of sustainable development, the NPPF stresses the need to significantly boost the supply of housing and the Development Plan recognises the need for new housing to meet current and future demand. The proposed development directly contributes to these objectives by providing up to 103 new homes, which will make a material contribution to the identified housing shortfall in the district. Indeed, the provision of 103

dwellings in the face of a lack of a 5YHLS is a significant benefit of the proposal, which should clearly be afforded increased weight in the tilted balance exercise (as per the recent Barwell appeal decision).

- 6.21 As will be discussed below in the Affordable Housing section of this assessment, the provision of up to 21 affordable homes is a significant benefit, which should be afforded significant weight in relation to the Council's affordable housing position.
- 6.22 Weight should also be afforded to how the site amounts to a medium size site, which the NPPF notes have an important role to play in terms of housing delivery given their usual quick delivery rates. This is pertinent given that the current lack of a 5YHLS is related to very slow delivery of the allocated SUE sites. The site will deliver up to 103 dwellings within 5 years and hence contribute swiftly to the Council's 5YHLS supply figure and delivery rate.
- 6.23 The application site has no issues that would prevent it from being delivered quickly in response to the Council's pressing need for additional homes. Indeed, this need is growing rather than reducing given the recent significant uplift in the amount of homes that the Council is now required to plan for per year (i.e. a shift from 433 homes per year to 649 homes per year in December 2024).

### Landscape Impact

- 6.24 Whilst the Site falls within the Leicestershire Vales National Character Area, at a local level the Site is identified as forming part of the Burbage Common Rolling Farmland Character Area (Local Character Area F) within the Hinckley and Bosworth Landscape Character Appraisal (2017) – LCA. This includes the arable farmland between Hinckley and Barwell.
- 6.25 The application is accompanied by a Landscape and Visual Impact Assessment (LVIA), which with reference to the LCA identifies the key landscape characteristics of the Site and Study Area (1.5km radius from the site) as large scale, gently rolling arable and pasture farmland, medium scale field pattern and boundary hedgerows
- 6.26 As noted above, the second part of Policy DM4 of the SADP provides a number of criteria to assess development in the Countryside against, with parts being relevant to the assessment of landscape impact (both physical and visual):

- (i) Not have a significant effect on the intrinsic value, beauty, open character and landscape character of the countryside;
- (ii) Not undermine the physical and perceived separation and open character between settlements;
- (iii) Does not create or exacerbate ribbon development;
- (iv) Protects the role and function of the Green Wedge in line with Core Strategy Policy 6.

6.27 The LVIA stresses that the Green Wedge is a functional planning designation, such the impact of the development on its role and functions (i.e. part (iv) of Policy DM4) is considered separately in the LVIA to the formal assessment of landscape and visual effects. This Planning Assessment follows the same approach. However, part (ii) of Policy DM4 has some crossover between landscape and Green Wedge impact considerations e.g. open character between settlements. Part (iii) of Policy DM4 is considered in the **Site Design, Character and Appearance** section of this assessment.

6.28 Paragraph 135 of the NPPF regarding well designed places includes a number of considerations relevant to landscape impact, in particularly developments being:

*'Sympathetic to local character and history including the surrounding built environment and landscape setting, while not discouraging appropriate innovation and change'.*

6.29 Paragraph 187 of the NPPF states that planning policies and decisions should contribute to and enhance the natural environment including:

- *'Protecting valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan.'*
- *'Recognising the intrinsic character and beauty of the countryside.'*

6.30 The supporting LVIA confirms that the site is not the subject of any landscape designation that would suggest an increased value or sensitivity to change and is not the subject of any statutory or non-statutory designation that would prohibit its development for residential purposes.

6.31 The term 'valued landscapes' is not defined in the NPPF but case law has established that the term does not simply mean 'popular' or of 'value' to certain groups. Importantly, as recognised by the LVIA, an area can have a certain level of 'landscape value' (based on various factors) without amounting to 'valued landscape' afforded national protection by Paragraph 187. In this respect the Inspector for the recent Barwell appeal concluded:

*'The site is located in the green wedge that extends between Hinckley and Barwell ... This is a functional designation. Beyond this the site is not covered by any landscape designation that would suggest an increased value or sensitivity and it is not covered by a statutory or non-statutory designation that would prohibit its development for residential purposes'.*

6.32 The impact that the proposed development will have on the landscape both physically and visually has been assessed within the LVIA at two scales:-

- The Site i.e. within close proximity of it; and
- The 'Study Area', which is land within a radius of 1.5km from the Site.

6.33 The LVIA identifies key landscape sensitivities as the rural setting, the open character of the land between Hinckley and Barwell (i.e. the area designated as Green Wedge) and the hedgerows and fields. Sensitive receptors are identified including nearby residents and users of the nearby public footpath that links Hinckley and Barwell.

6.34 The LVIA identifies a short-term adverse effect of major to moderate significance at a Site level in terms of physical effects. It states that this is in part due to the transformation of the existing character of the Site from farmland to residential development but this is not a level of effect uncommon or unexpected of housing proposals on greenfield sites. It stresses that the proposal secures a high level of landscape infrastructure with approximately 40% of the Site committed to greenspace with associated structural landscaping. The strategy of retaining and/or supplementing existing hedgerows is also noted.

6.35 The LVIA acknowledges that in the long-term the likely effect of development to the character of the Site will remain adverse, but the level of effect is likely to reduce to moderate significance. This conclusion takes specific account of the level of proposed

structural landscaping, which will allow the dwellings to assimilate into their local setting over time.

6.36 As shown in Figure 3 below, in terms of the physical effects on the wider Study Area (which extends to include the local setting of the Burbage Common Rolling Farmlands, Stoke Golding Rolling Farmland and settlement) the LVIA identifies a short-term adverse effect to landscape character of moderate to minor significance. In the long-term this level of effect is predicted to remain adverse reducing to minor significance. This conclusion takes account of the limited size of the Site relative to landscape within which it is situated; new dwellings next to existing dwellings not being discordant features; and the strategy of landscaping including structural boundary planting, which will mature over time. This is broadly consistent with the Inspector's conclusions in terms of the recent Barwell appeal.

The Study Area	<p>The Study Area presents as a landscape with a varied strength of character and condition. The landscapes within the Study Area comprises settlement and farmland interspersed with infrastructure and leisure/sports facilities. The Study Area is assessed as having a medium susceptibility to the proposed change, and is overall term is assessed as being of medium to high landscape sensitivity.</p>	<p><b>Short-term:</b> In the short-term the proposal will result in the expansion of the modern settlement across a relatively small geographic area that will not be perceptible across the entire study area. The proposed change will not introduce a new or discordant element into the landscape setting but result in an alteration to its existing elements. This is likely to result in a low magnitude of change. The nature of the change will be indirect, permanent, and adverse.</p> <p><b>Long-term:</b> In the long-term the structural landscaping measures will have begun to mature extending across 40% of the Site. This in turn will soften the appearance of the new housing within the Site and aid its assimilation in the local landscape setting. The new structural planting will reinforce the landscape setting of the Site and is likely to secure an improved landscape edge than currently exists at the settlement edge. Over time the likely magnitude of change will reduce to very low, and the nature of change will remain indirect, permanent, and adverse.</p>	Moderate to Minor adverse	Minor adverse
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Figure 3 – Extract of Table 3 of the LVIA regarding physical effects on the wider landscape

6.37 In terms of visual landscape effects, and taking account of the sensitivities of different groups (walkers, residents), the LVIA accepts that there will be some short term effects that will be relatively high given the views into the site from Ashby Road and the open nature of the land between the Site and Barwell, and also the ability to view the site from the public footpath and dwellings fronting Hinckley Road. The retention of nearly all boundary hedging, including the frontage hedge will, however, be of immediate visual benefit.

- 6.38 However, the LVIA concludes that, as per the physical impacts, the long-term visual effect will be minimised by the structural landscaping measures in the open space to the north and north-eastern boundaries of the site.
- 6.39 It is hereby noted that new dwellings of an appropriate height will not be a discordant feature in long distance views and will be assimilated into their setting with landscaping over time, including the structural planting buffer. Walkers using the footpath, including those heading towards Hinckley, will have views of the development but such will be softened by the boundary planting. Additionally, the development will not prevent walkers from appreciating the open rural landscape to the north and between the two settlements. For walkers the visual impact will also be occasional and relatively fleeting. The visual landscape effect for nearby residents will remain one of change but with the scheme sensitively designed and integrated into its setting, including tree planting.
- 6.40 In conclusion, the physical and visual effects of the proposal on landscape character will at worse be moderately harmful and this will reduce as the proposed planting matures. There is thus some identified harm and potentially some conflict with the relevant parts of Policy DM4 of the SADM and the NPPF. However, the level of harm is clearly not at a level that would significantly and demonstrably outweigh the benefits of the scheme, in particular the delivery of up to 103 dwellings (and 20% affordable housing), with the tilted balance engaged. Additionally, as noted above, criteria of DM4 should be afforded reduced weight in any event, as they are part of a policy that restricts housing development and is hence out of date in relation to the Council's housing land supply position. This was accepted by the Council in terms of the recent appeal, as noted by the Inspector (3348387):

*'However, the Council recognises that in light of the present Housing Land Supply position, limited weight can be given to the conflict with the first part of Policy DM4 and the criteria set out in parts (a) to (e)'. (Paragraph 14)*

### **The Green Wedge**

- 6.41 The site forms part of the Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. It is situated along part of its south-western extent adjacent to the built-up area of Hinckley.

6.42 As noted above, Green Wedge is a functional designation not a landscape designation, and whilst some of its aims (e.g. recreation) dovetail with aims in the NPPF, it does not have any statutory recognition in national planning policy. This includes Green Wedge (unlike the Green Belt) not being afforded protection under Paragraph 11d(ii) of the NPPF in relation to the application of the tilted balance for decision making when existing planning policies are out of date.

6.43 As noted above, the Council's Green Wedge Review (2020) described this part of the Green Wedge (Area A) as being sensitive to the impact of development as it is one of the narrowest parts of the Green Wedge between existing settlements, and notes that parts of the built-up edge of Barwell can be viewed from parts of the edge of Hinckley and vice versa. The general conclusion of the Review for Area A is that it performs an important separation function between Hinckley and Barwell, with this concentrated by the narrow nature of the existing gap between the settlements at this point.

6.44 The following part of the Council's GWR (2020) make it absolutely clear that the Green Wedge is not designated to prevent all development but rather to guide it:

*'Green wedges do not perform the same function as the green belt, in that they do not restrict the growth of an urban area. Instead, they aim to ensure that as urban development grows, open space is incorporated providing a recreational resource and acting as a green lung, whilst at the same time having regard to the coalescence of settlements and this is where the consideration of development form is important in meeting the future requirements.'*

6.45 In relation to the above, the Green Wedge Review of 2020 defines the 4 functions of this particular Green Wedge as (see definitions in Appendix B):

- Preventing the merging of settlements;
- Guiding development form;
- Providing a green lung into urban areas; and
- Acting as a recreational resource.

6.46 The 2020 Review similarly identifies the key aims as preventing settlement coalescence, seeking to retain and enhance recreational opportunities in the Green Wedge and providing a green lung 'into' urban areas. These functions/aims broadly tally with the Green Wedge related assessment criteria of Policy CS6, which relate to parts (ii) and (iv) of Policy DM4 (see below).

6.47 As noted above, residential development conflicts with Policy CS6 as it does not list residential development as a type of development that should be supported in the Green Wedge. As recognised by the Inspector of the recent Barwell appeal, Policy CS6 (as a whole) must hence be afforded reduced/limited weight when assessing residential proposals in the Green Wedge. Notwithstanding this, the relevant 'development in the Green Wedge' assessment criteria of these policies are:

#### **DM4 of the SADM**

- (ii) Not undermine the physical and perceived separation and open character between settlements;
- (iv) Protects the role and function of the Green Wedge in line with Core Strategy Policy 6;

#### **Policy 6 of the Core Strategy (CS6)**

- (1) Retain the function of the Green Wedge.
- (2) Retain and create green networks between the countryside and open spaces in urban areas.
- (3) Retain and enhance public access to the Green Wedge, especially for recreation.
- (4) Should retain the visual appearance of the area.

6.48 The submitted LVIA includes a Green Wedge Review in relation to the proposed development at the application site. The assessment is based on the 4 functions of the Green Wedge as defined in the Council's GWR 2020 (in accordance with the adopted Joint Methodology of the City and County Councils). Item (4) of Policy 6, which is not a stated function the Council's GWR, is considered alongside the function of the 'separation of the settlements'.

- 6.49 Like the approach to Policy DM4 (see Paragraph 6.17), the assessment criteria of Policy CS6 are addressed even though the proposed development type (residential) is not one that is stated as a type that is supported in Policy CS6.
- 6.50 The submission GWR finds that the proposed development will have the following impacts on the 4 defined functions of the Green Wedge (as summarised and discussed below):

### **Function 1 – Preventing the merging of settlements**

- 6.51 In terms of the Green Wedge's separation function the submission GWR accepts that the development will result in the physical loss of some open land between the settlements of Hinckley and Barwell, but this loss will not result in the physical coalescence of the settlements.
- 6.52 It clarifies that:
 

*'In terms of physical reduction this will result in the existing gap between settlement edges reducing, but this reduction will not exceed the existing narrowest gap between Hinckley and Barwell that extends between 30 Harwood Drive (Hinckley) and the development at the south-west corner of extant planning application 22/01053/FUL (Barwell) at approximately 360m where the separation function is maintained.'*
- 6.53 It is hereby noted that the approval of the 45-dwelling scheme (Barwell – 22/01053/FUL) has established that reducing the separation distance between Barwell and Hinckley to 360m is acceptable in terms of preventing the coalescence of the 2 settlements. This decision post dates the Council's GWR (2020) which notes the sensitive nature of this part of the Green Wedge in terms of it being relatively narrow. Importantly, the proposed scheme will provide the same distance between the 2 settlements (360m) and maintain a clear physical buffer of open agricultural land. This will ensure that the two settlements clearly remain as two separate settlements rather than merging into one in accordance with Policy CS6 and Policy DM4.
- 6.54 In terms of perceived separation, the submission GWR concludes that a clear sense of separation will remain and when moving between the settlements, either by road or public footpath, there will remain a clear appreciation of leaving one settlement,

moving through an open and undeveloped landscape setting and entering another settlement.

- 6.55 Overall, the impact on the settlement separation function of the Green Wedge will be minimised, and any harm must be given reduced weight in the decision-making process in any event as set out above.
- 6.56 In terms of retaining the visual appearance of the area (Part 4 of Policy CS6) and the associated visual perception of settlement separation, the submission GWR highlights that the proposal will secure green space at the northern and eastern boundaries of the Site, both capable of delivering robust structural landscaping measures. Such will deliver a more robust landscape setting at the edge of Hinckley. This will help to retain the overall appearance of the Green Wedge that is currently defined by two settlements clearly separated by intervening farmland.
- 6.57 In relation to the above, what the GRW 2020 describes as an existing 'exposed edge' to the Green Wedge, will be replaced with a substantial soft landscaped edge. In this respect the visual appearance of the Green Wedge as seen from within it and across it from the Barwell side will be enhanced rather than just maintained.

### **Function 2 - Guiding development form**

- 6.58 In terms of guiding development form, whilst this proposal is located in the Green Wedge its scale and form has been guided by the functional requirements of this policy, and given the sustainable nature of this location for development, the benefits of housing delivering much needed housing results in limiting conflict with the function [i.e. guiding not preventing development].
- 6.59 It is hereby noted that in terms of guiding rather than preventing urban growth (Function 2) the Council's GWR (2020) also states that urban growth into the Green Wedge must ensure that 'open space is incorporated providing a recreational resource and acting as a green lung'. These aims are, however, covered separately under Functions 3 and 4 with reference to Policy DM20 regarding Green Infrastructure.

### **Function 3 - Providing a green lung into urban areas**

- 6.60 In terms of providing a green lung into urban areas, the submission GWR states that this Green Wedge is not considered to represent the true qualities of a Green Lung

that would traditionally extend deep into an urban area to provide 'door-step' access into the countryside. Indeed, the site instead abuts the edge of the urban area.

6.61 The submission review further notes that the Green Wedge as a whole has identifiable networks of green infrastructure that include networks of connected habitats, important wildlife and ecological assets, leisure and recreational resources, and an accessible network of recreational routes. However, it concludes that the proposal will have limited conflict with these features and this overall function. The existing green infrastructure including boundary hedging will be mostly maintained.

6.62 Notwithstanding the above, it is hereby noted that the proposal will bring benefits that tie in with the green lung function as muted in the Council's GWR (2020):-

- Providing the significant new green infrastructure including tree planting on what is currently arable land; and
- Enhanced habitat for wildlife.

#### **Function 4 - Acting as a recreational resource**

6.63 In relation to 'acting as a recreational resource', the submission GWR finds that the proposal will not conflict with this function, because it will retain existing levels of access between the settlement and countryside. It also comments that the proposal will secure accessible greenspace with recreational facilities to meet the policy requirements for the scale and nature of development. No harm to the function is found.

6.64 The submission GWR also notes that Policy 20 of the Core Strategy (CS20) relates the implementation of Green Infrastructure networks as outlined on the Key Diagram, and the Site is identified on the Key Diagram as being within part of the Green Wedge highlighted as being an area for access and recreational improvement. However, as noted by the submission GWR, the application site is private land and does not include any existing or proposed strategic routes and does not comprise part of a biodiversity improvement area.

6.65 More generally, Policy CS20 seeks to maintain the Green Wedge between Hinckley and Barwell identifying its important environmental and landscape protection role. The proposal has positively responded to its landscape and Green Wedge setting, seeking to retain its immediate network of tree and hedgerow cover that

comprises its principal network of Green Infrastructure, and secure a robust network of greenspace that will add to this network whilst also assimilating the proposal within the local landscape setting and maintaining the function of the Green Wedge.

- 6.66 Whilst open space is required to meet other policy requirements, it will nonetheless contribute towards the open space and recreational Green Wedge policy aims by providing new areas of public open space on land within the Green Wedge that is currently private and devoid of public routes. Such will provide new access to public recreational facilities within part of the Green Wedge for both existing and new residents. The proposed hence contributes to the fourth Green Wedge function and relevant aims of Policies CS6, CS20 and DM4.
- 6.67 In terms of public access, the Illustrative Layout shows pedestrian connectivity into and through the Site with a path linking towards the northern public footpath via the 2 new public green infrastructure spaces and a short section of existing footway along Ashby Road. Whilst a direct route to the public footpath within the Green Wedge is not possible due to the ditch, this proposal nonetheless contributes to parts of Policies DM4, CS6 and CS20 and the 'Greenways through Hinckley' of the Green Infrastructure Strategy. It will assist in linking green spaces in Hinckley through to Barwell via the Green Wedge, including new recreational opportunities in the southern part of the Green Wedge (see Appendix 1).

### **Green Wedge - Conclusion**

- 6.68 The submission GWR concludes that the proposal will have moderate to minor conflict with the functions that seek to prevent the merging of settlements and guide development form, minimal conflict with any green lung function, and no conflict with the recreational resource function, with benefits noted in green infrastructure and recreational access terms.
- 6.69 It is hereby concluded that the scheme will by definition impact on an existing area of open land within the Green Wedge. However, it will not lessen the minimum gap between the settlements that has been approved already (extant permission 22/01053), leaving a buffer of undeveloped agricultural land that will prevent the two settlements from merging. Any harm to this main function will be minimised both physically and perceptually including sensitively sited and designed dwellings and significant new green infrastructure. The interface between the settlement edge and

countryside will be enhanced and recreational opportunities will be achieved on what is a private site currently. Habitat and green infrastructure will also increase.

- 6.70 As stressed throughout, any identified conflict with Policy CS6 and Policy DM4 must be given reduced weight in any event as these policies are out of date.
- 6.71 Overall, Green Wedge impacts do not significantly and demonstrably outweigh the benefits providing up to 103 new dwellings within the Borough, including 20% as affordable homes.

### **Site Design including Character & Appearance**

- 6.72 Amongst other things, Policy DM10 of the SADM seeks to ensure that a development's scale, layout, density, mass, details, materials and architectural features complement or enhance the character of the surrounding area, alongside high standards of landscaping. This accords with various design aims of the NPPF.
- 6.73 As detailed within the Design and Access Statement (DAS), the Illustrative Layout has been carefully designed to take careful account of the character of the local area and how such can be enhanced by the proposed development, as required by the Good Design Guide SPD.
- 6.74 Section 4 of the DAS sets out the initial appraisal of the site in terms of its opportunities and constraints. For example, it notes the opportunity for an outward facing development with dwellings fronting the road, as per the existing dwellings immediately to the south.
- 6.75 As noted above, dwellings will not extend further north than those on the western side of Ashby Road and the proposal demonstrates a holistic landscape strategy, which will allow the development to settle into its context and indeed complement it.
- 6.76 By not extending further north than the dwellings opposite and being of no greater depth from the road than the hospital site (together with the boundary landscaping) the scheme will not exacerbate any sense of ribbon development when moving along Ashby Road in either direction (in accordance with Part (iii) of Policy DM4 of the SADM).

- 6.77 The proposed density of 36 dwellings per hectare is less than that starting point of Policy 16 of the Core Strategy (40 dph), but this is justified in response to the character and appearance of the local area, as supported by Policy DM16 and Paragraph 129 of the NPPF.
- 6.78 As the application is made in outline, the exact site layout and design of the dwellings are matters for the Reserved Matters stage, which can be suitably controlled by planning conditions. However, the Illustrative Layout plan and DAS indicates that a sensitive layout for up to 103 dwellings can be achieved.
- 6.79 The DAS describes how the plan shows a clear street hierarchy, which promotes efficient movement across the site. It details the use of street typologies to aid legibility, the central green, looser development to the north-east to create a softer edge to the countryside and perimeter blocks to create active frontages.
- 6.80 In terms of scale, the provision of mainly 2 storey dwellings will be in keeping with nearby dwellings. The provision of a number of 2.5 storey dwellings may also be acceptable dependent on their specific siting with the site and their design. Additionally, 2.5 or 3 storey dwellings may provide useful focal points on certain corners towards the centre of the site.
- 6.81 The appearance, architectural detailing and materials will be to Davidson's usual high standard, with a mix of styles incorporating Georgian influences, diverse eaves treatments, detailed brickwork, low and mid-level feature courses and quoining. Examples are provided and described in the DAS.
- 6.82 Architectural detailing will include the use of certain features seen at the nearby 1930s dwellings such as bay windows and some chimneys but without unnecessarily seeking to replicate the overall architectural style of them. Indeed, the DAS notes that the character of the local area is not particularly distinctive or unique and the traditionally styled Davidsons houses '*will not only fit in, but lift the local area*'.
- 6.83 The exact type and mix of external materials and boundary treatments will also be matters for the Reserved Matters stage and/or planning conditions. The DAS notes that there is, however, the opportunity to take inspiration from local architecture through the thoughtful use of colour and materials.

- 6.84 In terms of local 'grain', rear gardens will be smaller than the long gardens of the nearest dwellings to the west but this is necessary to achieve an efficient use of land as required by the Core Strategy and the NPPF of land, and to meet a general preference amongst buyers for gardens that can be easily maintained.
- 6.85 As set out in the DAS, and in accordance with Davidsons established design ethos, the scheme will include a mix of parking solutions to avoid streetscenes dominated by parked cars. Secure by Design principles will be followed, including achieving the natural surveillance of open space. Sustainable construction will also be followed, as set out in the DAS and summarised in the Other Considerations part of this Planning Assessment.
- 6.86 Overall, a scheme for up to 103 dwellings, as indicated on the Illustrative Layout plan and discussed in the DAS and herein, will respect and enhance local character, represent good design and integrate sensitively with its surroundings, in accordance with the relevant parts of the Development Plan, the Good Design Guide SPD and the NPPF.
- 6.87 Indeed, a scheme following the principles set out in this application will perform well against the design aims of Paragraph 135 of the NPPF, which is identified as a key policy to be given particular regard in the application of the tilted balance.

#### **General Housing Mix including an Affordable Housing Statement**

- 6.88 The delivery of a suitable mix of dwellings, including new affordable homes, remains a key national and local priority to meet housing need.
- 6.89 As set out above, Policy 16 of the Core Strategy (CS16) requires developments of over 10 dwellings or more to provide a suitable mix of dwelling types and tenures, taking account of the most up to date information, including housing data and local data. This accords with the general aims of the NPPF with regard to providing a mix of housing to meet the needs of different groups.
- 6.90 Within the context of the above, Policy CS15 requires 20% of homes on sites in the Hinckley area to be affordable, and provide a tenure split of 75% social rented and 25% intermediate. 'Intermediate' captures a range of affordable housing types including shared ownership and discounted rent properties.

6.91 Policy CS15 states that the Affordable Housing SPD will be the starting point in terms of working out the appropriate mix for a site. However, this SPD is now out of date. The supporting text to the policy states that the mix of affordable housing (including types and sizes) will be in accordance with the Council's guidelines that will be '*updated over time*'. The policy is broadly in accordance with the NPPF in terms of affordable housing requirements, albeit the definitions of what types of housing amount to 'affordable housing' are broader in the NPPF than when the SADM was adopted.

6.92 Hinckley and Bosworth is part of the defined Leicester and Leicestershire Housing Market area, which is covered by the Leicester and Leicestershire Housing and Economic Needs Assessment – Final Report (June 2022), the 'HENA'.

6.93 The HENA sets out various household information and projections and what are considered to be an appropriate housing mix homes (type, tenure and size) at development sites in different parts of the County. It includes the overall 20% figure for affordable housing, which tallies with Policy 15. However, some of the data it contains regarding the required mix (by size and type) of market and affordable housing appears slightly out of date relative to the Council's more recent Housing Needs Study of April 2024.

6.94 The 2024 Study suggests the following mix by tenure and sizes (Figure 4) is currently the most appropriate for Hinckley and Bosworth:

<b>Figure 5: Suggested size mix of housing by tenure – Hinckley &amp; Bosworth</b>				
	Market	Affordable home ownership	Affordable housing (rented)	
			General needs	Older persons
1-bedroom	5%	20%	25%	40%
2-bedrooms	35%	50%	35%	60%
3-bedrooms	40%	25%	30%	
4+-bedrooms	20%	5%	10%	

Source: Housing Mix analysis (see Section 5)

Figure 4 – Extract from Housing Needs Study 2024

- 6.95 The analysis is split between a need for social/affordable rented accommodation (households unable to buy or rent in the market) and the need for affordable home ownership for households that can afford to rent privately but cannot afford to buy a home.
- 6.96 Overall, the Study concludes that there is particularly high need for 2 and 3-bedroom accommodation across all sectors, and for 20% of market dwellings to have 4 bedrooms or more. It also, like the HENA, concludes that there is a need for houses rather than apartments given the overprovision of the latter in urban areas over time.
- 6.97 With regard to the type of affordable housing required, it suggests that social rented should be prioritised over shared ownership given the increasing limitations on affordability.
- 6.98 Whilst the analysis indicates a 20%-25% need for 1-bedroom affordable homes, the Study acknowledges some reluctance amongst Register Providers to support a high level of such homes, as they are less flexible in relation to peoples' changing circumstances. There is clearly limited need for 1-bedroom homes in the private market sector.
- 6.99 The application is made in outline and no defined overall housing mix is provided, including no fixed breakdown of the size (number of bedrooms) of the market dwellings. This approach has been positively taken to provide both the Council and the applicant with suitable flexibility when the Reserved Matters application is made relative to the most up to date housing data at that time. Notwithstanding this, the DAS states that the scheme will provide a mix of home types, tenures and sizes, which will cater for different needs.
- 6.100 Importantly, the DAS commits to the provision of a policy compliant level of on-site affordable dwellings i.e. 20%. The types stated on the planning application form are social and intermediate housing, in accordance with Policy CS15. However, there is scope for negotiations regarding the affordable tenure and size mix in relation to the Council's preferred mix at this particular location and the most up to date information.
- 6.101 In accordance with Paragraph 66 of the NPPF the scheme will provide an appropriate mix of affordable homes, which is a key policy to be given 'particular regard' in relation to the application of the tilted balance, as described in Paragraph 11d(ii) of the NPPF.

6.102 An appropriate mix of market and affordable dwellings in terms of their type and size can be secured at the Reserved Matters Stage. The provision of 20% of all dwellings as affordable dwellings and their tenure split can be secured by a condition or Section 106 obligation of the outline permission (subject to viability). Additionally, at the Reserved Matters stage the affordable dwellings will be distributed throughout the site and tenure blind in their design. The development will, therefore, comply with Policies 15 and 16 of the Core Strategy and the housing chapter of the NPPF, and also Policy DM3 of the SDAM and the NPPF in relation to viability.

6.103 Importantly, the delivery of up to 21 affordable homes (i.e. 20% of the total) is a benefit, which should be afforded significant weight in the tilted balance exercise. Indeed, the Council's latest Housing Needs Study 2024 indicates a requirement of 430 affordable dwellings per year, with this only covering housing for those who cannot afford to buy or rent. Supply is not meeting demand with the report stating:

*'Overall, the analysis identifies a notable need for affordable housing, and provision of new affordable housing is a pressing issue in the area.'*

### **Trees and Hedgerows/Green Infrastructure/Landscape Strategy**

6.104 The application is supported by a detailed Tree Survey and Arboricultural Impact Assessment (AIA).

6.105 The majority of the existing Site trees will be retained including the two high quality mature oaks towards the middle of the Site, with the more westerly of the two becoming the focal point of a central green space.

6.106 As described in the AIA, tree loss to accommodate the illustrated layout would be in the form of just three poor quality individual trees (T2, T4 and T10), plus the partial loss Group 1, which is scrub containing only poor-quality trees.

6.107 The AIA notes 2 young dead boundary trees (T1 and T20). Additionally, Groups 2 and 4 are identified as groups of elm and ash, which are in poor condition and exhibiting advanced signs of Dutch elm disease and ash dieback. The report recommends that these are removed irrespective of the development.

- 6.108 The limited tree loss will be significantly offset by the planting of new trees as depicted on the Illustrative Layout Plan and discussed in the DAS, the LVIA and the Ecological Impact Assessment. Tree planting will form a key part of the green infrastructure and landscape strategy for the Site, including along the main street into the site, along the Ashby Road frontage and the structural planting to the site's boundaries with the countryside. This accords with Paragraph 136 of the NPPF, which requires the retention of trees where possible plus new tree planting.
- 6.109 As noted above, the loss of native hedgerow within the Site will be minimised to 2 short gaps for access into the site and between the two fields. Hedge supplementation and new planting will also occur.

- 6.110 Significant landscaping/green Infrastructure will be detailed at the Reserved Matters stage in accordance with stated strategy, the Development Plan, the NPPF and Biodiversity Net Gain Requirements.

### **Biodiversity Net Gain and Ecology**

- 6.111 The submitted Ecological Impact Assessment (EIA) is accompanied by a Biodiversity Habitat Metric (baseline and proposed). The existing arable land and limited grass is assessed as being of low ecological value, with the native hedgerows being of a higher value. As detailed above, the vast majority of the existing hedgerows will be maintained and enhanced.
- 6.112 Using the Illustrative Layout plan as a guide, the EIA and metric demonstrate that just over 10% biodiversity net gain (BNG) would be achieved on site in terms of standard habitat units, plus a 12.41% net gain in hedgerow units. The mandatory 10% BNG requirement will be delivered on site, which is at the top of the BNG hierarchy.
- 6.113 The assessed scheme includes a mix of grassland types, tree planting, scrub planting, hedgerow enhancement and new hedgerows, including structural planting along/towards certain boundaries.
- 6.114 The required BNG and its 30-year monitoring and management will be secured by the mandatory Biodiversity Gain Plan requirement, alongside a planning condition to secure a Habitat Management and Monitoring Plan (HMMP). National legislation and planning policy regarding BNG will be fully satisfied.

6.115 The EclA includes a Phase 1 habitat survey and Phase 2 surveys in the form of on-site surveys regarding specific species. These have confirmed that the proposed development has the potential to impact negatively of various protected and priority species i.e. breeding birds, bats (commuting/foraging), amphibian, reptiles, hedgehogs, badgers water vole (The site does not support roosting bats). A series of mitigation measures are, therefore, provided within the EclA to ensure that any such effects are reduced to neutral or upgraded to positive.

6.116 The EclA explains that the detailed mitigation measures are required to avoid a negative impact on local wildlife populations or biodiversity. Potential enhancements are described as being achievable through a Construction Ecological Management Plan.

6.117 In conclusion, the proposed development will comply with wildlife legislation and policy, and relevant planning policy and guidance, subject to planning conditions to secure the mitigation and enhancement measures detailed in the EclA. Any potential harms will be fully mitigated.

### **Highway Safety, Network Capacity and Sustainable Transport**

6.118 The application includes full details of the proposed access from Ashby Road and is accompanied by a detailed Transport Assessment (TA) and draft Travel Plan (TP). Importantly, the TA's scope and the trip rate calculation methods, trip distribution and modelling methods have been agreed with the Highway Authority (Leicestershire County Council).

6.119 The TA confirms that the proposed access complies with Leicestershire Highway Design Guide, and the required visibility splays can be achieved in both directions without encroaching onto third party land. The detailed access includes footways on either side, which will link to the existing network by various works (see below). People will be able to enter and leave the site safely. There will not be any private drives onto Ashby Road.

6.120 In terms of car trips generated by the proposal, the TA data confirms that only the main junction (A47/A447/B4667 crossroads) will experience an increase during the peak hour at a level that required additional modelling/testing. This modelling has been carried out taking account of local committed traffic flows. The results confirm

that '*impacts on capacity and queuing at the junction are minimal in all the tested scenarios.*' The proposed site access has also been modelled and the TA confirms that it has '*ample capacity to accommodate the development traffic*'.

6.121 The TA demonstrates and concludes that the development meets all of the key policy tests in the NPPF regarding highway safety and network capacity i.e. a safe and suitable access for all users; no severe impact on the operation of the highway network; and no unacceptable impact on highway safety (i.e. Para.116 and part of Para.115). It stresses, therefore, that the development should not be resisted on highway safety and/or network capacity grounds.

6.122 The Development Plan and NPPF also require development to be located and/or designed so that it will be well served by a genuine choice of sustainable travel options. Importantly, the requirement is not to design out car usage/ownership but rather to reduce car dependency.

6.123 The TA and TP identify that there are excellent opportunities for sustainable travel to and from the Site's location including:

- Facilities/amenities in north Hinckley being within walking distance of the Site via an established pedestrian network.
- All of Hinckley and Barwell are within distance of the Site and can already be accessed by a combination of on-road/off road cycle routes and low-trafficked roads.
- The adjacent bus stops provide frequent services to Nuneaton and Leicester (148/158) and the bus stops serving Birmingham being within walking distance of the Site.

6.124 The above marries with the conclusion reached by the Inspector in 2023 (for the 5 dwelling scheme) that the site is sustainably located with regard to access to services and facilities despite being located outside of Hinckley's Settlement Boundary.

6.125 The development will also result in new sustainable transport infrastructure to support sustainable travel by new residents and the wider community generally, these being:

- A dedicated combined cycle/pedestrian route into the Site at its southern end;
- Widening the eastern footway between the access footway and existing bus stop;
- A new section of eastern footway south of the access;
- The provision of a new off-site cycleway on the western side of Ashby Road connecting to the A47.
- The signalised pedestrian/cycle crossing on the A447 providing a safe route to the western footway, cycleway and existing bus stop.

6.126 These are significant benefits in the tilted balance exercise, and something that was not offered by the dismissed 5 dwelling scheme.

6.127 The TA confirms that beyond the footway and cycleway improvements, no further off-site transport related infrastructure is required.

6.128 The use of sustainable transport modes by the new residents will be further encouraged by the measures set out in the draft Travel Plan. Additionally, each dwelling can have on plot cycle storage in addition to on plot car parking at the level required by the Highway Design Guide. Each dwelling will also have an electric charging point, in accordance with the Building Regulations.

6.129 It is clear that the development will be highly sustainable in transport terms including providing enhancements and will have safe access for all, such that the proposal performs well in terms of Paragraphs 110 and 115 of the NPPF. These are paragraphs that Paragraph 11d(ii) of the NPPF identifies as being key policies to be given particular regard in the application of the 'tilted balance'.

6.130 Overall, subject to the various mitigations and enhancements being secured by condition or within a Section 106 Agreement, the development complies with the relevant parts of Policies DM3, DM4, DM17 and DM18 of the SADM and the NPPF in terms of highway safety, network capacity, relevant off-site infrastructure provision, parking provision and sustainable location/sustainable transport options.

### Archaeology/Heritage

6.131 The application is supported by an Archaeological Desk-Based Assessment.

6.132 In addition to archaeological considerations, the Assessment also identifies the nearest designated and non-designated heritage assets and provides suitable information to demonstrate that the proposed development will cause no direct harm to their significance, nor to their setting. This level of information is sufficient to understand the impact on the proposal on such heritage significance, as per the requirements of the NPPF. The Assessment should be referred to for the full details and hence will not be repeated here. However, the key findings are:

*'The closest designated asset is the Grade II listed Barwell Farmhouse and attached Stable Wing off Hinckley Road. Although the proposed development will be visible at a distance, there is some screening from vegetation along field boundaries. As the setting of the farmhouse is considered to be its immediate vicinity on Hinckley Road, its significance will not be affected by the proposed development. There will be no impacts on [the] setting of any heritage assets'.*

6.133 With regard to archaeological interest, the Assessment concludes that the Site may contain remains but of 'no more than local importance' but these could '*relate to the Roman or medieval agricultural remains*'. Therefore, the consultant archaeologist recommends that the potential presence of such finds should be investigated through a geophysical survey in the first instance.

6.134 It is hereby concluded that the undertaking of a geophysical survey can be secured by a planning condition, plus the same condition can require additional pre-development fieldwork and recording as appropriate. Subject to such mitigation, the proposed development will comply with Policies DM11 and DM13 of the SADM and the NPPF in heritage and archaeological terms and cause no heritage harm.

### **Flood Risk and Drainage**

6.135 The application is accompanied by a site-specific Flood Risk Assessment and Drainage Strategy, including a Preliminary Drainage Strategy plan. The FRA takes account of flood risk from all sources, the likely lifetime of the development and climate change, as required by the NPPF and the Government's supporting Planning Practice Guidance (PPG) regarding flooding.

6.136 The FRA includes a topographical survey, which highlights a gradual decline in levels in a north easterly direction across both fields, with the north-eastern corner of the site hence being the lowest point. Soils are identified as being 'slowly permeable clay or sandy clay'.

6.137 The FRA identifies that given the Site's topography, underlying geology (Mudstone), soil type and lack of any existing pipework, the existing surface water run-off likely drains by a combination of slow infiltration into surrounding soils and overland flows to the local field ditch network. The ditch network connects to an ordinary watercourse around 550m away along the western perimeter of Barwell, which discharges into the River Tweed.

6.138 The Site is within Flood Zone 1 based on the Environment Agency's flood maps, which equates to a low probability of fluvial flooding. The Site is hence at a sequentially low risk from a fluvial flood risk perspective.

6.139 Additionally, based on the Environment Agency's flood maps the FRA confirms that the majority of the Site has a very low chance of surface water flooding. The small areas identified as 'low risk' are located in the northern part of the Site and along the eastern boundary only. These are described as being within low points associated with the peripheral ditches and a patch of pluvial ponding, which encroaches slightly into the Site's north-eastern corner.

6.140 Overall, the FRA investigations show that the Site is at low risk of flooding from all sources. Together the FRA and the Illustrative Layout plan indicate that all built development will be located outside of any existing flood risk areas in terms of surface water and any such residual flood risk will be reduced by a surface water drainage system, permeable surfacing and potentially raising the finished floor levels above the existing ground level.

6.141 In accordance with the NPPF and PPG, the submitted drainage strategy for the site demonstrates a sustainable surface water drainage system.

6.142 Surface water will be discharged from the Site at a restricted rate into a network of minor water courses on Site and around its perimeter. The attenuation will include a detention basin (pond) somewhere in the northern part of the Site. The drainage strategy explains that this will be designed to attenuate surface run off for all storm

events up to and including the 1 in 100-year plus climate change storm event, in accordance with local planning guidance. This will ensure that the run-off rates from the Site will be no greater than the existing run off rates (plus climate change impacts), and indeed less in relation to certain events.

- 6.143 As noted in the FRA, the application site excludes clear margins from the watercourses for required maintenance purposes.
- 6.144 Foul drainage will make use of the existing foul sewer within Ashby Road via a new pumped connection. The submitted Drainage Strategy and the Utilities Assessment confirm that this is feasible including the public sewer along Ashby Road having suitable capacity.
- 6.145 Overall, the FRA (and Drainage Strategy) demonstrates that subject to the stated mitigations, the development will be safe in relation to flood risk and without increasing flood risk elsewhere, and the surface water scheme will be based on sustainable drainage methods. Therefore, subject to certain planning conditions, the proposed development suitably complies with the relevant parts of Policies DP7 and DM10 of the SADM and the NPPF.
- 6.146 There will be no adverse impacts in flood risk or drainage terms.

### Residential Amenity

- 6.147 A scheme that protects existing residents from material harm in term of privacy, outlook and loss of light/overshadowing and secures suitable residential amenity for new residents can be secured at the Reserved Matters stage, in accordance with the relevant part of Policy DM10 of the SADM, the Good Design Guide SPD and the amenity references in the NPPF.
- 6.148 The Site is at least 30m from the rear elevation of dwellings that back on to it such that the required 21m window to window separation can be readily achieved in relation to privacy. The future detailed layout can also ensure that new windows are at least 10m from these rear gardens unless obscure glazed. Such separation, including the proposed landscaped buffer/corridor, will also ensure no overbearing

impact on outlook from these existing dwellings (which is different to a view, which is not a material planning consideration).

6.149 Contrary to a response to the public consultation exercise, there will be no adverse impact on daylight/sunlight experienced by dwellings on the western side of Ashby Road given the separation distance offered by the existing road, the verge and front gardens. For the same reason there will be no privacy or overbearing outlook impacts.

### **Noise and Vibration**

6.150 The application is supported by an Acoustic Assessment with regard to potential noise and vibration impacts.

6.151 The Assessment considers:

- The impact of the proposed development on existing 'noise sensitive receptors' (mainly residents); and
- Whether the Site offers a suitable location for the proposed new resident (i.e. the 'operational stage')

6.152 Noise surveys were completed during typical conditions and the data then assessed using relevant guidance for the type of development proposed and the Site's context.

6.153 With regard to the impact of existing residents/land users, the Assessment demonstrates that there will be no adverse impact at the operational stage (i.e. once the dwellings are built/occupied).

6.154 The Assessment acknowledges that when noisier construction activities are taking place, without mitigation there would be some exceedance of the relevant guidance in terms of noise levels experienced at those dwellings immediately adjacent to the Site (relative to current background levels).

6.155 With regard to the potential for vibration impacts it is stated that:

*'For this Assessment, it has been assumed that if piling is required, vibration measures such as auger piling will be used, if possible, although the distance between the Site and local receptors means that significant impacts are not*

*expected and, as for noise, routine planning conditions can be used to minimise effects and protect local residents.'*

6.156 The risk to properties through vibration is assessed as negligible, however, the assessment advises a watching brief approach at the nearest dwellings at the start of each construction phase.

6.157 Overall, the Assessment concludes that any temporary significant adverse noise impacts and any vibration impacts for existing adjacent residents can be minimised by way of a Construction and Environment Management Plan (CEMP). It suggests no noisy construction activities outside of the daytime hours of 8am to 6pm Monday to Friday and 8am 1pm on Saturdays, and also using the CEMP to secure the use of inherently quieter plant and non-impulsive methods where possible, plus the screening of certain noisy activities.

6.158 The Assessment identifies the main noise source for future residents as road noise from Ashby Road, both within the new dwellings and within their private rear garden areas. However, it confirms that such will not exceed the relevant guidance levels subject to:

- The use of standard thermal double glazing and trickle ventilators for most dwellings and upgraded acoustic glazing and trickle ventilators for the plots that front Ashby Road.
- The plots nearest to the road having their private garden areas screened from the road by the dwellings themselves, and/or the use of 2m acoustic fencing rather than standard 1.8m fencing.
- Further investigations at the reserved matters stage in relation to meeting overheating standards (i.e. under the Building Regulations), which cannot rely open windows in terms of the noise strategy.

6.159 The Illustrative Layout plan shows development blocks that will allow dwellings to front Ashby Road (served by an internal road or private drive), which will achieve the rear garden positions described above.

6.160 The Assessment concludes that the Site is suitable for residential development provided the recommended mitigation strategy is implemented. This can be secured by a combination of planning conditions and the site layout and design at the

Reserved Matters stage. The relevant parts of Policy DM10 of the SADM, the NPPF and the Noise PPG and other relevant guidance will, therefore, be complied with.

6.161 Overall, there will be no demonstrable harm in noise or vibration impact terms at the construction or operational stages. Any impacts during the construction phase will be minimised and temporary.

### **Air Quality**

6.162 The application is accompanied by an Air Quality Assessment, undertaken in accordance with Local Air Quality Management Guidance. It notes that the Council's own reviews and assessments of air quality demonstrate that:

- Nationally set air quality objective levels are met throughout the Council's administrative area.
- Air quality objectives are satisfied in terms of existing dwellings in the vicinity of the application Site in relation to local roads.

6.163 The report explains that the above finding regarding existing nearby dwellings will equally apply to the proposed homes.

6.164 The AQA considers baseline air quality scenarios in 2024 and 2030 for dwellings/residents adjacent to local roads have in terms of the absolute concentrations of NO<sub>2</sub> and PM10, and finds that after taking account of traffic generated by the development the concentration levels:

*'... remain below the current air quality objectives and the level of change due to traffic generated by [the] development is small, and hence would not have a significant impact on local air quality'.*

6.165 Similarly, the AQA finds that the ambient concentration of local traffic emissions from the development will be less than 75% of the 'Air Quality Assessment Level' and the percentage change relative to this will be less than 1%. Therefore, in terms of traffic emissions the AQA concludes the '*development's impact on local air quality will be negligible*'. However, to be robust the AQA also considers future year scenarios (taking account of likely general future traffic change in the area plus traffic from the development) and finds that as:

*'... the actual changes due to traffic generated by the development are small and not significant, it can be concluded that the air quality over the Site is acceptable for residential development and that baseline plus committed and proposed development traffic will not have any adverse impacts on ambient air quality for existing dwellings.'*

6.166 The above demonstrates that the proposed development will not have any adverse impact on air quality for existing and new residents.

6.167 Notwithstanding the above, the AQA notes that certain sustainable aspects of the proposal will nonetheless assist in limiting emissions from the development over time e.g. new physical measures to support walking, cycling and bus use, EV charging points.

6.168 As a separate issue to general air quality, the Assessment acknowledges that without mitigation there is a 'medium' risk of dust soiling during the construction stage. It, therefore, recommends that standard mitigation measures should be included in a Dust Management Plan in relation to the earthworks and construction phases. This can be secured by a planning condition as part of a Construction and Environment Management Plan (CEMP).

6.169 In conclusion, the development will be in accordance with the requirements of the Development Plan and national policy and guidance regarding air quality, including the NPPF and relevant PPG. The development will not result in harm, and certainly not demonstrable harm, in air quality or dust soiling terms.

### **Other Considerations**

6.170 **Utilities** - The application includes a detailed Utilities Statement. This demonstrates that the proposed residential development can be readily served by and/or connected to all usual utilities including water and electricity, and that there is capacity in the local foul sewer network. The assessment notes that a pumped system will be required for the latter including the provision of a small on-site pumping station. Such can be readily and sensitively located within the Reserved Matters site layout.

6.171 **On-Site Open Space and Equipped Play** - Together the Illustrative Layout plan and the DAS indicate significant open space provision and an area for equipped play, in

accordance with the Council's requirements for such provision (Policy CS19 and the Hinckley and Bosworth Open Space and Recreation Study 2016).

6.172 Policy compliant on-site open space and play provisions and their future maintenance can be secured at the Reserved Matters stage and/or via a condition/S106 of the current application.

6.173 **Off-Site Infrastructure/Facilities** - The applicant appreciates that there may be justification for payments towards off-site infrastructure and/or facilities e.g. local education provision. Such can be negotiated as part of the LPA's overall consideration/determination of the application in terms of any Section 106 requirements, taking account of viability as set out in Policy DM3 of the SADM and the NPPF.

6.174 **Sustainable Construction/Climate Change** - In accordance with Policy DM10 of the SADM and the NPPF the DAS provides significant detail regarding sustainable construction/energy efficiencies that Davidsons adopt as a matter of course to reduce C02 emissions. Davidsons take a 'fabric first' approach in order to limit energy consumption needs, particularly in relation to the heating and cooling of the new homes (e.g. enhanced airtightness and thermally efficient glazing).

6.175 Other measures to limit C02 emissions will include:

- The use of concrete blocks and plasterboard made with recycled materials.
- Solar photovoltaic panels.
- The provision of an EV charging point at each dwelling.
- Compliance with or indeed exceedance of the latest Building Regulations in terms of energy performance.

6.176 Such measures can be secured by condition, other than where such are already included with the Building Regulations i.e. to avoid unnecessary duplication.

6.177 Additionally, the DAS highlights that at the Reserved Matters stage the layout and design will take account of orientation and window positions/sizes in relation to natural light and solar gain i.e. to reduce the need for artificial lighting, heating and cooling.

6.178 **Ground Conditions** - The application is supported by a Phase I Site Appraisal (Desk Study), which provides details regarding the Site's ground conditions including local geology and soils, hydrology, radon, land uses and potential contamination risks.

6.179 The Appraisal concludes that no issues are identified that would preclude the Site from being brought forward for residential development, subject to a planning condition to secure further investigations regarding land contamination and remediation as appropriate. Subject to such a condition, any such impacts would be suitably mitigated in accordance with the relevant parts of Policy DM7 of the SDAM and the NPPF. Notwithstanding this, the Assessment notes that the risk from ground contamination is considered to be only low/medium and from ground gas only 'negligible'.

6.180 **Safeguarded Minerals** - As the Site is identified as being within a large Minerals Safeguarding Area to which Policy M11 of the Leicestershire Minerals and Waste Local Plan (LMWLP) applies, a desk-based Mineral Resource Assessment has been undertaken and submitted as part of the application. Data held by British Geological Survey has informed its findings.

6.181 The Assessment accepts that the proposed development will prevent the working of the below ground mineral resource (sand and gravel). However, it advises that this is unlikely to amount to the sterilisation of a viable resource because:

- The engineering and hence economic constraints of stripping to reach the resource given the anticipated thickness of the Oadby Member Burden; and
- The limited extent of material that could be quarried once the planning constraint buffers are taken into account in relation to the nearby dwellings and hospital (i.e. a 100m stand-off from sensitive receptors).

6.182 The separate Phase 1 Appraisal (ground conditions) indicates that the overburden in this area is likely to be around 10m deep.

6.183 Additionally, it is reasonable to assume that any proposed quarrying within the application Site would be strongly objected to by local residents and hospital representatives.

6.184 On the basis of the above, the proposed residential development will not sterilise a viable/valuable mineral resource, such that the proposal suitably complies with the aims of Policy M11 of the LMWLP and the relevant parts of the NPPF.

## 7.0 Summary, Planning Balance and Conclusion

- 7.1 The proposed development of up to 103 dwellings on land to the East of Ashby Road, Hinckley, demonstrates strong compliance with national and local planning policies. It aligns with the NPPF's emphasis on sustainable development, housing delivery including a mix of types and tenures, the efficient land use and high-quality design. Indeed, the proposal directly addresses the housing shortfall in the Borough and will provide policy compliant affordable housing. It also supports sustainable transport enhancements and details measures to enhance on-site biodiversity.
- 7.2 Whilst the application conflicts with Policy DM4 and Policy CS6 in terms of the principle of residential development outside of a Settlement Boundary and in a Green Wedge, as per the Inspector's approach to the cited recent Barwell appeal (3348387) these policy conflicts must be afforded reduced weight in view of the Council's housing land supply position and the failure of the Development Plan's housing strategy which renders the policies that affect housing delivery out of date. The Site is sustainably located in any event, as per the Inspector's conclusion in the cited 2023 appeal (3307030) and as set out within the application submission.
- 7.3 The Site will physically change but this will not result in unacceptable harm to the visual and landscape character of the wider area in which it sits. Indeed, the overall impact on the landscape physically and visually will be limited and will reduce over time, both close to the site and in relation to the wider landscape, as the planting matures. This limited short term and long term impact should be afforded no more than moderate to low weight in the overall tilted balance.
- 7.4 Although the proposal will result in development within part of the Green Wedge, the impact on the Green Wedge's main settlement separation function will be minimised by maintaining a buffer of undeveloped agricultural land that will be no narrower than the separation distance approved nearby, with a large area of open space/green infrastructure at the northern edge of the site and along its north eastern boundary. Additionally, in time, significant structural landscaping along these sensitive boundaries will give the perception of a greater separation between and allow the development to assimilate into the landscape.

- 7.5 The proposal, therefore, will not undermine the Green Wedge's key settlement separation function nor its overriding purpose of guiding development rather than preventing it, and any residual harm must be balanced against housing delivery as the Council is unable to meet its housing land requirements. Importantly, the Green Wedge should guide residential development as per the GWR 2020 not seek to outright prevent it (Policy SC6).
- 7.6 The Green Wedge's green infrastructure, public access and recreation will also be enhanced at the currently private site. Additionally, views towards the exposed settlement edge from within and across the Green Wedge will improve by way of the structural landscaping, which will soften the current interface between the settlement and the countryside. The structural landscaping will ensure that the appearance of the area in terms of the Green Wedge will be suitably maintained or in part enhanced.
- 7.7 Views of the developed site from the footpath will be softened by the structural planting over time. Views of the site will be occasional and relatively fleeting and will not prevent walkers from enjoying open views across the retained agricultural land of the Green Wedge.
- 7.8 The Illustrative Layout and details within the DAS demonstrate that the development will integrate into its setting and contribute to the character of the existing built form along Ashby Road and not extent further north than existing dwellings.
- 7.9 As detailed with the **Planning Assessment** section of this Statement, subject to certain planning conditions/obligations and reserved matter details, the proposal performs well against the relevant key policies (Paragraphs 66, 110, 115, 129 and 135) that the NPPF states should be given particular regard when applying the tilted balance in terms of:
 

*'... directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.' (Paragraph 11d(ii))*
- 7.10 When the policies of the Framework are taken as a whole, and the application of reduced weight to out-of-date policies, there is no doubt that the benefits of the proposed development outweigh any harms and must be given significant weight in the application of the tilted balance.

7.11 For clarity the key benefits of the proposal, including wider community benefits, can be listed as:

- The provision of up to 103 much needed dwellings within the Borough at time when the Council is unable to satisfy its local housing needs based on the NPPF.
- Up to 21 affordable homes at a time when the Council is not able to satisfy increasing demand.
- A mix of housing types, tenures and sizes taking account of identified needs and the provision of inclusive communities.
- Dwellings built to Davidsons well-known high quality of design and sustainability performance.
- The provision of significant public open space/recreational space within a part of Green Wedge that is currently private and offering no such provision/function.
- A highly sustainably located development in terms of access to services and facilities.
- A new dedicated cycleway along the western side of Ashby Road, connecting to the A47.
- The provision of a signalised crossing for pedestrians and cyclists providing a new safe crossing for existing and proposed residents, including providing a safe crossing point to reach the nearby bus stops.
- A new section of pavement connecting existing dwellings to the south with the southbound bus stop to the north.
- Significant new green infrastructure including on-site tree planting and other on-site habitat creation (at least 10% BNG and additional hedgerow units).
- Whilst being a mitigation for the proposed scheme, the new structural landscaping around the northern and north-eastern parts of the site will have the associated benefit of replacing the current exposed edge of this part of the

Hinckley settlement with a new green soft edge, which over time will create the perception of a greater separation between the two settlements than the current situation and once approved developments in Barwell are built out.

- The provision of areas of public open space/recreational space and associated pathways within part of the Green Wedge that is currently private, with the option of passing through these green spaces when walking between Hinckley and Barwell via the existing public footpath.

7.12 It is noteworthy that all of these benefits, other than the site's general sustainable location, were not, and indeed could not, be offered by the 5 dwelling scheme dismissed at appeal in 2023.

7.13 As set out within this assessment part of this Statement and the technical reports that form part of the submission, there are no other impacts/harms (e.g. pollution, privacy, dust) that cannot be suitably controlled or overcome by planning conditions, a Section 106 Agreement or via detailed to be assessed by the LPA at the reserved matters stage. Any amenity harms during the construction phase will be minimised and temporary and not something that would significantly outweigh the benefits of delivering up to 103 new homes.

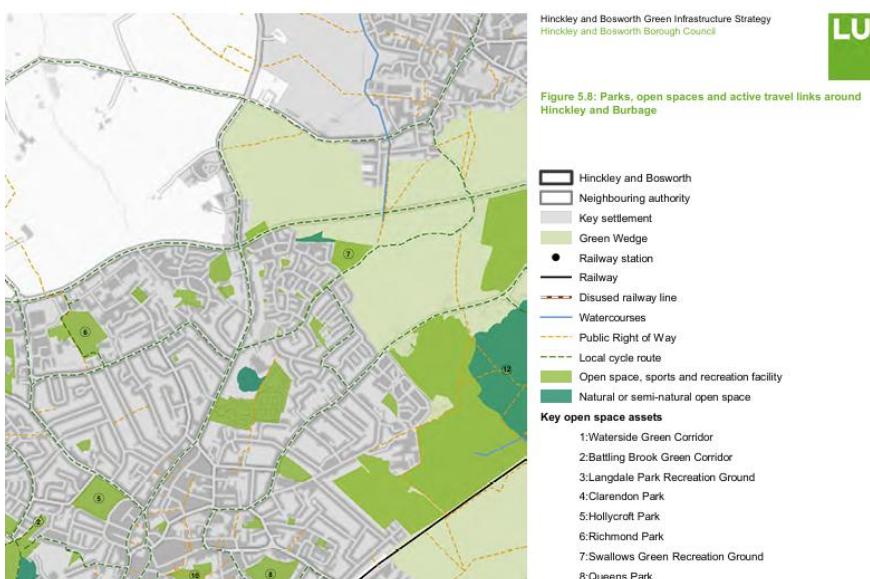
7.14 In conclusion, there are no adverse impacts that will significantly and demonstrably outweigh the benefits of the proposals such that the presumption in favour of the sustainable development applies, therefore, the application should be confidently approved by the Council/the LPA without delay. This will allow the prompt submission of a Reserved Matters application and hence the early delivery of much needed and high-quality homes, including affordable homes.

## 8.0 Proactive Liaison Request

8.1 If the LPA requires clarification of anything within the submission it is hereby requested that the case officer contacts P&DG as the planning agent so that matters can be clarified and/or additional information can be submitted before a decision is issued. Such an approach will comply with the proactive and positive liaison encouraged by the NPPF.

## Appendix A – Plans from the Adopted Green Infrastructure Strategy

Green Wedge and existing public footpaths, including U43 immediately north of the application site



Extract from Priority Opportunities showing potential 'Greenway through Hinckley' to link Green Spaces in Hinckley to Barwell via the Green Wedge (Indicated route passes through or near to the application site)

## Appendix B – 4 Green Wedge functions as set out in the Council's Green Wedge Review 2020

### Function 1 - Preventing the Merging of Settlements

*'Green wedges will safeguard the identity of communities within and around urban areas that face growth pressures. The coalescence of settlement should be considered in terms of both physical separation and the perception of distance between settlements.'*

### Function 2 – Guiding Development Form

*'Green Wedges will guide the form of new developments in urban areas. Consideration will be given to designating new green wedges or amending existing ones where it would help shape the development of new communities such as potential sustainable urban extension's.'*

### Function 3 - Providing a green lung into urban areas

*'Green wedges will provide communities with access to green infrastructure and the countryside beyond. They are distinct from other forms of open space in that they provide a continuous link between the open countryside as land which penetrates deep into urban areas. Green wedges could also provide multifunction uses such as:*

- *Open space, sport and recreational facilities*
- *Flood alleviation measures*
- *Improving air quality*
- *Protection/improvement of wildlife sites and links between them*
- *Protection/improve of historical/cultural assets and the links between them*
- *Links to green infrastructure both strategic and local*
- *Transport corridors.*

#### Function 4 – Acting as a recreational resource

*'Green wedges will provide a recreational resource. This could include informal and formal facilities now and in the future. Public access will be maximised.'*