

# Planning Statement

## Land north of Station Road, Market Bosworth

Prepared by Fisher German LLP on Behalf of  
Richborough, Clive Vero, Geoffrey Malcolm Vero,  
Kathleen Ann Sheppard and Leslie Alan James



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Land north of Station Road, Market Bosworth

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# 01 Executive Summary

- 1.1 This Planning Statement has been prepared on behalf of Richborough, Clive Vero, Geoffrey Malcolm Vero, Kathleen Ann Sheppard and Leslie Alan James (the Applicant), in relation to its land interests at Land North of Station Road, Market Bosworth. This planning application seeks outline planning permission for up to 126 dwellings including affordable housing, landscaping, open space, drainage and associated infrastructure (all matters reserved except for access for upgraded access to Station Road). Details relating to the appearance, layout, amount, and scale of development as well as landscaping within the site are to be the subject of subsequent reserved matters approval. Existing access to Wharf Farm and Kyngs Golf and Country Club are retained for their use only – with no through route.
- 1.2 Whilst discussed in further detail throughout this Statement, the development proposals seek to address key concerns from previous planning applications on the eastern part of the site. The application site now forms both the previous site (SHLAA site AS392), as well as land to the west (AS1050). The proposed layout addresses the landscape and visual concerns by reducing the amount of built development in the eastern parcel of the site from the earlier proposal. There will be no built form on the area to the east of the access to the golf club and instead it will be a community park with play spaces, new footpaths and biodiversity enhancements, as well as providing open views across the eastern parcel towards the countryside to the north. In addition to this, the development is set back from Station Road across both eastern and western land parcels, ensuring the view across to the wooded area to the east is retained and protected, with provision of further open space, play areas, a community orchard, ecological ponds and water meadows. A further green corridor is proposed between the two adjoining land parcels providing a retained viewpoint from Station Road to the countryside to the north. Overall, the design enhances upon the open landscape features to successfully incorporate the Neighbourhood Plan View 1 and Vista 11 into the design.
- 1.3 On the basis that the Development Plan's housing policies are acknowledged to be out of date, the presumption in favour of sustainable development is engaged, and the benefits to be delivered by the development, as outlined below, will substantially outweigh any minor residual impacts.

- 1.4 Market Bosworth is one of the Council's most sustainable rural settlements, only behind the urban areas of Hinckley, Burbage and Earl Shilton and Barwell, thereby forming a significant part of the settlement hierarchy for Hinckley and Bosworth. The towns proposed role within the Settlement Hierarchy of the draft Local Plan is as a 'Key Rural Centre' which is justified as Market Bosworth, is a thriving rural town containing a range of services and facilities and benefits from regular public transport access to Leicester, enabling access to higher order services and facilities.
- 1.5 Market Bosworth needs residential development to come forward to contribute towards sustaining and increasing the vitality and viability of its local services and facilities, thus contributing towards creating and maintaining a sustainable and balanced community and promoting a strong local economy. With development constraints to the east to the town, growth is largely limited to the western edge of the town. As a result, the Neighbourhood Plan had identified two potential sites for development, land north of Station Road (the application site), and land south of Station Road (the undelivered Local Plan allocation). Whilst the site to the south was eventually allocated, the application site is considered to perform highly in all of the technical criteria and, unlike the allocated site, the application site has no landowner issues or technical constraints that would delay delivery.
- 1.6 Land at South of Station Road, Market Bosworth has been allocated in the Market Bosworth Neighbourhood Plan since 2015 and the Site Allocations and Development Management Policies DPD since 2016. We note an application has now been submitted, albeit is reliant on the demolition of two dwellings and two employment units which may delay delivery. The emerging Local Plan Regulation 18 document proposes to allocate an extension of this allocation (Phase 2 of Land South of Station Road). This land was also previously identified in the Hinckley and Bosworth Regulation 19 consultation, prior to the Council reverting back to Regulation 18. The planning application for the Phase 1 land (which comprises a full application for the residential element) does not include any clear vehicular connections to the Phase 2 land and thus it must be confirmed that there is an agreed position between the two sites and landowners allowing access through the Phase 1 land, if that is the intention. Otherwise, the Council will need to demonstrate another acceptable means of access. Without this, the Phase 2 land should be considered as undeliverable.
- 1.7 The original Phase 2 allocation of 243 dwellings in the Regulation 19 plan demonstrates that the Council believes that Market Bosworth can accommodate additional development. As the number

of dwellings on this allocation has since been reduced, this leaves 63 dwellings that could be allocated in Market Bosworth and delivered on the site North of Station Road. Additionally, the draft Local Plan makes provision for 13,862 dwellings during the period 2020-2041, however this includes 514 dwellings which are to be allocated in the upcoming Regulation 19 Plan.

- 1.8 Regarding the potential implications of the NPPF consultation published on 30th July 2024, due to the proposed transitional arrangements, the new NPPF will be applicable to the emerging Local Plan. In respect of housing need, proposed changes increase the base Local Housing Need from 432 dwellings to 689 dwellings resulting in a Local Housing Need of 14,469 dwellings (over the 21 year Plan period), instead of draft plan requirement of 13,862 dwellings. Accordingly, the housing requirement must be increased to provide for the updated Local Housing Need figure and an appropriate element of Leicester City's retained unmet needs. Using the revised LHN alone would mean both the 514 dwellings need to be identified, and a further 607 dwellings (1,121 dwellings in total). When adding a proportionate reduction to the agreed SoCG, discussed later in this Statement, this would add a further 1,323 (63 x 21 years) to be identified. This equates to an overall need to identify a further 2,444 dwellings within the plan period.
- 1.9 Additional housing supply is required in both the current and emerging NPPF scenarios. We consider a greater contribution can be delivered in Market Bosworth than the 180 dwellings currently proposed. The application site is deliverable and can deliver much needed supply in a highly sustainable location, particularly to provide contingency for the land south of Station Road should it continue to stall. The Council's Officers have previously approved the principle of development of part of the application site, having recommended the grant of planning permission for the erection of 64 dwellings in 2014 and in the planning application for 63 dwellings in 2021. In assessing the former (Ref: 14/00674/FUL), Officers "*considered that the proposed residential development would occupy a natural 'infill' to the north of Station Road*".
- 1.10 It should also be noted that since the previous application, land immediately north of the site at Kyngs Golf and Country Club has been granted planning permission for a scheme relating to the erection of a multi-purpose golf clubhouse, and holiday homes (Ref: 19/01437/FUL) and more recently for a 50 room golf and leisure accommodation facility (24/00019/FUL). The implementation of this scheme will create built form to the north of the site and place it in a peri-

urban context. This, along with the additional land included in the west of the site further establishes the well-contained natural 'infill' site to that previously assessed.

- 1.11 The planning history of the site has been fully taken into account when formulating the updated proposals for the site, with the Inspectors comments made as part of the Appeal Decision (Ref: APP/K2420/W/21/3279808) used to guide the current proposals. The scheme has undergone significant changes since the previous scheme on the easternmost land parcel which was the subject of the Planning Appeal. Specifically in relation to the extent to which the proposed layout will affect the Key Views and Vistas identified within the Market Bosworth Neighbourhood Plan ('View 1' and 'Vista 11'). The additional area of land now included as part of the red line boundary has enabled built development to be contained to the less sensitive northwestern extents of the Site, where much of the scheme will be screened and contained by the surrounding existing vegetation. The important components of 'View 1' and 'Vista 11' identified in the Market Bosworth Neighbourhood Plan would be retained and ultimately enhanced through opening up this part of the site for public access. The site is otherwise not constrained and should be viewed as preferable to alternative options elsewhere in Market Bosworth.
- 1.12 The proposed development will deliver a highly sustainable residential development within this infill site. It will have positive social, economic and environmental benefits, whilst also assisting the Council in boosting the supply of housing and the delivery of housing in future years, particularly in the context of an out-of-date Local Plan and an increased Local Housing Need in respect of the proposed changes to the NPPF. The National Planning Policy Framework (2023) contains a clear presumption in favour of sustainable development, where proposals accord with the Development Plan, with paragraph 11 stating that such development should be "approved without delay".
- 1.13 The application is supported by various detailed reports and surveys which consider the proposed development's impact on the site and its surroundings. All of these reports and surveys conclude that the proposal can be comfortably assimilated into its surroundings without any significant adverse impacts. Furthermore, there are no technical considerations or complications in respect of land ownership which would delay the delivery of the site or undermine its viability.

## 02 Introduction

- 2.1 This Planning Statement has been prepared on behalf of Richborough, Clive Vero, Geoffrey Malcolm Vero, Kathleen Ann Sheppard and Leslie Alan James, in relation to land north of Station Road, Market Bosworth. The planning application seeks outline planning permission for the erection of 126 dwellings.
- 2.2 All matters are reserved except access. Details relating to the appearance, layout, amount, and scale of development as well as landscaping within the site are to be the subject of subsequent reserved matters approval.
- 2.3 The application is supported by this Planning Statement and the following documentation:
- Site Location Plan
  - Development Framework Plan
  - Land Use Parameter Plan
  - Topographic Survey
  - Design and Access Statement
  - Heritage Statement
  - Geophysical Survey
  - Phase 1 Ground Investigation
  - Flood Risk Assessment & Drainage Strategy
  - Noise Impact Assessment
  - Air Quality Assessment
  - Transport Assessment
  - Travel Plan
  - Landscape and Visual Impact Assessment
  - Landscape Masterplan
  - Ecological Impact Assessment
  - Biodiversity Impact Assessment Calculations/ Visualization Plan
  - Arboricultural Impact Assessment
  - Utilities Statement
  - Statement of Community Involvement



2.4 This Planning Statement sets out the background relevant to the determination of application, by describing the site and its general locality, before setting out details of the proposed development. The Statement goes on to provide an overview of the planning policy context against which the development must be assessed, followed by a detailed consideration of the development proposals against the policy context and all other relevant material considerations.

2.5 The benefits to be delivered by the development will substantially outweigh any minor residual impacts. It is considered that there are compelling grounds to grant planning permission for the proposed development, including, but not limited to:

- Construction of additional housing to significantly boost Hinckley and Bosworth Council's supply of both market and affordable housing, including a mixture of dwelling types and sizes, ranging from bungalows, semi-detached and detached family properties across 1, 2, 3 and 4 bedrooms;
- Significant levels of high quality public open space, which will include the provision of play areas, amenity space, as well as incorporating biodiversity enhancements such as wildflower meadows and grasslands;
- The protection and enhancement of existing landscape features and biodiversity habitats; and
- A boost to the local economy through employment and training opportunities during construction, increased spend from local residents in the local economy following completion, together with the delivery of New Homes Bonus.

# 03 Site and Surrounding Area

## The Site

3.1 The site extends to 7.964 hectares (19.679 acres) and is located to the west of Market Bosworth, north of Station Road. The site comprises agricultural fields located on the northwestern edge of the town. The southern boundary of the site is defined by Station Road and existing residential and employment uses lie to the south of Station Road. The western part of the site is defined by the railway line with residential development beyond. Kyngs Golf Course and Country Club lies to the north of the site; this land has recently received planning permission for a new club house, holiday chalets and extensive carparking and more recently for a 50x room golf and leisure accommodation facility. The implementation of this scheme will create built form to the north of the site. The existing access to Kyngs Golf Course and Country Club runs through the site. The existing access to Kyngs Golf Course and Country Club runs through the site.



*Figure 1: Site location map: Land North of Station Road, Market Bosworth*

3.2 Due to the surrounding uses, the site is well contained with strong defensible boundaries, as a result of mature planting to the east, north and western boundaries, with the railway line and dense

Pipistrelle Drive residential development also to the west. The existing built form to the south of Station Road, which includes the highly built-up industrial estate. It is effectively enclosed by development with built form on three sides and the development proposals at the Kyngs Golf club on the northern boundary will enclose the development and further reinforce the peri urban context of the site.

- 3.3 The proposed development will deliver a highly sustainable residential development. It is well located close to the key services and facilities of the town, employment and local bus stops within Market Bosworth. Services and facilities within the town centre are within walking distance of the site (approximately 800m east down Station Road). St Peter's CE Primary Academy is approximately 400m from the centre of the site. Station Road Industrial Estate is immediately south of the site, providing employment opportunities within walking distance. Hourly bus services operate between Market Bosworth and Leicester providing regular access to wider employment and retail opportunities.
- 3.4 Vehicular access to the site is currently achieved via an existing access from Station Road which is shared by the neighbouring golf club to the north of the site. The access is to be improved as part of the golf club development proposals (ref: 19/01437/FUL or more recently 24/00019/FUL) and will also form the vehicular and pedestrian access to the residential proposal This will be retained and improved to serve the development. The Local Highway Authority have previous agreed the access arrangements proposed.
- 3.5 A second access to the west of the site gives access from Station Road to a property to the north known as The Stables. This access may also provide a secondary pedestrian and cycle access to this residential development. The proposed new road on the western side of the development will mirror the existing track alignment which leads to Wharf Farm to the north of the site.
- 3.6 The site is located approximately 150m from the nearest designated heritage asset, the Ashby de la Zouch Canal Conservation Area. A number of Listed Buildings are located in the Market Bosworth Conservation Area, which is approx. 750m to the east of the site. Due to intervening built form and screening, the site is not considered to play a demonstrable role in the significance or setting of any designated heritage assets.

- 3.7 The site is not subject to any statutory environmental designations. An ecology survey has identified that the majority of habitats onsite are generally of limited botanical interest and are of poor species diversity.
- 3.8 The Flood Risk Map for planning shows the site as lying within Flood Zone 1 (Low Probability of Flooding from rivers or sea). A localised area of low-risk surface water flooding affects the central portion of the site, though as demonstrated in the accompanying drainage strategy, this can be mitigated with standard on site sustainable drainage management systems.

### Planning History

- 3.9 There have been a number of previous planning applications on various parts of the application site. Those of relevance to this application are discussed below.
- 3.10 Officers have previously approved the principle of development of the eastern part of the site, having recommended the grant of planning permission for the erection of 64 dwellings in 2014, subject to S106 agreement and conditions (Ref: 14/00674/FUL). In the report to Planning Committee (Appendix 1), Officers concluded that the scheme would contribute to the then, *"housing shortfall which would enhance the quality, vibrancy and health of the local community"*. In assessing the impact of the proposed development, Officers advised that the *"site is not a traditional, 'typical' and open countryside location, as it is located in close proximity to the existing pattern and grain of development to the west of Market Bosworth. As such, it is considered that the proposed residential development would occupy a natural 'infill' to the north of Station Road"*. Officers considered that any loss of views and vistas were *"not considered to be significantly harmful in environmental terms to detract from the overall social and economic sustainable benefits of the scheme"*
- 3.11 A more recent outline application, again for the eastern part of the site, for 63 dwellings was submitted by Richborough in September 2020 (Ref: 20/01021/OUT). Despite the Officers recommendation for approval, the application was refused in June 2021 and later dismissed at appeal in February 2022 (Ref: APP/K2420/W/21/3279808). The Appeal Decision describes the main issue as the proposals effect on *"the character and appearance of the area, with particular regard to Important View 1, Vista 11 and public footpath S70/1."* While the Decision explains that the effect the proposal would have on footpath S70/1 would be *"minor"* the development would have

*"considerable adverse consequences on Important View 1"*. This is predominantly due to the main focal point of the wooded hilltop view being *"substantially eroded"* by the appeal proposal.

- 3.12 An outline application for residential development for up to 105 dwellings (Use Class C3), public open space and associated infrastructure works (Outline - with access to be considered) (21/00970/OUT) was submitted in August 2021 on the western parcel of the site. This application was withdrawn in March 2022.
- 3.13 It should be noted that land immediately north of the site has been granted planning permission (approved June 2020) for the erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 holiday homes (C1) and associated ancillary works and landscaping (Ref: 19/01437/FUL) and more recently for a 50 x room golf and leisure accommodation facility (24/00019/FUL). The site will therefore be more enclosed than when the site was previously assessed to be acceptable in the previous application however it remains our view that, even if the development at Kyngs Golf Club is not delivered, we believe the site is acceptable.

# 04 The Proposed Development

- 4.1 Outline planning consent is sought for residential development on land north of Station Road, Market Bosworth, all matters other than access on to Station Road, are reserved for future consideration. Details relating to the appearance, layout, scale, and landscaping within the site are to be the subject of subsequent reserved matters approval
- 4.2 The development proposals are for a landscape-led scheme of up to 126 high-quality homes, including 50 affordable homes, with associated parking, infrastructure works and amenity space. The proposal includes significant levels of high quality public open space.
- 4.3 The proposals are supported by a range of detailed reports and surveys which have helped to inform the scheme and seeks to address concerns raised in respect of the previous planning application on the eastern land parcel. The proposals now include land to the west which immediately abuts the railway line and Pipistrelle Drive development beyond, which enables the protection of existing designated views and vistas in the made Market Bosworth Neighbourhood Plan.
- 4.4 The application is supported by an illustrative masterplan which demonstrates how the site could be sensitively developed for a scheme of 126 dwellings responding to the opportunities and constraints associated with the site. The illustrative masterplan has been designed to ensure that it will successfully integrate into its surroundings, both in terms of the existing important features of the site and how the development will integrate into the wider area. From the outset, landscape consultants have worked alongside a wider technical and design team to ensure that the development parameters respond to the local landscape context and identified important views.
- 4.5 The illustrative masterplan demonstrates clearly how the additional area of land now included as part of the red line boundary has enabled built development to be contained to the less visible northwestern extents of the site, where much of the scheme will be screened and contained by the surrounding existing vegetation. Similarly, development is set back from Station Road retaining views across to the upper slopes and wooded area to the east. The open space provided alongside Station Road will retain the parkland character with open views across areas of

grassland and specimen trees. This will also create elevated views across the wider landscape to the north from the hillside to the east of the site. The publicly open space includes the provision of play areas, a community orchard, and opportunities for biodiversity enhancements as part of marginal planting in attenuation features and wildflower meadows and grasslands. This layout ensures that the important views (View 1 / Vista 11 corridor) and public footpath (S70/1) have been retained.

4.6 The illustrative masterplan also illustrates the following key elements of the scheme:

- Up to 126 dwellings, including a mixture of dwelling types and sizes, ranging from bungalows to family homes;
- Up to 50 affordable homes at 40%;
- Vehicular and pedestrian access onto Station Road;
- Retained access to Golf Course;
- Policy compliant housing mix and parking provision;
- Far reaching views across the site to the wider countryside to the north and wooded backdrop from station road have been retained;
- An exceedance of public open space requirements (Inc SUDS) providing 4.33 hectares compared with the 0.785 hectares prescribed by emerging policy PMD05;
- Comprehensive new green infrastructure, policy compliant, founded upon the retention and enhancement of landscape features including circular walks, nature trails, children's natural play trails and a range of equipped play areas, amenity space and area of biodiversity enhancement;
- A community orchard and amenity space that will act as a social meeting place for new and existing residents;
- High quality street hierarchy and street trees;
- Wildflower planting and natural grasslands to promote biodiversity and habitat creation;
- Sensitive edge designs to aid a positive relationship with landscaped context to boundaries.

4.7 The proposal is shown on the following application plans:

- Site Location Plan;
- Land Use Parameter Plan;
- Development Framework Plan

- 4.8 The Development Framework Plan, which takes into consideration good urban design principles, is submitted for illustrative purposes to demonstrate how the site can accommodate the development proposals. This plan is not for approval at this stage, as the layout of the proposed development is reserved for subsequent approval.
- 4.9 The development will provide a mix of dwelling types and sizes, including bungalows. The development will also include a policy compliant level of affordable housing (i.e. up to 40%) to contribute towards the need for affordable housing in Market Bosworth and the Borough as a whole. The tenure of the affordable housing proposed is 75% affordable rent and 25% shared ownership and this is considered deliverable on the site.

### Consultation

- 4.10 In addition to the consultee responses to the previous planning applications, the Richborough Team have also engaged with the local community. To inform the community about the new development proposals, a consultation leaflet was distributed to residents within Market Bosworth inviting them to submit feedback between 6th September and 22th September 2024. A weblink to the public consultation webpage was also provided where further information regarding the proposals were located. Matters relating to the consultation and the responses received are fully detailed in the separate Statement of Community Involvement (SCI) submitted with the planning application.
- 4.11 It has been demonstrated that Richborough has made considerable efforts to engage with both the community, the Borough and County Council's in the formulation of the revised development proposals and that these efforts have helped to shape and influence elements of the scheme in order to address issues and concerns raised by respondents.



# 05 Planning Policy Context

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Hinckley and Bosworth Borough, material to this proposal comprises:

- Core Strategy DPD (Adopted December 2009)
- Site Allocations & Development Management Policies DPD (SADMP) (Adopted July 2016)
- Market Bosworth Neighbourhood Plan (MBNP) (Made September 2015)

5.2 It is noted and accepted by the Council that the housing policies in the Local Plan are out of date. Papers for the Planning Committee which took place on 24<sup>th</sup> September 2024 (most recent at the time of writing), in respect of application 23/00982/OUT, sets out that the Council published an updated Five Year Housing Land Supply Statement on 29<sup>th</sup> July 2024 which demonstrates a 5.6 year supply of housing, with a surplus supply of 145 dwellings over the five year period. This is based on current Local Housing Need (433 dwellings per annum (dpa)). This does not take into account the agreed apportionment of 187 dpa requirement to assist in meeting Leicester City unmet needs, which would render the housing land supply to be sub 5 years, as would the scenario when the new standard method calculation is utilised (689 dpa) this would result in a land supply of just 3.5 years. Accordingly, whilst the most recent updated Five Year Housing Land Supply Statement suggest meeting the five year threshold, this is not considered to be the case in either the scenario when include the unmet need contribution or the revised LHN.

5.3 In any event, the Committee Report states, in regards to decision taking, *“Despite being able to demonstrate a housing land supply, due to the ages of relevant housing policies in the Core Strategy, in accordance with paragraph 11d) of the NPPF, the Council should still grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.”*

- 5.4 The Committee Report goes on to explain the reason for the out-of-date housing policies, stating at paragraph 8.78 that, *“The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focused on delivery of a lower housing requirement than required by the up-to-date figure.”* It again confirms that *“the ‘tilted’ balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any benefits. The three strands of sustainability the benefits are broken down into are economic, social and environmental contributions.”*
- 5.5 This is applicable to both Borough level development plan documents and the MBNP, which is over five years old and therefore is no longer afforded the greater protection provided by paragraph 14 of the National Planning Policy Framework.
- 5.6 In addition, national government policy, principally the National Planning Policy Framework published in December 2023 (the Framework), is material to the determination of planning applications.
- 5.7 The emerging Local Plan underwent Regulation 18 public consultation between 31<sup>st</sup> July and 27<sup>th</sup> September 2024 and therefore limited weight can be given to the emerging Local Plan Review, given the relatively early stage of its preparation. Whilst the presumption in favour is engaged regardless, it is not considered that Paragraph 226 of the NPPF applies in respect of the potential need to demonstrate only a 4-year housing land supply, as whilst the Council has reached Regulation 18, this Plan does not provide allocations sufficient to meet its full housing requirements, nor does it provide a comprehensive policies map.
- 5.8 In respect of the Market Bosworth Neighbourhood Plan, a draft Modified Neighbourhood Plan has now been produced for the Plan Period 2020 – 2039 to align with the Hinckley and Bosworth Local Plan and to bring it in line with current planning guidelines and ensure it is robust in terms of planning requirements. The modified plan is undergoing Regulation 16 public consultation between 13<sup>th</sup> September and 8<sup>th</sup> November 2024. We will provide updated commentary in respect of the Neighbourhood Plan following Examination, should that occur during the application’s

determination, but at present we do not consider the Neighbourhood Plan satisfied the tests of Paragraph 14 of the NPPF for the reasons discussed later within this statement.

### Core Strategy DPD (Adopted December 2009)

- 5.9 The Core Strategy DPD provides the overarching spatial strategy and vision for the development of the Borough up to 2026. The Plan contains a number of strategic policies to guide planning applications and subsequent development plan documents. Those policies which are considered most relevant to the determination of this application are discussed in turn below, including to what extent they can be afforded weight. Whilst the Plan is not time-expired, it is necessary to consider each policy in respect of its consistency with the Framework and to what extent it could frustrate more up to date housing requirements.
- 5.10 The Core Strategy sets out at Table 1 that the current housing requirement is 9,000 dwellings over the period 2006-2026. This equates to 450 dwellings per annum, over the Plan period.
- 5.11 The Core Strategy identifies Market Bosworth as a 'Key Rural Centre'. The Core Strategy sets out that Key Rural Centres are "*villages that have populations over 1500 people, have a primary school, local shop, post office, GP, community/leisure facilities, employment and a 6 day a week bus service (hourly). Key Rural Centres that provide localised provision of facilities permit access by foot, cycle and local bus and can minimise car journeys*"
- 5.12 **Policy 7: Key Rural Centres** sets out that to support the Key Rural Centres and ensure they can provide key services to their rural hinterland the Council will:
- Support housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and Policy 16.
  - Support development under Policy 17: Local Needs
- 5.13 As set out at paragraph 5.2 of this Statement, the Council's housing policies (including the element of this policy which only allows housing within settlement boundaries) is now out of date. The remainder of the policy is however considered consistent with the aims and direction of the Framework and thus can be afforded some weight.

5.14 **Policy 11: Key Rural Centres Stand Alone** sets settlement specific policies for a number of the Key Rural Centres, which do not relate to the Leicester Urban Area or the National Forest. In respect of Market Bosworth, the Council set out that to support local services and maintain rural population levels, the Council will.

- Allocate land for the development of a minimum of 100 new homes. Developers will need to demonstrate the housing proposed meets the needs of Market Bosworth, having regard for the latest Housing Market Assessment and local housing needs surveys.
- Support the improvement of GP facilities in Market Bosworth to support the increase in population.
- Address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Market Bosworth.
- Implement the Strategic Green Infrastructure Network detailed in Policy 20.
- Deliver safe cycle routes.
- Protect the fingers of green open land which penetrate towards the market place as these are important to the rural setting of the town.
- Seek improvements to the high school indoor sports facilities, outdoor pool and the playing fields near Bosworth Water Trust.
- Require new development to respect the character and appearance of the Market Bosworth Conservation Area by incorporating locally distinctive features of the conservation area into the development.

5.15 Whilst this policy can still be afforded weight in the determination of planning applications, the target of 100 dwellings for the town is clearly now out of date as this relates to the outdated housing requirement.

5.16 **Policy 15: Affordable Housing** sets out affordable housing targets in the rural areas (including Market Bosworth) is 40% on sites of 4 dwellings or more. The tenure mix for all sites is 75% social rent and 25% intermediate housing. These figures may be negotiated on a site by site basis, taking into account identified local need, existing provision, characteristics of the site and viability.

5.17 **Policy 16: Housing Density, Mix and Design** states that the Council require a mix of housing types and tenures on all sites of 10 or more dwellings, taking into account the type of provision that is likely to be required. All proposals are required to meet a 'very good' rating (16 or more positive answers out of 20) against the Building for Life Criteria, unless it can be demonstrated that this is

not viable on the particular site. Proposals for new residential development will be required to meet a minimum net density of at least 30 dwellings per hectare within and adjoining the Key Rural Centres. In exceptional circumstances, where individual site characteristics dictate and are justified, a lower density may be acceptable.

- 5.18 **Policy 17: Rural Needs** sets out that in Key Rural Centres, small scale developments that meet a 'local need' either through Local Choice or a Rural Exceptions Site, will be permitted subject to a number of criteria being met.
- 5.19 **Policy 19: Green Space and Play Provision** sets the standards in relation to the level of green space and play provision in the Borough to ensure all residents have access to sufficient, high quality, accessible green spaces and play areas.
- 5.20 **Policy 24: Sustainable Design and Technology** states that residential development in Rural Centres will be expected to meet the sustainability targets set out in Building a Greener Future. The level to be met will be set at time of determination of detailed planning permission or reserved matters.

#### **Site Allocations & Development Management Policies DPD (Adopted July 2016)**

- 5.21 The Allocations & Development Management DPD (SADMP) sets out detailed policies and allocations to deliver the requirements of the Core Strategy (2009), up to 2026. This includes detailed local allocations and site-specific policies to set the localised framework for delivery of new developments. The policies which are considered most relevant to the determination of this application are discussed in turn below.
- 5.22 A detailed Policies Map has been prepared alongside the SADMP. The Market Bosworth inset map shows the application site as being outside of, but adjacent to the Settlement Boundary for Market Bosworth and is therefore within the countryside. The site is not subject to any specific designations, but it is adjacent to a designated employment site, south of Station Road.
- 5.23 Provision is made in the SADMP for up to 163 dwellings in Market Bosworth, with two committed sites to deliver 63 dwellings and a mixed use allocation, to provide approximately 100 dwellings on land south of Station Road and Heath Road (Policy SA5).

- 5.24 **Policy DM1: Presumption in Favour of Sustainable Development** repeats the former Paragraph 14 of the Framework (now replaced by paragraph 11 in more recent iterations of the Framework).
- 5.25 **Policy DM3: Infrastructure and Delivery** outlines that where development will create a need to provide additional or improved infrastructure, amenities or facilities, developers will be expected to make such provision directly or indirectly through the appropriate funding mechanism.
- 5.26 **Policy DM4: Safeguarding the Countryside and Settlement Separation** states that the countryside will first and foremost be safeguarded from unsustainable development. The policy goes on to state that development in the countryside will only be considered sustainable where:
- a) It is for outdoor sport and recreation purposes; or
  - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - c) It significantly contributes to economic growth; or
  - d) It relates to the provision of stand-alone renewable energy developments; or
  - e) It relates to the provision of accommodation for a rural worker.
- 5.27 The Council have previously acknowledged this policy (as a policy relating to the supply of housing) is out of date, most recently within Papers for the Planning Committee which took place on 24th September 2024, which state at paragraph 8.78 that, *“The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focused on delivery of a lower housing requirement than required by the up-to-date figure.”* This has been corroborated in numerous appeal decisions including, Appeal Ref: APP/K2420/W/23/3330774 - Land off Desford Lane, Ratby, Leicestershire LE6 0HF, in which the Inspector states at paragraph 11 of the Appeal Decision that:
- “The housing target in the Core Strategy is derived from the former East Midlands Regional Plan, now withdrawn. That housing target has been superseded by a nationally derived housing target calculated using a different methodology, and the need to co-operate with neighbouring planning authorities to address unmet housing demand, which results in a higher housing target. It follows that the development plan no longer reflects current housing need and fails to support the Government’s objective of significantly boosting the supply of homes. The policies relating to the provision of housing are therefore out-of-date.”*

5.28 **Policy DM6: Sustainable Development** sets out that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value, including proposals for their long term future management. Major development in particular must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.

5.29 **Policy DM7: Preventing Pollution and Flooding** states that adverse impacts from pollution and flooding will be prevented by ensuring that development proposals demonstrate that:

- a) *It will not adversely impact the water quality, ecological value or drainage function of water bodies in the borough;*
- b) *Appropriate containment solutions for oils, fuels and chemicals are provided;*
- c) *All reasonable steps are taken through design, siting and technological solutions to ensure the abatement of obtrusive light to avoid sky glow, glare and light intrusion;*
- d) *It would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity;*
- e) *Appropriate remediation of contaminated land in line with minimum national standards is undertaken;*
- f) *It will not contribute to poor air quality;*
- g) *It will not result in land instability or further intensify existing unstable land; and*
- h) *The development doesn't create or exacerbate flooding by being located away from areas of flood risk unless adequately mitigated against in line with National Policy.*

5.30 **Policy DM10: Development and Design** sets out that developments will be permitted providing that the following criteria are met:

- a) *It would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion;*
- b) *The amenity of occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site;*

- c) *It complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features;*
- d) *The use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the local area generally;*
- e) *It incorporates a high standard of landscaping where this would add to the quality of the design and siting;*
- f) *It maximises opportunities for the conservation of energy and resources through design, layout, orientation and construction in line with Core Strategy Policy 24;*
- g) *Where parking is to be provided charging points for electric or low emission vehicles are included where feasible;*
- h) *An appropriate Sustainable Drainage Scheme is submitted to and approved by the relevant Authority. Schemes should incorporate wildlife areas, ponds, swales and permeable paving where appropriate;*
- i) *It maximises natural surveillance and incorporates the principles of Secured by Design and has considered the incorporation of fire safety measures.*

5.31 **Policy DM13: Preserving the Borough's Archaeology** states where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.

5.32 **Policy DM17: Highways and Transportation** outlines that development proposals will be supported where they:

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



5.33 **Policy DM18: Vehicle Parking Standards** states that all proposals for new development will be required to provide an appropriate level of parking provision, justified by an assessment of the site's location, housing proposed and availability of other modes of transport.

### Local Plan Review

5.34 The Regulation 18 draft Plan contains proposed strategic level development site allocations (over 500 dwellings or one hectare of employment land), proposed major residential development site allocations (101 to 499 dwellings) as well as a suite of draft strategic policies to support them. The Council has set out that the remaining non-strategic development site allocations (below 100 dwellings and employment sites less than 1ha) and non-strategic policies will follow in the Regulation 19 version of the Plan. The Council's LDS anticipates the Regulation 19 consultation to take place in January 2025.

5.35 The settlement hierarchy in the emerging Local Plan broadly reflects the 2009 Core Strategy Settlement Hierarchy. Market Bosworth's proposed role within the Settlement Hierarchy is as a 'Key Rural Centre'. The definition for Key Rural Centres in the draft plan is settlements which *"provide a range of services to meet most of the day to day needs of residents and act as a focal point to help meet the needs of the surrounding rural communities"*. This definition is clearly applicable to Market Bosworth which is a thriving rural town containing shops, public houses, schools, a part time post office, doctors surgery and large employment areas. These would reasonably enable residents to meet most of their daily needs within the settlement. Market Bosworth also benefits from regular public transport access to Leicester, enabling access to higher order services and facilities.

5.36 The Regulation 18 draft Local Plan makes provision for 13,862 dwellings during the period 2020-2041, however the Plan acknowledges that further sites are required to meet the currently identified Local Housing Need and contribution to Leicester City's unmet need and confirms that the Regulation 19 plan will include additional allocations for 514 dwellings.

5.37 On 30<sup>th</sup> July 2024 the new Labour administration published a consultation of changes to the NPPF with the intended transitional arrangements. This has confirmed that the intention at this stage at least is that the new NPPF and associated updates to establishing a housing requirement is to be applicable to Plan's which have not reached Regulation 19 stage before one month after the publication of the new NPPF.

- 5.38 The Government is expected to publish the revised NPPF before the end of 2024, therefore the Council will need to adhere to the new NPPF. This Planning Statement has been prepared on the basis of both the current NPPF (2023), and emerging version, noting that the latter is subject to change. Regardless of the result of the proposed changes to the NPPF, it is apparent that the Council will need to identify additional sites. Moreover, we have concerns in relation to potential dwelling yield from proposed allocations and considered it likely that further housing sites are likely required to robustly meet the current Local Housing Need and contribution to Leicester City's unmet need.
- 5.39 The NPPF consultation on proposed changes is unfortunate timing as this will have a direct impact on Hinckley and Bosworth and the emerging Local Plan. Regardless, there is a need for the Authority to work positively and pragmatically to assist in boosting the supply of housing in accordance with the clear aim of the national government. Whilst we concede there may be further changes to the NPPF prior to implementation, the consultation gives a clear sense of direction and urgency if the nation is to deliver 1.5 million homes in this parliament which does not allow for issues of increased delivery to be pushed back to future plan reviews, thus difficult decisions will be required to be taken in the short term to expedite delivery.

### **Market Bosworth Neighbourhood Plan (2015)**

- 5.40 The Market Bosworth Neighbourhood Plan 2014 – 2026 was Made in September 2015. It sets local non-strategic policies within Market Bosworth Parish. The policies of relevance to the determination of this planning application are considered below. As the Neighbourhood Plan is over five years old, and the housing requirement within it is out-of-date, the presumption in favour of sustainable development applies.
- 5.41 **Policy CE1: Character and Environment** requires all new development in Market Bosworth to be in keeping with its character area (as defined in the Plan), in regard to scale, layout and materials to reflect local distinctiveness and create a sense of place.
- 5.42 **Policy CE3: Important Views and Vistas** outlines that development which harms important views and vistas, as illustrated on the associated Views and Vistas Map, will be resisted. Development which has a significantly adverse impact on important views or vistas will not be supported. It is noted that view 1 crosses the site frontage towards the town centre and vista 11 crosses the

application site, northwards from Station Road. This is described in Section 6.1q of the Plan as being important, because it gives “extensive views of northwest Leicestershire”. The accompanying documentation with this application confirms how development can be delivered whilst still maintaining this view and vista through the site.

5.43 **Policy CE5: Landscape of the Wider Parish** states that in the Countryside, outside the settlement boundary, new development will only be permitted where it contributes to the local economy, is for the re-use or extension of an existing building, is for sport or recreation or for a new dwelling in circumstances identified in paragraph 55 of the Framework. The policy goes on to state that in all cases development will only be permitted where it does not cause harm to the landscape or biodiversity of the countryside that cannot be effectively mitigated.

5.44 As already established, the Plan’s existing housing policies are now out of date, as are policies such as this which seek to put a blanket restriction on new housing development in the countryside.

5.45 **Policy BD1: Affordable Housing** sets out that all residential development of 11 or more dwellings should provide 40% affordable homes on-site. New affordable housing is to be prioritised to those who have a local connection and is to be spread throughout new developments in smaller clusters of four to six dwellings.

### **Market Bosworth Neighbourhood Plan Review**

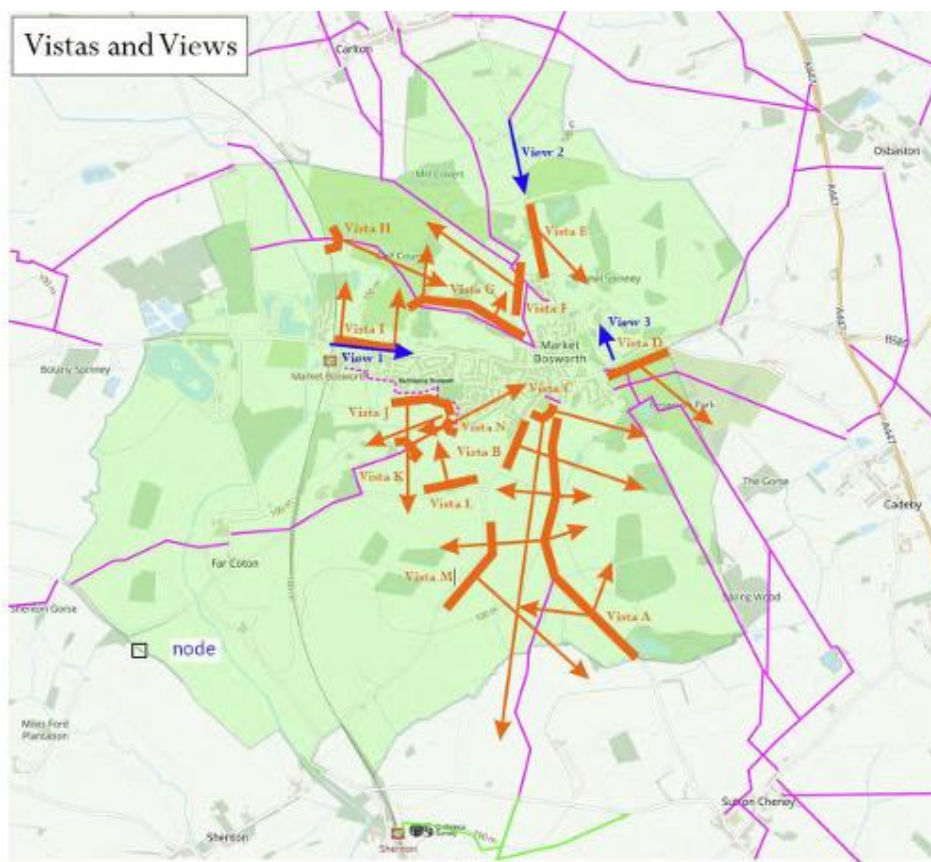
5.46 In 2020 the Market Bosworth Vision Planning Group undertook a minor review of the Market Bosworth Neighbourhood Plan regarding how well the plan meets the basic conditions and whether it accords with national planning policy and the local plan. It was concluded that no updates were necessary other than publishing the housing needs assessment of July 2020 which will be an important material consideration in applying the housing policies of the plan.

5.47 A major review of the Market Bosworth Neighbourhood Plan is currently underway, this includes a Draft Modified Neighbourhood Plan, produced for the Plan Period 2020 - 2039 to align with the Hinckley and Bosworth Local Plan and to bring it in line with current planning guidelines.

- 5.48 The Draft Neighbourhood Plan was submitted to Hinckley and Bosworth Borough Council in May 2024 and is currently undergoing Regulation 16 consultation, until 8<sup>th</sup> November 2024. As the Market Bosworth Neighbourhood Plan Review is at Regulation 16 and has not been formally 'made', it carries limited weight.
- 5.49 The plan references the following policy documents which must be taken as part of the plan and read in conjunction with this plan when planning decisions are undertaken:
- Market Bosworth Design Codes,
  - Market Bosworth Station Field Design Brief – 2024
  - Landscape Review for Market Bosworth Neighbourhood Plan – 2023
- 5.50 The following policies are either new or have been modified in the Neighbourhood Plan Review.
- 5.51 **Draft Policy DC1: Design Codes** sets out that development proposals must contribute positively to the character area and will be supported where they are in conformity with the essential design considerations for the character area. Two new character areas have been included in the policy, 'New Development' and 'Rural Land'. The general design principles are set out in the Market Bosworth Design Codes.
- 5.52 **Draft Policy CE1b: New development should respect adjacent Rooflines**. This policy states "Within any Character Area the roofline of any new development must respect adjoining areas and neighbouring buildings and not harm important views and vistas."
- 5.53 **Draft Policy CE3: Important Views and Vistas and Landscape Character** continues to state that development that harms important views into or vistas out of Market Bosworth will be resisted. The policy states that the location and direction of views and vistas are identified and described in the Landscape Review for Market Bosworth Neighbourhood Plan.
- 5.54 The policy has been expanded to include protecting the landscape character. It states "New development will not be supported if it has a significantly adverse impact on an important view or vista or the landscape character of the Parish. Proposals should include an assessment, appropriate to the scale of development, of the impact on the landscape character of Market Bosworth" with reference to the Landscape Review for Market Bosworth Neighbourhood Plan.

5.55 The Landscape Review for Market Bosworth Neighbourhood Plan has evaluated the current protected views and vistas as defined in the current Neighbourhood Plan (2014-2026). The concept of a vista has been defined as *“a series of significant views (often linear in nature along a footpath or road; or panoramic from one location) that afford a high quality of visual experience.”*

5.56 Figure 5 of the Landscape Review for Market Bosworth Neighbourhood Plan (extracted below in Figure 2) illustrates updated views and vistas. View 1: Station Road Approach remains the same. The positive features are listed as *“Unobstructed view of straight road focusing view towards top of slope, woodland avenue and town; hedgerows, roadside trees and shrubs.”*



**Figure 2: Map showing Vistas and Views within the Neighbourhood Plan Area (source: Landscape Review for Market Bosworth Neighbourhood Plan)**

5.57 Vista 11 is now identified as Vista I and has been modified to denote that the important vista covers the whole stretch of Station Road impacted by the site North of Station Road. The location is described as *“View from Station Road Railway Brigade to top of hill opposite Godsons Hill. Field of view 180 degrees along the northern length of road and footpath”* and the positive features are listed as *“Foreground and middle-distance views of grass field with hedgerows. Distant views of hedgerows*

*and woodland on the skyline. To the east –built settlement.”* The document also lists the neutral features as the view of the settlement edge dwellings and timber fence, and negative features as power lines and cluttered road signage, golf club entrance and associated buildings. It should be noted that the golf club has planning permission for built development which could impact this view. The document goes on to recommend that the vista should be protected from future encroachment of development.

- 5.58 **Draft Policy CE4 Trees and Hedgerows** has expanded on Policy CE4 – Trees to include hedgerow features.
- 5.59 **Draft Policy CE5 Landscape of the wider Parish** has been modified to set out that outside the settlement boundary, new development will only be supported where it meets national and development plan policy requirements. It continues to state that in all cases development will only be supported where it does not cause harm to the landscape or biodiversity of the countryside that cannot be effectively mitigated.
- 5.60 **Draft Policy CE6 Provision for wildlife in new development** is a new policy. It sets out that development proposals which incorporate design features which encourage wildlife will be supported. It sets out that new housing proposals should incorporate provision for local wildlife to thrive.
- 5.61 **Draft Policy BD4: Heritage Asset Protection** is a new policy and states “Proposals that will result in harm to, or unnecessary loss of, an Asset of Local Heritage Value, as listed in the evidence document *“Review of Designated Heritage Assets and Non Designated Assets of Local Value”*, will be resisted, unless it can be demonstrated that there is a public benefit that outweighs the harm or loss.”

### **National Planning Policy Framework, December 2023**

#### **Achieving Sustainable Development**

- 5.62 The National Planning Policy Framework (NPPF) sets that the purpose of the planning system is to contribute to the achievement of sustainable development.
- 5.63 Paragraph 8 of the NPPF states that achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and to be pursued in mutually supportive ways. The first objective, an economic objective, seeks to help build a strong,

responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth. Secondly, the social objective supports strong, vibrant and healthy communities, by ensuring that a sufficient range of homes can be provided to meet the needs of present and future generations. Thirdly, the environmental objective of the planning system is to contribute to protecting and enhancing our natural, built and historic environment.

5.64 At the heart of the Framework is a presumption in favour of sustainable development. The Framework in paragraph 11 states *“plans and decisions **should apply a presumption in favour of sustainable development**”*.

5.65 As paragraph 11 goes on to state, for decision-taking this means:

- *“approving development proposals that accord with an up-to-date development plan without delay; or*
- *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*
  - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*.

5.66 Footnote 7 of the Framework sets out that the protected areas referred in (i) above include *“habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.”*

5.67 Footnote 8 of the Framework explains that policies most important for the determination of the application for housing may be considered out of date wherein the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or where the housing delivery test is less than 75% of the housing requirement over the previous three years.



- 5.68 Paragraph 13 of the NPPF states that “Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies”.
- 5.69 Paragraph 14 sets out that *“where the presumption applies to applications involving the provision of new housing, the adverse impacts of allowing development that conflicts with a Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits, provided all of the following apply:*
- a) “the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*
  - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).”*
- 5.70 As the Made Neighbourhood Plan became part of the Development Plan in 2015, over five years ago, paragraph 14 of the Framework cannot apply because criterion ‘a’ is not met and paragraph 11d therefore remains engaged. The weight to be afforded to the relevant policies of the Neighbourhood Plan is therefore derived from their degree of consistency with the Framework.
- 5.71 In respect of the emerging Neighbourhood Plan, at Regulation 16 stage and so can only be given limited weight, does not contain allocations and policies to identify a contemporary housing requirement that would accord with NPPF paragraph 14 (b), i.e. a housing need figure provided through strategic policies or by the local planning authority.
- 5.72 It is not clear whether a housing requirement has been requested from Hinckley and Bosworth since Regulation 14, but our assumption is not, as it is evident from both the previous Regulation 19 and subsequent Regulation 18, that Hinckley and Bosworth clearly anticipates further housing growth in Market Bosworth, beyond just the identified allocations and commitments. It is incongruous that the Borough Council would be satisfied with the approach advocated in the Neighbourhood Plan as being robust, whilst clearly promoting a strategy with at least 180 additional dwellings allocated to the settlement (with the strong potential for further growth given the Council have only published strategic allocations at this stage and further allocations required at Regulation 19 being the confirmed position of the Council). Furthermore, in respect of the Borough Council’s Regulation 14 response, the Council explicitly state there is a likely a requirement for additional land and the Neighbourhood Plan Group should consider this, albeit the



Group stated there was no need for this.

- 5.73 We do not consider the emerging Neighbourhood Plan identifies a housing requirement within its policies. An indicative housing requirement is included within the reasoned justification of the NDP, but in our view remains just that, an informative, not a formal housing requirement. That figure arises from the 2022 Market Bosworth HNA provides a Housing Need Figure (HNF) as a 'policy off' figure which does not take account of Local Plan objectives and a policy on Housing Requirement Figure. The HNF has been calculated arising from an overall LHN for HBBC of 472 dpa, then based on a 2% population portion within HBBC, it crudely equates to 9.4 dpa for Market Bosworth (or 179 dw over the plan period to 2039. Aside from the proportional approach used to provide these figures, which we would argue in this case is not the correct approach given the settlement is a sustainable one in which wider growth is directed by HBBC; the figures do not also account for the agreed unmet needs arising from Leicester City. It should be noted here that the Regulation 18 Local Plan sets an overall requirement of 659 dpa.
- 5.74 So whilst the neighbourhood plan period is being extending from 2026 to 2039, to align with the emerging Local Plan, despite the additional 13 years, the Regulation 16 Plan has only sought to increase one housing allocation (land south of Station Road) from a minimum 55 dwellings, to a minimum of 77 dwellings (arising from residual needs identified in the 2022 Market Bosworth HNA), despite the site already being allocated in the Hinckley and Bosworth Local Plan (2016) for a minimum of 100 dwellings. Furthermore, the emerging Local Plan at Regulation 19, identified an additional 243 dwellings within Market Bosworth (in addition to the 100 dwellings already allocated), which has since been reduced to 180 dwellings in the more recent Regulation 18 consultation.
- 5.75 The fact the emerging neighbourhood plan does not contain policies and allocations to meet its identified housing requirement means that should the Neighbourhood Plan be Made in its current state, Paragraph 14 would not be applicable and the presumption in favour would remain engaged. Updated comments will however be made on this point as and when the Neighbourhood Plan progress through examination, as commentary may be required on updated policies, which may still be material, if not in themselves determinative.

### Decision-Making

- 5.76 Paragraph 38 of the Framework states that Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area.
- 5.77 At paragraph 47, the NPPF also emphasises that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Paragraph 12 sets out that this applies only wherein the development plan is up to date. Paragraph 224 sets out that the policies within the Framework are material considerations which should be taken into account in dealing with applications.
- 5.78 Paragraph 47 also sets out that decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
- 5.79 With regards to planning conditions and obligations, the Framework at paragraph 55 is clear that “Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition”. Paragraph 56 states that, planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
- 5.80 Paragraph 57 states that planning obligations must only be sought where they meet all of the following tests:
- a) *“necessary to make the development acceptable in planning terms;*
  - b) *directly related to the development; and*
  - c) *fairly and reasonably related in scale and kind to the development”*

### Delivering a Sufficient Supply of Homes

- 5.81 Paragraph 60 emphasises that it is the Government’s objective to significantly boost the supply of homes. Consequently, “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”.

### Promoting Healthy and Safe Communities

5.82 This section of the NPPF sets out a number of principles to ensure that planning policies and decisions aim to achieve healthy, inclusive and safe places.

### Promoting Sustainable Transport

5.83 The NPPF states that transport issues should be considered from the earliest stages of development proposals. In considering development proposals, paragraph 108 states that it should be ensured that:

- a) *“appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;*
- b) *safe and suitable access to the site can be achieved for all users;*
- c) *the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
- d) *any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree”.*

5.84 Paragraph 109 states 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”.

### Achieving well-designed places

5.85 The NPPF notes that good design is a key aspect of sustainable development because it *“creates better places in which to live and work and helps make development acceptable to communities”*. Paragraph 135 states that policies and decisions should ensure developments will meet several criteria, including that they function well and add to the overall quality of the area, are visually attractive, are sympathetic to local character and history including surrounding built environment and landscape, establish a strong sense of place and optimise the potential of the site to accommodate, sustain an appropriate amount and mix of development and create places that are safe, inclusive and accessible.

### Meeting the Challenge of Climate Change, Flooding and Coastal Change

5.86 This section of the NPPF sets out ways in which planning can support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It also

highlights that planning should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

### Conserving and Enhancing the Natural Environment

5.87 Paragraph 180 of the Framework sets out a number of ways in which planning policies and decisions should contribute to and enhance the natural and local environment.

5.88 When determining applications, paragraph 186 states that local planning authorities should apply the following principles:

- a) *“if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;*
- b) *development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;*
- c) *development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and*
- d) *development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”*

### Implementation

5.89 Annex 1 of the Framework confirms that the policies within it are material considerations which should be taken into account in dealing with applications from the day of its publication. It also notes that *“Plans may also need to be revised to reflect policy changes which this Framework has made.”*

5.90 Paragraph 225 states that existing policies in Local Plans should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to them, according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

### **Proposed changes to the NPPF**

5.91 As aforementioned, the Government consulted on proposed changes to the NPPF over the summer months. Which is anticipated to be published by the end of 2024. The consultation included proposed transitional arrangements that would require updates to establishing a housing requirement is to be applicable to Plan's which have not reached Regulation 19 stage before one month after the publication of the new NPPF. Therefore the Council will need to adhere to the new NPPF as they are not at Regulation 19 stage.

5.92 In respect of housing need, proposed changes increase the base Local Housing Need from 432 dwellings to 689 dwellings resulting in a Local Housing Need of 14,469 dwellings (over the 21 year Plan period), instead of draft plan requirement of 13,862 dwellings. Accordingly, the housing requirement must be increased to provide for the updated Local Housing Need figure and an appropriate element of Leicester City's retained unmet needs. Using the revised LHN alone would mean both the 514 dwellings need to be identified, and a further 607 dwellings (1,121 dwellings in total). When adding a proportionate reduction to the agreed SoCG, discussed later in this Statement, this would add a further 1,323 (63 x 21 years) to be identified. This equates to an overall need to identify a further 2,444 dwellings within the plan period.

5.93 There is a need for the LPA to work positively and pragmatically to assist in boosting the supply of housing in accordance with the clear aim of the national government. Whilst we concede there may be further changes to the NPPF prior to implementation, the consultation gives a clear sense of direction and urgency if the nation is to deliver 1.5 million homes in this parliament which does not allow for issues of increased delivery to be pushed back to future plan reviews, thus difficult decisions will be required to be taken in the short term to expedite delivery.

### **National Planning Practice Guidance (NPPG)**

5.94 This online Guidance was launched in March 2014. The NPPG is not intended to make any changes to the Framework but seeks to bring together planning practice guidance for England, previously

published only in separate documents, in an accessible and usable way. The NPPG is a live document and is updated regularly.

5.95 Paragraph 002 of the PPG relating to Planning Obligations sets out that planning obligations assist in *"mitigating the impact of unacceptable development to make it acceptable in planning terms"*. Additionally, it states that, *"planning obligations may only constitute a reason for granting planning permission if they meet the tests that they are necessary to make the development acceptable in planning terms They must be:*

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

## 06 Planning Assessment

- 6.1 The description of development for which outline planning consent is sought is: "Outline planning application for up to 126 dwellings including affordable housing, landscaping, open space, drainage and associated infrastructure (All matters reserved except for access)".
- 6.2 As previously noted, Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that a planning application is determined in accordance with the development plan unless material considerations indicate otherwise. The Development Plan for Hinckley and Bosworth is the Core Strategy (Adopted 2009), the Site Allocations & Development Management Policies DPD (SADMP) (Adopted 2016) and Market Bosworth Neighbourhood Plan (MBNP) (Made 2015).
- 6.3 This section of the Planning Statement considers the key issues in relation to this proposal which indicate whether planning permission should be granted. These are as follows:
- Principle of development
  - Affordable housing
  - Design
  - Landscape
  - Ecology
  - Biodiversity Net Gain
  - Trees
  - Heritage and archaeology
  - Traffic and highways
  - Flood risk and drainage
  - Noise
  - Air Quality
  - Ground Conditions / Site Investigation
  - Utilities
  - Planning Balance

## Principle of Development

- 6.4 The National Planning Policy Framework 2023 (NPPF) is material to the determination of this planning application. To ensure that sustainable development is pursued in a positive way, it contains a presumption in favour of sustainable development at its heart. Paragraph 11 requires that plans and decisions should “*apply a presumption in favour of sustainable development*”. For decision making, this means that where the policies which are most important for determining the application are out-of-date, granting permission unless:
- i. *“the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*
- 6.5 Footnote 7 to paragraph 11 sets out which specific designations qualify as protected areas or assets. The application site is not protected by any specific designations which would warrant protection under footnote 7 of the Framework, meaning the first criteria is not applicable. The second criteria require the decision maker to apply a planning balance, but the test is weighted towards approval, so in order to refuse the application, the Council must demonstrate that the approval would significantly and demonstrably outweigh the benefits of the proposal, when assessed against the policies in the Framework taken as a whole.
- 6.6 The Council acknowledges that the Development Plan’s housing policies are out of date even though they set out that they can now demonstrate a 5.6-year housing land supply. This was confirmed in the papers for the Planning Committee meeting on 24<sup>th</sup> September 2024 when the Council stated that “*Despite being able to demonstrate a housing land supply, due to the age of relevant housing policies in the Core Strategy, in accordance with paragraph 11 d) of the NPPF, the Council should still grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as whole.*”

### Relevant Development Plan Policies

- 6.7 Market Bosworth is acknowledged to be a sustainable settlement, and Hinckley and Bosworth’s Core Strategy Policy 7 identifies the settlement as a Key Rural Centre. Key Rural Centres are sustainable locations for new development and qualify as such due to having populations of over 1,500 people and a wide range of local services and facilities. However, part of Policy 7 restricts new housing development to only land within settlement boundaries. As this element of the policy



controls the location of housing based on an outdated housing requirement, and is now out of date, it cannot be afforded weight in the determination of this application.

- 6.8 Another policy important for the determination of this application is SADMP Policy DM4: Safeguarding the Countryside and Settlement Separation. This policy restricts housing development in the countryside (outside of defined settlement boundaries) to a select number of uses, excluding residential. The application proposals are in conflict with this policy, given development is located outside of the settlement boundary. However, this element of the policy is deemed to be out of date, given that the boundaries were drawn to meet a housing requirement, which does not meet the housing needs in the district now. In relation to other elements of the policy, DM4 requires that development does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development. Officers of the previous application at the site considered, within the Planning Balance section of the Committee Report, that harms associated with the proposed development in this regard did not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole, and that such material considerations outweigh the conflict with some elements of the development plan.
- 6.9 On the above basis that the Development Plan's housing policies are acknowledged to be out of date, it is agreed that the presumption in favour of sustainable development is engaged, and as such this planning application should be approved unless the adverse impacts, of which there are few, significantly and demonstrably outweigh the benefits.

#### Historical Planning Applications

- 6.10 Officers have previously concluded the principle of development to be acceptable on the eastern parcel of the site having recommended the grant of planning permission for the erection of 64 dwellings on the site, subject to S106 obligations and conditions (14/00674/FUL) as well as the more recent planning application and Officer recommendation for approval of 63 dwellings (20/01021/OUT), which was refused at Planning Committee (25<sup>th</sup> May 2021) against Officer's advice.
- 6.11 That decision, whilst in conflict with the professional advice of officers, was upheld at appeal, with a single Main Issue being *"the effect of the appeal proposal on the character and appearance of the*

*area, with particular regard to Important View 1, Vista 11 and public footpath S70/1". There are no wider technical reasons for refusal.*

- 6.12 In light of this, Richborough have worked constructively to respond positively to the recent reasons for refusal and can now advance a scheme which responds to the only constraint preventing the site being developed. They have worked with neighbouring landowners to obtain additional land to enable a scheme to be advanced which protects the key views. The illustrative masterplan demonstrates how the site can be developed for a scheme of 126 dwellings whilst reducing the amount of built development to the eastern parcel from earlier proposals. It clearly demonstrates how the site can be delivered whilst reflecting the important views and vistas as identified in the Neighbourhood Plan.
- 6.13 The inclusion of additional land in the west of the site within the red line boundary has enabled built development to be contained to the less visible northwestern extents of the Site, where much of the scheme will be screened and contained by the surrounding existing vegetation. The southern and eastern extents of the Site that are identified as being located within the published views identified within the Neighbourhood Plan ('View 1' and 'Vista 11') have been retained as undeveloped, while also retaining the informal pastoral foreground which exists along the boundary with Station Road. This ensures that on the approach to Market Bosworth, views across to the upper slopes and wooded area to the east are retained and protected. The publicly open space includes the provision of play areas, a community orchard and kitchen, and opportunities for biodiversity enhancements as part of marginal planting in attenuation features and wildflower meadows and grasslands.
- 6.14 Long distance views towards northwest Leicestershire (as identified as part of 'Vista 11') would be retained as a result of the proposed layout. Elevated views across the wider landscape to the north from the hillside which will be public open space at the east of the site. The proposed enhancements are in line with the published policy and guideline recommendations. These include the retention of existing vegetation within the Site, the provision of further green infrastructure, along with the creation of additional footpath routes throughout the Site.
- 6.15 In addition to this, there will be a soft transition to the development edge resulting from the set back of development from Station Road and proposed landscaping along the development

frontage and entrance. This will soften views and the transition to the settlement edge along Station Road.

- 6.16 It should also be noted that land immediately north of the site has been granted planning permission (June 2020) for the erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 holiday homes (C1) and associated ancillary works and landscaping (Ref: 19/01437/FUL) and more recently for a 50 x room golf and leisure accommodation facility (24/00019/FUL). The implementation of that scheme will create built form to the north of the application site and will therefore create an even more contained natural 'infill' site to that previously assessed.

#### Development Strategy

- 6.17 Market Bosworth is one of the Council's most sustainable rural settlements, only behind the urban areas of Hinckley, Burbage and Earl Shilton and Barwell, thereby forming a significant part of the settlement hierarchy for Hinckley and Bosworth. The towns proposed role within the Settlement Hierarchy of the draft plan is as a 'Key Rural Centre'. The definition for Key Rural Centres is settlements which "*provide a range of services to meet most of the day to day needs of residents and act as a focal point to help meet the needs of the surrounding rural communities*". This definition is clearly applicable to Market Bosworth, which is a thriving rural town containing shops, public houses, schools, a part time post office, doctors surgery and large employment areas. These would reasonably enable residents to meet most of their daily needs within the settlement. Market Bosworth also benefits from regular public transport access to Leicester, enabling access to higher order services and facilities.
- 6.18 Key Rural Centres are capable of increasing delivery and are in many cases, are less constrained in terms of matters such as highways, which is constraining the growth of Hinckley, for example. The delivery of additional land in sustainable Key Rural Service Centres can provide a significant amount of supply, which will likely be delivered in the early-middle plan period, with many sites in this area, including the land north of Station Road, being essentially shovel ready. They are not overly reliant on the delivery of infrastructure or site remediation to begin delivery, and thus can begin quickly within the Plan period, providing vital early boosts of supply whilst other, more difficult sites complete preparatory works and begin delivery later in the Plan period. Moreover, such sites are not likely to have issues relating to viability, with most likely being able to deliver a policy compliant level of affordable housing and requested developer contributions. It is not clear

if this is applicable to the Council's current allocation south of Station Road and extension, which we understand has a number of issues discussed below.

6.19 Delivery in the rural areas is essential for ensuring the continued vitality of settlements. The CLA report *Strong Foundations: Meeting Rural Needs*<sup>1</sup> outlines the significant issues for rural communities when described as unsustainable by development plan documents, unduly restricting their growth. The lack of affordable or entry level housing means younger people are often unable to find local accommodation, forcing them to move away from their homes to find suitable accommodation. Moreover, the lack of new development including bungalows or other dwellings suitable for downsizing means many older people who wish to remain in their home towns will have no suitable options to downsize and as such will instead remain over occupying larger family homes.

#### Neighbourhood Plan

6.20 The above issues are set out in the Market Bosworth Neighbourhood Plan, which acknowledges the town's housing issues including affordability, especially for first-time buyers and younger people, as well as an ageing population wanting to downsize.

6.21 When preparing the Neighbourhood Plan both the land north of Station Road, and land south of Station Road were identified as potential sites for development. The selection of the site to the south of Station Road as the single allocation in the town was based on community feedback.

6.22 Having reviewed Appendix A2 of the Neighbourhood Plan, which identifies a number of criteria that the two sites were compared against, it is considered that the application site should score much higher than set out. The scoring and commentary do not take account of the fact that:

- development can be brought forward immediately without any technical or land ownership issues, assisting in meeting immediate housing need;
- economic growth will be created through construction activities and once occupied residents will contribute to local expenditure;
- noise assessments demonstrate that acceptable external and internal noise levels of can be achieved on the development in respect of noise arising from JJ Churchill and road noise;

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<sup>1</sup> <https://www.cla.org.uk/strongfoundations>

- development will retain the valued view and vistas and will create publicly accessible parkland and woodland with elevated views across the wider landscape;
- development along both sides of Station Road from canal into towards centre of settlement would be in keeping with the historic town which already has development to the north of Station Road;
- built form is to be set back from Station Road at the south western corner, on the approach into the settlement, to soften the town's built-up edge;
- existing footways along the northern side of Station Road will be widened along the site frontage to enhance pedestrian safety and enhancing walking routes; and
- provision of secure cycle storage and details of local cycle routes to residents.

6.23 Unlike the allocated site, the application site has no landowner issues or technical constraints. The site is considered natural 'infill' development, and with the consented scheme for a 50 room golf and leisure accommodation facility (ref: 24/00019/FUL) providing further built form to the north of the application site, further establishing the well-contained natural 'infill' site to that previously assessed. The access proposals for this application are in line with those conditioned as part of the planning application for the golf club facility (ref: 24/00019/FUL) and the Local Highway Authority have previously agreed the access arrangements proposed.

6.24 The site has already been assessed as acceptable in principle, evidenced by the recommendation for approval in the 2014 application and within the SHELAA 2022 report 'the site which is split into two parcels (Site 'AS1050' and site 'AS392') is considered to be suitable, available, achievable overall 'developable'. This demonstrates that the site as a whole would be appropriate for residential development in Market Bosworth and it is clear the council recognises the need for housing provision within the borough and the suitability of the site.

#### Neighbourhood Plan Review

6.25 The major review of the Market Bosworth Neighbourhood Plan has reached Regulation 16 and therefore only limited weight can be attributed to its policies. Despite this we note that the Landscape Review for Market Bosworth Neighbourhood Plan has evaluated the important views and vistas referenced in Draft Policy CE3. In particular, the definition of vistas has been modified to be defined as 'a series of significant views' and the way this is represented on the map has been altered from the 'made' Neighbourhood Plan. The entire southern boundary (along Station Road) of the proposed scheme is identified as Important Vista I which is significantly increased from

Vista 11 within the 'made' version of the plan. This is an inappropriate change as there have been no significant changes to the landscape since the Neighbourhood was 'made'. These changes to the Vistas in Figure 5 of the Landscape Review now result in most of the settlement edge of Market Bosworth being identified as a protected vista which will significantly limit growth of the town and is not in conformity with national policy. It is noted that Vista J would in fact impact upon the Phase 2 draft allocation south of Station Road and if 'made' the site would not be in conformity with Policy CE5. If the views and vistas are to be amended in this way, we believe that the policy wording would need to be amended to ensure conformity with the NPPF (2023). We will submit representations to the Regulation 16 consultation to set out our views regarding this policy.

#### Residential Allocations

- 6.26 The South of Station Road site is an extant undelivered housing allocation within Market Bosworth. The site has been allocated for some time in the Market Bosworth Neighbourhood Plan since 2015 and the Site Allocations and Development Management Policies DPD since 2016. We note an application has now been submitted (ref: 24/00560/HYB), albeit it is reliant on the demolition of two dwellings and two employment units which may delay delivery, and it is not clear whether the necessary land agreements are in place to confirm demolition of these units.
- 6.27 As mentioned, a number of existing employment units will need to be demolished to facilitate the access. Whilst there is an ambition to deliver replacement units, clearly these will not be delivered prior to the demolition, because demolition will need to occur to facilitate the access and development thereafter. Moreover, the submitted application is a hybrid application with only outline consent sought for the employment units. It is not clear where the existing businesses will temporarily operate from or what impacts this forced relocation will have on the businesses and employees. There is no information provided in relation to the nature of tenure held by existing businesses, for example whether land is freehold or leasehold. If the latter, it is not clear when contracts are to expire or whether break clauses or agreements exist to facilitate their removal. The application also requires the demolition of two residential units. It should be confirmed that the necessary agreements are in place to allow this to occur. These are elements that are fundamental to the soundness of the allocation, given no current access exists to the public highway and even if satisfactorily resolved, will likely serve to delay ultimate residential delivery.
- 6.28 Richborough have previously offered their support to the Council on various measures to aid the deliverability of this site, including the ability to pool open space contributions with the land to the

north, to enable additional development on the land to the south to assist with any potential viability issues and the ability to utilise land under Richborough's control to help deliver a suitable access, through a roundabout for example. These offers remain open and can be explored as part of an allocation of land to the north.

6.29 In the previous Regulation 19 version of the Local Plan consulted on in February/March 2022, the Council sought to allocate additional land for 243 dwellings as an extension of this allocation (Phase 2 of Land South of Station Road). In the latest Regulation 18 version of the Local Plan, the allocation remains, however the capacity of this has been reduced to 180 dwellings. This allocation is dependent on the provision of a suitable access, be that through the 'Land South of Station Road' allocation or another access point. The Regulation 18 consultation material did not indicate a preferred point of access. It is noted however that the application for the Phase 1 land does not include any clear vehicular connections to the Phase 2 land and thus it must be confirmed that there is an agreed position between the two sites to allow access to come through the Phase 1 land. If an alternative point of access is to be provided, such as Ambion Rise, highways evidence is required to demonstrate this can be delivered to serve the quantum of units proposed. Without this, the Phase 2 land should be considered as undeliverable. This places a significant amount of housing delivery at risk in Market Bosworth, particularly if there is continued delay to the Phase 1 land. The identification of land north of Station Road provides additional supply not tied to delivery of other sites.

6.30 The original allocation of 243 dwellings on Phase 2 in the Reg 19 Plan demonstrates that the Council believed that Market Bosworth can accommodate additional development. Moreover, having regard for the increasing housing pressure on the Borough it is likely that this number will need to be further increased. The land north of Station Road, Market Bosworth is deliverable and can add vitally much needed supply in a highly sustainable location, particularly to provide contingency for the land south of Station Road should it continue to stall, or in the event of increased housing needs such as those proposed through the NPPF consultation

#### Other Sites in Market Bosworth

6.31 Other sites to the east of Market Bosworth, were assessed in the SHELAA (2022) to the east of Market Bosworth as developable however both sites have been subject to recent planning applications which have been refused for reasons relating to harm on the character and appearance of Market Bosworth and its heritage assets as set out below.

- 6.32 Outline planning permission (ref: 22/0167/OUT) was refused in June 2022 and dismissed at appeal in August 2023 following an application of outline planning application for the erection of up to 125 dwellings (including 40% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point (All matters reserved except for means of access) at Land North of Shenton Lane Market Bosworth Leicestershire. The inspector concluded that the proposal "would *harm the character and appearance of the part of Market Bosworth within which it is located. Furthermore, the proposed highway works, especially between the appeal site and Warwick Lane and in Warwick Lane itself, would significantly harm the character and appearance of Shenton Lane and Warwick Lane.*" They also concluded that the proposal would harm the setting and significance of the Market Bosworth Conservation Area brought about by the proposed works on Shenton and Warwick Lane. We note that there is a pending planning application on this site for up to 100 dwellings (ref: 24/00831/OUT which is a resubmission of 22/0167/OUT). The site layout of this planning application attempts to overcome the objections at appeal by moving the built development north, away from Shenton Lane and propose a new access off York Close requiring the demolition of a dwelling to achieve this. This solution means access to the site is convoluted through the existing residential area and is unlikely to be found acceptable in highways terms.
- 6.33 Furthermore, an application of Residential Development for up to 90 dwellings with public open space, landscaping, sustainable drainage system (SuDS) (resubmission of 20/00345/OUT) (outline - access only) was refused in July 2021. The officers report states that the proposed development would have "*a harmful effect on the character and appearance of the countryside. The proposal would cause harm to key characteristics of views 8 and 9 and vista 15 of the key views and vistas identified within the Market Bosworth NDP as well as having adverse harm upon the importance of the designated Green Local Space along Sutton Lane contrary to Policy DM4 of the SADMP and Policies CE3 and CE5 of the MBNP.*" In addition to this the officer report stated "*Harm is also identified to the Market Bosworth Conservation Area and the grade II\* listed building the Church of St Peter as well as the non-designated asset of 24 Sutton Lane.*"
- 6.34 Market Bosworth needs residential development to come forward to contribute towards sustaining and increasing the vitality and viability of its local services and facilities, thus contributing towards creating and maintaining a sustainable and balanced community and promoting a strong local economy. With development constraints to the east to the town, including parkland, conservation area, listed buildings, landscape, access and highway safety limitations,



growth of the town is largely limited to the western edge of the town as these constraints make the design of a sensitive development proposal in this area in the future challenging.

6.35 On the basis that the Development Plan's housing policies are acknowledged to be out of date, the presumption in favour of sustainable development is engaged, the benefits to be delivered by the development will substantially outweigh any minor residual impacts. We consider a greater contribution can be delivered than the 180 dwellings currently proposed within Market Bosworth and the draft Regulation 18 Local Plan acknowledges that further sites are required to meet the currently identified Local Housing Need and contribution to Leicester City's unmet need, even if proposed changes to the NPPF are not ultimately published as a formal update to the NPPF. This position would clearly be worsened should it be established that any of the Council's proposed allocations were undeliverable or were expected to deliver slower than currently anticipated by the Council. Our client's site at Market Bosworth is ideally suited for allocation to ameliorate both the established housing shortfall, but also any further housing shortfall established through housing sites becoming available.

#### NPPF Paragraph 14

6.36 Paragraph 14 of the NPPF sets out *that "in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:*

*a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and*

*b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68)".*

6.37 As the Made Neighbourhood Plan became part of the Development Plan in 2015, Paragraph 14 is not applicable. The emerging Neighbourhood Plan clearly does not contain allocations and policies to identify a contemporary housing requirement. As such, even if the Neighbourhood Plan Review is Made, paragraph 14 would not be applicable and the presumption in favour would remain engaged. Updated comments will however be made on this point as and when the Neighbourhood Plan progress through examination, as commentary may be required on updated policies, which

may still be material, if not in themselves determinative.

- 6.38 However, at this stage it is noted that the Draft Neighbourhood Plan submitted for examination contains no policies identifying a housing requirement. Moreover, it contains only a single allocation that being the land south of Station Road, despite this already being allocated in the Hinckley and Bosworth Site Allocations & Development Management Policies DPD. The PPG and NPPF are clear on the need not to simply repeat allocations which already form part of the development plan. Representations to this effect have been made to the Neighbourhood Plan's Regulation 16 consultation.
- 6.39 Regardless, the PPG (Reference ID: 41-097-20190509) is clear that "*policies and allocations within other development plan documents, for example strategic site allocations or windfall development set out in a local plan or spatial development strategy, will not meet criterion 14b of the National Planning Policy Framework*". As the only allocation relied on by the Neighbourhood Plan is contained within another development plan document (namely in the Hinckley and Bosworth Site Allocations & Development Management Policies DPD), the PPG is clear that this "**will not meet criterion 14b of the National Planning Policy Framework**". Therefore, whilst we are content that the allocation should be removed from the Neighbourhood Plan for compliance with the NPPF and PPG and thus the basic conditions, if it were to remain, it would not count for the purposes of Paragraph 14b of the NPPF regardless.

#### Implications of the Proposed NPPF

- 6.40 In regard to the potential implications of the NPPF consultation, as already established, due to the proposed transitional arrangements, the new NPPF will be applicable to Hinckley and Bosworth. In respect of need, proposed changes increase base Local Housing Need from 432 dwellings to 689 dwellings, an increase of 256 dwellings per annum. Over the 21 year Plan period this results in a Local Housing Need of 14,469 dwellings, instead of draft plan requirement of 13,862 dwellings (increased from 9,093 dwelling LHN to include Leicester City unmet needs).
- 6.41 Moreover, paragraph 62 of the proposed NPPF confirms that "in addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for". Whilst proposed changes to the Standard Method will reduce Leicester City's Local Housing Need, thus reducing the quantum of unmet need, there is still likely to be emanating unmet need from the City more closely akin to that before

the introduction of the 35% uplift (when Leicester City's unmet need was assumed to be around 7,000 units). Assuming similar levels of supply as previously published, unmet need is anticipated to decrease from circa 1,169 dwellings per annum to 394 dwellings per annum. Whilst this is a significant decrease, there remains potential unmet need within the HMA which will need to be positively dealt with for compliance with NPPF Paragraph 62. It can be reasonably assumed that given the direction of the new administration that this total will be expected to be met where it can. Leicestershire is not heavily constrained by Footnote 7 constraints, which is the only justification for not meeting identified needs in full.

- 6.42 The proposed changes to Local Housing Need across the HMA means a more nuanced revisit of the SoCG is required. However, if a similar percentage split was to be adopted in terms of the likely level of unmet need post application of the new method, this would still equate to 63 dwellings per annum in Hinckley and Bosworth, down from the 187 dwellings assumed in the SoCG. This would however still equate to 1,000 dwellings over the period, increasing the requirement Hinckley and Bosworth should Plan for to a requirement of 15,792 dwellings (2020-2041) or 752 dwellings per annum. Whilst we anticipate there may be some variance on this depending on what is agreed with other Leicestershire authorities in terms of distribution, we consider it to be more robust than base updated Local Housing Need without any contribution to unmet need given the clear imperative to meet housing needs in full within the HMA and increase housing delivery nationally and reflects historic agreements relating to a need to meet Leicester City's needs in full. This approach whilst lacking nuance would allow all authorities to proceed quickly in advancing Plan making whilst a revised SoCG was agreed.
- 6.43 It is noted that the draft Plan makes provision for 13,862 dwellings during the period 2020-2041, which includes 514 dwellings to be allocated in the Regulation 19 Plan. The housing requirement must be increased to provide for the updated Local Housing Need figure and an appropriate element of Leicester City's retained unmet needs. Using the revised LHN alone would mean both the 514 dwellings need to be identified, as well as a further 607 dwellings (1,121 dwellings in total). When adding a proportionate reduction to the agreed SoCG, this would add a further 1,323 (63 x 21 years) to be identified. This equates to an overall need to identify a further 2,444 dwellings within the plan period.
- 6.44 Additional delivery is required in both the current and emerging NPPF scenarios. The land north of Station Road, Market Bosworth is deliverable and can add vitally much needed supply in a highly

sustainable location and therefore the Council should approve this planning application without delay regardless of whether the NPPF is formally amended for the reasons set out in this Planning Statement.

## Scheme Benefits

6.45 We consider that the site and proposals are in accordance with the NPPF's aim of sustainable growth and significantly boosting the supply of homes. The following Economic, Social and Environmental benefits will be delivered from the proposed residential development.

### Economic Benefits

6.46 The economic benefits of the proposed development would be considerable. The development of up to 126 dwellings will make a contribution towards meeting local housing need and demand but will also make a valuable contribution to the local viability and vitality of Market Bosworth as a sustainable and balanced community.

6.47 The development will deliver economic benefits as summarised below:

- **A Boost to the Local Economy** - The construction activities associated with the development will represent an investment in the local area and will create jobs in the short term for the duration of the construction activities. Once occupied, the development will house economically active residents who will contribute towards annual household, retail, leisure and services expenditure in the locality.
- **New Homes Bonus** – The new dwellings will also provide Council Tax receipts to Hinckley and Bosworth Borough Council, along with New Homes Bonus which provides a much-needed source of funding for the Council to spend as it sees fit on the delivery of its services.
- **Buying and Selling New Homes** – There is an economic benefit through the buying and selling of new homes. There are parties involved in all stages of the process which involves financial transactions e.g. sales agents, solicitors, banks. This in itself increases economic activity. In addition, new residents would be purchasing furniture and white goods which assists the local economy.

- **Financial Contributions for Associated Infrastructure** – The development will deliver specific funding towards additional facilities in line with the planning policy and commensurate with the scale of the proposed development and local capacity.
- **Other** – Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of relevance, necessity and reasonableness, consideration will be given to their inclusion.

6.48 These benefits of the proposed development contribute to the economic role of sustainable development defined within the NPPF, contributing to a strong, responsive and competitive economy. These are a further significant benefit to the proposed development.

### Social Benefits

6.49 The social benefits associated with the proposed development are multiple-faceted and include:

- **Location and Accessibility** – The site adjoins the settlement of Market Bosworth which provides a range of services and facilities including a doctors' surgery, dentist, veterinary practice, police and fire stations, library, parish hall, convenience foodstore, post office, restaurants and takeaways, public houses and a hotel. There are a number of educational facilities within the town including a nursery school, play school, primary school, secondary school and a fee-paying school. In addition to the schools' sports facilities there are football, cricket, tennis and bowls club grounds, livery stables, fishing ponds and a water park providing access to various water sports. The closest bus stop to the site lies adjacent to the proposed site access. The stop serves the TZ1 service between Leicester, Desford and Twycross Zoo. Service 153 travels between Market Bosworth town centre and Leicester starting early in the morning and continuing well into the evening at an hourly frequency. These services provide access to a wider variety of employment opportunities and larger retail facilities. The new residents will support and help sustain local services and facilities, contributing to the creation of sustainable communities. In addition, the location of the proposed development, immediately adjacent to an established residential area, will ensure the creation of an integrated community

- **Open Space** – A key feature of the proposed development is the creation of a significant area of new public open space within the site; approximately 4.33 ha (which is a significant over provision compared with the 0.785 ha required by policy PMD05). In addition to meeting the needs arising from the occupiers of the proposed development, the new open space will provide an accessible resource for existing residents in the local area. The open space also provides an area of landscape buffering, along Station Road, conserving important views, soften the appearance of the development and provide an opportunity for ecological enhancement.
- **Sustainable Transport** – The site is located within walking distance of facilities within the town, further supporting active lifestyles and encouraging an alternative to the car. The proposals will make provision for free bus taster passes providing six-months of unlimited travel across Leicester for each dwelling. These represent significant additional social benefits, not just to new occupiers of the development, but to those in the locality as well.
- **Supply of Market Housing** – The proposed development will make a positive contribution to the supply and delivery of market housing. The site is available and deliverable and makes a short-term contribution to housing supply. The development will provide additional housing in one of the most sustainable Key Rural Centres. Whilst the exact mix and type of housing to be provided will be considered in greater detail during subsequent reserved matters applications, it is considered this development will provide a range of dwellings including smaller properties, bungalows and family housing. The delivery of houses in this location will enable the younger generation of Market Bosworth to have the opportunity to remain in their local rural community with quality sustainable and affordable homes located within a sensitively designed setting.
- The delivery of new market housing at a time when the Council's housing policies are out of date, should be afforded significant weight, particularly as this site has the potential to deliver quickly having regard for the lack of constraints. Furthermore, given the proposed increases to Local Housing Need, it is essential that the Council take a proactive approach to consenting new residential development now to ensure they can continue to demonstrate a robust housing land supply and Delivery Test result.

- **Delivery of Affordable Housing** – There is a high demand in Market Bosworth for affordable properties and the waiting list shows that there is an acute housing need. The proposals will deliver 40% affordable housing to support local affordable needs, in accordance with local policy. The provision of up to 52 affordable units at the site represents a significant positive benefit of the proposed development. This is a tangible benefit and merits significant weight.
- **Delivery of Accessible Housing** – The scheme will deliver accessible housing, including properties meeting M4(2) standards and enhanced M4(3) wheelchair adaptable dwelling standards.
- **Education** – Financial contributions may be required by the Local Education Authority if school expansion is required to accommodate the additional children generated directly by this scheme.

### Environmental Benefits

6.50 This planning statement and the supporting technical documents which accompany the application explain how environmental factors have been taken into account to ensure sustainable development. Mitigation has been included within the scheme to ensure conservation and enhancement of key features:

- **High Quality Sustainable Design** – The proposed development represents a high quality sustainable development that responds positively to its built and natural setting. The development will provide an accommodation and tenure mix to meet the needs of the community including bungalow provision.
- **Protection and Enhancement of Existing Landscape Features** – The proposed development will retain the majority of the existing trees and hedgerows onsite. The mature woodland to the east will be retained and supplemented with new tree planting within open space to strengthen wooded character and backdrop, all publicly accessible by new paths off Station Road. The proposed open space will include a natural area of play, tree planting and a priority habitat ponds in the area of biodiversity enhancements that will provide habitats for new and existing wildlife. It will also maintain the long-range views and landscape character of the area.

- **Flood Risk and Drainage** – A full flood risk assessment has been undertaken demonstrating no increased risk of flooding will arise from the development. Sustainable Urban Drainage Systems, including a water meadow is proposed as part of the comprehensive drainage strategy. This will serve to safeguard the development from flooding, whilst also creating a multifunctional and attractive area for amenity and biodiversity as an integral part of the site's open space strategy.
- **Protection and Enhancement of Existing Biodiversity Habitats** – The layout shown within the Development Framework Plan has been informed by the recommendations of the Ecological Impact Assessment. This incorporates the creation of a designated biodiversity area, incorporating the retention of existing woodland habitat, enhancement of grassland species with species rich seeding and careful management, as well as the creation of a water meadow and wildlife ponds helping to create an attractive environment with clear biodiversity benefits.
- **Mitigate Climate Change** – The proposed development will seek to mitigate climate change through reducing CO<sub>2</sub> emissions by building new homes in a sustainable and accessible location, thus reducing the reliance to travel by private car. In terms of resilience to climate change impacts, the scheme has been designed to take this into account, notably through the provision of a drainage strategy as described above and detailed within the Flood Risk Assessment.

6.51 In summary, the benefits of the scheme are significant and include the sustainable delivery of open market and affordable housing in a high-quality development; investment creation, new open space and support for local services and facilities, which should be given significant weight.

6.52 Adverse impacts of the scheme are negligible, and mitigation measures are proposed to ensure that any impact can be ameliorated. The illustrative masterplan is based on a detailed understanding of the site and its surroundings and is informed by a comprehensive suite of technical assessments, which ensure that the design is robust and deliverable. This is discussed in greater detail below.



## Affordable Housing

- 6.53 Core Strategy Policy 15 'Affordable Housing' identifies a minimum target of 2,090 affordable homes to be provided in the Borough from 2006 to 2026, averaging at 105 dwellings per annum. The Policy goes onto state that in urban areas an affordable housing target of 20% on sites larger than 15 dwellings is applied. In Rural areas the affordable housing target is 40%, with at least 480 dwellings to be provided in these locations within the plan period.
- 6.54 The affordable housing need substantially increased in the Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) published in 2017 to 247 dwelling per annum (2011-2036) and increased again in the Housing Needs Study (HNS) published in 2019 to 271 dwellings per annum (2018-2036). The most recent HNS published in 2024 states that analysis suggests a need for 430 affordable homes per annum across the Borough with a need shown in all sub areas.
- 6.55 The Council have failed to deliver sufficient affordable housing since 2011, with a shortfall of 1,474 affordable homes alone when gross delivery is compared to the HEDNA housing need<sup>2</sup>. Utilising the Council's five year housing land supply to understand affordable housing delivery across the next 5 year period it is clear that the Council are significant below the HEDNA and HNS need figures. The Residential Land Availability Monitoring Statement (April 2023) identifies that since the start of the CS period (2006), there have been 1,799 affordable housing completions which account for 23.7% of the total completions over the same period. This equates to 106 dwellings per annum. The report identifies that there were 350 affordable housing completions in the period 2022/23 which is the highest on record at more than double the number of affordable completions achieved in any other year. However, the report anticipates that the higher figures recorded for the 2022/23 period, will manifest in lower figures for the 2023/24 period.
- 6.56 The scheme will seek to provide the required proportion of affordable housing where viable, this brings clear social and economic benefits and should be given significant weight, particularly given the significant need and recent failures to delivery affordable dwellings within the Borough. It is highly unlikely that the required number of affordable homes will be provided in the future given historic delivery rates and there is a pressing need now.

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<sup>2</sup> 247 dpa x 12 years (2964), minus 1,488 affordable completions from 2011 = 1,474 shortfall

6.57 Policy 15 of the Core Strategy also seeks a tenure split of 75% socially rented and 25% intermediate housing and recognises that this target will be monitored regularly and may be revised to reflect changes in the housing market and local circumstances. The scheme proposes this tenure split.

## Design

6.58 The submitted Design and Access Statement demonstrates how the development framework plan and design concept have been developed with regards to the site's constraints and opportunities.

6.59 This application is for outline purposes only. Therefore, matters such as layout, appearance, landscaping and scale are to be determined at a later stage through a reserved matters application. Notwithstanding this, the submitted Design and Access Statement demonstrates how a high-quality residential scheme could be delivered on site taking into account these detailed matters.

6.60 The proposed development has been designed to ensure that it will successfully integrate into its surroundings, both in terms of the existing landscape features of the site and how the development will integrate into the wider area. It creates comprehensive green spaces and public realm which includes a community orchard and garden kitchen that will act as a social meeting place for new and existing residents as well as circular walks, nature trails and sustainable drainage which will be attractive places for people to sit, relax and walk through. The public open space exceeds the requirements providing 4.33 hectares compared to 0.785 hectares prescribed by policy PMD05. Children's natural play trails and a range of equipped play areas will be provided for children to play informally. Wildflower planting and natural grasslands will be included as part of the open space on site, promoting biodiversity and habitat creation.

6.61 The Design and Access Statement demonstrates that the Illustrative Masterplan is founded on a number of key design principles in order to achieve a high quality, sustainable residential development. The proposals include measures that help assimilate the development into its surroundings having regards to layout, scale and height of properties and the retention and enhancement of existing hedgerows, trees and woodland.

6.62 The proposals have adopted a landscape driven approach responding to the landscape and visual opportunities on the site and guided by the Inspector's comments made as part of the appeal

decision for the previous planning application. Development is set back from Station Road providing open space which retains the Parkland character and views of the upper slopes to the east of the site as you approach Market Bosworth (View 1 in the MBNP). This sloping land at the east of the site will also be retained as public open space to maintain north facing views from Godsons Hill (Vista 11 in the MBNP). This area also has elevated views of the wider landscape to the north.

- 6.63 In addition to this, the hilltop woodland in the east of the site will be retained and supplemented with further tree planting strengthening the wooded character and the boundary hedgerows to the north and east will be enhanced with further hedgerow tree planting to soften the development edge and act as buffer. Existing trees on site will be retained and supplemented with further tree planting as well as avenue tree planting centrally in the site providing a high-quality strong sense of arrival to the site.
- 6.64 The proposal incorporates Sustainable Urban Drainage Systems (SuDS) including two attenuation basins to provide appropriate water treatment and storage and a piped network providing suitable conveyance. Surface water discharge from the attenuation basins should be discharged to the existing culvert in the southwest corner of the site, as this mimics existing conditions. Opportunities will also be taken to provide marginal vegetation associated with attenuation features and ponds to provide wildlife benefits.
- 6.65 With regards to access, the illustrative masterplan shows the site is to be accessed via a simple priority T-Junction. The access will be shared with the proposed Kyngs Golf Club Development and this access road will be provided as a 6.0m carriageway with two x 2.0m footways alongside the carriageway, as per the recent application at the golf club, with the addition of tactile paving.
- 6.66 It is intended to improve the width of the existing footway on the north side of Station Road which provides access towards the centre of Market Bosworth. A travel plan has been prepared to accompany the planning application and sets measures to promote sustainable travel including the upgrading the two existing bus stops on Station Road to provide raised height kerbing level access, as well as shelters (if practical) and timetable cases.

6.67 Whilst detailed matters of design are best explored through the reserved matters stage, the submitted material shows how a carefully considered, high-quality scheme can be brought forward, guided by sites specific evidence and planning policy and guidance.

### Technical Assessments

6.68 A number of detailed technical assessments, surveys and reports have been commissioned to inform the proposed development, as listed in Section 2 of this Statement. The outputs of these reports, including any required mitigation measures, have been summarised below. For further information on any of these topics, please refer to the full reports directly.

### Landscape and Visual Impact

6.69 The Landscape and Visual Impact Assessment (LVIA) confirms that the site does not lie within a landscape that is recognised at either a national or local level for its landscape value or quality.

6.70 Land immediately north of the Site has been granted planning permission (approved June 2020) for the erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 holiday homes (C1) and associated ancillary works and landscaping (Ref: 19/01437/FUL) and more recently for a 50 x room golf and leisure accommodation facility (24/00019/FUL). This will further reinforce the peri-urban context within which the site is situated, with development enclosing the site. The golf club development will also form a backdrop to views across the site from Station Road. This includes both key 'View 1' and 'Vista 11' of the Market Bosworth Neighbourhood Plan.

6.71 The development parameters have responded to the landscape and visual opportunities and constraints and include the following:

- The development parameters have responded to the landscape and visual opportunities and constraints and include the following:
- Retained views of the upper slopes on the approach to Market Bosworth from the west (identified as 'View 1' within the Neighbourhood Plan). This is to be achieved with a development set back from Station Road to avoid interrupting views;
- Open space alongside Station Road beyond estate railings and retained as a parkland character with open views across area of grassland and specimen trees with pathways

connecting open space. Properties fronting open space beyond private driveways provide an attractive frontage;

- Sloping land to the east of the site to be retained as public open space to maintain north-facing views from Godsons Hill (identified as 'Vista 11' within the Neighbourhood Plan);
- Bungalows fronting open space allow views beyond the Site and consented golf club chalets to the wider countryside to the north;
- Creation of publicly accessible open space with elevated views across the wider landscape to the north from the hillside east of the site. Areas of Open space accessed by new paths off Station Road;
- Hilltop woodland retained and supplemented with new tree planting within open space to strengthen wooded character and backdrop;
- Boundary hedgerow to the north maintained and enhanced with hedgerow tree planting to provide a soft edge and buffer with the consented development and golf club to the north;
- Hedgerow to the eastern site boundary enhanced with new hedgerow tree planting to soften development edge, whilst retaining views across open space towards the wooded backdrop on Godsons Hill;
- Trees within the Site retained in open space to the east of the development and supplemented with new trees to reflect field boundaries. Trees scattered to allow intervisibility and retain views across the site to the wider landscape to the north;
- Avenue tree planting centrally within the site will provide a high quality strong sense of arrival to both the site and the consented Kyngs Golf and Country Club to the north;
- Opportunities to provide marginal vegetation associated with attenuation features and existing pond for wildlife and biodiversity enhancements; and
- Wildflower / meadow grassland to areas of public open space to provide amenity and wildlife benefits.

6.72 As set out within the Hinckley and Bosworth Landscape Character Assessment (2017), the site does not lie within a landscape that is designated at either a national or local level for its landscape value or quality. As demonstrated within this LVIA and through the design of the scheme, the proposals include measures that are effective in helping to assimilate the development into its surroundings having regard to the layout, scale and height of properties and the retention and enhancement of existing hedgerows, trees and woodland.

- 6.73 Tyler Grange, the landscape consultants who produced the LVIA, have worked alongside a wider technical and design team to formulate clear opportunities and constraints associated with the Site, to ensure that the development parameters respond to the local landscape context. From the outset this acknowledged the presence of View 1 and Vista 11 (latterly referred to as Vista I), and recognised that the topography and local landform rises to the east and, that there was an existing framework of boundary vegetation including some scattered internal mature trees. This demonstrates that the proposed development has considered and responded sensitively to the local landscape.
- 6.74 The proposals retain views across the site from Station Road and also provides publicly accessible green spaces with elevated vantages across the wider countryside. The retention of boundary trees and hedgerows, new tree planting and green infrastructure within the Site and opening up improved visual links with the landscape provide effective mitigation. The proposed development has therefore been assessed on balance as making a site-wide, localised Minor Adverse effect upon the landscape character of the Site.
- 6.75 At a wider scale, the development will give rise to Negligible landscape effects due to the containment of the Site and proposed houses in the landscape and relationship with the existing and consented development surrounding the Site. The proposals will not introduce incongruous features into the area. The visual assessment highlights the relatively limited extent of views in which the development will be visible. The surrounding undulating topography, existing woodland blocks and existing built form, in addition to the consented Kyngs Golf and Country Club scheme to the north, places the site in a peri-urban context.
- 6.76 For users of local roads and public rights of way, the visual effects have been assessed as Minor Adverse, reflecting the situation of the Site in relation to existing development, its contained nature and retention of the rising land to the east of the Site as undeveloped open space.
- 6.77 Overall, the planning history of the site has been taken account of, with the Inspectors comments made as part of the Appeal Decision used to guide and inform the current proposals. The scheme has undergone significant changes since the previous iteration which was the subject of the Planning Appeal. Specifically in relation to the extent to which the proposed layout will affect the Key Views and Vistas identified withing the Market Bosworth Neighbourhood Plan ('View 1' and 'Vista 11'). The additional area of land now included as part of the red line boundary has enabled

built development to be contained to the less visible northwestern extents of the Site, where much of the scheme will be screened and contained by the surrounding existing vegetation. The important components of 'View 1' and 'Vista 11' would be retained and will be largely unaffected.

6.78 The findings of this LVIA identify that the visual envelope of the Proposed Development is contained and that longer term effects will tend to minor or negligible. Overall, the Proposed Development will not result in unacceptable effects on the landscape or visual resource.

### Ecology

6.79 An Ecological Impact Assessment (EclA) has been submitted with the application. This sets out that the Site does not lie within or adjacent to the boundary of a statutory Designated Site for Nature Conservation. The Veteran Ash - Market Bosworth Station Road Local Wildlife Site (LWS) is located towards the eastern boundary of the site and will be retained as part of an area of green open space.

6.80 The site itself is dominated by modified and neutral grassland, bounded by hedgerows, with one pond located toward the centre of the Site. Scattered broadleaf trees are located throughout the site, with broadleaf woodland located to the southwestern boundary. Most habitats within the site are of low ecological value; however, habitats of more notable ecological value are present, including an area of neutral grassland at the centre of the Site, the pond, the broadleaf woodland, boundary hedgerows and scattered broadleaf trees, (including the veteran ash tree).

6.81 The site has been identified as having the potential to support great crested newts (GCN), due to the presence of one site pond, breeding birds nesting within the neutral long sward grassland and boundary habitats (hedgerows and trees), as well as bats utilising the boundary habitats and grasslands for commuting and foraging. Three site trees (including the veteran ash) have the potential to support roosting bats, however, all of these trees will be retained and will not be impacted by the scheme. A suite of protected species surveys is currently being undertaken across the site to determine presence/absence of species as well as potential population distributions. The resultant survey baseline will be used to inform design constraints and opportunities, as well as ensure legal compliance with wildlife legislation and policy.

- 6.82 The ecology strategy incorporates areas of connected habitats towards the eastern extent of the site including a Biodiversity Enhancements Area where neutral grasslands with native wildflowers will be planted, whilst incorporating the creation of three wildlife ponds. Tree planting at various locations around the site and the creation of Sustainable Urban Drainage (SuDS) ponds and swales also form part of the proposals. The scheme will seek to retain hedgerows, trees and other boundary habitats wherever possible.
- 6.83 The ecology strategy for the Scheme will also include mitigation proposals to ensure the protection of habitats and species prior to and during the construction phase. This will include the translocation GCN identified in the site pond to the three newly created ponds, located within the Biodiversity Enhancement Area. The three ponds within the site boundary have been positioned to ensure continued habitat connectivity between the site and the wider landscape for GCN and the potential for improved habitat quality for the species at this location.
- 6.84 Proposals for the site has been developed in full accordance with ecologists and the Ecological Impact Assessment (EclA) to ensure the scheme is acceptable in ecological terms.

### **BNG**

- 6.85 A Biodiversity Impact Assessment has been undertaken to assess the biodiversity performance of the scheme, to work towards achieving the mandatory requirement for 10% Biodiversity Net Gain. The scheme will aim to deliver a net gain at site, however, if not possible, an offsite solution will be sought and as a last resort, habitat units will be purchased

### **Trees**

- 6.86 A Tree Survey has been undertaken which assessed 47 individual trees, 1 tree group, 10 hedgerows, and 1 woodland. Most of the individual trees were of moderate quality (Category B). With the main arboricultural features on site relating to an area of high quality (Category A) woodland and a high-quality veteran ash tree (T22).
- 6.87 There is currently no tree preservation orders (TPO) at this location and the site is not situated within a conservation area. Therefore, none of the trees detailed within this report were subject to statutory protection at the time of the survey.



- 6.88 There were 3 trees surveyed that were classified category U status and unsuitable for retention in their current form. These trees pertain to T2, T15 and T17. These trees should be removed in the interests of good arboricultural management.
- 6.89 The proposed development will require the removal of 5 moderate quality (Category B) trees, 1 low-quality (Category C) tree, and 4 sections of low-quality (Category C) hedgerows. New hard surfacing is proposed within the RPAs of trees T20, T26, T33, T35, T36 and T37 this is considered acceptable in these instances, providing appropriate mitigation is applied to ensure the new hard surfacing is constructed in such a way to minimise impacts to the tree root system.
- 6.90 There will be moderate reduction in amenity and landscape value due to these losses. It is recommended that substantial compensatory planting is implemented through an effective landscape design.
- 6.91 As set out within the Landscape and Visual Impact Assessment, the hilltop woodland is to be retained and supplemented with new tree planting within open space to strengthen wooded character and backdrop, as well as the boundary hedgerow to the north maintained and enhanced with hedgerow tree planting to provide a soft edge and buffer with the consented development and golf club to the north; the hedgerow to the eastern site boundary will be enhanced with new hedgerow tree planting to soften development edge, trees within the site are retained in open space to the east of the development and supplemented with new trees to reflect field boundaries, trees will be scattered to allow intervisibility, as well as avenue tree planting.
- 6.92 The overall landscaping scheme for the development has been developed with the aim of maintaining an appropriate amount of tree cover whilst improving the long-term arboricultural value of the site.

### **Heritage and Archaeology**

- 6.93 The submitted Heritage Statement confirms that that there are no designated heritage assets within the proposed development site. There are no designated and non-designated heritage assets assessed as sensitive to the proposed development outside the site. There are no records on the Leicestershire & Rutland HER relating to activity within the site. Past geophysical surveys

within the site and previous archaeological trial works adjacent to the north and north-east of the site did not produce evidence to suggest the probable presence of archaeological assets.

- 6.94 A landing strip was visible as a mown feature within the central western of the site and, understood through the Conservation Officer's comments from 2020 to have been used by Group Captain Walter Myers Churchill DSO DFC during WWII. The recent site visit has confirmed the landing strip is no longer maintained above ground and therefore cannot be experienced in the landscape. It is not recorded on the HER, and it is recommended that the local interest in this feature and Churchill's local involvement is best recognised through street names or an information panel, in addition to the memorial cairn dedicated to him and his two brothers already present in front of the JJ Churchill factory. Development within the site allows for greater recognition of Group Captain Churchill's involvement with Market Bosworth.
- 6.95 The archaeological potential of the site has previously been evaluated through geophysical surveys, undertaken as part of two separate outline planning applications for the eastern and western parts of the site (Magnitude Surveys 2020 and SUMO 2021). Neither of the surveys has recorded any anomalies suggestive of being of archaeological origin.
- 6.96 In response to previous outline planning applications in 2020-21 (20/01021/OUT & 21/00970/OUT), the LPA's archaeological advisor indicated that the archaeological interest in the site could be secured by appropriately worded planning conditions. The outline application for the eastern part of the site (20/01021/OUT) was later refused, but not on heritage grounds; the application for the western part (21/00970/IUT) was withdrawn prior to determination.
- 6.97 Based on the results of the geophysical survey, the available archaeological data for the site and the surrounding area as well as negative results of intrusive fieldwork within the vicinity, the site is considered to have a low/negligible potential for significant (i.e. non-agricultural) remains of all periods. Any further remains that are present are likely to be of local interest and would be significant for their archaeological interest and potential to contribute to local research agendas.
- 6.98 The geophysical surveys have not identified any obvious targets for trenching. Given the near absence of features of any archaeological interest and the previous consultation response (which did not consider any intrusive fieldwork as necessary), it is recommended that any trenching, if required, could be secured by condition.

## Traffic and Highways

- 6.99 A Transport Assessment and Travel Plan also accompany the application submission. This considers the potential transport and highways impacts of the proposals including the impact of the development generated traffic on the surrounding road network, and also the implications for travel by non-car modes. The Transport Assessment demonstrates that the site is located in a sustainable location with a range of local facilities, including Market Bosworth Town Centre, schools and various healthcare and leisure facilities.
- 6.100 As set out previously, this is an outline planning application with all matters other than access reserved for future determination. Site access is provided via the existing Kyngs Golf Club access, which will be upgraded to a 6m carriageway with two x 2m footways. The access proposals also include plans to improve pedestrian connectivity to the centre of Market Bosworth by widening the footway to 2.0m along the frontage of the site.
- 6.101 The development benefits from having a range of facilities typically used by residents on a day-to-day basis within an easy walk or cycle of the proposal site.
- 6.102 Whilst all Personal Injury Accidents are regrettable, the number and severity of accidents in the immediate vicinity of the site does not give any undue cause for concern and the limited level of traffic associated with the development will not have an unacceptable impact on highway safety.
- 6.103 The analysis carried out across the specified junctions on the highway network shows that the impact of traffic generated by the proposed development will be minimal or negligible, with the existing site access currently in use and predicted to operate well within capacity.
- 6.104 The development is well located to make use of existing infrastructure and services and is suitable in transport terms. The development will promote the use of sustainable modes of transport and the site provides safe and suitable access for all users in accordance with the National Planning Policy Framework (NPPF) and local policy.
- 6.105 Bearing the above in mind, the NPPF states that: 'Development should only be prevented or refused on highways grounds if there would to be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'

6.106 Overall, the Transport Assessment demonstrates that, in NPPF terms, the development will not have a material impact on the operation of the local highway network and will not have an unacceptable impact on highway safety.

6.107 On the basis of the above, it is concluded that the proposals accord with national, regional and local transport related policies and, as such, it is considered there are no reasons why the proposals should be resisted on traffic or transportation grounds.

6.108 The Travel Plan, which sets out a number of measures to promote sustainable modes of travel including cycling, walking and use of public transport also sets out provision of two 6-month "taster" bus passes to be provided per dwelling.

### **Flood Risk and Drainage**

6.109 A Flood Risk Assessment and a Preliminary Drainage Strategy has been prepared and is submitted with this application. The FRA demonstrates that the proposed development is not at significant flood risk, and simple flood mitigation strategies are recommended to address any residual risk that may remain.

6.110 The Flood Map for Planning shows that the site is entirely within Flood Zone 1 (Low Probability), land defined as having less than a 1 in 1000 annual probability of river or sea flooding. The watercourse and culvert within the site are not considered to pose a significant fluvial flood risk and the post development scenario, involving daylighting the existing culvert, will further reduce any potential flood risk.

6.111 A localised area of low-risk pluvial flooding affects the central portion of the site however, this emanates solely from within the existing site therefore, the introduction of a comprehensive drainage strategy will mean that in a post development scenario this will have significantly reduced extents.

6.112 The proposed development is also located outside the area shown to be at risk of reservoir failure or groundwater flooding and Tidal and canal sources are not considered to pose a risk due to the distance and terrain between the site and tidal/canal waterbodies.

- 6.113 There are several small to large waterbodies within the vicinity of the site however, LIDAR information demonstrates that the surrounding topography will prohibit any overland flow routes in the event of these waterbodies overtopping. The existing ditch will also act as a cut-off feature to the northern part of the site should overland flows develop.
- 6.114 A surface water drainage strategy has been produced for the site. The impermeable area of the site will be increased. This will be mitigated by a SuDS network comprised of: a control chamber reducing flow into the existing culvert to greenfield rates; sufficient storage for a 1:100 year plus climate change event provided by detention basins; and the daylighting of an existing culvert.
- 6.115 The development will also provide a betterment to the wider catchment by alleviating the existing overland flows that emanate from the existing site. It is proposed that on-site attenuation is provided up to the 1 in 100 year plus climate change event in a pair of open attenuation basins, using sustainable drainage systems with a network of pipes to provide suitable flow transmittance.
- 6.116 In compliance with the requirements of National Planning Policy Framework, and subject to the mitigation measures proposed, the proposed development could proceed without being subject to significant flood risk. Moreover, the development will not increase flood risk to the wider catchment area, and will in fact result in a betterment offsite, as a result of suitable management of surface water runoff discharging from the site.

## Noise

- 6.117 The Acoustics Assessment undertaken for the proposed residential development has been undertaken with accordance with BS 4142, with consideration given to the guidance contained in BS 8233, ProPG and AVOG.
- 6.118 The assessment indicates that, based on a roller shutter door closed scenario, the Rating Level due to operational noise from JJ Churchill lies below the background sound level during both the day and night-time. With the roller shutter door open, the Rating Level due to operational noise exceeds the background sound level by +7 dB during the daytime, and +14 dB during the night-time, which is an indication of the specific sound source having an Adverse to Significant Adverse impact respectively in accordance with BS 4142, depending on context.

- 6.119 With regard to context, BS 4142 indicates that *“in general, there will be a relationship between the incidence of complaints and the level of general community annoyance”*. In all scenarios, the greatest impact would occur at the closest existing dwelling located at approximately 30m from the northwest corner of the building. Therefore, the lack of any existing noise complaints, from a dwelling that is closer to the source, is a good indicator that even if the roller shutter door were to be left open, the impacts are not so great that they would adversely affect any new dwelling on the site. This is evidenced by the fact that during the attended measurement period, there was no audible noise from JJ Churchill at positions representative of new dwellings, and the audio analysis of the long-term measurement data supports the conclusion that operational noise from JJ Churchill was not present at a position representative of the most exposed dwellings on the site.
- 6.120 BS 4142 emphasises the need for matters to be placed into context, and in this respect, it mentions several matters for consideration, which include whether dwellings or other premises used for residential purposes will incorporate design measures that secure good internal and/or outdoor acoustic conditions. Therefore, when considering context and, internal and external acoustic conditions, residential amenity can be protected through pragmatic mitigation measures.
- 6.121 Acoustic modelling has demonstrated that, for an illustrative layout based on the development framework plan, BS 8233’s criterion of 55 dB LAeq,16hr will be satisfied across the site through the provision of standard 1.8m high close boarded timber fencing, with the majority of garden areas satisfying the lower-level criterion of 50 dB.
- 6.122 With regards to internal acoustic conditions, the most exposed dwellings will satisfy the criteria in BS 8233 and ProPG through the provision of standard thermal double glazing and window mounted trickle ventilators to achieve the whole-dwelling ventilation requirements of AD-F.
- 6.123 When considering the planning guidance outlined in AVOG, an open window acoustics strategy is permissible during periods of overheating, however, further investigations may be required under AD-O at Building Control stage. Nevertheless, as this is not a planning consideration the application should not be delayed on these grounds.
- 6.124 In conclusion, it is considered that with the implementation of the recommended mitigation strategy, the Site is suitable for residential development.

## Air Quality

- 6.125 An Air Quality Assessment for the proposed residential development has been undertaken, in addition to a Construction Dust Risk Assessment.
- 6.126 Air quality within the HBBC area is generally good and, air quality objective levels are met throughout the Council's administrative area. Since 'relevant exposure' is already present adjacent to the Site, i.e., existing residential dwellings are present adjacent to the Site and local roads, and these have already been considered within HBBC's reviews and assessments, the same conclusions will apply for new dwellings on the site. Namely, all air quality objectives will be satisfied on the site and at dwellings adjacent to the routes to the site.
- 6.127 Assessments in accordance with Local Air Quality Management guidance indicate that for baseline scenarios in both 2024 and 2029, receptors adjacent to all roads have values below the current annual mean air quality objectives for NO<sub>2</sub> and PM<sub>10</sub>, which is consistent with HBBC's air quality review and assessments.
- 6.128 With traffic generated by both committed and proposed development in 2029, the absolute concentrations remain below the current air quality objectives and the level of change due to traffic generated by development is small, which would not have a significant impact upon local air quality.
- 6.129 The ambient concentrations of local traffic emissions from proposed development are predicted to be less than 75% of the Air Quality Assessment Level (AQAL), and the % change in concentration relative to the AQAL is calculated to be less than 1% for all roads. On this basis, the development's impact on local air quality will be negligible.
- 6.130 The future year scenario has been undertaken using future year traffic flow data, together with 2024 background data, to account for current uncertainty in future year predictions.
- 6.131 Since the air quality assessment indicates that annual mean air quality objectives will be met at the most exposed receptor locations, and since the actual changes due to traffic generated by 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 both committed and proposed

development traffic will not have any adverse impacts on ambient air quality for existing dwellings. The results do not indicate a requirement for more detailed dispersion modelling.

- 6.132 Mitigation measures have been proposed to minimise the potential effects associated with increased air pollutant concentrations.
- 6.133 With regard to dust soiling, the risk assessment indicates that on the basis of no mitigation being present, all phases would present a 'Low Risk'. Similarly, with regard to PM10 effects, the risk assessment indicates that on the basis of no mitigation being present, all phases would present a 'Low Risk' to health. The relevant mitigation measures presented in the IAQM guidance for a 'Low Risk' site should be routinely included in the site's dust management plan for the relevant earthworks and construction phases.

### **Ground Conditions / Site Investigations**

- 6.134 The Ground Conditions Desk Study Report identified that the risk of the site being considered contaminated with regard to human health is very low. The sensitivity of the proposed use with regard to contamination is considered high based on the proposed residential end use.
- 6.135 A number of minor features which have the potential to act as a source of contamination, including unspecified ground working in the eastern portion of the site. Based on the scale of this feature and location (outside of the proposed developable area) is risk of this feature impacting the site is considered very low.
- 6.136 The arboricultural impact assessment demonstrates that there are no areas on site where ground protection measures will require installation on this site. General ground conditions to be investigated by trial pit and borehole for geotechnical and environmental purposes.
- 6.137 The risk of the site being considered contaminated with regard to Controlled Waters is considered very low. The site is classified as Secondary Aquifer associated with the underlying geology.
- 6.138 Site investigations are recommended to confirm the potential risk to the identified receptors are at an acceptable level, and that no remedial action is required.



## Utilities

6.139 Connections to utility services are as follows.

### Severn Trent Water – Foul and Clean Water

6.140 Severn Trent Water (STW) has confirmed that the nearest gravity connection achievable is the 300mm combined sewer within the carriageway of Station Road. No improvement works are required and therefore the foul flows generated from the proposed development can be accommodated into the local sewer. STW have confirmed that there is sufficient capacity to supply the proposed development with clean water, therefore, reinforcement works are not required. The connection for the proposed development can be taken from the existing 6" PVC main in Station Road at the proposed entrance to the development.

### Cadent – Gas

6.141 Cadent have confirmed that there is sufficient capacity in the local low pressure gas network to supply the development site and therefore reinforcements are not required. Connections are to be made to the 180mm PE low pressure gas main located within Station Road which is at the site boundary.

### National Grid Electricity Distribution – Electricity

6.142 NGED have advised that the existing circuit is expected to be overlaid / rebuilt with works scheduled to take place next year. NGED have advised that the point of supply will be from the passing HV underground cable to the north west of the site boundary with a second point of supply will be to the south west of the site boundary, leading to two centrally located substations within the development.

### Telecommunications

6.143 Openreach will deploy Fibre to the Premises (FTTP), free of charge, into all new housing developments of 20 or more homes.

### Multi Utility

6.144 GTC is an independent distribution network operator who can supply electricity, clean water, waste water and fibre connections to the proposed development. With point of connections assumed at site entrance.

## Planning Balance

- 6.145 The Council acknowledges that the Development Plan's housing policies are out of date due to the age of relevant housing policies in the Core Strategy even though the Council can now demonstrate a 5.6-year housing land supply. In accordance with paragraph 11d) of the NPPF, the Council should still grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as whole.
- 6.146 The planning history of the site has been taken account of when formulating updated proposal for the site, with the Inspectors comments made as part of the Appeal Decision (Ref: APP/K2420/W/21/3279808) used to guide the current proposals. The single reason for refusal upheld at appeal was in relation to the extent to which the proposed layout will affect the Key Views and Vistas identified withing the Market Bosworth Neighbourhood Plan ('View 1' and 'Vista 11'). The scheme has subsequently undergone significant changes. An additional area of land is now included in the proposal which enables built development to be contained to the less visible northwestern extents of the Site. The important components of 'View 1' and 'Vista 11' would be retained and will be largely unaffected. The LVIA submitted alongside this planning application therefore concludes that overall, the proposed Development will not result in unacceptable effects on the landscape or visual resource.
- 6.147 The benefits of this development proposal include the delivery of a highly sustainable development with positive social, economic and environmental benefits. This has the clear benefit of boosting the supply of both market and affordable housing particularly relevant in the context of an out-of-date Local Plan and increased Local Housing Need in respect of the proposed changes to the NPPF. Other benefits include contributing to increasing the vitality and viability of the local services and facilities through increased spend from local residents, delivery of significant levels of open space, the protection and enhancement of landscape features, incorporation of biodiversity enhancements and a boost to the local economy through employment and training opportunities during construction.
- 6.148 This development proposal does not have any technical constraints preventing delivery and it is clear that the benefits of the proposed scheme outweigh any harm. This planning application should be approved without delay in accordance with Paragraph 11d) of the NPPF (2023).

## Heads of Terms

6.149 Richborough will seek to enter into constructive dialogue with the Council to agree obligations which, in accordance with the CIL Regulations (2010) (as amended) are necessary, directly related to the development and fairly related in scale and kind to the development.

6.150 The following Heads of Terms are suggested and subject to viability:

- Affordable Housing (Policy 15 requires 40% provision)
- Education
- Public Open Space
- Transport
- Civic Amenity
- Health Care Facilities
- Library Facilities

6.151 Other contributions may be identified through the planning consultation process, and subject to meeting the appropriate tests of necessity and reasonableness, consideration will be given to their inclusion.

## Planning Conditions

6.152 Richborough is committed to and willing to discuss any requested planning conditions with Officers at the Council, to ensure that they satisfy the six tests set out in paragraph 003 of the PPG and paragraph 57 of the NPPF respectively.

# 07 Conclusion

- 7.1 This Planning Statement has been prepared in support of an outline planning application for up to 126 dwellings including affordable housing, landscaping, open space, drainage and associated infrastructure (all matters reserved except for access for upgraded access to Station Road).
- 7.2 The development proposal seeks to address the key concerns from previous planning applications. The Inspectors comments made as part of the Appeal Decision (Ref: APP/K2420/W/21/3279808) have been used to guide the current proposals. The scheme has undergone significant changes, specifically in relation to the extent to which the proposed layout will affect the Key Views and Vistas identified withing the Market Bosworth Neighbourhood Plan ('View 1' and 'Vista 11'). The additional area of land now included as part of the red line boundary has enabled built development to be contained to the less visible northwestern extents of the Site, where much of the scheme will be screened and contained by the surrounding existing vegetation. The site is otherwise not constrained and should be viewed as preferable to alternative options elsewhere in Market Bosworth.
- 7.3 Market Bosworth is acknowledged to be a one of the Council's most sustainable rural settlements, only behind the urban areas of Hinckley, Burbage and Earl Shilton and Barwell, thereby forming a significant part of the settlement hierarchy for Hinckley and Bosworth. It's proposed role within the draft Local Plan is as a 'Key Rural Centre' and thus it is suitable and capable of accommodating sustainable development.
- 7.4 We consider a greater contribution of dwellings can be delivered in Market Bosworth than the 180 dwellings currently proposed. The proposed allocation capacity for phase 2 of the south of Station Road allocation has been reduced by 63 dwellings therefore showing that Officers believe that Market Bosworth can accommodate 243 dwellings. In addition to this, 514 dwellings are to be allocated in the upcoming Regulation 19 Plan. These sites are required to meet the currently identified Local Housing Need and contribution to Leicester City's unmet need. It has also been calculated that if the proposed changes to the NPPF are confirmed this could result in the overall need to identify a further 2,444 dwellings within the plan period. Therefore, additional delivery is required in both the current and emerging NPPF scenarios. The North of Station Road site can add

vitality much needed supply in a highly sustainable location. It has been accepted as such by Officer's, evidenced by the recommendation for approval in the 2014 and evidenced in officer response to the 2021 application. It has no landowner issues or technical constraints that would delay delivery unlike the allocated site, South of Station Road and proposed phase 2 allocation in Market Bosworth and the constrained land located to the east of the town.

7.5 The proposed development will deliver a highly sustainable residential development within this infill site with positive social, economic and environmental benefits, whilst also assisting the Council in boosting the supply of housing and the delivery of housing in future years particularly relevant in the context of an out-of-date Local Plan and an increased Local Housing Need in respect of the proposed changes to the NPPF. By approving the development proposals at North of Station Road, this will contribute towards sustaining and increasing the vitality and viability of the local services and facilities, thus contributing towards creating and maintaining a sustainable and balanced community and promoting a strong local economy.

7.6 As expanded on in Section 6 above, the scheme will deliver a number of benefits for the future and existing local community, which will include:

- Construction of additional housing to significantly boost Hinckley and Bosworth Council's supply of both market and affordable housing, including a mixture of dwelling types and sizes, ranging from bungalows, semi-detached and detached family properties across 2, 3 and 4 bedrooms;
- Significant levels of high quality public open space, including a new equipped play area with further natural play areas, trim trail, amenity space and a number of attenuation and biodiversity ponds;
- The protection and enhancement of existing landscape and biodiversity habitats. The proposed development will retain the majority of the existing trees and hedgerows onsite. The mature woodland to the east will be retained and supplemented with new tree planting within open space to strengthen wooded character. It will also retain views across the site from Station Road and also provides publicly accessible green spaces with elevated vantages across the wider countryside; and
- A boost to the local economy through employment and training opportunities during construction, increased spend from local residents in the local economy following completion, together with the delivery of New Homes Bonus.

- 7.7 The Council acknowledges that the housing policies in the development plan are out of date, (even though they can now demonstrate a housing land supply position of 5.6 years). The application should therefore be determined in accordance with Paragraph 11(d) of the Framework and planning permission granted. The historic application for the eastern part of the site was refused solely on the basis of identified views and vistas in the adopted Neighbourhood Plan. This planning application has had full regard for these views and vistas and has demonstrated that the proposals can be delivered without unacceptable adverse impact. As such, the application should be approved without delay.
- 7.8 This Statement and the technical reports submitted with this application confirm that the adverse impacts of granting planning permission for the proposed development will not significantly and demonstrably outweigh the significant benefits which will be delivered as a result of the new housing proposed. The proposals are therefore considered to constitute sustainable development and should be approved without delay in accordance with paragraph 11 of the NPPF, subject to the imposition of appropriate conditions and a S106 obligation.
- 7.9 The application is supported by various detailed reports and surveys which consider the proposed development's impact on the site and its surroundings. All of these reports and surveys conclude that the proposal can be comfortably assimilated into its surroundings without any significant adverse impacts. Furthermore, there are no technical considerations or complications in respect of land ownership which would delay the delivery of the site or undermine its viability.