

## Item No. 1

### Application Reference Number P/21/0759/2

<b>Application Type:</b>	Outline	<b>Date Valid:</b>	1/4/2021
<b>Applicant:</b>	Gladman Developments Ltd		
<b>Proposal:</b>	Outline planning application for up to 135 new dwellings, with all matters reserved except access.		
<b>Location:</b>	Land off Melton Road, Barrow Upon Soar, Leicestrshire		
<b>Parish:</b>	Barrow Upon Soar	<b>Ward:</b>	Barrow and Sileby Ward
<b>Case Officer:</b>	Susan Garbutt	<b>Tel No:</b>	07864 603389

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## 1. Background

1.1 This application has been brought to Plans Committee as it relates to a major housing development outside current limits to development and is a departure from the development plan which is recommended for approval. The application has also been called in by Ward Cllr Fryer and Ward Cllr Ranson for the following reasons:

- Overdevelopment
- Outside limits to development
- Loss of agricultural land
- Access

## 2. Description of the Application Site

2.1 The site is situated on the northern side of Melton Road. The site is roughly rectangular in shape and is approximately 6.94 hectares in size. The site is bounded by Melton Road to the south-east. The site abuts Millennium Park to the south-west, Brook Lane to the north-west, Fishpool Farm to the north and agricultural land to the east. The nearest residential properties are those on the edge of Barrow Upon Soar (west of Fishpool Way) varying from approximately 30-60m from the west site boundary. The site is separated from the property to the east, Paudy Rise Farm, by a field approximately 100m.

2.2 The site itself is currently agricultural land and is varied in topography. The site rises gently south-west to south-east along Melton Road and within the site the levels rise from Melton Road towards the centre of the site before sloping downwards again towards the northern boundary. There is a high point in the mid-point of the site of 66m AOD which is some 11m higher than the lowest point on the Melton Road frontage. The site has hedgerow boundaries to all sides, which include some trees.

2.3 The site includes a bridleway which runs along the western boundary of the site and connects Melton Road to Brook Lane.

2.4 The site is outside the defined Limits to Development of Barrow Upon Soar, as specified in the Adopted Local Plan 2004 and the more recent Neighbourhood Plan 2018. The site has no landscape designations. The site is located within the Soar Valley Landscape Character Area though the extreme eastern edge is within the Wolds Character Area.

### **3. Description of the Proposal**

3.1 This outline planning application seeks planning permission for the erection of up to 135 dwellings, with all matters reserved other than the access onto Melton Road. The proposal includes 30% affordable housing. The proposed density of the residential areas would be an average of 34 dwellings per hectare.

3.2 It is proposed that the access would be taken from Melton Road. The submitted Development Framework plan shows housing would front onto Melton Road, Millennium Park, the proposed open space to the north, and the adjacent field to the east. The proposed open space would include a Local Equipped Area of Play (LEAP). A footpath link is proposed from the north-west corner of the site to link to Brook Lane to the north and Millennium Park to the west. An existing overhead line is to be diverted/undergrounded where it crosses the site east to west at approximately the mid point of the site. A drainage attenuation pond is to be sited to the south of the site, at the lowest point. All existing hedgerow boundaries are proposed to be retained, with the exception of a section of the southern hedgerow, which is to be removed to facilitate the new access point.

3.3 To connect the development to the existing urban area of Barrow Upon Soar, there are two formal pedestrian crossings proposed across Fishpool Way; one by the existing Melton Road/Fishpool Way roundabout, and one by the junction with Brook Lane.

3.4 The application is supported by the following:

- Planning Statement
- Design and Access Statement
- Heritage Statement
- Socio-Economic Sustainability Statement
- Foul Drainage Analysis
- Statement of Community Involvement
- Noise Report
- Ecological Assessment and BIA
- Flood Risk Assessment
- Phase 1 Geo-Environmental Report
- Transport Assessment
- Travel Plan

During the course of the application the applicant submitted further highways information, and this was re-consulted upon with the Local Highway Authority.

#### **4. Pre-application Advice**

- 4.1 The applicant sought pre-application advice under reference P/20/1717/2. The applicant was advised in November 2020 that at that time school place provision would be a significant barrier to development in Barrow upon Soar as the existing primary school is lacking in capacity and not able to expand. It was expected that approximately 700 new homes would be required to support the delivery of a new school. The applicant was advised amongst other things to continue to promote the site for housing via the Local Plan process, to ensure an overarching strategic approach is taken to school delivery.

#### **5. Environmental Impact Assessment (EIA) Screening**

- 5.1 The proposal is for development of less than 150 dwellings, but the site area is over 5 hectares. The development therefore falls under Schedule 2 of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2017 (as amended). EIA is unlikely to be required for the redevelopment of land unless it is of a significantly greater scale with significant urbanising effects (e.g. 1,000 dwellings) or the types of impact are of a markedly different nature or there is a high level of contamination. Given the nature of the application proposals, it is not considered that the application would constitute EIA development.

#### **6. Development Plan Policies**

##### **6.1 Charnwood Local Plan Core Strategy (adopted 9 November 2015)**

- Policy CS1 – Development Strategy
- Policy CS2 – High Quality Design
- Policy CS3 - Strategic Housing Needs
- Policy CS11 - Landscape and Countryside
- Policy CS13 - Biodiversity and Geodiversity
- Policy CS14 - Heritage
- Policy CS16 - Sustainable Construction and Energy
- Policy CS17 - Sustainable Travel
- Policy CS18 – The Local and Strategic Road Network
- Policy CS24 - Delivering Infrastructure
- Policy CS25 - Presumption in favour of sustainable development

##### **6.2 Borough of Charnwood Local Plan (adopted 12 January 2004) (saved policies)**

Where they have not been superseded by Core Strategy policies previous Local Plan policies remain part of the development plan. In relation to this proposal the relevant ones are:

- Policy ST/2 - Limits to Development
- Policy CT/1 - General Principles for areas of countryside
- Policy CT/2 – Development in the Countryside
- Policy EV/1 - Design

- Policy TR/18 - Parking in New Development

### 6.3 Barrow Upon Soar Neighbourhood Plan 2016-2018 (made 2018)

- Policy BuS1 Ecology and Biodiversity
- Policy BuS4 Design
- Policy BuS4 Local Green Spaces
- Policy BuS9 Barrow Health Centre
- Policy BuS10 Primary School
- Policy BuS12 Infrastructure
- Policy BuS13 Road Network
- Policy BuS15 Walking and Cycling
- Policy BuS16 Housing Provision
- Policy BuS17 Meeting the housing needs of older people
- Appendix 1 Village Design Statement 2016

### 6.4 Minerals and Waste Local Plan (2019)

- Policy M11

## **7. Other material considerations**

- The National Planning Policy Framework (NPPF 2021)
- Planning Practice Guidance
- National Design Guide
- The Planning (Listed Buildings and Conservation Areas) Act 1990.
- Leicestershire Housing and Economic Needs Assessment (HENA) 2022
- Housing Supplementary Planning Document (adopted May 2017 – updated December 2017)
- Design Supplementary Planning Document (January 2020)
- Leicestershire Highways Design Guide
- Borough Landscape Character Appraisal (July 2012)
- Technical Housing Space Standards (2015)
- Conservation of Habitat and Species Regulations 2010 (as amended)
- Equality Act 2010
- Planning Guidance for Biodiversity 2022

### 7.1 The Draft Charnwood Local Plan 2021-37

This document was submitted for examination in December 2021. It sets out the Council's strategic and detailed policies for the plan period 2019-37. A number of hearing sessions have been held on some matters in June 2022 and October 2022 and hearing sessions will resume in early 2023. In accordance with NPPF paragraph 48, the relevant emerging policies in the plan may be given weight in determining applications, according to:

- a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater weight it may be given),

- b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given),
- c) the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

7.2 The following emerging policies are considered relevant in the determination of this application:

- DS1 Development Strategy
- DS3 Housing Allocations (the site is emerging allocation HA46 for 120 dwellings)
- DS5 High Design Quality
- SC1 Service Centres
- H1 Housing Mix
- H3 Internal Space Standards
- H4 Affordable housing
- T3 Car parking standards
- CC1 Flood Risk Management
- CC2 Sustainable Drainage Systems
- CC4 Sustainable Construction
- CC5 Sustainable Transport
- CC6 Electric Vehicle Charging Points
- EV1 Landscape
- EV6 Conserving and Enhancing Biodiversity and Geodiversity
- EV7 Tree Planting
- EV9 Open spaces, sport and recreation
- EV10 Indoor sports facilities
- EV11 Air Quality
- INF1 Infrastructure and Developer Contributions
- INF2 Local and Strategic Road Network

The application site comprises exactly housing allocation reference DS3 (HA46). The weight assigned to the relevant policies will be addressed in the assessment that follows.

## 8. Consultation Responses

8.1 The table below sets out the responses that have been received from consultees with regard to the application. Please note that these can be read in full on the Council's website [www.charnwood.gov.uk](http://www.charnwood.gov.uk)

Consultee	Response
CBC Senior Ecologist	1) The baseline assessment is acceptable. 2) Most of the proposed habitat assessments, including times to condition are acceptable. 3) The proposal to establish semi-improved grassland following to soil stripping is welcomed, however the level of net gain assumed is over

	<p>optimistic. I would suggest extending the approach of top soil stripping over a larger area, but reducing the area which is assigned good condition. This would lead to a slight increase in the loss on this site.</p> <p>4) These proposals would need to be cross referenced with recommendations from the Open Spaces team</p> <p>5) The assessment of the SuDS (Inundation vegetation in poor condition) for the northern site is acceptable in part. The habitat type and condition used is appropriate for the base of the basin will be smaller than this.</p> <p>6) The use of roosting / nesting features is recommended. This is welcomed but should be controlled by condition to ensure that these are incorporated in to the fabric of buildings and therefore permanent. The use of on-site composting is also welcomed and should be controlled by a condition relating to the creation and management of on-site habitat.</p> <p>The suggestion that further on-site enhancement could be demonstrated at the reserved matters stage by specifying seed mixes is considered inappropriate since this would require the creation and long term management of habitat with a quality beyond what could reasonably be expected to be delivered on a residential site.</p> <p>Overall, the submitted assessments show a net loss, slightly increased in the net losses shown in the application. This could be addressed as follows: (in order of preference);</p> <ol style="list-style-type: none"> <li>a) reducing the footprint of built development,</li> <li>b) providing compensatory habitat on blue line land adjacent to each site: a single area would be appropriate (and preferable) to absorb the residual impact of both sites, or</li> <li>c) financial compensation.</li> </ol> <p>Therefore, if the applications were to be approved, conditions and a S106 agreement would be used to secure that a compliant proposal could be brought forward at reserved matters stage on both sites.</p>
<p>Barrow Upon Soar Parish Council (31/1/22 and 29/9/21 and 28/6/21)</p>	<p>Comments:</p> <p>Large scale development outside limits, contrary to CS1, CT/1 and CT/2</p> <ul style="list-style-type: none"> <li>• Limited weight given to the emerging allocation HA46</li> </ul>

	<ul style="list-style-type: none"> <li>• Concerns regarding traffic and lack of sustainable transport options contrary to BuS13</li> <li>• No satisfactory provision for education</li> <li>• Additional health centre required in accordance with BuS9</li> <li>• Unacceptable impact on the already over-occupied car parks in the village</li> <li>• Need a community building</li> <li>• The application has not demonstrated that it will not increase flood risk</li> <li>• The development will not connect to Millennium Park and will be poorly related to the village in landscape terms</li> <li>• S106 package required towards highways improvements, new primary school, new community centre, village centre car parking, health centre and community library contributions, improvements to the railway station, public toilets in the village centre, foot/cycleways to link the site to the village centre and rail station, school places at Humphrey Perkins School, notice boards/defibrillator, seats, bus shelters, litter bins grit bins.</li> <li>• Grove Lane/South St junction – LHA has confirmed that they will not be installing measures to control traffic at the junction, could measures to improve visibility be sought by condition?</li> <li>• The ‘natural balancing’ referred to by the LHA puts extra pressure on High Street, which is busy and gridlocked when Slash Lane is closed (e.g. flooding – see comments of 29/9/21)</li> <li>• Travel Packs – Agree a good idea but the public transport does not serve the site. Could LHA fund extra services?</li> <li>• Consider the need for traffic speed reduction easurs along Grove Road, Melton Road and South Street as these will see increase in traffic.</li> </ul> <p>Objection based on village survey in the summer of 2021:</p> <ul style="list-style-type: none"> <li>• Road closures caused by flooding (4 times and total of 52 days in 12 months) impact on traffic flow</li> <li>• New school is needed in local area</li> <li>• Do not want further housing</li> </ul>
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	<ul style="list-style-type: none"> <li>• Dangerous road junctions would be made worse</li> <li>• Access to rail station should be for all (wheelchairs/prams)</li> <li>• Need improved pedestrian access to the village centre and more car parking and permanent public toilets</li> <li>• New development should contribute to a youth club building/community building</li> <li>• Need adult recreational facilities</li> <li>• New housing would add pressure to drainage system</li> </ul>
Severn Trent Water (28/1/22)	Informative suggested regarding permits to connect to mains.
Leicestershire County Council – Highways (14/1/22)	<p>Does not object to the proposal in principle subject to a number of conditions to provide the following:</p> <ul style="list-style-type: none"> <li>• Provision of the access arrangements</li> <li>• Scheme for site access in accordance with submitted plans</li> <li>• A construction traffic management plan</li> <li>• Submission and approval of Travel Plan</li> <li>• Scheme for the treatment of the public right of way</li> <li>• Public bridleway treatment</li> <li>• Restrictions on planting within 1.0m of the right of way</li> <li>• Boundary treatment of the public right of way</li> <li>• Signing scheme for the public right of way</li> </ul> <p>The following contributions are also sought:</p> <ul style="list-style-type: none"> <li>• Travel Packs for new residents</li> <li>• Six month bus passes (two per dwelling) for the first occupation of each new dwelling</li> <li>• A Travel Plan monitoring fee of £6,000</li> <li>• Improvements to 4 bus stops on Babington Road in the form of road markings, £1,500 per stop (opposite and adjacent to The Banks and opposite and outside Newton Close)</li> <li>• Construction Traffic Routing Agreement</li> </ul>
Leicestershire Lead Local Flood Authority – LCC (16/8/21)	Leicestershire County Council as Lead Local Flood Authority (LLFA) advises the Local Planning Authority (LPA) that the proposals are considered acceptable. A number of conditions are recommended to be attached to any grant of



	planning permission. Confirms that the site is within Flood Zone 1.
Campaign to Protect Rural England (13/7/21)	<p>Object to the development on ground of prematurity and consider the proposal should be considered under the adopted Local Plan.</p> <ul style="list-style-type: none"> <li>• The housing requirement of the service centres have been exceeded.</li> <li>• The site is outside of limits to development.</li> <li>• The site drains into flood zones 2 and 3 and a sequential test has not been carried out.</li> <li>• Need protected species analysis</li> <li>• Built development would be incursion into the rising ground outside of the bowl of the village</li> <li>• A mix of house types is required by condition</li> <li>• Need a new school</li> <li>• Concern about reliance on car and impact on existing road junctions</li> <li>• Public consultation undertaken is inadequate</li> <li>• Adopted policy does not allocate the site for housing</li> </ul>
Leicestershire County Council Early Years (23.9.2022)	<p>This development will see an increase of 11.47 Early Years children to the area with a net deficit of 22 places. This deficit with the additional 11 places from this development creates a deficit of 33 places so a full claim is justified. Contribution of £8,907 per place is sought: <b>total of £102,163.29</b></p>
Leicestershire County Council – Education (updated comments 1/12/2022)	<p>In accordance with the Education Strategy for Barrow:</p> <ul style="list-style-type: none"> <li>• <b>Primary provision:</b> Proportionate contribution to 1FE primary school to serve Barrow of £2,019,355.58, representing 22.58% of total costs, reflecting the share of overall growth (to be reviewed and confirmed at the time of signing);</li> <li>• Necessary transition funding to provide temp accommodation and/or school transport costs in advance of new school To transport up to 39 pupils to various primary sites will require 3x minibuses at a cost of around £480 per day, £2,400 per week. For 39 weeks per year that school is open will cost = up to £93,600 per year</li> <li>• Development not to commence until the primary school site is transferred to the Education Authority.Triggers for payment</li> </ul>

	<p>for primary school provision to be prior to the commencement of development.</p> <ul style="list-style-type: none"> <li>• <b>Secondary provision</b> – The site falls within the catchment area of Humphrey Perkins School. The School has a net capacity of 900 and 1072 pupils are projected on roll should this development proceed; a deficit of 172 pupil places of which 23 are created by this development. In order to provide the additional 11-16 school places anticipated by the proposed development, the County Council requests a contribution for the 11-16 school sector of <b>£403,014.42</b>.</li> <li>• <b>Post-16</b> Post 16 requirement of <b>£86,101.79</b> to accommodate capacity issues created by the development by improving, remodelling or enhancing existing facilities at Rawlins Academy. Rawlins Academy has a net deficit of 63 pupil places, 5 are created by this development.</li> <li>• <b>Special Schools:</b> Confirms that all Special Schools in Leicestershire are full, and have a deficit of available spaces, and are forecast to remain so. The Council therefore seeks developer contributions towards the cost of expanding Special school provision for developments of 100 dwellings or more. The closest school to this development is the Ashmount School in Loughborough. This would generate a claim for 1.03 pupil places (0.49 primary and 0.54 secondary) and a contribution of <b>£76,205.38</b> would be requested to accommodate these pupils</li> </ul>
Leicestershire County Council Early Years (23.9.2022)	Capacity is exceeded and an additional 11 places arising from the development are justified. Contribution of £8,907 per place is sought: <b>total of £102,163.29</b>
Housing Strategy & Support CBC (1/6/21)	Seeks 30% (41 Homes) affordable housing on the site at an appropriate mix and with 77% for affordable rent and/or social rent and 23% shared ownership (32 and 9 homes respectively).
Charnwood Open Spaces (11/6/21)	Seeks the following contributions:

	<ul style="list-style-type: none"> <li>• An on-site multi-function green space (minimum 0.10ha)</li> <li>• An on-site natural and semi open space (minimum 0.65ha)</li> <li>• An on-site amenity green space (minimum 0.15ha)</li> <li>• An on-site LEAP facility</li> <li>• On-site provision for young people (upgreage LEAP to NEAP, or off-site contribution of £128,789)</li> <li>• £44,464 contribution towards off-site outdoor sports facilities</li> <li>• 0.11ha on-site provision or a £14,244.43 contribution towards off-site provision or enhancement of allotment facilities in Barrow Upon Soar</li> <li>• An indoor sports contribution to consist of £61,751 towards swimming pool facilities, £60,025 towards indoor court facilities and £8,831 towards indoor bowls rink facilities</li> </ul>
Leicestershire County Council - Civic Amenities (19/5/21)	Seeks a £6,975 contribution towards Mountsorrell HWRC site.
Leicestershire County Council – Libraries (21/6/21)	Seeks a £4,080 contribution towards the enhancement of Barrow library.
CBC Environmental Health (3/6/21)	Raises no objection subject to conditions that require noise mitigation measures to be approved as part of the detailed design of the dwellings. Recommends that further contaminated land survey work be undertaken and if necessary, remediation and verification. Conditions are recommended to control dust and approval of a construction method statement.
NHS CCG (13/10/22)	An additional 326.7 patients are to be accommodated from the development, a contribution of £90,417.49 is requested to increase the capacity of Barrow Health Centre (to be paid prior to first occupation)

## 8.2 Other Comments Received

8.3 3 letters of objection have been received from local residents. Objections raised are summarised as follows:

- The Neighbourhood Plan is up to date and the site is outside the limits to development.

- The development is contrary to policies CT/1 and CT/2
- The 3,000 dwellings requirement in policy CS1 has been met
- Concern about traffic pinch points in the village where mitigation is not feasible
- Contrary to policy BuS13 of the Neighbourhood Plan
- Need to take account of the impact of flooding events on traffic flows
- New residents will not have access to facilities within a reasonable walking distance
- No provision for primary school children
- Impact on Barrow Health Centre
- Village centre car parks are at capacity already
- Need a community building
- Not demonstrated that flood risk addressed
- Loss of farm land
- Foul drainage capacity

8.4 An objection has been received from Marrons (on behalf of promoters of Cotes Road, Barrow HA49) (22/7/21) on the following grounds:

- Need an appropriate delivery mechanism for the new 1 form entry primary school.

## 9. Relevant Planning History

P/20/1717/2	Pre-application advice meeting	Advice given 19/11/2020
P/19/1856/2	Outline planning application for up to 135 dwellings, with public open space with equipped play area, landscaping and sustainable drainage system, (SuDS) and vehicular access point from Melton Road. All matters reserved except for means of access.	Withdrawn 29/11/2019
P/19/1483/2	Pre-application advice – Erection of 155 dwellings	Advice given 30/8/2019

## 10. Consideration of the Planning Issues

- 10.1 The starting point for decision making on all planning applications is that they must be made in accordance with the adopted Development Plan unless material considerations indicate otherwise. The most relevant policies for the determination of this application are listed above and are contained within the Development Plan for Charnwood which comprises the Core Strategy (2015) and those “saved” policies within the Borough of Charnwood Local Plan 1991-2026 (2004) which have not been superseded by the Core Strategy (2011-2028), the Minerals and Waste Local Plan (2019) and the Barrow upon Soar Neighbourhood Plan (2018).
- 10.2 The Core Strategy and Charnwood Local Plan are over 5 years old, and it is important to take account of changing circumstances affecting the area, or any

relevant changes in national policy. Other than those policies which relate to the supply of housing, the relevant policies listed above are up to date and compliant with national guidance and as such that there is no reason for them to be given reduced weight.

- 10.3 As the Core strategy is now five years old, the Planning Authority cannot currently demonstrate a 5-year supply of housing land (3.04 years at 31/3/22) and, as a result, any policies which directly relate to the supply of housing are out of date and cannot be afforded full weight. The shortfall in the supply of deliverable housing sites also means that, in accordance with the presumption in favour of sustainable development (at paragraph 11d of the NPPF), any adverse impacts caused by the proposal must significantly and demonstrably outweigh its benefits for planning permission to be refused.
- 10.4 Part i) of NPPF paragraph 11d) sets out that where there are NPPF policies that protect areas or assets this can be a clear reason to refuse an application. These are generally nationally designated areas such as SSSI's, designated Local Green Space, AONBs and designated heritage assets. In this case, the site is not in an area specifically protected by the NPPF such that the NPPF's presumption in favour of sustainable development and the 'tilted balance' applies.
- 10.5 As the Barrow upon Soar Neighbourhood Plan was made in 2018 it is more than 2 years old and cannot rely on the provisions of para 14 of the NPPF. Therefore, its policies relating to the provision of housing are also not considered to be up to date.
- 10.6 The main issues for this application are considered to be:
- The Principle of Development
  - Housing Mix
  - Landscape and Visual Impact
  - Design and Layout
  - Open Space
  - Ecology and Biodiversity
  - Impact on residential amenity
  - Noise, Air Quality and Contamination
  - Heritage impacts
  - Highway Matters
  - Flooding and drainage
  - Sustainable construction and energy efficiency
  - S106 Contributions

## **10.7 The Principle of the Development**

- 10.7.1 The application site is located outside of, but adjacent to, the defined Limits to Development, as defined in the Barrow Upon Soar Neighbourhood Plan and

adopted Local Plan 2004. The Limits to Development include the Millennium Park to the west of the site. Therefore, as the land is countryside, saved policy CT/1 applies. The policy sets out that development in the countryside will be strictly controlled, and planning permission will be granted for certain types of development only. Major housing development is not one of those developments permitted by CT/1. The proposal is therefore contrary to policy CT/1.

10.7.2 Saved policy CT/2 applies to development acceptable in principle, and states that where development will be permitted, it must not harm the character and appearance of the countryside and safeguards its historic, nature conservation, amenity and other local interest. These matters are considered later in this report.

10.7.3 Policy CS1 of the Core Strategy outlines a sustainable development strategy for the Borough, based a five tier settlement hierarchy; (1) Leicester Principal Urban Area, (2) Loughborough and Shepshed, (3) Service Centres, (4) other settlements an (5) small villages and hamlets. Within the settlement hierarchy, Barow Upon Soar is identified as a Service Centre. The policy identifies 7 Service Centres and states that they will together provide at least 3,000 new homes within and adjoining their boundaries. The policy also states that the Borough will plan positively for the role of these settlements, by responding positively to sustainable development, contributing towards meeting development needs, support the strategic vision, make effective use of land and ensure development is in accordance with the Core Strategy. The 3,000 homes target within the policy is a minimum figure and the site is adjacent to the defined Limits to Development an therefore accords with policy CS1.

10.7.4 The supporting text to policy CS1 (paragraph 4.45) sets out that there are commitments for around 3,500 new homes in Service Centres and that '*this is sufficient to meet the levels of planned provision and we only expect to see small scale windfall developments within the settlement boundaries between 2014 and 2018*'. Therefore, as a large housing proposal adjacent to Limits to Development, the current proposal is not what was envisaged for Service Centres, as clearly expressed in the supporting text to the policy.

10.7.5 The level of housing development that has taken place at Service Centres, and is projected to take place, exceeds the minimum requirement of 3,000 dwellings set out in policy CS1.

10.7.6 Policy BuS16 of the Neighbourhood Plan sets out that the minimum housing provision for 2011-2028 for the seven Service Centres set out in the Core Strategy has been met and makes no further housing allocations for Barrow Upon Soar. The Neighbourhood Plan does not include an assessment of the housing needs of Barrow upon Soar or provide a housing requirement for the neighbourhood area. Policy BuS16 supports development within Limits to Development only, subject to criteria.

10.7.7 The development is in accordance with Core Strategy policy CS1, but it is acknowledged that the level of housing development that has taken place at

Service Centres has exceeded the minimum requirement of 3,000 dwellings, but that figure is a minimum. The proposal is contrary to Local and Neighbourhood Plan policies CT/1 and BuS16 as it comprises a major housing development that is outside the defined limits to development.

10.7.8 The NPPF is a material consideration in the determination of this application. As set out above, the application involves the provision of housing and the shortfall in the supply of deliverable housing sites means that the presumption in favour of sustainable development paragraph 11d of the NPPF is triggered. This means granting permission unless:

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

10.7.9 In situations where paragraph 11d of the NPPF applies, paragraph 14 of the NPPF can apply to housing proposals that conflict with the Neighbourhood Plan. In this instance, paragraph 14 is not considered to apply as all parts (a) to (d) of paragraph 14 are not satisfied (the Neighbourhood Plan is over 2 years old and does not contain an allocation to meet a defined requirement)

10.7.10 The emerging draft Charnwood Local Plan 2021-37 is a material consideration. The Plan is currently under Examination. The emerging Plan proposes to allocate the site for 120 dwellings under policy DS3 (site HA46). The site has been identified for allocation and therefore the Council has proposed that the site is a suitable location for housing growth. The emerging Plan is at an advanced stage – Examination, with Hearing sessions on housing allocations scheduled for February 2023. Policy DS3 is consistent with the NPPF para 68 but there remain unresolved objections as the hearing sessions are yet to take place. It is considered that it carries only limited to moderate weight at this time.

10.7.11 Emerging local plan policy DS3(HA46) supports development proposals at this site that contribute to the reasonable costs of the provision of a new 1 form entry primary school located at site HA49 (Land off Cotes Road, Barrow upon Soar). Since the submission of the Local Plan, it has been agreed by the promoters of development sites at Barrow upon Soar (sites HA45, HA46, HA47, HA48 and HA49), the County Council and the Borough Council, that the primary school will be located on site HA48 (land off Willow Road). Therefore, there is a current pending application on the HA48 site for 220 dwellings and a primary school (reference P/22/1254/2). It is noted that policy BuS10 of the Neighbourhood Plan supports the delivery of an additional primary school outside limits to development where it would be well connected to the village and accessible by non-car modes. The promoters of the development sites have agreed an Education Delivery Strategy with the County Council and the Borough Council to ensure that all proposed housing allocation sites at Barrow upon Soar will contribute to the delivery of a new primary school at Barrow upon Soar. The agreed Education Delivery Strategy is attached at Appendix A and is referred to

in the consultation comments from the Local Education Authority referred to earlier in the report. The contribution that this proposal will make towards the new primary school is discussed later in this report under Planning Obligations. With an appropriate contribution, the proposal will satisfy emerging policy DS3(HA46).

10.7.12 In conclusion, the proposal accords with Core Strategy policy CS1 and emerging policy DS3(HA46) but is contrary to Local and Neighbourhood Plan policies CT/1 and BuS16. The development would result in 135 new dwellings at a time when the Local Planning Authority cannot demonstrate a five-year supply of housing land. Weighed against this benefit would be the conflict with the above policies which can be considered as an adverse impact. However given the 5 year supply position and the age of the above policies, the weight that can be ascribed to them is reduced. The conflict with the Development Plan will be weighed in the planning balance with the presumption in favour of sustainable development.

## **10.8 Housing Mix**

10.8.1 Policy CS3 outlines a requirement to secure an appropriate mix of types, tenure and sizes of homes having regard to the identified housing needs and the character of the area. The policy requires 30% affordable housing, to be built on site and integrated with market housing. The Housing Supplementary Planning Document provides further guidance in support of this relating to how these units should be provided. Policy BuS17 states that new housing development should provide a mix of housing types, informed by the most up to date evidence of housing need, in particular the needs of older households.

10.8.2 These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

10.8.3 Emerging policy H1 seeks a mix of house types, tenures and sizes to meet overall needs in the Borough in line with up to date evidence. Policy H2 seeks at least 10% of new market homes on major sites to meet Building Regulations Part M4(2) standards for accessible and adaptable and an appropriate proportion of affordable homes to meet M4(2) and/or M4(3). Policy H4 seeks 30% affordable housing from major housing developments (67% affordable homes for rent and 33% affordable homes for ownership).

10.8.4 The proposal is in outline and includes an undertaking to provide 41 affordable homes (30%). The tenure mix proposed is 77% for affordable rent (32) and 23% shared ownership (9) as required by the Supplementary Planning Document. The size, type, and design of these are not currently known and will be established by later reserved matters. At outline stage the tenure for the affordable housing be secured through s106 legal agreement.

10.8.5 The Leicestershire Housing and Economic Needs Assessment (HENA) 2022 outlines a recommended housing mix for the Borough in respect of both market and affordable housing. This includes the following housing mix:



<b>Affordable social/affordable rented</b>	
1 bed	35%
2 bed	35%
3 bed	25%
4+ bed	5%
<b>Affordable home ownership</b>	
1 bed	20%
2 bed	40%
3 bed	30%
4+ bed	10%
<b>Market</b>	
1 bed	0-10%
2 bed	25-35%
3 bed	45-55%
4+ bed	10-20%

A planning condition is recommended to secure that the mix of dwellings on the site reflects the most up to date evidence of need in the HENA.

10.8.6 A condition is also recommended to secure development in accordance with the new Building Regulations standards, as the emerging policy H1 is at an advanced stage, is in accordance with the NPPF paragraph 130 and has limited objections. This condition has been recently been accepted by the Planning Inspectorate as reasonable and necessary for emerging allocation DS3(HA15) (application P/21/0550/2, appeal decision APP/X2410/W/21/3289048 dated 18/11/22).

10.8.7 With the suggested S106 obligation and planning conditions it is considered that the proposal would saccord with policy CS3 of Core Strategy and BuS17 of the Neighbourhood Plan, and emerging policies H1, H2 and H4 of the Local Plan could be achieved. The provision of 41 affordable units is also a significant benefit of the scheme which should be given positive weight within the planning balance.

## **10.9 Landscape and Visual Impact**

10.9.1 Core Strategy Policy CS2 requires high quality design and new developments to make a positive contribution to Charnwood. New developments are required to respect and enhance the character of the area. Policy EV/1 supports new development that respects tand enchances the local environment, form and function of existing settlements and undeveloped nature of the countryside. New development should safeguard important views, landmarks and skylines and use the landform and existing features as the focus around which new development should be designed. Core Strategy Policy CS11 and saved Local Plan Policy CT/2 seek to protect landscape character and countryside and reinforce sence of place and local distinctiveness by taking account of local Landscape Character Assessments. These policies generally accord with the

NPPF and do not directly frustrate the delivery of housing. As a result, it is not considered that there is a need to reduce the weight given to these policies.

- 10.9.2 There are no specific landscape designations for the site. The site is located within both The Wolds and The Soar Valley Local Landscape Character Areas. Key characteristics of these areas include low woodland cover, open countryside, extensive views from ridgeline roads, regular shaped fields and hedgerow field boundaries. The guidelines for these Character Areas are to generally conserve and enhance the rural character of the area and conserve long distance views of the crest of ridges, focus built development within valleys and away from valley slopes, conserve landscape features and enhance tree cover in field boundaries.
- 10.9.3 The site is proposed to be allocated for housing in the emerging Local Plan and so the site was assessed in the SHLAA sites assessment (site PSH392). The assessment notes that PSH392 is bordered by open space and includes a public right of way. Overall, the landscape sensitivity is considered to be medium for 2-3 storey development.
- 10.9.4 The site is bound by hedgerows to all sides and there are trees within the northern boundary. The site rises south to north from 56m AOD to 66m AOD within the site, then slopes down again to 56m AOD on the northern boundary. To the west of the site there is a tree belt within the Millennium Park. The proposed development is a maximum of 2.5 storeys.
- 10.9.5 The application is supported by a Landscape and Visual Assessment (LVA). The scope of the assessment was informed by desk study and field assessment. The Landscape and Visual Assessment considers that the site and immediate landscape are of community value.
- 10.9.6 The Landscape and Visual Assessment concludes that the site has a medium susceptibility to change, given its enclosure by hedges and trees and its edge of settlement location and presence of other uses to the north such as the cricket club, allotments, farmsteads and rural dwellings. Due to the community value level of the site, the site was judged to be of low sensitivity. The Landscape and Visual Assessment concludes that the overall impact on landscape character of the local Wolds and Soar Valley landscape character areas will be minor adverse in a limited geographical area, and negligible/minor adverse as a whole by year 15 of the development.
- 10.9.7 The Landscape and Visual Assessment identified and assessed 10 viewpoints that are representative of views experienced by key visual receptors. These included users of the adjacent Millennium Park, the cricket club to the north, nearby residents and roads, and users of the bridleway and footpath network. The Landscape and Visual Assessment concludes that there is only four locations where there would be major adverse overall effects on views: viewpoints 2, 8, 9 and 10 (the footpath I20 between Nottingham Road and Melton Road). The Landscape and Visual Assessment does not propose any mitigation of this impact.

10.9.8 There are 2 viewpoints where there will be a moderate adverse effect on views; the residents of Brook Lane Farm (to the north) would have views of the development from their upper floor windows. Planting within the north of the site would decrease this effect to minor adverse within 15 years. The other moderate adverse effect would be at viewpoint 10 (motorists using Melton Road). The development would front onto Melton Road and the access would be from Melton Road and some of the hedgerow would be removed to allow for the vehicular visibility splays. The Landscape and Visual Assessment states that a new hedgerow would be repositioned along the Melton Road boundary. Other viewpoints are considered to have a minor adverse effect.

10.9.9 The Council's Landscape Officer has considered the Landscape and Visual Assessment, arboricultural report and the Development Framework Plan. The officer considers that the bridleway is afforded a narrow corridor with sparse tree planting. This would mean the bridleway would become urbanised and lose the perceptual sense of traveling through rural countryside. The tree planting proposal would provide thin layers of filter screen but this would not be sufficient to filter the roofscape.

10.9.10 The Landscape Officer therefore recommends:

- Condition to secure the protection of the retained trees to the north in the open space
- Condition that the layout includes a wider corridor of green infrastructure with more substantial tree planting to ensure the bridleway corridor feels more rural
- Condition that the layout includes tree planting of large and very high canopy trees to the northern edge of the open space
- Condition that the layout includes the main access is wide verged to accommodate medium to tall stature trees

10.9.11 The Landscape Officer has also considered the proposed development opposite the site (P/21/0760/2) and comments on that application recognise the cumulative impact of the two proposals. Cumulatively, the two developments will bring built development further into the classic rhythmic pastoral landform and substantial tree planting on both of the sites will be important to mitigate this impact.

10.9.12 In conclusion, there would be a negligible/minor adverse on landscape character as a whole by year 15 of the development. The visual impacts of the development from the public areas identified can be reduced by mitigation, which can be secured by condition and incorporated into the development at reserved matters stage. It is therefore considered that a scheme could be designed which accords with Core Strategy policies CS2, and CS11, and Local Plan policies EV/1 and CT/2 in this regard.

## **10.10 Design and Layout**

10.10.1 Core Strategy Policy CS2 seeks high quality design for new development, to inclusive design and result in places where people wish to live. New development should respect and enhance the character of the area having

regard to scale, density, massing, height, landscape, layout, materials and access arrangements, function well and add to the quality of an area. Development should provide attractive, well managed and safe public and private spaces. Local Plan Policy EV/1 also seeks a high standard of design and development to provide positive and attractive built frontages to public spaces and roads, footpaths and open spaces. Policy BuS4 of the Neighbourhood Plan requires new development to reflect the guidance in the Village Design Statement. The Design SPD sets out design principles for Charnwood and guidance on designing a major development. These policies generally accord with the National Planning Policy Framework and do not frustrate the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.

- 10.10.2 The detail of the design and layout of the proposal is a reserved matter, and is not to be considered at this outline stage. The Development Framework plan shows that open space could be located to the north, closest to the cricket club and Brook Lane Farm, and housing on the remainder of the site. A drainage attenuation pond would be located to the south-west, adjacent to the site access. A spine road will run through the site, with minor roads leading from it. Housing will front the boundaries of the site, and the bridleway that runs inside the site along the western boundary. The plan shows indicative tree planting along the roads within the site, as advocated by NPPF paragraph 131.
- 10.10.3 The submitted Illustrative Open Space Plan shows the LEAP to be located to the west of the open space, with the remainder of the open space to be species rich grassland. To the southern and western boundaries semi-improved grassland is suggested. Tree and shrub planting is suggested to the eastern and northern boundaries which abut countryside and Fishpool Farm.
- 10.10.4 The Design and Access Statement explains that dwelling designs would be influenced by local vernacular and recent good examples. Design would be the subject of reserved matters and it is considered the site is capable of a good quality design solution.
- 10.10.5 At this outline stage it is considered that the submitted details show that an appropriate layout can be secured, that accommodates the required level of on-site open space. The layout will need to be refined at reserved matters stage to include tree planting and green infrastructure to the boundaries, as recommended by the landscape officer, following consideration of the submitted Landscape and Visual Assessment (LVA). Therefore, it is considered that a development that complies with NPPF, National Design Guide, Core Strategy policy CS2, Local Plan policy EV/1, the Design SPD and policy BuS4 of the Neighbourhood Plan could be achieved.

## 10.11 Open Space

10.11.1 Core Strategy Policy CS15 seeks to ensure adequate open space is provided to serve the needs of new development. New development should meet the standards in the Open Spaces Strategy and long-term management and investment plans for new facilities will be secured. This policy generally accords with the NPPF paragraph 98 and does not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to the policy.

10.11.2 Policy BuS5 of the Neighbourhood Plan designates the Millennium Park, adjacent to the application site, as a Local Green Space GS07.

10.11.3 The open spaces officer has calculated the open space requirements for the development in accordance with policy CS15.

Table 2: Open Space provision requirements

<b>Typology</b>	<b>Development requirement (Area)</b>	<b>On/off-site provision</b>
Parks	0.47ha	On site (combined with amenity green space provision). Detailed design, management and maintenance details required.
Natural Open Space	0.67ha	On site defined habitat areas managed for ecological value.
Amenity Green Space	0.1ha	On site (combined with parks provision). Detailed design, management and maintenance details required.
Facilities for children	1 facility	On site LEAP (equipment and design details required)
Facilities for young people	1 facility	On site if the LEAP were to be upgraded to a NEAP with specific young people's facility (e.g. MUGA, skate facility), or off-site provision through financial contribution of £128,789 towards Willow Road Park or King George V Playing Field (both within 1000m of the development)
Allotments	0.11ha	On site provision to meet identified shortfall in provision within Barrow Upon Soar, or off-site contribution of £15,244.43 to create new plots at Nottingham Road allotments, or creation of new allotments at Barrow upon Soar.

Outdoor sports facilities	0.84ha	Off-site contribution of £44,464 towards investment in projects identified in the Playing Pitch Strategy 2018; including ancillary facilities at Barrow Town Cricket Club or other outdoor sports at Barrow upon Soar.
Indoor sports	Sport England Calculator: 33.27sqm pool space required (£61,751) and 0.02 indoor courts (£60,025) and 0.02 indoor bowls rinks (£8,831)	Off-site provision in accordance with the Indoor Built Sport Facilities Strategy 2018 Priorities and Action Plan. The Parish Council are seeking funding for a multi-purpose community building at 82 Cotes Road, with initial cost estimates of £2.5m.

10.11.4 The above on-site provision would be subject to detailed design at reserved matters stage and can be secured within the S106 agreement, alongside measures for public access, timing of delivery and management and maintenance arrangements.

10.11.5 The on-site provision is CIL compliant with the requirements of the Community Infrastructure Levy Regulations 2010 (Reg. 122) in that it would be necessary, related to the development and fair in scale and kind, and the off-site commuted sum will secure provision will be local to the site and is thus also compliant with these Regulations. The Parish Council has sought an indoor sports contribution towards a new multi-purpose building. However there have not been details provided of the composition of this project, nor how the proposed development should contribute (i.e. quantum of the request) or how this has been calculated. Accordingly it is considered it cannot be considered to meet the tests within the Community Infrastructure Levy Regulations (Regulation 122).

10.11.6 The submitted Illustrative Open Space Plan shows open space on site totalling 2.7ha, including public spaces, a LEAP, SuDS and landscape buffers. There is sufficient space on-site to accommodate the required open space shown in table 2 above, and also the SuDS and landscaping areas such as hedgerows and trees. Some green spaces within the site will also be managed for biodiversity as discussed later in this report.

10.11.7 Overall, it is considered that the development would provide good quality open space proportionate to its size and that shortfalls in open space provision could be mitigated against through appropriate contributions, all to be secured within the S106 agreement. Accordingly, the proposal is considered to comply with Core Strategy policy CS15.

## 10.12 Ecology and Biodiversity

- 10.12.1 Core Strategy Policy CS13 seeks to conserve and enhance the natural environment with regard to biodiversity and ecological habitats. The policy supports development that protects biodiversity and geodiversity and those that enhance, restore or re-create biodiversity. The loss of features of biodiversity and geodiversity will only be supported in exceptional circumstances where the benefit of the development clearly outweighs the impact. Where there are impacts, the policy requires mitigation or compensation of equal or greater value, likely to result in a net gain in biodiversity. The recent Biodiversity Planning Guidance (May 2022) guides developers in how to meet policy CS13.
- 10.12.2 Policy BuS1 of the NP states that development should not harm the network of ecological features and habitats identified in the policy and new development will be expected to maintain and where possible enhance existing ecological corridors for biodiversity, demonstrating overall net gain. The policy identifies the hedgerows and grassland verges along Melton Road and the corridor of plantation woodland adjacent to the west of the site.
- 10.12.3 The NPPF states that planning decisions should minimise impacts upon and provide net gains for biodiversity. Emerging policy EV6 seeks 10% biodiversity net gain and the protection and enhancement of habitats, species and networks. Emerging policy EV7 supports the retention of existing trees and new tree planting. Although the Environment Act 2021 makes provision for 10% biodiversity net gain, the relevant sections of the Act have not yet been brought into force to make it a legal requirement and is not currently required by national policy. Therefore, it is considered that emerging Local Plan policy EV6 can be given only limited weight until it is further progressed towards adoption.
- 10.12.4 The application is supported by an Ecological Assessment. The site comprises improved grassland, boundary hedgerows and trees. The site falls within the impact risk zone of the Barrow Gravel Pits SSSI. There are three Local Wildlife Sites within 1km of the site, but due to the distances to the sites and lack of hydrological connections, no impacts on them are anticipated. The boundary hedgerows of the site are classified as habitats of principal importance. Two mature ash trees adjacent to the northern site boundary (TN7 and TN8) have high bat roost potential and the Millennium Park to the west is potential bat foraging habitat. The Assessment concludes that the grassland and the southern hedgerow will be lost and that a soft landscaping scheme and ecological enhancement should be incorporated into the development as compensation; including grassland buffers along retained hedgerows. The Assessment recommends tree retention, a sensitive lighting strategy for bats, bat boxes, hedgerow enhancement, wetland SuDS pond and new species rich hedgerows to enhance bat foraging and commuting habitat. A Construction Environmental Management Plan (CEMP) is recommended to control pollution and dust during construction and a Reasonable Avoidance Measures Method Statement

recommended to avoid impacts on protected/notable species.

- 10.12.5 The Arboricultural Impact Assessment (March 2021) notes the hedgerow boundaries and trees and tree groups on the site boundaries. The hedgerow to the southern boundary is to be removed to enable the access (approximately 140m). The Assessment recommends a detailed Arboricultural Impact Assessment to support any future reserved matters, to mitigate impacts lost habitat and detail new tree planting etc. Drainage proposals may also impact the trees and will be considered at reserved matters stage.
- 10.12.6 The agent submitted a Biodiversity Impact Assessment which has been reviewed. This shows that the development will result in a loss of grassland habitat and a net loss of 1.26 habitat biodiversity units, and a gain of 1.12 hedgerow units.
- 10.12.7 The Borough Council's Senior Ecologist advises that this baseline assessment is acceptable, but the development would likely result in a net loss of biodiversity. As the proposal is in outline, and the layout is yet to be considered, a Biodiversity Impact Assessment will need to be undertaken at reserved matters stage. Net gain for biodiversity could be ensured by reducing the footprint of built development or providing compensatory habitat on land adjacent to the site or in the form of off-site compensation (if necessary) secured and agreed through obligations as part of a S.106 Legal Agreement.
- 10.12.8 It is recommended that a mechanism be included within the Section 106 agreement that requires the reserved matters scheme to be BIA tested using an appropriate metric, to deliver net gain on-site, adjacent to the site, or via an off-site mitigation contribution as a last resort.
- 10.12.9 Natural England advise that the development will not have significant adverse impacts on statutorily protected nature conservation sites. The Borough Council's Senior Ecologist advises that the following are secured by condition: roosting/nesting features and the creation and management of on-site habitat, retention of trees and hedgerows and their protection during construction, a sensitive external lighting scheme and the SUDS scheme to be designed for biodiversity if possible.
- 10.12.10 Overall, a baseline assessment has been agreed and net gain can be secured via a combination of on site provision and off site compensation via a S106 agreement. Subject to the conditions set out above, and the S106 to secure net gain, the proposal will protect and enhance biodiversity in accordance with policy CS13 of the Core Strategy, policy BuS1 of the Neighbourhood Plan and the NPPF.

### **10.13 Impact on Residential Amenity**

- 10.13.1 Policy CS2 of the Core Strategy and saved policy EV/1 of the Local Plan seek to protect the amenity of existing neighbours, particularly the privacy



and light enjoyed by adjoining residential uses, and future residents. The Charnwood Design SPD (2020) also provides spacing standards and guidance to ensure an adequate level of amenity is achieved.

- 12.13.2 Emerging policy H3 sets out internal space standards that would need to be met by the development and would be considered at reserved matters stage.
- 12.13.3 The nearest residential property to the north will be separated from new dwellings by trees and open space. The final layout will be determined at outline stage, at which point the amenity standards within the SPD will be considered.
- 12.13.4 A planning condition is recommended to secure development in accordance with the nationally described space standard, as this policy is at an advanced stage, is in accordance with the NPPF paragraph 130 and has limited objections. This condition has been recently been accepted by the Planning Inspectorate as reasonable and necessary for emerging allocation DS3(HA15) (application P/21/0550/2, appeal decision APP/X2410/W/21/3289048 dated 18/11/22).
- 12.13.5 Therefore it is considered that, subject to the recommended condition, the proposal could comply with the provisions of the above policies CS2 and EV/1, along with the guidance set out in the Design and Housing SPD's to protect residential amenity.

#### **12.14 Noise, Air Quality and Contamination**

- 12.14.1 Core Strategy Policy CS2 requires new developments to protect the amenity of people who live and work nearby and those who will live in the new development. Policy CS16 states that new development will be supported that protects environmental resources including local air quality.
- 12.14.2 The NPPF states that planning decisions should ensure new development is appropriate for its location, and avoid noise giving rise to significant adverse impact on health and quality of life. Planning decisions should identify opportunities to improve air quality or mitigate impacts, and ensure the site is suitable for its proposed use, taking account of ground conditions.
- 12.14.3 Emerging Local Plan policy DS5 states that new development will be required to protect the amenity of people who live or work nearby and those who live in the new development. Emerging policy EV11 states that the Council will support development that does not lead to a significant impact upon, and deterioration of local air quality resulting an unacceptable impact on human health, local amenity or the natural environment.
- 12.14.4 Public comments have raised concerns regarding construction impacts on noise, pollution and disturbance.
- 12.14.5 The application is supported by an Air Quality Screening Report (Wardell Armstrong, November 2020) The site is not located within an area of concern

for air quality. Impacts from dust etc during construction can be mitigated via a construction management plan. Although the site will generate traffic onto local roads, the site is not located in an area of concern in relation to poor air quality, so the impact of the development on air quality in the local area is considered to be not significant. The nearby farm is arable and does not house any animals. The Environmental Health officer raises no concerns regarding air quality/odour.

- 12.14.6 The application is supported by a Noise Assessment Report (Wardell Armstrong, December 2020). The report concludes that the site is affected by road noise from the traffic on Melton Road and that dwellings closest to Melton Road will require some noise mitigation to meet external and internal noise guideline levels. Dwellings closest to Melton Road should have gardens on the screened side of dwellings, furthest away from the road. Facades of dwellings closest to and facing Melton Road will require enhanced glazing and an alternative means of ventilation to ensure that noise guideline levels are met in sensitive rooms whilst maintaining adequate ventilation.
- 12.14.7 The Environmental Health team advises that should planning permission be granted further assessment will be necessary to confirm mitigation measures to ensure internal and external noise guidelines can be achieved and overheating does not occur. A glazing scheme, combined with an alternative means of ventilation to remove the need to open windows, is likely to be required within living room and bedroom areas of dwellings closest to and facing Melton Road. Glazing and ventilation requirements will therefore need to be confirmed, once a detailed design layout is available. Garden areas located between dwellings and Melton Road may also require acoustic fencing to ensure appropriate noise levels can be achieved. Therefore, conditions to secure details of mitigation measures on a plot by plot basis are required.
- 12.14.8 The application is supported by a Ground Assessment Report (Enzygo Ltd, March 2021). The report confirmed the site is considered to present a negligible/low to moderate risk from ground contamination.
- 12.14.9 The Environmental Health team recommends an intrusive ground investigation is secured by planning condition, requiring remediation where necessary. The Environment Agency also recommends a condition regarding contamination.
- 12.14.10 Overall, subject to the recommended conditions, the development is considered to comply with Core Strategy policies CS2, CS16 and emerging Local Plan policies DS5 and EV11 and the NPPF.

## **12.15 Heritage impacts**

- 12.15.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in considering whether to grant planning permission for development which affects a listed building or its setting, the

local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Therefore, significant weight must be given to these matters in the assessment of this planning application.

- 12.15.2 Listed Buildings are designated heritage assets, and paragraph 199 of the NPPF states that: when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 12.15.3 Policy CS14 of the Core Strategy states that the Council will require development to protect heritage assets and their setting and merging policy EV8 states that the Council will support development that protected and enhances heritage assets and prevents harm to their significance and setting.
- 12.15.4 The application is supported by a Heritage Statement. The site does not contain or is adjacent to any heritage assets (designated or non-designated) and is separated from them by some distance (approx. 750m) and intervening development. It is therefore considered that it would not harm them or their settings and would satisfy the requirements of Policy CS14 of the Core Strategy, emerging policy EV8 and the NPPF.

## **12.16 Highway Matters**

- 12.16.1 Core Strategy Policy CS2 requires new development to provide well defined and legible streets and spaces that area easy to get around for all. Policy CS17 promotes sustainable travel and requires major development to provide walking, cycling and public transport access to key facilities and services, safe and well-lit streets, secure new bus stops/services where development is more than 400m from an existing bus stop. Policy CS18 requires network improvements where identified in Transport Assessments. Local Plan Policy TR/18 requires off-street parking to be provided for vehicles and cycles to secure highways safety and minimise harm to visual and local amenities. Adopted standards are provided as a starting point to assess the level of provision. These policies generally accord with the National Planning Policy Framework and do not directly prevent the supply of housing. As a result, it is not considered that there is a need to reduce the weight that should be given to them.
- 12.16.2 Paragraph 110 of the NPPF seeks to promote sustainable travel choices. Paragraph 111 of the NPPF seeks to ensure new development does not result in an unacceptable impact on highway safety, or a severe residual cumulative impact on the road network.
- 12.16.3 Emerging Local Plan policy CC5 states that Council will support sustainable patterns of development which will minimise the need to travel and seek to

support a shift from travel by private car to walking, cycling and public transport. The policy states that we will support major development that secures, where possible, new and enhanced bus services, including new bus stops where development is more than a 400m walk from an existing bus stop. Emerging Local Plan Policy CC6 supports development that provides electric vehicle charging for each new dwelling with a dedicated parking space. Emerging policies INF1 and INF2 seeks to secure appropriate infrastructure to mitigate the impacts of development.

12.16.4 The application is supported by Transport Assessment Update (WYG, March 2021), Access Drawing P001-P01, Travel Plan Update (WYG, March 2021), Stage 1 Road Safety Audit (Tetra Tech, Sept 2021) and Technical Note Junction 2 mitigation (WYG).

12.16.5 The Highway Authority has commented as follows:

#### 12.16.6 Site Access

Melton Road is a C classified road, subject to the national speed limit (60 mph) adjacent to the site. The speed limit changes to 30 mph approximately 115m southwest of the proposed site access junction.

The site will be accessed from Melton Road via a new priority junction with ghost right turn lane located approximately 165m northeast of the Melton Road / Fishpool Way Roundabout. The layout of the proposed access is shown in drawing number A113489 27 C P001 Rev P01. The site access is comprises a 7.3m wide site access arm with a 2m wide footway on the southern side of the road. Melton Road's carriageway will be widened on its north-western side to accommodate the ghost island right turn lane. The Highway Authority is content that the visibility splays of 2.4m x 215m to the east and 2.4m x 120m to the west are acceptable.

Swept path analysis has also been undertaken at the site access and shows that a large refuse vehicle can safely access and egress the site (Drawing P002 in Appendix C of the TA).

#### 12.16.7 Highway Safety

Highway safety data has been submitted for 2014-2021. The Highway Authority consider that the proposed development does not raise any concerns with regard to the existing highway safety situation.

#### 12.16.8 Junction Capacity and Trip Generation

The applicant has undertaken junction capacity assessments for the following junctions:

1. Fishpool Way/Melton Road Roundabout;
2. Grove Lane/South Street Priority Junction;
3. South Street/Melton Road Priority Junction;

4. South Street/High Street/Bridge Street Roundabout; and
5. Melton Road/Site Access Priority Junction.

The Highway Authority requested further assessment for junctions 1, 2 and 4, to include consideration of the impact of both this application and the proposed development of 130 dwellings opposite (pending application P/21/0760/2).

The Highway Authority conclude that modelling results show that all three junctions would operate at an acceptable level of capacity in 2026 with both proposed sites in place with the assumed re-assignment of development trips, which the LHA considers to be acceptable in this instance. It is therefore considered that mitigation is not warranted at the Grove Lane/South Street priority junction since it would operate within practical capacity even under the demand from both developments should they be granted planning permission.

#### 12.16.9 Off-site implications

The site access drawing, drawing number A113489 27 C P001 Rev P01 includes the provision of a 2m footway between the site access and Fishpool Way as well as an uncontrolled crossing point of Fishpool Way. This can be secured by condition.

A pedestrian connection is also proposed at the northwest corner of the site onto Brook Lane, as shown indicatively on WYG drawing number A113489-27-C-P004 which includes a pedestrian dropped kerb crossing on Fishpool Way. This can be secured by condition.

The Highway Authority request a Construction Traffic Routing Agreement is secured via the S106 agreement and a Construction Traffic Management Plan is secured by condition.

#### 12.16.10 Internal Layout

As the application is in outline, with only access to be determined at this stage, the submitted indicative site layout and matters such as the proposed numbers of parking spaces have not been reviewed or considered by the LHA in preparing this response. However, the TA suggests that the internal road network would be put forward for adoption and accordingly, the LHA advises that that the proposals are required to be designed in accordance with the prevailing Leicestershire Highways Design Guide (LHDG) and local parking standards when a future reserved matters application is submitted.

#### 12.16.11 Sustainability

The site is located in excess of 1km from the village centre and associated amenities such as the local primary school, churches and local shops. However, there will be good footway links both to the village centre and to the surrounding area.

The nearest bus stop serving the site is located on Babington Road, southbound only which is in excess of 500m of the site, with the nearest northbound stop being in excess of 700m from the site and located on Melton Road. These are served by half-hourly services between Leicester and Loughborough. Barrow upon Soar railway station is located on Grove Lane, approximately 900m from the proposed site which operates services to Leicester and Lincoln. Therefore, there are opportunities for sustainable travel, albeit not in close proximity to the site.

The Highway Authority request Travel Packs (to include 6 month bus passes) and improvements to four bus stops (i.e. 2 stops closest to entrance point at Melton Road and 2 stops closest to entrance point at Brook Lane) in the form of road markings at those stops at a cost of £1,500 per stop, which can be secured by S106 agreement.

#### 12.16.12 Travel Plan

The Highway Authority has reviewed the Travel Plan (TP) which has been submitted with the application. Whilst the TP is generally acceptable in relation to monitoring and the recording of initiatives and events, the use of Modeshift Stars is recommended. An amended Travel Plan can be secured by way of a planning condition and an appropriate Travel Plan monitoring fee via a Section 106 agreement.

#### 12.16.13 Public Rights of Way

As referred to above, the development proposal will impact on Bridleway I20, which runs through the proposed development. The appropriate treatment of the Public Rights of Way can be secured by condition (3m wide tarmac strip and 1m wide grass verges).

In conclusion, the Highway Authority advise that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 111 of the NPPF subject to the conditions and/or planning obligations outlined above.

The development will not be within 400m of an existing bus stop and no new or enhanced bus service provision is proposed, contrary to Core Strategy policy CS17 and emerging Local Plan policy CC5. However, bus stop improvements are to be secured. Overall, it is considered that the proposal will meet the other requirements of these policies and Core Strategy policies CS2 and CS18 emerging Local Plan policies INF1 and INF2.

### **12.16 Flooding and Drainage**

12.16.1 Core Strategy Policy CS16 of the Core Strategy directs development to areas of lowest flood risk and supports development which reduces flood risk elsewhere. The policy requires development to manage surface water run off

with no net increase in the rate of surface water run off for green field sites. This policy generally accords with the NPPF and does not frustrate the supply of housing. It is therefore not considered there is a need to reduce the weight afforded to this policy.

- 12.16.2 The NPPF requires major developments to incorporate sustainable drainage systems, unless there is clear evidence that this would be inappropriate.
- 12.16.3 Emerging Local Plan policy CC1 directs development to flood zone 1 and requires major development to be supported by a Flood Risk Assessment. Emerging policy CC2 supports major developments that use sustainable drainage systems in accordance with the drainage hierarchy, to provide multifunctional benefits and to secure their maintenance.
- 12.16.4 The application is supported by a Flood Risk Assessment (Enzygo, March 2021). The site is in flood zone 1 but is at risk of surface water flooding. The site has a watercourse within the southern boundary (including 2 culverts) and a ditch to the western boundary. Due to the topography of the site, water will flow both north and south. Fishpool Brook is located to the north within Fishpool Farm and the cricket grounds. The Flood Risk Assessment concludes that there is a residual risk of flooding from the watercourse along the south-east boundary but flooding from all other sources is negligible. The Flood Risk Assessment proposes that the residual risk is mitigated by various measures (set out in paragraph 5.2) including providing a 4m easement along the watercourse and setting finished floor levels +300mm above external levels. Surface water runoff from the proposed development would be attenuated on-site up to and including the 1 in 100-year event, plus 40% climate change. Surface water drainage will be in the form of a detention basin, to be managed by a private maintenance company to ensure maintenance for the lifetime of the development. Details of other SuDS features and maintenance would be considered further at detailed design stage, when a detailed layout has been produced. An indicative drainage layout is provided.
- 12.16.5 The application is supported by a Foul Drainage Analysis (Utility Law Solutions, Feb 2021). The proposal is to discharge waste water from the development to the public sewerage network owned and operated by Severn Trent Water.
- 12.16.6 Severn Trent Water request an information note on any planning permission granted regarding their sewers.
- 12.16.7 The Lead Local Flood Authority advise that the proposal is to discharge surface water drainage for the entire site to an outfall at the south limited to QBar for the southern sub-catchment only of 12.3l/s, with attenuation provided to achieve this for both the north and south sub-catchment. The Lead Local Flood Authority advise that the proposals are considered acceptable to the Lead Local Flood Authority, subject to conditions to secure a surface water drainage scheme, management of surface water during construction and maintenance of the surface water drainage system.

12.16.8 Therefore, it is considered that in principle the proposed development meets core Strategy policy CS16 and emerging Local Plan policies CC1 and CC2, subject to the recommended conditions.

**12.17 Sustainable construction and energy efficiency**

12.17.1 Policy CS16 encourages sustainable design and construction where it does not make the development unviable and requires major development to demonstrate how the need to reduce emissions has influenced the design, layout and energy source used.

12.17.2 The Design and Access Statement refers to the use of renewable technologies such as solar panels, a fabric first approach to construction, cycle infrastructure and electric vehicle charging points.

12.17.3 The final sustainable design details will be considered at reserved matters stage, where layout and design will be finalised and accordance with policy CS16 can be secured.

**12.18 Section 106 Contributions**

12.18.1 Policies CS3, CS13, CS15, CS17 and CS24 of the Core Strategy requires the delivery of appropriate infrastructure to meet the aspirations of sustainable development either on site or through appropriate contribution towards infrastructure off-site relating to a range of services. As set out within related legislation such requests must be necessary to make the development acceptable in planning terms, directly related to the development and fairly related in scale and kind. Consultation regarding the application resulted in the following requests to meet infrastructure deficits created by the development:

Education	<p>In accordance with the Education Strategy for Barrow:</p> <ul style="list-style-type: none"> <li>• Primary provision: Proportionate contribution to 1FE primary school to serve Barrow of £2,019,355.58, representing 22.58% of total costs, reflecting the share of overall growth (to be reviewed and confirmed at the time of signing);</li> <li>• Secondary school contribution of £403,014.42 to fund 23 places and for improving, remodelling, or enhancing existing facilities at Humphrey Perkins School or any other school within the locality of the development.</li> <li>• Post-16 contribution £86,101.79 to fund 5 places from the development and to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Rawlins Academy or any other school within the locality of the development.</li> <li>• £76,205.38 to fund the expansion of Special Schools provision</li> </ul>
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Leicestershire County Council Early Years (23.9.2022)	Capacity is exceeded and an additional 11 places arising from the development are justified. Contribution of £8,907 per place is sought: total of £102,163.29
Civic Amenity	£6,975 towards increasing capacity at the existing waste facility in Mountsorrel.
NHS	Contribution of £90,417.49 towards additional accommodation for 326.7 patients at Barrow Health Centre
Open Space (on and off-site)	<ul style="list-style-type: none"> <li>• An on-site multi-function green space (minimum 0.47ha parks and 0.1ha amenity green space) Detailed design, management and maintenance details required.</li> <li>• An on-site natural open space (minimum 0.65ha) defined habitat areas managed for ecological value.</li> <li>• An on-site LEAP facility (equipment and design details required)</li> <li>• On-site provision for young people if LEAP upgraded to a NEAP, or off-site provision through financial contribution of £128,789 towards Willow Road Park or King George V Playing Field</li> <li>• On site Allotment provision 0.11ha to meet identified shortfall in provision within Barrow Upon Soar, or off-site contribution of £15,244.43 to create new plots at Nottingham Road allotments, or creation of new allotments at Barrow upon Soar.</li> <li>• Off-site outdoor sports facilities contribution of £44,464 towards investment in projects identified in the Playing Pitch Strategy 2018; including ancillary facilities at Barrow Town Cricket Club or other outdoor sports at Barrow upon Soar.</li> <li>• Off-site indoor sports contributions: 33.27sqm pool space required (£61,751) and 0.02 indoor courts (£60,025) and 0.02 indoor bowls rinks (£8,831) towards a a multi-purpose community building at 82 Cotes Road, with initial cost estimates of £2.5m.</li> </ul>
Affordable Housing	30% of the dwellings to be affordable housing (41 dwellings) with 77% for affordable rent (32) and 23% shared ownership (9) to be distributed across the site in clusters of no more than 10, housing mix to accord with latest assessment of housing need
Highways	<ul style="list-style-type: none"> <li>• Travel Packs for new residents from first occupation regarding sustainable travel choices (£52.85 per pack).</li> <li>• 6 month bus passes (two per dwelling) to encourage use of bus services from first occupation (average £360.00 per pass)</li> </ul>

	<ul style="list-style-type: none"> <li>• STARSfor (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000 to monitor the Travel Plan</li> <li>• Improvements to 4 bus stops at a cost of £1,500 per stop (2 stops closest to entrance point at Melton Road and 2 stops closest to entrance point at Brook Lane) in the form of road markings at the following stops: <ol style="list-style-type: none"> <li>1. 260006305: Babington Road, opposite The Banks</li> <li>2. 260006306: Babington Road, adjacent to The Banks</li> <li>3. 260006307: Babington Road, opposite Newton Close</li> <li>4. 260006306: Babington Road, Outside Newton Close</li> </ol> <p>To encourage sustainable travel.</p> </li> <li>• Construction Traffic Routing Agreement to ensure all construction traffic does not use unsatisfactory roads</li> </ul>
Biodiversity mitigation	<p>To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</p> <ol style="list-style-type: none"> <li>a) To submit an updated Biodiversity Impact Assessment</li> <li>b) To provide the Biodiversity Net Gain on site, and/or off-site, or via Biodiversity Impact Compensation (where neither on-site or off-site mitigation are practicably deliverable), in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme. and/or within land adjacent owned by the applicants, in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</li> <li>c) Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council.</li> </ol>
Community infrastructure	<p>The Parish Council have sought contributions towards:</p> <ul style="list-style-type: none"> <li>• Highways improvements</li> <li>• New Primary school</li> <li>• Secondary school places</li> <li>• Improvements to the health centre</li> <li>• Improvements to the library</li> <li>• Village centre car parking</li> <li>• Community centre</li> <li>• Accessibility improvements to the railway station</li> <li>• Public toilets in the village centre</li> <li>• Foot/cycle links to the village centre</li> <li>• Parish notice boards, defibrillator equipment, seats, bus shelters, litter bins and grit bins</li> </ul>

12.18.2 The County Council Local Education Authority advises that the existing school

in Barrow (Barrow Hall Orchard C of E Primary School) is at maximum size, and there are no other schools within 2 miles of the development that can be expanded. Therefore a new school is required.

- 12.18.3 As discussed earlier in this report, the proposal will provide a proportionate financial contribution to the new one form entry primary school planned for Barrow upon Soar, as part of the emerging Local Plan. The agreed Barrow Education Delivery Strategy (Appendix A) sets out that the developer of this site will pay the primary education contribution in full prior to commencement of development. The school will be located on site HA48 (land at Willow Road) and the 1.1 hectare site for the school will be transferred to the County Council prior to commencement of any superstructures on HA48 (land at Willow Road). The total cost of the school is therefore £10,814,771. The agreed Barrow Education Delivery Strategy notes that the construction cost of the school is an estimate at the time of writing and that a final build cost will be determined prior to the signing of the first S106 agreement for the development sites at Barrow, allowing for any variation in time that passes. It will also contain indexation clauses to prevent it falling behind rising costs.
- 12.18.4 Based upon the £10.81 million figure above, for this proposal the contribution will be £2,019,355.58 (a proportionate share of total anticipated growth of 22.58% of the total capital costs). The agreed Barrow Education Delivery Strategy (Appendix A) sets out that applicant has agreed that the S106 for this proposal will include a restriction that the development will not commence until the County Council confirms that the school site at Willow Road has been transferred to them.
- 12.18.5 Dependent upon the timing of the delivery of the new school, financial contributions may also be necessary to cover the cost of transporting the 41 pupils generated by the development to the nearest primary school for a temporary period whilst the primary school is under construction (current calculations provided by the County Council show this cost to be 3 minibuses at £480 per day/£2,400 a week for 39 weeks per year). The details of the transitional funding arrangements will be detailed within the S106 agreement. Transitional arrangements are considered reasonable and necessary to ensure that primary aged children have appropriate school provision.
- 12.18.6 There are several requests made by the Parish Council. The requests for highways, bus stop and footpath improvements, school contributions, open space, healthcare and library contributions are covered by the requests of other consultees. The further requests from the Parish Council do not include evidence to demonstrate that they are compliant with the Community Infrastructure Levy Regulations. The requests highlight existing issues for which the development is not responsible and thus do not meet the three tests of necessary, directly related and fairly and reasonably related in scale and kind to the development. The request for a contribution to a new community centre is supported by policy BuS12 of the Neighbourhood Plan (and BuS11), but no evidence has been provided to support this request, such as chosen site for the centre and a designed and costed scheme, to enable a proportionate contribution from this development to be calculated. Therefore

a contribution is not sought.

12.18.7 These contributions (with the exception of indoor sport and some Parish Council requests) are considered to be compliant with the Community Infrastructure Levy Regulations 2010 and would allow the necessary infrastructure to meet Core Strategy Policy CS24. There are concerns regarding the contributions requested towards indoor sports. This is because they are based on a national threshold that does not consider existing provision, local need and/or circumstances. As a result, it has not been fully demonstrated that the contribution towards indoor sport provision is necessary to make the development acceptable in planning terms in accordance with the requirements of Regulation 122.

### **13. Planning Balance and Conclusion**

13.1 As there is currently an insufficient supply of deliverable housing sites (3.04 years), this application is to be determined on the basis of para 11d and the presumption in favour of sustainable development in the NPPF. This means that there must be adverse impacts which would significantly and demonstrably outweigh the benefits for planning permission to be refused.

13.2 The development is situated adjacent to Barrow upon Soar, which Core Strategy Policy CS1 defines as an 'service centre' and a sustainable location for residential development. This site is not within the defined settlement boundary but abutts existing development on three sides.

13.3 The development would provide up to 135 new dwellings, of which 30% would be affordable, at a time when there is an acute need for these and that would be a significant benefit of the scheme. These would be provided adjacent to a settlement in the Borough where there is a good level of local facilities and a bus service to Loughborough and Leicester and which has been identified as a 'service centre' suitable for residential development. The site offers the potential for quality design and an acceptable mix of housing. These matters should be afforded significant weight.

13.4 The site is also allocated in the emerging Local Plan as site reference DS3 (HA46) which is considered to provide further weight, albeit limited, in favour of the proposal.

13.5 There are no technical constraints relating to highways or flooding that cannot be mitigated. Biodiversity impact and landscaping can be secured by way of planning condition, reserved matters and S106 legal agreement. There would be no harm to heritage assets.

13.6 Weighed against this is the conflict with Development Plan policies relating to the Countryside. The proposed development would be contrary to the relevant provisions of saved Core Strategy Policy CS1 and BuS16 of the Neighbourhood Plan based on its location outside the settlement boundary. Policy CS11 and Local Plan policy CT/2 seek to protect the countryside with development only accepted in very limited circumstances

13.7 The Committee may find recent appeal decisions in the Borough instructive in their determination of weight within the 'planning balance'. A recent appeal

decision at land east of Cossington Road, Sibleby (P/21/0491/2) was upheld on the basis of housing supply despite its location within an Area of Separation (a stronger constraint than present in this application) and appeals at Iveshead Rd, Shepshed, Maplewell Rd, Woodhouse and at Main Street, Woodthorpe have all been upheld on the basis of housing supply benefits outweighing landscape harm and conflict with planning policies, including Neighbourhood Plan policies.

13.8 In conclusion, there are no technical reasons that would prevent approval, such as highways or drainage, but it is recognised that the proposals would fail to protect the countryside and is therefore accounted for as harm. This is to be weighed in the planning balance of NPPF paragraph 11 d) whereby any adverse impact would need to significantly and demonstrably outweigh the benefits and, considering that the Council can only demonstrate 3.04 years supply, the benefit of providing housing, including affordable housing is also significant. Furthermore, as this is an outline application with potential for conditions and reserved matters to be agreed, there is reasonable scope that they be mitigated to a certain extent, reducing their harmfulness, and appeal decisions on this matter give an indication of the weight to be assigned to such harm versus the benefit of providing much needed housing.

13.9 Given that there is scope to impose planning conditions to mitigate harm to landscape and visual impacts, it is considered that, overall, the adverse impacts of granting permission would not significantly and demonstrably outweigh the benefits.

13.10 The application is therefore recommended to be supported subject to appropriate planning conditions being attached and contributions being secured to support local infrastructure as part of a S106 Legal Agreement, as set out below.

**14. RECOMMENDATION A:**

14.1 That authority is delegated to the Head of Planning and Growth and the Head of Governance and Human Resources to enter into an agreement under section 106 of the Town and Country Planning Act 1990 to secure improvements, on terms to be finalised by the parties, as set out below:

Education	<p><b>Primary:</b></p> <ul style="list-style-type: none"> <li>The approach as set out in the Barrow Education Strategy: Proportionate contribution to 1FE primary school to serve Barrow, representing 22.58% of total costs, reflecting the share of overall growth (stated in the Delivery Strategy as £2,019,355.58. The Strategy includes provision for the build cost to be reviewed and confirmed at the date of signing).</li> <li>The Delivery Strategy makes provision for necessary transition contributions to provide temporary accommodation and/or school transport costs in advance of the new school opening. The transport element of this would be calculated on the basis of the number of minibuses required, charged at £800 per minibus per week, for 39 weeks of the year.</li> </ul>
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	<ul style="list-style-type: none"> <li>Development not to commence until the primary school site is transferred to the Education Authority. Triggers for payment for primary school provision to be prior to the commencement of development.</li> </ul> <p><b>Secondary provision</b> To improve the capacity of Humphrey Perkins School £403,014.42.</p> <p><b>Post-16</b> £86,101.79 to accommodate capacity issues created by the development by improving, remodelling or enhancing existing facilities at Rawlins Academy.</p> <p><b>Special Schools:</b> 1.03 pupil places (0.49 primary and 0.54 secondary) and a contribution of £76,205.38 to accommodate these pupils</p>
Leicestershire County Council Early Years (23.9.2022)	Increase in capacity of 11 places arising from the development. Contribution of £8,907 per place is sought: total of £102,163.29
Open Space	<ul style="list-style-type: none"> <li>On-site provision for young people (upgrade LEAP to NEAP, or off-site contribution of £128,789) as set out in paragraph 10.11.3 of this report)</li> <li>£44,464 contribution towards off-site outdoor sports facilities</li> <li>0.11ha on-site provision or a £14,244.43 contribution towards off-site provision or enhancement of allotment facilities in Barrow Upon Soar</li> </ul>
Affordable Housing	30% (41 Homes) affordable housing on the site at an appropriate mix and with 77% for affordable rent and/or social rent and 23% shared ownership (32 and 9 homes respectively) to be distributed across the site in clusters of no more than 10, housing mix to accord with latest assessment of housing need
Highways	<ul style="list-style-type: none"> <li>Travel Packs for new residents from first occupation regarding sustainable travel choices (£52.85 per pack).</li> <li>6 month bus passes (two per dwelling) to encourage use of bus services from first occupation (average £360.00 per pass)</li> <li>STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000 to monitor the Travel Plan</li> <li>Improvements to 4 bus stops at a cost of £1,500 per stop (2 stops closest to entrance point at Melton Road and 2 stops closest to entrance point at Brook Lane) in the form of road markings at the following</li> </ul>

	<p>stops:</p> <ol style="list-style-type: none"> <li>1. 260006305: Babington Road, opposite The Banks</li> <li>2. 260006306: Babington Road, adjacent to The Banks</li> <li>3. 260006307: Babington Road, opposite Newton Close</li> <li>4. 260006306: Babington Road, Outside Newton Close</li> </ol> <ul style="list-style-type: none"> <li>• Contruction Traffic Routing Agreement to ensure all construction traffic does not use unsatisfactory roads</li> </ul>
Biodiversity mitigation	<p>To submit the Biodiversity Mitigation and Enhancement Scheme to the Council for its written approval with any Reserved Matters Application.</p> <ol style="list-style-type: none"> <li>a) To submit an updated Biodiversity Impact Assessment</li> <li>b) To provide the Biodiversity Net Gain on site, and/or off-site, or via Biodiversity Impact Compensation (where neither on-site or off-site mitigation are practicably deliverable), in accordance with the Approved Biodiversity Mitigation and Enhancement Scheme.</li> <li>c) Where the provision of the Biodiversity Net Gain on Site cannot be achieved to provide the mitigation measures off Site pursuant to the Approved Biodiversity Mitigation and Enhancement Scheme and pay the Biodiversity Impact Compensation to the Council.</li> </ol>
Civic Amenities	£6,975 contribution towards Mountsorrell HWRC site.
Libraries	£4,080 contribution towards the enhancement of Barrow library.
NHS CCG (13/10/22)	£90,417.49 is requested to increase the capacity of Barrow Health Centre (to be paid prior to first occupation)

#### **14.2 RECOMMENDATION B:**

That subject to the completion of the S106 agreement in recommendation A above, grant Conditionally subject to the imposition of the following draft conditions and reasons and that the Head of Planning and Growth, in consultation with the Chair of the Plans Committee for amendments to the conditions and reasons, be given delegated authority to determine the final detail of planning conditions. Planning conditions:

1	<p>Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of five years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.</p> <p>REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and</p>
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	Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).
2	<p>Details of the layout, scale, appearance and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.</p> <p>REASON: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 6 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended).</p>
3	<p>The development hereby permitted shall be carried out in accordance with the following plans and documents:</p> <ul style="list-style-type: none"> <li>• Location Plan D7623.003D</li> <li>• Proposed Ghost Island Access Arrangement A113489-27-C-P001 Rev P01</li> </ul> <p>Both received 1/4/21 by the Local Planning Authority.</p> <p>REASON: For the avoidance of doubt.</p>
4	<p>The details submitted pursuant to condition 2 above shall include full details of existing and proposed ground levels and finished floor levels of all buildings relative to the proposed ground levels. The development shall thereafter be carried out in accordance with the approved details.</p> <p>REASON: To ensure the development is in character with its landscape and surroundings and to ensure amenity of new residents is protected in accordance with policies CS2 and CS11 of the Core Strategy and policy EV/1 of the Local Plan.</p>
5	<p>The layout and landscaping submitted details pursuant to condition 2 shall include:</p> <ul style="list-style-type: none"> <li>• Save for hedgerow removal required to enable the access road and its visibility splays hereby approved, or to provide potential connections to the on-site Public Right of Way, the retention of all existing hedgerows;</li> <li>• Green corridor along the bridleway within the site;</li> <li>• Planting to the north to include large and very high canopy trees;</li> <li>• Tree lined main access road</li> </ul> <p>REASON: To minimise the landscape and visual impact of the development in accordance with the Landscape and Visual Assessment (TEP, March 2021) to integrate and connect the development into the landscape and to the village and to comply with policies CS2 and CS11 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).</p>



6	<p>The details submitted pursuant to condition 2 above shall include the following minimum amounts and typologies of open space:-</p> <ul style="list-style-type: none"> <li>• Multi-function green space (minimum 0.47ha parks and 0.1ha amenity green space)</li> <li>• Natural open space (minimum 0.67ha)</li> <li>• A LEAP facility</li> </ul> <p>REASON: To ensure that the open space needs of future residents are met at a level that complies with Policy CS15 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).</p>
7	<p>The details to be submitted pursuant to condition 2 shall include a housing mix for market and affordable homes in reflect up to date evidence of housing need in the Borough.</p> <p>REASON: To secure the development provides an appropriate mix of homes having regard to the identified housing needs of the area in accordance with policy CS3 of the Core Strategy and the NPPF.</p>
8	<p>The landscaping details submitted pursuant to condition 2 above shall include:-</p> <ol style="list-style-type: none"> <li>i) the treatment proposed for all ground surfaces, including hard surfaced areas;</li> <li>ii) planting schedules across the site, noting the species, sizes, numbers and densities of plants and trees; including tree planting within the planting belt to the east of the site;</li> <li>iii) finished levels or contours within any landscaped areas;</li> <li>iv) any structures to be erected or constructed within any landscaped areas including play equipment, street furniture and means of enclosure.</li> <li>v) functional services above and below ground within landscaped areas; and</li> <li>vi) all existing trees, hedges and other landscape features, indicating clearly any to be removed.</li> <li>vii) all proposed boundary treatments</li> <li>viii) position and type of bins to be provided.</li> </ol> <p>REASON: To make sure that a satisfactory landscaping scheme for the development is provided so that it integrates into the landscape and surrounding area and complies with policies CS2 and CS11 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and saved policy EV/1 of the Borough of Charnwood Local Plan.</p>
9	<p>The details to be submitted pursuant to condition 2 shall show all units in compliance with the Nationally Described Space Standards.</p> <p>REASON: To secure a high standard of amenity for future residents in accordance with emerging Policy H3 of the Charnwood Local Plan 2021-37 and paragraph 130 of the NPPF.</p>
10	<p>The details to be submitted pursuant to condition 2 shall include that 10% of new market homes will meet the Building Regulations Part M4(2)</p>

	<p>standard for being accessible and adaptable. The affordable homes on the site shall meet the M4(2) and/or M4(3) standards for being suitable for wheelchair users, subject to assessment of viability and/or site-specific constraints.</p> <p>REASON: To meet the needs to the ageing population and people with disabilities and to secure a high standard of amenity for future residents in accordance with emerging Policy H2 of the Charnwood Local Plan 2021-37 and paragraph 130 of the NPPF.</p>
11	<p>The details submitted pursuant to condition 2 shall include a Arboricultural Impact Assessment of the proposed layout to show how the development will mitigate impacts on existing trees and include new tree planting.</p> <p>REASON: To ensure the development accords with the recommendations of the Arboricultural Impact Assessment (TEP, v4.0 March 2021) and in accordance with Policies CS2, CS11, CS13 and CS15 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the NPPF and saved policy EV/1 of the Borough of Charnwood Local Plan.</p>
12	<p>Prior to commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. The LEMP shall include a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all public open spaces, ecological mitigation areas and surface water drainage system. Thereafter, the LEMP shall be carried out in accordance with the approved details.</p> <p>REASON: To ensure that public areas are maintained at good quality and that drainage systems retain full function and to protect habitats of importance to biodiversity conservation on the site from any loss or damage in accordance with Policies CS2, CS11, CS13, CS15 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the NPPF and saved policy EV/1 of the Borough of Charnwood Local Plan.</p>
13	<p>Prior to the first occupation, a detailed outdoor lighting scheme shall be submitted to, and approved in writing by the local planning authority. The scheme shall accord with the recommendation 5.7 in the Ecological Assessment (TEP, v2.1 11/3/21) and shall include full details of the proposed lighting and how the scheme has been designed to avoid illuminating bat sensitive areas. The development shall be implemented, and thereafter maintained, in accordance with the approved scheme.</p> <p>REASON: To ensure that the development does not cause harm to any protected species or their habitats in accordance with policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).</p>
14	<p>The details submitted pursuant to condition 2 shall include full details of a scheme for the location of bat and bird boxes, to be integrated into</p>

	<p>buildings. Thereafter and prior to the first use or occupation of any building with a bat or bird box, the bat and bird boxes shall be installed on that building in accordance with the approved details.</p> <p>REASON: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy CS13 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the NPPF.</p>
15	<p>No development shall take place until the existing trees to the west of the site and all existing hedgerows have been protected in accordance with a Tree and Hedgerow Protection Plan that has been submitted to and approved in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.</p> <p>REASON: To ensure the continued health of retained trees and hedgerows to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape and to comply with policies CS2 and CS11 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).</p>
16	<p>The layout details submitted pursuant to condition 2 above shall include a Noise Assessment Report to confirm mitigation measures to ensure internal and external noise guidelines can be achieved and over-heating does not occur, as recommended by section 6 of the Noise Assessment Report (Wardell-Armstrong, v4.0 December 2020). This Noise Assessment Report shall be accompanied by a Noise Mitigation Scheme which confirms necessary glazing and ventilation requirements on a plot by plot basis to control noise within habitable rooms and mitigation for external amenity areas to achieve acoustic standards detailed within BS 8233:2014.</p> <p>REASON: To protect the amenity of future residents in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015).</p>
17	<p>Prior to commencement of development, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning</p>

	<p>Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.</p> <p>REASON: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with policy CS2 of the Core Strategy and the NPPF.</p>
18	<p>If contamination is found by undertaking the work carried out under condition 18, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.</p> <p>If remedial works have been identified, the development shall not be first occupied until the remedial works have been carried out in accordance with the approved scheme. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority prior to first occupation.</p> <p>REASON: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with policy CS2 of the Core Strategy and the NPPF.</p>
19	<p>If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the unsuspected contamination shall be dealt with has been submitted to and approved in writing by the Local Planning Authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.</p> <p>REASON: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with policy CS2 of the Core Strategy and the NPPF.</p>
20	<p>No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Drawing A113489-27-C-P001 Rev P01 have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.</p>

	<p>REASON: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with the National Planning Policy Framework (2021).</p>
21	<p>No part of the development hereby permitted shall be first occupied until a scheme in general accordance with WYG drawing numbers A113489-27-C-P001 Rev P01 and A113489-27-C-P004 has been submitted to, approved in writing by the Local Planning Authority and thereafter implemented, prior to first occupation, in accordance with the approved details.</p> <p>REASON: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2021).</p>
22	<p>No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.</p> <p>REASON: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area.</p>
23	<p>No part of the development hereby permitted shall be first occupied until an amended Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.</p> <p>REASON: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2021).</p>
24	<p>No development shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.</p>

	<p>REASON: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2021).</p>
25	<p>The Public Bridleway should comprise of 3-meter wide tarmacadam surface with 1-meter wide grass verges either side in accordance with the County Council's Guidance Notes for Developers.</p> <p>REASON: to provide an all-weather route in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2021.</p>
26	<p>No trees or shrubs should be planted within 1 metre of the edge of the Public Right(s) of Way. Any trees or shrubs planted alongside a Public Right of Way should be non-invasive species.</p> <p>REASON: to prevent overgrowth of the path in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2021.</p>
27	<p>Prior to construction, changes to existing boundary treatments running alongside the Public Right of Way, must be approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.</p> <p>REASON: in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2021.</p>
28	<p>Prior to the completion of the development, a signing scheme in respect of the Public Right(s) of Way, should be formulated by the developer and approved by the Local Planning Authority in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.</p> <p>REASON: to ensure the path is easy to follow through the development in the interests of protecting and enhancing Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2021.</p>
29	<p>No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. Prior to the first occupation of each dwelling hereby approved, the drainage scheme to serve that dwelling shall be constructed and completed in accordance with the approved plans.</p> <p>REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and in accordance with biodiversity interests in accordance with policies CS2, CS13 and CS16 of the</p>

	Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).
30	<p>No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority. The approved details shall be adhered to and implemented throughout the construction period, unless otherwise agreed in writing by the Local Planning Authority.</p> <p>Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems though the entire development construction phase in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).</p>
31	<p>No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system scheme shall be thereafter managed and maintained in accordance with the approved details.</p> <p>REASON: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).</p>
32	<p>Details submitted under condition 2 above shall be in accordance with the recommendations of the submitted Flood Risk Assessment (Enzygo, March 2021).</p> <p>REASON: To prevent an increase in flood risk, in accordance with policies CS2 and CS16 of the Charnwood Local Plan 2011-2028 Core Strategy (2015) and the National Planning Policy Framework (2021).</p>

