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Hinckley & Bosworth
Borough Council

Bill Cullen MBA (ISM), BA(Hons) MRTPI
Chief Executive

Date: 19 May 2020

To: Members of the Planning Committee

Mrs MJ Crooks (Chairman)	Mr A Furlong
Mr DJ Findlay (Vice-Chairman)	Mr SM Gibbens
Mrs CM Allen	Mr E Hollick
Mr RG Allen	Mr KWP Lynch
Mr CW Boothby	Mrs LJ Mullaney
Mr MB Cartwright	Mr RB Roberts
Mr DS Cope	Mrs H Smith
Mr WJ Crooks	Mr BR Walker
Mr REH Flemming	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 19 MAY 2020** at **6.30 pm**.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen
Democratic Services Manager

SUPPLEMENTARY AGENDA

7. 19/00947/OUT - LAND OFF SKETCHLEY LANE, BURBAGE

Application for development comprising of up to 140 dwellings and extension of Sketchley Meadows Business Park for up to 30,000 sq m (322,920 sq ft) gross external floor space for Class B2 General Industrial/Class B8 Warehousing and Distribution use with associated means of access from Watling Drive and Sketchley Lane, associated internal estate roads, parking, landscaping, open space and sustainable drainage (Outline - including access).

Late items (amended recommendation at the end of the text):

Policies:-

Burbage Neighbourhood Plan:

- Policy 1: Settlement Boundary
- Policy 3: Design and Layout
- Policy 4 Parking
- Policy 7: Protection of other important green spaces
- Policy 8: Ridge and Furrow Fields
- Policy 9: Biodiversity
- Policy 20: Business and retail

Appraisal:-

Assessment against planning policies

Since the publication of the committee report, the Burbage Neighbourhood Plan has been published Under Regulation 18, and can therefore be now afforded substantial weight.

Policies 1 of the Burbage Neighbourhood Plan (BNP) sets out a presumption in favour of residential development adjacent to the defined settlement boundary within the BNP as long as it accords with other plan policies. The development lies adjacent to three settlement boundaries and therefore is acceptable in principle subject to it complying with other policies within the plan.

Policy 9 seeks to protect and enhance the network of green spaces, stepping stones and wildlife corridors including species rich hedgerows, which provide a valuable linear network allowing for the movement, as well as providing a habitat, for wildlife.

Over 40% of the Parish has been developed due to its close proximity to Hinckley. The remaining area is predominantly improved grassland and arable, providing a valuable green lung for the community. Those sites that do survive are therefore proportionately of high significance in the local context and help to define Burbage's character. To protect these areas from further development a Green Corridor has been introduced.

The Green Corridor runs across the site east to west and also includes a large area of land adjacent to the existing employment and A5. The application is in outline however the indicative layout when compared to the areas identified as Green Corridor results in the majority of the commercial area being undevelopable along with areas of the residential.

As proposed the site cannot be developed whilst protecting and enhancing the Green Corridors and therefore the application is considered contrary to Policy 9 of the Burbage Neighbourhood Plan.

Planning Balance

Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

The proposal would be in conflict with Core Strategy Policy 4 and Policies DM4 and DM10 of the SADMP. These policies are consistent with the Framework and are afforded significant weight. The proposal, whilst involving development on open land, has been found to have a moderate impact on the landscape character of the area and minor impact on the wider landscape character and as such there is some conflict with Policy DM4 and DM10 of the SADMP.

Weighed against this conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 140 houses (including up to 20% affordable homes). These additional houses and affordable houses have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area. As the proposal is mixed development, with commercial floorspace being proposed as part of the scheme, which would bring with it some economic benefits, with the equivalent of 524 FTE forecasted across the application site, which is a significant economic benefit to the scheme. Paragraph 80 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Further to this, paragraph 80 of the NPPF states that 'significant weight' should be given to the need to support economic growth and productivity, which should allow each area to build on its strengths and counter any weaknesses.

The proposal would result in the loss of agricultural land, using mapping available the land is identified as grade 2 and 3 Best and Most Versatile (BMV) Land. However the current farming regime is limited to land use for livestock grazing rather than supporting a wide range of horticultural crops and the presence of BMV land has been muted by farming practices associated with lower land quality, furthermore the quality of the land is constrained in nature and as such limited. Therefore, this does not add to the value of the landscape, and it is not considered that this has significant weight in the planning balance.

Burbage is an identified Neighbourhood Plan Area, which has reached Regulation 18 stage and can now be afforded substantial weight in the planning balance. Policy 1 of the Burbage Neighbourhood Plan identifies that residential development on land within or adjacent to the settlement boundary, will be supported, subject to complying with other development plan policy. The application site is identified within the Burbage Neighbourhood Plan as providing a green corridor across the site. Development within these areas should seek to protect and enhance the network of green spaces, stepping

stones and wildlife corridors including species rich hedgerows. These are identified as providing a valuable linear network allowing for the movement as well as providing habitat for wildlife.

Paragraph 14 of the NPPF, states that in situations where the presumption at 11d applies, the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits.

Paragraph 8 of the NPPF states that sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The assessment of the three dimensions, relative to this proposal are as follows:

The proposal would result in economic benefits through the construction of the scheme through creation of jobs and construction spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.

As discussed the proposal could deliver up to 140 dwellings, of which 20% would be affordable. This would result in a significant social benefit to the area and also to the borough. The proposal would also involve the provision of an area of public open space (POS), which is greater in size than the policy compliant position. The POS would be connected to existing pedestrian footpaths providing a benefit to the wider area.

It has been concluded that there would be moderate harm to the character of the area caused by the landscape and visual impact built development in this location. The proposal would extend development beyond the settlement boundary of Burbage and it is considered that the proposal would result in harm to the character and appearance of the area.

Some environmental benefits would be provided such as additional planting through landscaping in the provision of open space. Additionally there would be some benefit for biodiversity associated with the reinforcement and new planting of hedgerow and trees around the site and the provision of SUDS which can be designed to include benefits to biodiversity, secured via condition. However the development would also result in the loss of an identified green corridor which runs east to west across the site. Green Corridors are to be protected or enhanced in the Burbage Neighbourhood Plan, which recognises the value of these local green networks.

The development would be in conflict with Policy 9 of the Burbage Neighbourhood Plan, and therefore notwithstanding its position adjacent to the settlement boundary, given the proposal would be in conflict with Policy 9 it is not supported by Policy 1 as it is contrary to the neighbourhood plan policies, which are attributed substantial weight in the determination of the application. The harm caused by the development on the green corridor, in conflict with the Neighbourhood Plan would result in significant and demonstrable harm to the environment which would not be outweighed by the benefits when assessed against the Framework as a whole.

Conclusion

The housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date and the Council cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 14 of the NPPF identifies in situations where the

presumption (at 11d) applies to applications involving the provision of the housing, the adverse impact of allowing development which conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits, provided criteria a-d applies

The proposal would be in conflict with Policy 4 of the Core Strategy, DM4 and DM10 of the SADMP. These policies are in accordance with the Framework and have significant weight. The proposal, whilst involving development on open land, has been found to have a minor adverse localised impact on the character of the area and so there is some conflict with Policy DM4 and DM10 of the SADMP.

The scheme would provide economic benefits in the form of an extension to an existing category 'A' employment site, where there is an identified short term need to meet the market, and due to the size and scale of the proposed development the applicant has demonstrated there are no other suitable alternative sites. The application has demonstrated that it meets the requirement as set out by Policy DM20 of the SADMP.

Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 140 houses (including up to 28 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area, as well addressing an identified need for small to mid sized industrial units in this location and would contribute to economic growth and job creation. As such, although there is clear conflict with strategic Policy 4 of the Core Strategy and DM4 and DM10 of the adopted SADMP, there has only been moderate harm found.

However the proposal would be in clear conflict with Neighbourhood Plan Policies 1 and 9 which identifies portions of the application site as providing a green corridor, which would be significantly impacted by this proposal. The Burbage Neighbourhood Plan is attributed substantial weight in the determination of applications. On balance it is considered that the harm identified to the green corridor would be demonstrably and significantly harmful and would not be outweighed by the identified benefits of the scheme when assessed against the Framework as a whole. The application is therefore recommended for refusal.

Recommendation

Refuse:

The application proposes commercial and residential development on areas identified as a Green Corridor. The Green Corridors have been identified as important areas that should be protected due to their contribution to the character of Burbage. The development would neither protect nor enhance the Green Corridor and therefore the development is contrary to Policies 1 and 9 of the Burbage Neighbourhood Plan

9. 19/01243/OUT - ASHFIELD FARM, KIRKBY ROAD, DESFORD

Application for residential development of up to 120 dwellings (Outline – access only).

Late items:

Consultations:-

Further neighbour objections have been received from one address, raising the following new issues;

- 1) It is unfair to hold a meeting when the virus is still a threat, the plans should be

delayed until the villagers of Desford can attend a meeting to air their opinions. If this doesn't happen it just proves that the decision has already been made

- 2) I request that copies of the plans are posted to all residents of the village

Appraisal:-

There is clear instruction from Central Government that all Councils must continue to receive and deal with planning applications. The Council is still meeting its statutory duty to consult on planning applications.

Therefore, given the clear direction from central government including the passing of new legislation to allow virtual Planning Committees to take place, the Council is satisfied that the decision making process is compliant with legislation.

Recommendation:-

The recommendation is unchanged from that which is printed on the agenda.

10. 19/01324/OUT - LAND AT WYKIN LANE, STOKE GOLDING

Application for residential development of up to 55 dwellings (Outline - access only).

Late items:

Consultations:-

Four additional letters of objections have been received raising the following additional matters:-

- 1) Disjointed in regards the broader picture of development needs and opportunity within Stoke Golding, and allowing this moves away from the collaborative approach of the villagers in respect to the Neighbourhood Planning
- 2) Stoke Golding Neighbourhood Plan is clear that a brownfield development site in the village is the most appropriate
- 3) Residents made it clear that any new development should be away from green spaces and aligned with amenities
- 4) Villages resources will be stretched
- 5) A traffic accident happened opposite Willow Farm, police and ambulance in attendance with vehicle and driver stuck in the ditch
- 6) The site has been previously considered by HBBC during the SHELAA, the area was omitted from consideration due to poor accessibility for the level of housing required and the impact on the surrounding area. The difference was numbers of dwellings, with the developer seeking to build 150-160 homes
- 7) A previous application to convert Willow barn into a cottage was refused due to impact upon, the rural character, surrounding landscape, amenity of neighbouring properties, highway safety and biodiversity
- 8) How will trees be preserved and visibility provided
- 9) The developer has revised their initial interpretation of their traffic survey, recognising the substantial impact on Wykin Lane vehicle users the development will have, both in the construction phase and occupancy. The construction traffic will not be able to use Wykin Lane and so will need to travel past the severely congested St. Martins school location (at peak times) and through the heart of the village
- 10) The developer in a need to alleviate the inevitable increased traffic volume & congestion concerns the development would cause has proposed additional

- "passing places" to satisfy the issue, however these spots are already utilised to pass and will therefore have little benefit towards easing the traffic flow
- 11) The Ecological value of AS537 Land off Wykin Lane is moderate to high.
 - 12) The most significant planning decision is 17/00484/FUL which identifies within the officer report that there is no overriding need for housing in Stoke Golding
 - 13) Conditions relating to highways and the passing places have not been included
 - 14) There would be impact upon ecology through the development of passing places within Wykin Lane
 - 15) It is unfair to hold a meeting when the virus is still a threat, making a decision should be delayed until when a committee meeting can be held and attended by public

Dr Luke Evans MP has raised the following matters:-

- 1) High house prices in local communities are an issue which especially impacts upon young, and a more diverse housing stock may be needed to account for ever changing housing demand. These factors are why Neighbourhood Plans are supported. As a vital tool which enable communities to shape futures
- 2) It is recognised that communities which produce a Neighbourhood Plan provide accommodation for an average of 10% more homes than they are required to do. This has been demonstrated locally with Market Bosworth NP
- 3) Authorities should give as much weight as permissible under the current legislation to each Neighbourhood Plan with regard to any speculative application which are submitted
- 4) This application goes against the Stoke Golding neighbourhood plan and the communities' vision

Updated consultation responses to be received from:-

LCC (Archaeology)
LCC (Ecology)

Appraisal:-

Ecology

An initial survey has been carried out in respect of Great Crested Newts and its findings are as follows:-

- Pond 3: 21 great crested newts (4 male, 17 female)
- Pond 5: No great crested newts recorded / trapped. The pond has nearly dried out (max water depth approximately 10-15cm). Expect that this will be completely dry shortly.
- Pond 10a: No great crested newts recorded / trapped. We are aware that this pond has or occasionally supports great crested newts. However, due to the very small size and limited aquatic vegetation, it would be surprising if it ever supports above a low population of newts (10+ individuals) and it would almost certainly not be able to support above a medium population (100+) newts.

The on-site ditch was also inspected (previously confirmed as supporting great crested newts) but is currently dry. This initial survey has been considered by Leicestershire County Council (Ecology) and indicates that the centre of the GCN population is to the west of Stoke Golding Lane, and no GCN were found in the garden pond, although the presence of GCN eDNA last year indicates that this pond is used by GCN, however it is unlikely to be a large number of newts due to its limited size. Given this additional

information it is considered that there is sufficient information to determine that it is unlikely that any additional survey information would change the required mitigation on site, and based on this would not require the submission of further GCN information in support of the reserved matters application.

The works to the highway, fall outside the application site, and this work would be contained within the highway boundary, and can be carried out within the confines of the existing highway boundary by Leicestershire County Council (Highways). Having regard to Wykin Lane, there are two species rich hedgerows and the extent of the proposed works proposed would be contained within the highway boundary, which does not require planning permission or prior consent by the Local Planning Authority.

Archaeology

During the course of the application trial trenching has been carried out on site, which were subject to inspection by Leicestershire County Council (Archaeology). The work confirmed a pattern of plough furrows across the site, which were originally located by preliminary geophysical survey, and identified as the remains of a medieval ridge and furrow agricultural system. The work also revealed the remains of four shallow linear gullies and a small pit. These features were excavated in accordance with the Written Scheme of Investigation, and although they were confirmed as archaeological in origin, they produced no finds with which to date them. Given the lack of pottery, or structural evidence, it is likely that they represent a low density of archaeological remains relating to agricultural field systems rather than intensive settlement or other occupation. The trial trenching is therefore considered sufficient to mitigate the archaeological impacts of the proposed development, and warrants no further archaeological action. The scheme is therefore in accordance with Policy DM13 of the SADMP and Section 16 of the NPPF, paragraph 189-190.

Impact upon Highways

Comments have been raised in respect to conditions relating to the off site highway works, as the works are contained within the highway and outside of the control of the applicant, they are to be secured by legal obligation within the S106 for the applicant to enter into a Section 278 agreement to deliver works within the highway boundary.

Recommendation:-

The recommendation remains unchanged from as set out on the agenda.

Replace condition 21 with the following condition:-

21. Prior to commencement of development an updated Great Crested Newt Surveys and updated mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented and carried out in strict accordance with the approved mitigation strategy.

Reason: In order to keep a protected species from harm according with Policy DM6 Site Allocations and Development Management Policies DPD