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

Date: 30 March 2021



**Hinckley & Bosworth
Borough Council**

To: Members of the Planning Committee

Cllr MJ Crooks (Chairman)	Cllr A Furlong
Cllr DJ Findlay (Vice-Chairman)	Cllr SM Gibbens
Cllr CM Allen	Cllr E Hollick
Cllr RG Allen	Cllr KWP Lynch
Cllr CW Boothby	Cllr LJ Mullaney
Cllr SL Bray	Cllr RB Roberts
Cllr DS Cope	Cllr H Smith
Cllr WJ Crooks	Cllr BR Walker
Cllr 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, 30 MARCH 2021** 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. 20/01009/FUL - LAND NORTH OF NEOVIA LOGISTICS SERVICES (UK) LTD, PECKLETON, DESFORD

Application for demolition of existing buildings and structures, erection of buildings for B2/B8 use with ancillary offices and welfare floorspace, gatehouse, service yards, parking and circulation routes, together with revised access from Peckleton Lane, associated hardstanding, landscaping, diversion of bridleway R119 and ancillary works

Late items received after preparation of main agenda:

Consultations:-

Since the preparation of the agenda additional comments have been received from the following:

Desford Parish Council make the following points:

- 1) Noise abatement: planning officers should be satisfied that there are sufficient acoustic fences and bunds plus tree planting in place to mitigate any nuisance
- 2) Light pollution: planning officers should be satisfied that the lighting is positioned to have a minimal effect on surrounding properties
- 3) The number of car parking spaces has increased from 500 (in the C2 application) to 865, which will mean more light traffic through both Desford & Peckleton
- 4) the bus stops are 900m away and not many people will walk this far
- 5) The new housing estate on Peckleton Lane plus that on Barns Way, will add to the number of vehicles in the centre of the village. The junction at Peckleton Lane/High Street and the central roundabout will be even more congested at peak times and the cumulative effect of all 3 developments should be taken into account
- 6) We are pleased to note that a financial contribution is proposed towards measures to improve the traffic flow at the junction of Dan's Lane with the A47
- 7) The Parish Council is extremely concerned and dismayed to note that the proposed junction at the site entrance (proposed by the developer with the backing of the Parish Council and local residents) has been rejected by LCC Highways. The previous developer-proposed version would have made it difficult for lorries to turn left out of the site and thereby ensure that HGV traffic through the village of Desford would have been severely restricted. The Parish Council deplores this unnecessary change by LCC Highways which will only lead to more HGV traffic in the village.
- 8) Because of the retrograde decision of LCC Highways to reinstate a standard junction at the site entrance, it makes it even more important to ensure that traffic calming measures are introduced and we request that LCC Highways ask for measures such as chicanes, to be installed on Peckleton Lane; specifically the stretch between the site entrance and the brow of the hill approaching the built up area
- 9) We request that the footpath on Peckleton Lane southwards from the village is extended as far as the site entrance and is wide enough to accommodate cyclists, to encourage employees to cycle to work
- 10) We request that a new footpath is constructed from the new site entrance to connect with the footpath from the Caterpillar entrance, so that employees walking to the bus stop on the A47 can do so in safety

- 11) We request that the shift times of the new tenant companies be coordinated with Neovia & Caterpillar
- 12) We request that the route of the footpath at the back of the Norfolk Road (connecting Kirkby Road and Peckleton Lane) and through the biodiversity site be located further away from property boundaries and be suitably enclosed to prevent trespassing. We request that the Parish Council is consulted on the details of the design

Peckleton Parish Council make the following points:

- 1) Peckleton Parish Council would like S106 monies from this development to be set aside for traffic calming in Peckleton and Kirkby Mallory

Publication:-

Since the publication of the agenda one additional neighbour comment has been received making the following comments:

- 1) The application for change of use and development of this site will cause distress to home owners in the locale, be detrimental in respect of both air and noise pollution and result in 'Hundreds' of additional vehicle journeys per day. The road through Peckleton village and Peckleton Common is already a 'race track' and rat run for vehicles coming to and from the A447. The speed and size of vehicles is frightening and the Weight limit is NEVER policed. To even consider this type of development, on top of the proposed change of use for the New Farm site, would be a disaster for all homeowners in the vicinity. Noise from the proposed multi use site would be 24/7, ruining the health and lives of those unfortunate enough to live close by. I strongly object to this development and ask that the members of the Planning Committee reject this application out of hand.

Appraisal:-

Matters of noise, light and air pollution have been considered by Environmental Health, the supporting technical details demonstrate that the proposed development will not have undue detriment to surrounding residential properties, as addressed in the report to Committee.

With regards to matters of access, traffic, and parking, the Local Highway Authority have considered the proposed development by way of its use and scale and have not objected to the proposed development subject to the conditions and obligations as identified in the original report to committee (which includes a new bus stop and diverted bus service to this new stop and an upgraded footpath to the front of the site extending north and south). The LHA do not require traffic calming in the villages of Peckleton and Kirby Mallory as a result of traffic from this proposed development.

HBBC cannot control the shift pattern of prospective occupants of the units. HBBC have considered the proposed hours of operation and found these to be acceptable.

The change to the wording of the some conditions is necessary to allow for phasing of the development. This will allow for details to be agreed prior to the units first being brought in to use and would also allow for demolition of existing buildings prior to some details being submitted where that is considered acceptable. These conditions are considered to be more precise. Other pre-commencement conditions still remain as printed on the agenda.

Condition 2 has been amended to remove reference to plans already included with condition 21 and 22, to avoid repetition.

Condition 42 has been amended to incorporate the requirement of 6 month bus passes in to an updated Framework Travel Plan rather than as a s.106 obligation.

Recommendation:-

The recommendation has not changed from that printed on the agenda.

Amend the following conditions:

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Site Location Plan (20011_PL01) Received 28 September 2020

Unit 1- Proposed GA Ground Floor Plan (2011_PL11) Received 28 September 2020

Unit 1- Proposed Roof Plan (2011_PL12) Received 28 September 2020

Unit 1 – Proposed Office Plans (2011_PL13) Received 28 September

2020 Unit 1- Proposed Elevations (2011_PL15) Received 28 September 2020

Unit 1- Proposed Sections (2011_PL16) Received 28 September

2020 Unit 2- Proposed GA Ground Floor Plan (2011_PL21) Received 28 September 2020

Unit 2- Proposed Roof Plan (2011_PL22) Received 28 September 2020

Unit 2 – Proposed Office Plans (2011_PL23) Received 28 September

2020 Unit 2- Proposed Elevations (2011_PL24) Received 28 September 2020

Unit 2- Proposed Sections (2011_PL25) Received 28 September

2020 Unit 3- Proposed GA Ground Floor Plan (2011_PL31) Received 28 September 2020

Unit 3- Proposed Roof Plan (2011_PL32) Received 28 September 2020

Unit 3 – Proposed Office Plans (2011_PL33) Received 28 September

2020 Unit 3- Proposed Elevations (2011_PL35) Received 28 September 2020

Unit 3- Proposed Sections (2011_PL36) Received 28 September

2020 Unit 4- Proposed GA Ground Floor Plan (2011_PL41) Received 28 September 2020

Unit 4- Proposed Roof Plan (2011_PL42) Received 28 September 2020

Unit 4 – Proposed Office Plans (2011_PL43) Received 28 September

2020 Unit 4- Proposed Elevations (2011_PL45) Received 28 September 2020

Unit 4- Proposed Sections (2011_PL46) Received 28 September 2020

Unit 4- Proposed Gate House (2011_PL47) Received 28 September

2020 Cycle Shelters (20011_PL51) Received 28 September 2020

Waste Compound enclosures (20011_PL52) Received 28 September 2020

Proposed substation enclosures (20011_PL53) Received 28 September

2020 Proposed Estate Gatehouse (20011_PL54) Received 28 September

2020 Proposed Finished Levels (DWG 60-01 Rev P1) Received 28 September 2020

Proposed Site Plan (ref: 20011_PL04_G); received 16 March 2021

Proposed Plot Demise (2011_PL07_B) received 14 March 2021

Landscape Masterplan (ref: 3565-101 Rev G); received 11 March

2021 Landscape Masterplan (ref: 3565-102 Rev G); received 11

March 2021 Landscape Masterplan (ref: 3565-103 Rev G); received

11 March 2021

Planting Plan (Sheet 1 of 6) (ref: 3565-201 Rev B); received 11 March 2021

Planting Plan (Sheet 2 of 6) (ref: 3565-202 Rev B); received 11 March 2021

Planting Plan (Sheet 3 of 6) (ref: 3565-203 Rev B); received 11 March 2021

Planting Plan (Sheet 4 of 6) (ref: 3565-204 Rev B); received 11 March 2021

Planting Plan (Sheet 5 of 6) (ref: 3565-205 Rev B); received 11 March 2021

Planting Plan (Sheet 6 of 6) (ref: 3565-206 Rev B) received 11 March

2021 External Lighting Layout (1625-ESC-00-ZZ-DR-E-2100 Rev P7)

received 2 December 2020

External Access Road Lighting Layout 1625-ESC-00-ZZ-DR-E-2100 Rev P6)received 2 December 2020

7. Prior to occupation of any unit, the details for the alteration of the boundary treatment to Kirkby Road recreation ground to provide access to the open space should be submitted to the local planning authority for approval. The alterations shall be carried out in accordance with the approved details within 3 months of the land being made accessible to the public.

Reason: To ensure there is adequate linkages from the site to existing open spaces in accordance with Policy 7 and 8 of the Core Strategy (2009).

14. Prior to any phase of development commencing, excluding demolition, a Construction Traffic and Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail as a minimum, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision and how during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of construction for the whole development area.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

24. Prior to any phase of development commencing, excluding demolition, no development approved by this planning permission shall take place until suchtime as details in relation to the management of surface water on site during construction for that phase of the development has been submitted to, and approved in writing by the Local Planning Authority. The development of that phase shall be carried out in full accordance with the approved details.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

30. No development other than demolition shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements, a timetable for their implementation and completion and details of their subsequent management once the development is completed, has been submitted to

the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats including SUDs and all landscaping. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan. The submitted Plan shall be based on the advice and identified mitigation contained within Ecological Assessment (8786M.EcoAs.vf1) dated September 2020.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the SADMP

33. Notwithstanding the submitted plans, no part of the development shall be first brought in to use until a revised access drawing has been submitted to and approved in writing by the Local Planning Authority that includes details of a scheme of widening to Peckleton Lane to 7.3m between the proposed access and adjacent Neovia access to the south. The drawing shall also include identification of appropriate signing directing vehicular traffic from the site access. No part of the development permitted shall be occupied until the approved scheme has been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2019).

36. The parking and turning facilities associated with each individual plot shall be implemented in accordance with drawing number Drawing No. 20011_PL04 Rev H prior to the first occupation of that unit. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019).

- 37 No development within plots 2, 3 and 4 as shown on Drg No: 20011 PL07 Rev: B, excluding demolition, shall take place until a scheme for the treatment of the Public Right(s) of Way has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include a detailed design for the relocation and reconstruction of the diverted bridleway R119, provision for management during construction, fencing, surfacing (which will be tarmacadam), width (which will be 3m), structures, signing and landscaping (including one metre verge each side) in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers and Drawing Title SD/11/6 (Revision D) of the Leicestershire Highways Design Guide. The diverted bridleway shall be constructed in accordance with the approved details and completed to the satisfaction of the Local Planning Authority and made available for public use prior to the closure of the existing Bridleway.

Reason: to protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework (2019).

- 39 Prior to construction of the diverted section of the bridleway, 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.

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 (2019).

- 40 Prior to the completion of the diverted section of the bridleway, 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.

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 (2019).

42. No individual unit hereby permitted shall be first brought in to use until a framework Travel Plan, which sets out actions and measures with quantifiable outputs and outcome targets (including the offer of a six month bus pass for all employees) for that unit has been submitted to and approved in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

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 (2019).

8. 20/01283/FUL - LAND OFF LONDON ROAD MARKFIELD

Application for residential development of 282 dwellings (Class C3) including provision of public open space, associated infrastructure and engineering works and demolition of Vine Cottage.

Late items received since preparation of main agenda:

Consultations:-

The Council is in receipt of two further letters, following the publication of the Committee agenda rising the following points:

- 1) More Bridleways are needed in the area
- 2) Horse riding, and the accompanying horse-keeping put significant sums annually into the rural economy and therefore should be supported
- 3) Lanes are narrow, and getting pedestrians, cyclists and horse riders off the road has benefits.
- 4) Upgrading existing footpaths is cheaper
- 5) Markfield currently has no bridleways

Since the publishing of the agenda, a further consultation has been received from University Hospitals Leicester for the request of £91,523.00.

Appraisal

Public Rights of Way

There are two rights of way which pass through the application site (R29 and R4). PROW 29 passes through the application north to south and R4 east to west. The application proposal has been designed to increase permeability through the application site. The PROW R4 as part of the application is to be amended and diverted slightly within the site, to align with the proposed corridor. In order to improve the existing PROW the applicant is proposing to upgrade the rights of way within the application site, and condition 28 has been imposed to consider and secure these details prior to commencement.

Accordingly following consultation with Leicestershire County Council (Public Rights of Way) they have no objection to the proposed development and its impact upon the surrounding network, however the construction and surface specification would be subject to a separate consent from Leicestershire County Council.

Pollution

Update to paragraph 8.99. Following additional information and confirmation from Environmental Health all dwellings across the site would achieve a minimum 31dB, with 33dB glazing incorporated to specific plots which face London and the M1 corridor.

Obligations

During the course of the application, the number of dwellings has reduced by one, across the site, from 283 to 282 due to internal road layout requirements. The obligations reported within the agenda were based on the figure of 283 and therefore have been revised slightly to reflect this updated position. This results in the following amendments to the requested obligations:-

West Leicestershire CCG - £156,216.59

Civic Amenities - £18,438

Libraries £8,330

Play and Open Space £1,223,984.48

Play and Open Space

Replace the table following paragraph 8.144 with the following:

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 282 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	1015.2	1,200	0
Casual/Informal Play Spaces	16.8	4737.6	11,500	0
Outdoor Sports Provision	38.4	10828.8	0	10867.2

Accessibility Natural Green Space	40	11,280	52,500	0
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Replace table following paragraph 8.147 with the following updated contributions sought based on 282 dwellings:

	On site maintenance (20 years)	Off site provision	Off site maintenance (10 years)	Total
Equipped Children's Play Space	£210,720	/	/	£210,720
Casual/Informal Play Spaces	£124,200	/	/	£124,200
Outdoor Sports Provision	/	£98,000.64	£45,563.84	£143,564.48
Accessibility Natural Green Space	£745,500	/	/	£745,500
			Overall Total	£1,223,984.48

In addition to this revised calculation based on 282 dwellings, following engagement with the Parish Council and the applicant, it is confirmed that the south east field would be transferred to the Parish Council for use as allotments, to accord with the draft Neighbourhood Plan. Within Markfield, allotments is identified within the Open Space and Recreation Study as being in short supply and therefore the Parish bringing this land forward in the future as allotments following the transfer of land would meet an identified need.

Earl Year's contribution

A request by LCC Education towards early years has been received however further justification is sought to determine the need for this contribution in light of existing provision. Discussions are ongoing proactively between all parties it is considered that delegated powers are given to the Planning Manager to secure and determine this final detail.

University Hospitals Leicester

University Hospitals Leicester Trust have requested a contribution to address NHS revenue shortfalls for acute and emergency treatment. This is by way of a monetary contribution of £91,523 towards the 12 month gap in the funding in respect of emergency admissions.

It is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid S106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by Universities Hospitals Leicester to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. University Hospitals trust are unable to

demonstrate that the burden on services arises directly from the development proposed, opposed to a failure in the funding mechanisms for care and treatment. The request made is to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. Universities Hospitals Leicester have not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Further to this there are issues with the data and methodology used by Universities Hospitals Leicester for example the inflated population projections compared to those used by Leicestershire Authorities when calculating housing need, or the failure to address funding needs from housing projections set out in the Joint Strategic Needs Assessment and Joint Health Wellbeing Strategy referred to in their request, therefore it has not been demonstrated that the request fairly and reasonably relates in scale and kind to the development proposed

This request is therefore not considered to meet the test of the CIL Regulations.

A similar request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was insufficient evidence from the Universities Hospitals Leicester to warrant or justify the contribution sought against the CIL Regulations.

Planning Balance

Housing Land Supply

On 25 March 2021, ONS published the latest median house price to median gross annual workplace based earnings ratios used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for Hinckley and Bosworth is now 450 dwellings per annum (rather than 452 dwellings per annum using the previous ratio). Using this updated figure the Council can now demonstrate a 5.01 year housing land supply.

The housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered and 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. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The tilted balance of Paragraph 11d) of the NPPF is engaged, irrespective of the housing land supply figure. This is a product of the age of the plan and the out-of-date evidence base it relies upon. The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 450 dwellings per annum. This figure was derived from the East Midlands Regional Plan and was considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 450 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2019-2039.

Since the publishing of the committee agenda, the consultation on the Markfield

Neighbourhood Plan has closed, and has been submitted to the Examiner for Examination. However the weight attributed to the Plan at this stage is still limited.

The Planning Balance undertaken in section 9 of the committee report remains unaltered in that, on balance, the level of harm from the proposal does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

Recommendation:-

Grant planning permission subject to:-

- The completion within three months of this resolution a S106 agreement to secure the following obligations:
- 40% Affordable Housing
- West Leicestershire CCG £156,216.59
- Civic Amenities £18,438
- Libraries £8,330
- Education £1,560,261.38
- Play and Open Space £1, 223,984.48
- Coalville Transportation Strategy £1,377,288
- Provision of bus stop improvements
- Contribution of £6,000 for the monitoring of a Full Travel Plan
- Travel Packs
- Six month bus passes, (two application forms per dwelling to be included in Travel Packs and funded by the developer)
- Planning Manager be given delegated powers to determine the contribution of Early Years
- Planning conditions outlined at the end of this report

That the Planning Manager be given powers to determine the final detail of planning conditions.

That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

9. 20/00470/FUL - GARDEN FARM, BAGWORTH ROAD, BARLESTONE, NUNEATON

Application for residential development of 99 dwellings with associated infrastructure vehicular access and areas of open space.

Late items received after preparation of the main agenda:

Introduction:-

Following the publication of the committee report, an amended Site Layout Drawing (ref: 100-634/(P)001 Rev W) has been received altering the internal road network along with amended Vehicle Swept Path plans, boundary treatment plan, materials plan and maintenance and tenure plans.

An amended Financial Viability Review has also been received from the Council's Viability Appraiser reappraising the revised scheme of 99 dwellings. A consultation response has been received from LCC Planning Obligations.

Appraisal:-

Internal Road Network

The Highway Authority (LHA) previously commented that the internal road network was unsuitable for adoption. In response to their concerns raised, the applicant has submitted a revised internal layout with a view to addressing the outstanding concerns raised by the LHA. The LHA has confirmed that based on the amended plan the internal road network is now considered suitable for adoption and updated conditions and informatives are recommended.

Due to the alterations made to the internal road network, other plans using this layout have also been altered. Minor amendments are shown on the boundary treatment plan, the materials plan, the tenure and maintenance plans and the vehicle swept path plans. These amendments do not alter the previous comments in the committee report on the design and impact on the character of the area of the proposal.

Amended Financial Viability Review

Following receipt of a late contribution request for secondary school education received from LCC (as discussed in paragraph 8.97 of the committee report), the Council has sought to update the Financial Viability Review based on the amended scheme of 99 dwellings. A Sense Test Appraisal has been produced by the Council's Consultant based on the delivery of affordable housing and the timely progression of the scheme.

The Sense Test Appraisal confirms that the proposal can support an additional £136,110 of contributions which in this case would be towards secondary school education at The Market Bosworth School. The applicant has agreed to this additional contribution. Therefore, the total education contribution funded by the proposal would be £184,412.07.

The education contribution would provide a shortfall of £78,293.63. Whilst the viability of the proposal can only support 70% of the education contribution requested, as discussed in paragraph 8.98 of the committee report, the wording in the Section 106 Agreement would require applicants allocated to the proposed housing, in the first instance, to have a local connection to Barlestone. Many of these applicants will have children already enrolled at the local schools.

A consultation response has been received from LCC Planning Obligations confirming that a contribution of £184,412.07 is acceptable. They have asked if the contribution could cater for secondary needs in one of the following academies: Market Bosworth, Bosworth and South Charnwood academies. The contribution is for The Market Bosworth School academy. It is therefore recommended that the education contribution is acceptable and does comply with the CIL Regulations.

Planning Balance

Housing Land Supply

On 25 March 2021, ONS published the latest median house price to median gross annual workplace based earnings ratios used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for Hinckley and Bosworth is now 450 dwellings per annum (rather than 452 dwellings per annum using the previous ratio). Using this updated figure the Council can now demonstrate a 5.01 year housing land supply.

The housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered and 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. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The tilted balance of Paragraph 11d) of the NPPF is engaged, irrespective of the housing land supply figure. This is a product of the age of the plan and the out-of-date evidence base it relies upon. The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 450 dwellings per annum. This figure was derived from the East Midlands Regional Plan and was considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 450 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2019-2039.

The Planning Balance undertaken in section 9 of the committee report remains unaltered in that, on balance, the level of harm from the proposal does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

Recommendation:-

The recommendation contained in the Committee Report remains unaltered. However, the S106 agreement should be amended to secure the amended education contribution of £184,412.07.

Conditions 2 and 18 should be amended to read:

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Drg No: c-1757-03 (Tree Removal Plan) received by the local planning authority on 15 May 2020

Drg No: 100-634/(P) 023D (Site Location Plan) received by the local planning authority on 1 June 2020

House Types Drgs No: 100-634/(P) 042; 043; 01 3D; 01 2D; 01 1D; 00 9D; 00 8C; 00 7D; 00 5C; 00 4C; 03 0B; 02 8B; 02 6B; 02 0D; 01 6D; 01 5D; 01 4D; 01 8F received on 20 October 2020

Drgs No: T20025 SK01 Rev B and SK02 Rev B; all received on 25 January 2021

Drg No: C1757-04 (Tree Removal Plan) received on 26 January 2021

Drgs No: c1757 01 Rev D and c1757-02 Rev D (Detailed Landscaping Proposals) received on 24 February 2021

Drg No: 20025 1 Rev K (Drainage); 2 Rev K (Drainage); 3 Rev H (Drainage) all received on 3 March 2021

Drgs No: 022H (Street Scenes) received on 8 March 2021

Drgs No: 100-634/(P) 001 W (Site Layout); 002 (O) (Boundary Treatment); 003R (Materials Plan) 038K (Tenure Plan); 039J (Maintenance Areas Plan); 040K (Maintenance and Tenure Plan; T20025 SK03 Rev I; SK04 Rev I; SK05 Rev I; SK08 Rev G and SK09 Rev G all received on 25 March 2021

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

18. Each dwelling hereby permitted shall not be occupied until such time as the parking and turning facilities for that dwelling have been implemented in accordance with Drg No:100-634/(P)001 Rev W. Thereafter the onsite parking provision shall be so maintained in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).