

# Public Document Pack

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

Date: 25 October 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 L Hodgkins
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

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Dear Councillor,

Please see overleaf a Supplementary Agenda for the meeting of the **PLANNING COMMITTEE** on **TUESDAY, 19 OCTOBER 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. **20/01357/FUL - THISTLE COTTAGE 8 MARKET PLACE MARKET BOSWORTH**

Application for replacement velux and dormer windows on main roof and roof alterations to rear extension including velux window (retrospective).

Late items received after publication of the main agenda:

**Introduction:-**

Following the site meeting the applicant has set out that the scope of the works is defined as follows:

- Replacement and repair of the existing roof.
- Replacement of existing ground floor window frames.
- Repair and upgrade of original dormers and replacement of Velux windows.
- Replacement of the shallow pitch roof to the rear of the property and addition of a Velux window.
- Work to structure in the roof void.

At the site meeting it was agreed that the current chimney could be improved by the introduction of a few more courses of brickwork, incorporating bands of protruding blue bricks and the addition of a larger Terracotta Chimney pot to match the adjacent chimneys. The Committee update stated that if such drawings were received this would be reported by way of late item.

The applicant has provided these details, which will be presented to Committee. These show the chimney alter and extend from the chimney as built to enhance the detail beyond that which was previously in place in line with the drawing which shows an increased height, additional blue brick “dental course” and the use of a “reclaimed” Victorian style chimney pot.

**Appraisal:-**

The proposed changes, align the design of the chimney stack with other chimneys in the surrounding area. The works are considered to be compatible with the significance of the listed building.

**Recommendation:-**

The recommendation remains unchanged from that printed on the agenda.

8. **20/01378/LBC - THISTLE COTTAGE 8 MARKET PLACE MARKET BOSWORTH**

Application for replacement velux and dormer windows on main roof, roof alterations to rear extension including velux window, chimney alteration and internal alterations (retrospective).

Late items received after publication of the main agenda:

**Introduction:-**

Following the site meeting the applicant has set out that the scope of the works is defined

as follows:

- Replacement and repair of the existing roof.
- Replacement of existing ground floor window frames.
- Repair and upgrade of original dormers and replacement of Velux windows.
- Replacement of the shallow pitch roof to the rear of the property and addition of a Velux window.
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At the site meeting it was agreed that the current chimney could be improved by the introduction of a few more courses of brickwork, incorporating bands of protruding blue bricks and the addition of a larger Terracotta Chimney pot to match the adjacent chimneys. The Committee update stated that if such drawings were received this would be reported by way of late item.

The applicant has provided these details, which will be presented to Committee. These show the chimney alter and extend from the chimney as built to enhance the detail beyond that which was previously in place in line with the drawing which shows an increased height, additional blue brick “dental course” and the use of a “reclaimed” Victorian style chimney pot.

#### **Appraisal:-**

The proposed changes, align the design of the chimney stack with other chimneys in the surrounding area. The works are considered to be compatible with the significance of the listed building.

#### **Recommendation:-**

The recommendation remains unchanged from that printed on the agenda.

#### **10. 21/00379/FUL - SEDGEMERE, STATION ROAD, MARKET BOSWORTH**

Application for residential development of 73 dwellings with associated access and public open space (resubmission of 20/00131/FUL).

Late items received after publication of main agenda:

#### **Appraisal:-**

#### **Assessment**

Market Bosworth Neighbourhood Plan have appointed consultants to calculate an interim Housing Needs Figure (HNF) which can be included in the adopted Neighbourhood Plan until HBBC has provided Market Bosworth with a final Housing Requirement Figure (HRF). The HNF figure recommended in the Market Bosworth Neighbourhood Plan Housing Needs Assessment (2020) (HNA) is 108 dwellings between 2020 and 2026. This calculation is achieved through deducting the 16 dwelling completions in the MBNP area between 2014 and March 2020. Whilst the report acknowledges that there are currently 88 outstanding dwelling commitments in the MBNP area, the assessment acknowledges that quite often permissions are not implemented and so this does not guarantee they will be delivered within the Plan period or at all. Based on the HNF the assessment confirms that 37 affordable units are expected to be provided. The Assessment also confirms that the final, official HRF provided by HBBC will supersede the figure provided in this HNA.

Nonetheless, the weight to be afforded to the policies within the made MBNP is derived

from their degree of consistency with the NPPF and the weight to be given to the relevant policies is assessed within this report. The HNF figure recommended in the Market Bosworth Neighbourhood Plan Housing Needs Assessment (2020) is also a material consideration which needs to be assessed in the planning balance.'

A review of the MBNP was undertaken and it was concluded that the MBNP did not require any changes other than minor updates. Although the working group are working on a full update of the plan this is still at an early stage and no draft has been published yet. As the minor update to the Plan can not alter the 'made date' the plan is more than 2 years old and therefore paragraph 14 of the NPPF does not apply and the application must be determined with regard to Paragraph 11d. The MBNP does however accord with the NPPF and therefore continues to carry significant weight in the decision making process.

### **Impact upon protected Species**

Since the publishing of the committee report an updated biodiversity metric has been submitted which seeks to improve and address the loss of habitat across the site. Whilst the site would not result in net gain across the site, the metric does inform the landscape proposals across the site, to ensure that impact upon habitats is mitigated and planned into the overall scheme. Regard also needs be had to the fall back position as the application site benefits from an extant planning permission which could be implemented and does not require the ecology benefits not secured. It is therefore considered that the enhanced ecological benefits secured through this revised scheme along with the enhanced landscaping scheme, it is considered that the proposed development would accord with Policy DM6 of the SADMP.

### **Infrastructure Contributions**

#### **Libraries**

LCC Library services have requested a sum of £2,210 towards provision of additional resources at Market Bosworth Library, which is the nearest library to the development.

The contribution towards addressing the impact of the development upon library facilities is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area. Market Bosworth library on Station Road is within 1.2km of the site, the request states that the proposed development will add 219 to the existing library's catchment population which would have a direct impact upon the local library facilities, this is accepted in this instance given that the library is within a reasonable walking distance of the site and is accessible by public footpaths, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and relates to the number of dwellings proposed, therefore the contribution relates fairly and reasonably in scale and kind.

#### **NHS West Leicestershire CCG – Health Care**

The West Leicestershire CCG has requested a contribution of £36,960.81 towards addressing the deficiencies in services at Market Bosworth Surgery, which is the closest available GP practice to the development. This practice has already identified that the premises are fully utilised and therefore funds would look at internal layout and improving facilities in order to ensure optimum number of clinicians are available to meet the demand. An increase of 176 patients from the proposal would significantly impact on patient demand in the area.

The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local surgery at Market Bosworth, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.

### **Recommendation:-**

Updated the Recommendation to include the following:

#### **Grant planning permission** subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
  - 40% Affordable housing with a split of 75% affordable rented and 25% of the units shared ownership.
  - £3,616 towards Civic amenity
  - £378,438.32 - £537,491.12 towards primary and secondary education in Market Bosworth.
  - Provision of bus stop improvements to the two nearest bus stops on Station Road.
  - Travel Packs (one per dwelling)
  - 6 month bus passes, (two application forms per dwelling to be included in Travel Packs and funded by the developer)
  - Play and open Space: £236,590
  - Libraries contribution £2,210
  - £36,960.81 towards the cost of providing additional accommodation for 176 patients at Market Bosworth GP Surgery.

#### **11. 21/00427/FUL - STARTIN TRACTORS, 2 ASHBY ROAD, TWYXCROSS**

Application for erection of a new workshop and ancillary services building, new wash bay building and change of use of land to create an agricultural machinery display area.

Late items received after publication of main agenda:

### **Consultations:-**

Lead Local Flood Authority (received 18/10/21) –

The amended Flood Risk Assessment includes infiltration results. In light of the findings, the applicant has chosen to amend the surface water drainage strategy to discharge surface water drainage at Qbar into an adjacent watercourse. The LLFA is content with this, subject to planning conditions to secure a surface water drainage scheme, details of surface water management during construction and details of long-term maintenance of the surface water drainage system.

County Ecology (7/10/21) –

The revised Lighting Strategy received 5/10/21 by the LPA does not address the lighting onto the vegetation to the south of the proposed machinery storage/display area (the vegetation between that proposed area and the existing workshop building and proposed vehicle wash).

Environmental Health (6/10/21) –

The revised Lighting Strategy received 5/10/21 by the LPA has improved light spill and levels are within the guideline criteria for the correct Environmental Zone. Condition the plan and hours of lighting as per the site operating hours.

Update from agent (7/10/21) –

- The agent is content that a revised lighting strategy could be secured by condition.
- The agent confirms the submitted appeal of the previous application 20/00400/FUL will be withdrawn if the current application is approved.

### **Appraisal:-**

The LLFA have confirmed that they are content with the proposed surface water strategy and have no objection to the proposal. There are therefore no consultee objections to the proposal.

A revised lighting strategy, and its hours of operation can be secured by condition.

### **Recommendation:-**

The recommendation at section 11 of the committee report is updated as follows:

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report, and the following further conditions 16-18 recommended by the LLFA, and the following amended wording of conditions 8, and
- Remove reference to the lighting scheme from condition 2.

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

Further conditions:

16. 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.

REASON: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site.

17. 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.

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 through the entire development construction phase.

18. 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.

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.

Amended condition wording:

8. Notwithstanding the submitted lighting details, no external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The external lighting shall not be used outside the operating hours of the site specified in condition 9 without the prior written permission of the Local Planning Authority.

REASON: To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM6, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. 21/00607/FUL - LAND WEST OF BREACH LANE, EARL SHILTON

Application for erection of nine detached dwellings.

Late items received after publication of main agenda:

**Consultations:-**

Since publication of the agenda one further neighbour letter has been received raising the following points;

- I was not notified of the date of this hearing, I heard about it via a neighbour. When I contacted planning to explain this they did send me a link to the information. However since then I have learnt that other neighbours who opposed have not been sent the information either.
- Previous approval was for 3 properties, and nothing fundamental has changed which would suddenly make the building of 9 properties acceptable.
- The line of splay visibility to the east is likely to be substandard as the road bends round. It should be a triangle 2.4m back from the kerb for 43m along the road each way.
- A balcony is usually positioned so a nice view may be appreciated. Balconies on these proposed plans will impact on the privacy of existing properties as the 'view' will be our gardens and our rear outlook. The view will not be their own 'grounds' as the gardens that have been planned are disproportionately small relative the size of the house.

**Appraisal:-**

Officers checked the system and can confirm that a letter or e-mail has been sent to everyone who made a comment on the application, therefore contributors have been

notified of Committee in accordance with correct procedure.

Whilst planning permission has been granted for three dwellings on the site previously, this does not prevent the consideration of a scheme for nine dwellings, on its own merits. The material considerations are set out within the report to committee.

The Committee report contains a highway safety section at paragraph 8.30 onwards (page 113 of the agenda). Whilst the Highways Design Guide sets out junction visibility, this is applicable to adoptable public highways, which this section of Breach Lane is not. Nonetheless, the junction at the access to the new development and Breach Lane is considered acceptable. Allowing for two way vehicle movement with approaching traffic coming from one direct at relatively low speeds.

Amended plans have been received which details a screen to prevent overlooking from the proposed dwellings, in to the adjoining plots. With regards to privacy of existing neighbours, the balconies are considered to be a sufficient distance from boundaries with neighbouring gardens for acceptable levels of private amenity to be maintained. Furthermore, the layout of the proposed dwelling in relation to neighbouring plots means that overlooking of private amenity space is limited.

#### **Recommendation:-**

The recommendation does not change from that as printed on the agenda.

#### **14. 21/00656/OUT - STOKE FIELDS FARM, HINCKLEY ROAD, STOKE GOLDING**

Application for residential development up to 70 dwellings with associated access, landscaping, open space and drainage infrastructure (outline – access to be considered).

Late items received after publication of main agenda:

#### **Consultations:-**

Consultee response from NHS West Leicestershire CCG received 11/10/21, summarised below:

- The development could result in an increased population of 169 patients.
- The likely impact on consulting room provision would be 4.4552 minutes of patient appointment time per week, and a likely impact on nurse treatment room provision of 1.188058667 minutes of patient appointment time per week.
- The GP services at the small surgery at Pine Close Stoke Golding are provided by Castle Mead Medical Practice Hinckley, and this is the surgery that will pick up the care of the majority of the identified population.
- The practice has seen a 10% rise in its registered population over the last 5 years, and a steady rise in those using the Stoke Golding surgery.
- The practice would need to improve and increase clinical services at the Stoke Golding Surgery to meet the needs of the identified population. The cost of an extension to the surgery to accommodate the additional patients is £35,441.87 and therefore this sum is requested to be secured in the S106 agreement.

Further comments have been received from Cllr Collett dated 13/10/21, raising the following points:

- Major development that is contrary to the emerging Stoke Golding Neighbourhood Plan (SGNP)
- The Examiner of the SGNP recommends that the emerging SGNP proceed to



referendum

- The Examiner did not see the need to allocate further housing sites in the SGNP, to meet emerging evidence of housing need
- The Council agreed 11/10/21 that the emerging SGNP should proceed to referendum
- Substantial weight should be given to the emerging SGNP
- The emerging SGNP does not want this site developed or development outside of the settlement area
- It is inconsistent to agree to the referendum and grant permission contrary to the emerging SGNP before the referendum
- The SGNP provides for 158 homes 2020-39 at Stoke Golding and the Council will meet its Local Plan targets.
- The application should be rejected

Policy update:

- On 11/10/21 the Council issued a Regulation 18 Decision Statement on the emerging SGNP.
- The Council agree to the recommendations, modifications and the reasons for them, in the Examiners Report on the emerging SGNP
- The emerging SGNP can proceed to referendum.

### **Public consultation responses:**

Two additional neighbour letters have been received raising the following points:

- Significant increase in village population
- Facilities are already over stretched
- Stoke Golding has already had development recently which don't look good
- Within the Planning Officer's document for Stoke Fields Farm, there are very pointed remarks and conclusions that go against the entire intention of the Neighbourhood Plan process. If these remarks are not withdrawn, and the Stoke Fields Farm application is approved because of these incorrect remarks, then this will very quickly become a National concern for any community embarking on a Neighbourhood Plan.
- The Stoke Golding Neighbourhood Plan Team provided a detailed interpretation of our lack of support to any building applications, not already included within the Plan, that are outside of the Settlement Boundary within the section designed to protect our countryside.
- The inspector wanted to adjust and reduce the words within this section. Stoke Golding did not. The HBBC Officer agreed with the inspector, and so on trust, the Stoke Golding Team reluctantly agreed to progress the plan with the proposed changes, rather than endure more lengthy delays, over simple wordsmithing. At the first hurdle, this has back fired. The Officer is incorrectly stating that Stoke Golding Neighbourhood Plan supports this application for 70 homes. This is factually incorrect. It is the view of Friends of the Community: Stoke Golding that if this wording is not withdrawn and a grossly incorrect precedent is set even before the Plan is made, the residents of Stoke Golding will be left in an impossible position at the time of referendum. This would be a huge breakdown in trust between Stoke Golding and Hinckley & Bosworth Borough Council. The Stoke Golding Parish Council are so concerned over this misinterpretation that they have written to the Secretary of State. Both the Parish Council and the Stoke Golding Neighbourhood Plan team have communicated this concern within their broader objections directly to the HBBC Planning team and they will be presenting this at the forthcoming meeting.

### **Appraisal:-**

Paragraphs 8.2 to 8.28 of Section 8 on the Committee Report, and Section 10 are updated as follows:

### **Assessment against strategic planning policies**

#### **The Development Plan**

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP). The Stoke Golding Neighbourhood Plan (SGNP) is not yet part of the Development Plan as it has not been made.
- 8.4 The Emerging Local Plan for 2020-39 has reached Regulation 18 draft stage (June/August 2021) and thus can be given only limited weight at this stage as it will be further revised before submission. The Emerging Local Plan sets out a presumption that each key rural centre (including Stoke Golding) will provide for a minimum of 200 dwellings (paragraph 4.19). This draft requirement can be given limited weight at this stage.
- 8.5 The CS sets out the settlement hierarchy for the Borough. The urban area is the focus for development and within the rural area the hierarchy of settlements is as follows; Key Rural Centres, Rural Villages and rural Hamlets. Policy 11 of CS identifies Stoke Golding as a Key Rural Centre. To support local services and maintain rural population levels, the policy states that the Council will allocate land for at least 60 new homes. Developers will be required to demonstrate that the number, type and mix proposed will meet the needs of the village, taking account of the latest evidence, in line with policies 15 and 16 of the CS. These policies are considered in later sections of this report.
- 8.6 The SADMP explains that at 1 September 2014, the 60 dwelling minimum had been met and so no housing sites were allocated in that plan.
- 8.7 The site is located outside the settlement boundary of the village as set out in the SADMP inset map and the emerging Stoke Golding Neighbourhood

Plan. Policy DM4 of the SADMP states that the countryside will first and foremost be safeguarded from unsustainable development, to protect its intrinsic value, beauty, open character and landscape character. The policy sets out the circumstances (a to e) where development in the countryside will be considered sustainable and such development needs to also meet certain criteria (i to v). The proposed development does not meet any of the criteria a to e.

- 8.8 The Stoke Golding Neighbourhood Plan (SGNP) has been examined and the Report of Independent Examination (RIE) has been received. The report recommends that the SGNP proceed to referendum. The Council published its Regulation 18 Decision Statement on the emerging SGNP on 11/10/21 accepting all the recommendations of the RIE, and the SGNP can now proceed to referendum. Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation, (b) the extent to which there are unresolved objections to relevant policies, and (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF. The Good Practice Guidance refers to section 70(2) of the Town and Country Planning Act 1990 (as amended) which states: that in dealing with an application for planning permission, the local planning authority shall have regard to a post-examination draft neighbourhood development plan, so far as material to the application. The Guidance also states that where the local planning authority publishes notice of a referendum, the emerging neighbourhood plan should be given more weight, while also taking account of the extent of unresolved objections to the plan and its degree of consistency with the NPPF. The Council consider that as the SGNP has reached an advanced stage, it can be given significant weight.

- 8.9 Emerging policy SG1 of the Submission Draft SGNP sets a minimum housing requirement of 158 dwellings in the period 2020 to 2039. This will be met by the committed developments of 65 dwellings at Roseway (20/00779/OUT), 55 dwellings at Wykin Lane (19/01324/OUT), the housing allocation of 25 dwellings at Mulberry Farm and windfall development in accordance with SGNP policy SG3. Paragraph 94 of the RIE states:

*"I am satisfied it is appropriate for Policy SG1 to indicate the scale of development that is being planned for and that this should reflect the method of calculation recommended by the Borough Council. I am satisfied the policy will not preclude sustainable development schemes in accordance with Policy SG3 that result in the achievement of a greater total number of dwellings. This is consistent with the fact the Neighbourhood Plan places no cap or limit on the number of dwellings that can be provided within the Settlement Boundary nor on the number of dwellings that can be provided outside the Settlement Boundary subject to it being of types that are consistent with Policy SG2 or Policy SG6 of the Neighbourhood Plan, and national and strategic planning policy. In the context of the characteristics of the Neighbourhood Area those policies relevant to housing provision will significantly boost the supply of housing."*

- 8.10 The RIE recommends that the reserve housing site at Mulberry Farm (policy

SG2) should be identified as available for development now, and that as a consequence:

*“As a matter of planning judgement, on the basis of the scale of allocation and other provision for new housing made in the Neighbourhood Plan, I am content there is no necessity to allocate housing sites or reserve housing sites additional to those in the Neighbourhood Plan, as recommended to be modified, to meet emerging evidence of housing need.” (RIE paragraph 97)*

8.11 Emerging policy SG3 of the SGNP (as proposed to be amended by the RIE) states that windfall housing development outside the settlement boundary will be limited. The proposed development does not meet any of the 7 circumstances as set out in the policy.

8.12 Emerging policy SG6 of the SGNP is a key policy to the consideration of this application. Emerging policy SG6, as amended by the Examiner, and accepted by the Council, reads as follows:

*“Policy SG6: Countryside*

*The Countryside (land outside Settlement Boundary as defined on Map 3 and the Policies Maps (pages 69 & 70)) will be protected for the sake of its intrinsic character, beauty, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. In countryside locations only the following types of development will be supported:*

- 1. Recreation and tourism that cannot be provided within the Settlement Boundary;*
- 2. Development by statutory undertakers or public utility providers;*
- 3. Subdivision of an existing dwelling; and*
- 4. Development that is otherwise in accordance with: national policies; or strategic planning policies or allocations; or with the other policies of the Neighbourhood Plan”*

8.13 The submission version of the SGNP submission version of the wording, would not permit the current housing proposal. However, the new wording, as recommended by the Examiner (RIE paragraph 143) and accepted by the Council in the Regulation 18 Decision Statement on 11/10/21, would allow development in accordance with point 4 of the policy. This is an important change to the policy, as it would support development that conflicts with this policy, but otherwise accords with national policy.

8.14 The housing requirement position for Stoke Golding is illustrated below in table 1. Table 1: Housing requirement for Stoke Golding and delivery position

Minimum housing requirement identified for the Borough 2020-39	Minimum requirement for Stoke Golding 2020-39 (inc. 10% buffer)	Windfall allowance for 2020-39	Permissions granted and emerging allocation SG2
8,588	158	(38 dwellings provided 2006-2020 = 2.7 per year) 51 dwellings in the period 2020-39	East of Roseway (20/00779/OUT) = 65 dwellings Wykin Lane (19/01324/OUT) = 55 dwellings SG2 allocation = 25 dwellings
TOTAL requirement:	158	158-51= 107	107- (65+55+25) = 38 dwellings in excess of the minimum requirement

- 8.15 The above table shows that, taking account of anticipated windfall development, permissions granted and the emerging allocation, the minimum 158 requirement for Stoke Golding will be exceeded by 38 dwellings.
- 8.16 It is considered that significant weight can be given to the SGNP at this stage in its production, as the RIE has recommended that the plan is modified and should proceed to referendum. It is considered that it can be given significant weight because the Council has issued the Regulation 18 Decision Statement, there were hardly any public objections to the plan at submission stage and so is likely to be 'made' at the referendum, and the RIE resolves the objections and concludes that the plan has had regard to national policy.
- 8.17 It is noted that the earlier pre-submission version of the SGNP (Dec 2020) included the northern part of the application site as a reserve housing site for 25 dwellings. The site was identified using a site assessment process and the results were published in the Site Assessment Framework Results Nov 2019. The site (AS540) was ranked 3rd of 15 in the assessment. This demonstrates that the site was considered to have good development potential by the Neighbourhood Plan Advisory Committee. The RIE has not recommended that the site be allocated within the SGNP.

### **The presumption in favour of sustainable development**

- 8.18 The Council acknowledges that it cannot currently demonstrate a 5 year housing land supply. On 25th March 2021, ONS published the latest median housing price to median gross annual workplace based earnings ratio 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 the Borough is now 466 dwellings per annum

(using the standard method and affordability ratio and with an additional 5% buffer). As at 1st April 2021, the Council can demonstrate a 4.46 year supply of housing land.

- 8.19 Footnote 8 to paragraph 11 of the 2021 NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five year supply of deliverable housing sites and therefore paragraph 11(d) of the NPPF is triggered. The NPPF is a material consideration. Paragraph 11(d) states:

*“Plans and decisions should apply a presumption in favour of sustainable development.*

*For decision taking this means:*

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

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 8.20 Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly where their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.
- 8.21 Both the CS and the SADMP are over 5 years old, and paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Therefore, this report sets out the relevant CS and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

### **Strategic policies conclusion**

- 8.22 In conclusion, the proposed development is outside the village boundary of Stoke Golding and the village has exceeded the 60 dwelling minimum for 2006-26 as set out in CS policy 11. The proposal is contrary to policy DM4 of the SADMP as it does not meet any of the criteria (a to e) to be considered sustainable development in the countryside.

- 8.23 The proposal is also contrary to emerging policies SG1 and SG3 (as

proposed to be modified by the RIE) of the SGNP. Policy SG6 (as proposed to be modified by the RIE) of the SGNP, would support development outside the settlement boundary where it is in accordance with national policies. The recommended changes to the emerging SGNP policies have been accepted by the Council in their Regulation 18 Decision Statement of 11/10/21.

- 8.24 The emerging SGNP (as proposed to be modified by the RIE) can be given significant weight at this stage, and the Development Plan is out of date. The emerging Local Plan for 2020-39 is at an early stage of production and can be given very little weight.
- 8.25 The NPPF in paragraph 49(b) advises that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both the following are met:
- (a) “the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- (b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”*
- 8.26 The current proposal for 70 dwellings is not considered to undermine the plan making process. The allocations in the emerging SGNP are committed, and emerging policy SG2 will make a further allocation. Emerging policy SG6 (as proposed to be modified by the RIE, and accepted by the Council in the Regulation 18 Decision Statement 11/10/21) supports development in the countryside that is in accordance with national policies.
- 8.27 The presumption in favour of sustainable development part (d) ‘the tiled balance’ applies. Paragraph 14 of the NPPF states that when this applies, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that all parts (a to d) apply. However, as the SGNP is not yet ‘made’ by a referendum (the referendum is likely to occur in December 2021), the SGNP cannot satisfy criterion (a). NPPF paragraph 14 therefore does not apply.
- 8.28 The presumption in favour of sustainable development in paragraph 11d of the NPPF ‘the tiled balance’ applies. Therefore, in principle, planning permission should be granted unless the presumption in favour of sustainable development can be displaced by any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. To achieve sustainable development, the NPPF states that the planning system has three overarching objectives; economic, social and environmental, which are interdependent. The housing delivery position as set out in table 1 above is a material consideration in the planning balance.

## 10. Conclusion

- 10.1 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.
- 10.2 The Council cannot demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.3 In principle, the proposed housing development is outside the settlement boundary of Stoke Golding and is thus contrary to policies 7 and 11 of the CS and DM4 of the SADMP. Although out of date, these policies are in accordance with the Framework and have significant weight. The proposal is also contrary to emerging policies SG1 and SG3 of the SGNP (as proposed to be modified by the RIE, and accepted by the Council) as the housing needs of the area have been met and the development does not meet any of the specified circumstances where development in the countryside will be supported. However, emerging policy SG6 of the SGNP (as proposed to be modified by the RIE and accepted by the Council in the Regulation 18 Decision Statement) would support development outside the settlement boundary where it is in accordance with national policies. The emerging SGNP is not yet 'made' but can be given significant weight, in accordance with paragraph 48 of the NPPF.
- 10.4 The emerging Local Plan for 2020-39 proposes a higher housing target than that in the emerging SGNP, but the plan is at an early stage of production and can thus be given very little weight.
- 10.5 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 70 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 boosting the supply of housing in the borough.
- 10.6 The proposal, whilst involving development in the countryside, could be designed to be appropriate to the area, and it would have a limited impact on landscape character and a moderate adverse impact upon local views of the site. This would accord with policy DM10 of the SADMP and emerging policies SG10, 12 and 15 of the SGNP, the Good Design Guide SPD and the NPPF.
- 10.7 With the imposition of conditions and S106 contributions, the development will secure an appropriate mix and density of housing and provide 40% affordable housing. This would accord with policies 15 and 16 of the CS and emerging policy SG4 of the SGNP.
- 10.8 The proposal will not have any impact on designated heritage assets of their setting. The site has not been subject to trial trenching investigation at this stage, so the archaeological impact of the proposals are based upon the desk-based assessment and geophysical survey report. It is considered that trial trenching is not necessary at this stage, but should be secured before reserved matters submission. This would accord with policies DM11, DM12 and DM13 of the



SADMP and the NPPF.

- 10.9 The proposed development will not have an unacceptable impact upon amenity and would accord with policy DM10(a) and (b) of the SADMP, the Good Design Guide SPD, and emerging policy SG15 of the SGNP and national policy in the NPPF.
- 10.10 The ecological impact of the proposal has been assessed and a net gain in biodiversity can be achieved. Existing trees and hedgerows will be retained. This would accord with policy DM6 of the SADMP, emerging policy SG11 of the SGNP and paragraph 174 of the NPPF.
- 10.11 The highways impact of the proposed development and the proposed access is acceptable and this would accord with policies DM17 and DM18 of the SADMP and the NPPF.
- 10.12 The development will not have an adverse impact on flooding and surface water and foul drainage can be satisfactorily accommodated. This would accord with policy DM17 and the NPPF.
- 10.13 The site is a mix of grade 2 and grade 3a and 3b agricultural land. The loss of this land is weighed in the balance of the merits of the scheme.
- 10.14 The proposed development will secure on-site and off-site open space provision, and contributions to civic amenity provision, libraries, local education services and highways infrastructure. This would accord with policy DM3 of the SADMP and emerging policy SG19 of the SGNP and the NPPF.
- 10.15 Therefore, although there is clear conflict with strategic policies 7 and 11 of the Core Strategy and DM4 and DM10 of the adopted SADMP, there has only been minor harm found.
- 10.16 On balance, the limited adverse impacts on the landscape character and moderate adverse impact upon local views are not considered to significantly and demonstrably outweigh the benefits of the development. Therefore, in accordance with paragraph 11(d) of the NPPF, it is considered that planning permission should be granted, subject to the conditions and S106 contributions set out in this report.

#### **Recommendation:-**

The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local surgery at Stoke Golding, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.

The recommendation remains for approval, with the addition of the S106 contribution towards NHS West Leicestershire CCG. Section 11 of the Committee Report is updated as follows:

11.1 Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
  - On-site Open Space minimum requirement of 1176sqm casual/informal play spaces and a 20 year maintenance cost (minimum of £12,700.80), a minimum of 2800sqm of natural green space along with a 20 year maintenance cost (minimum of £39,760.80)
  - Off-site equipped children's play space contribution of £45,846.36 towards site STG10 and 10 year maintenance of £22,125.60 and outdoor sports provision contribution of £24,326.40 towards site STG10 and 10 year maintenance contribution of £11,558.40.
  - 40% Affordable Housing (28 units) with a split of 75% of the units as social/affordable rented and 25% of the units as intermediate tenure
  - Affordable rented mix shall comprise: 6 x 1 bed roomed 2 person maisonettes or quarter houses, 8 x 2 bed 4 person houses and 7 x 3 bed roomed 5 person houses.
  - The intermediate tenure should consist of a mixture of 2 and 3 bed roomed houses.
  - Location connection requirement for the affordable housing and cascade mechanism.
  - £3,467 civic amenity contribution towards Barwell Household Waste Recycling Centre
  - £2,120 towards provision of additional resources at Hinckley Library, Lancaster road, Hinckley.
  - £417,039.81 towards Education facilities (St Margaret's Church of England Primary School Stoke Golding £306,432.00, Redmoor Academy £65,962.44 and Hinckley Academy and John Cleveland Sixth Form Centre £44,645.37).
  - 1 x travel pack per dwelling along with provision of application forms for 2 x 6 month bus passes (currently Arriva)
  - Replacement flags at the nearest two bus stops on Hinckley Road opposite Greenwood Road and outside number 87 (ID's 2571 & 2566).
  - £35,441.87 for NHS West Leicestershire CCG to improve and increase clinical services at the Stoke Golding Surgery to meet the needs of the identified population.
- Planning conditions outlined at the end of this report

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

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