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Hinckley & Bosworth
Borough Council

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

Date: 11 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 member,

There will be a meeting of the **PLANNING COMMITTEE** as a Virtual meeting via Zoom on **TUESDAY, 19 MAY 2020** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 19 MAY 2020

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. MINUTES (Pages 1 - 2)
To confirm the minutes of the meeting held on 3 March 2020.
3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES
To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting. Items to be taken at the end of the agenda.
4. DECLARATIONS OF INTEREST
To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**
5. QUESTIONS
To hear any questions in accordance with Council Procedure Rule 12.
6. DECISIONS DELEGATED AT PREVIOUS MEETING
To report progress on any decisions delegated at the previous meeting.
7. 19/00947/OUT - LAND OFF SKETCHLEY LANE, BURBAGE (Pages 3 - 48)
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).
8. 19/01437/FUL - KYNGS GOLF AND COUNTRY CLUB, STATION ROAD, MARKET BOSWORTH (Pages 49 - 72)
Application for erection of a multi-purpose golf clubhouse(D2), formation of new car parking areas and access roads and the erection of 6 golf holiday homes (C1) and all associated ancillary works and landscaping.
9. 19/01243/OUT - ASHFIELD FARM, KIRKBY ROAD, DESFORD (Pages 73 - 104)
Application for residential development of up to 120 dwellings (Outline – access only).
10. 19/01324/OUT - LAND AT WYKIN LANE, STOKE GOLDING (Pages 105 - 134)
Application for residential development of up to 55 dwellings (Outline - access only).
11. APPEALS PROGRESS (Pages 135 - 142)
To report on progress relating to various appeals.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

3 MARCH 2020 AT 6.30 PM

PRESENT: Mrs MJ Crooks - Chairman
Mr DJ Findlay – Vice-Chairman
Mrs CM Allen, Mr SL Bray (for Mr SM Gibbens), Mr MB Cartwright, Mr DS Cope,
Mr WJ Crooks, Mr REH Flemming, Mr A Furlong, Mr E Hollick, Mr KWP Lynch,
Mrs LJ Mullaney, Mr LJP O'Shea (for Mr CW Boothby) and Mr BR Walker

Also in attendance: Councillor DC Bill MBE

Officers in attendance: Matthew Bowers, Jenny Brader, Rhiannon Hill, Julie Kenny, Rebecca Owen, Michael Rice and Nicola Smith

331 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors RG Allen, Boothby, Gibbens, Roberts and Smith with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Bray for Councillor Gibbens
Councillor O'Shea for Councillor Boothby.

332 MINUTES

It was moved by Councillor Cartwright, seconded by Councillor WJ Crooks and

RESOLVED – the minutes of the meeting held on 4 February 2020.

333 DECLARATIONS OF INTEREST

No interests were declared at this stage.

334 DECISIONS DELEGATED AT PREVIOUS MEETING

It was noted that all decisions had been issued with the exception of 19/00680/OUT and 19/00607/FUL which were subject to S106 agreements.

335 19/01308/FUL - LAND NORTH OF CADEBY LANE, CADEBY

Application for development of the land for the erection of three timber lodges for holiday let purposes (resubmission of 18/00805/FUL).

It was moved by Councillor Bray, seconded by Councillor Cope and

RESOLVED – permission be granted subject to the conditions contained within the officer's report and late items.

336 19/01359/FUL - 12 JOHNS CLOSE, BURBAGE

Application for demolition of bungalow and erection of one two-storey dwelling.

Notwithstanding the officer's recommendation that permission be granted, it was MOVED by Councillor Walker and SECONDED by Councillor Bray that permission be refused due to the proposed development being overbearing and incongruous to the street scene and therefore contrary to policy DM10. Upon being put to the vote, the motion was LOST.

It was MOVED by Councillor Cartwright and SECONDED by Councillor Furlong that permission be granted in accordance with the officer's recommendation. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's reports;
- (ii) The Planning Manager be granted powers to determine the final detail of the planning conditions.

337 19/01327/FUL - SPRING ACRE, LYCHGATE LANE, BURBAGE

Application for change of use of land to mixed use for stationing of caravans for residential occupation (4 pitches) with one dayroom and for the keeping of horses (part retrospective).

Notwithstanding the officer's recommendation that permission be granted, Councillor Walker, seconded by Councillor Lynch, MOVED that permission be refused due to the proposal constituting overdevelopment of the site. Upon being put to the vote, the motion was LOST.

It was subsequently MOVED by Councillor Furlong and SECONDED by Councillor Hollick, that permission be granted in accordance with the officer's recommendation and late items. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to:
 - a. the conditions contained in the officer's report and late items;
 - b. any conditions that may be requested by the Highway Authority which are deemed to meet the tests laid out in the NPPF
- (ii) The Planning Manager be given powers to determine the final details of the planning conditions.

338 APPEALS PROGRESS

An update on appeals was noted.

(The Meeting closed at 8.10 pm)

CHAIRMAN

Planning Committee 19 May 2020
Report of the Planning Manager

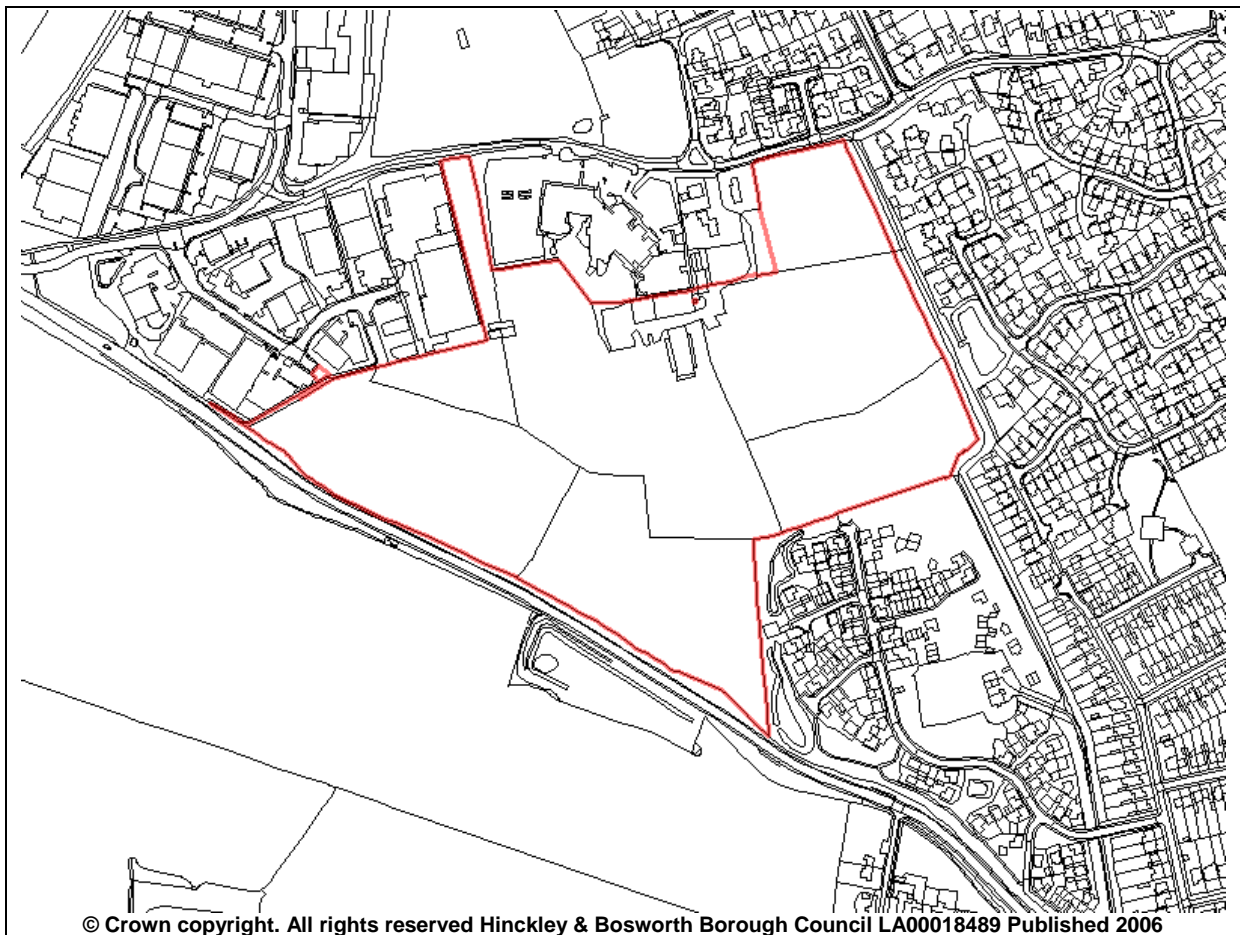
Planning Ref: 19/00947/OUT
Applicant: Barwood Development Securities Ltd
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: Land Off Sketchley Lane Burbage

Proposal: 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)



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 20% Affordable Housing, 75% affordable rented and 25% shared ownership
 - £4200 for library facilities at Hinckley Library
 - £616,864.00 for education

- £85,183.92 Health Care Provision (GP Practices)
 - £222,189.40 off-site Play and Open Space provision and maintenance
 - On-site Open Space requirement of at least 500m2 of equipped play area and 2352m2 of casual and informal play space
 - Provision of opportunities for apprenticeships and work experience and employment and skills related training during the construction of the development.
 - Travel Packs
 - Buss Passes
 - Formalised provision of the nearest bus stop
 - £216,000 towards the Hinckley Hub Sub-Package (Part of Hinckley Area Project Zone 4)
- Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks outline planning permission for up to 140 dwellings, and up to 30,000sqm of commercial space with associated public open space, landscaping and infrastructure. All detailed matters are reserved for later determination, except access. The site has an area of approximately 15.2 hectares. A detailed access plan has been submitted which shows a new road off Sketchley Lane to service the residential element with the commercial element accessed via Watling Drive, which provides a direct connection to the roundabout on the A5.
- 2.2. As the application is in outline format, the proposed housing mix is unknown. However, the applicant has identified that 20% of the housing to be provided would be affordable housing and so if 140 dwellings were to be provided this would result in 112 market dwellings with 28 dwellings being affordable with a mix of 21 dwellings for social rent and 7 intermediate dwellings for shared ownership.
- 2.3. An indicative development framework and a parameters plan have been provided. The indicative framework shows the layout of up to 140 dwellings and 30,000sqm of commercial floorspace as well as the open space and attenuation features.
- 2.4. The proposal includes areas of accessible natural green space in excised of 5 hectares and a Local Equipped Area of Play (LEAP) 500sqm in area. The informal open space includes planting, pedestrian links and footpaths connecting into existing footpaths as well as woodland planting and enhancement to existing retained field boundaries. The proposed LEAP is shown on the development framework central to the site, with the public open space extending centrally through the proposed residential area of the site.
- 2.5. The application is supported by the following technical documents:-
- Design and Access Statement
 - Soils and agricultural quality report
 - Arboricultural Impact Assessment
 - Topographical Survey
 - Transport Assessment
 - Trial Trenching Report
 - Framework Travel Plan
 - Planning Statement

- Noise Report
- Landscape and Visual Impact Assessment
- Illustrative Landscape Strategy
- Archaeological Geophysical Survey Report
- Ecological Impact Assessment
- Utilities Assessment
- Flood Risk Assessment
- Employment Market Report
- Economic Benefits
- Employment land Sequential Assessment

3. Description of the Site and Surrounding Area

- 3.1. The application site comprises of approximately 15.2 hectares, situated to the South of Sketchley Lane, Burbage. To the north, the site is bound by Sketchley Grange Hotel, and Sketchley Meadows Industrial Estate. To the East, the application site is bound by residential development, and to the south east, is a newly constructed development by David Wilson Homes (Planning reference 13/00529/OUT), with A5 Watling Street beyond, forming the south boundary.
- 3.2. The application site comprises of a number of irregular agricultural fields, separated by mature hedgerows and trees. The site gently slopes south towards the A5 boundary, with levels sloping from approximately 113m above Ordnance Datum (AOD) to 100m AOD. An existing Bridleway U67 crosses north to south through the eastern portion of the site, from Sketchley Lane, Burbage to Watling Street, east of Stretton House, with a branch to Sketchley Lane adjacent to the north west boundary with Troon Way. Although the bridle path runs through the site, access along this route has been impaired.
- 3.3. The application site is located within Landscape Character Area F, Burbage Common Rolling Farmland, in the Landscape Character Assessment (2017). One of the key characteristics of this area, which is shared with the application site, is medium to large scale rectilinear field pattern bounded by low hedgerows and post and wire fences.

4. Relevant Planning History

19/00811/SCOPE	EIA screening Opinion for proposed development	Screening Opinion Issued	08.08.2019
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press. 164 objections have been received raising the following objections:-
- 1) The existing balancing lagoon in Troon Way regularly fill with water after heavy rain and releases water onto the application site, the drains on Troon Way regularly back up and overflow, development on this land will cause flooding Troon Way
 - 2) A large commercial facility is already being built along the A5
 - 3) The A5 is not sufficient to accommodate the increase in HGVs
 - 4) Large increase in population will increase the demand on fire/police and ambulance services
 - 5) Increase population will result in an increase in crime
 - 6) Request for traffic calming in the area has already been rejected by Highways
 - 7) Impact upon GP services
 - 8) There is sufficient housing stock in Burbage to service the local area

- 9) The local secondary school will be unable to accommodate the influx of families
- 10) The disruption from the development of 'The Spinneys' was unacceptable, with breaches of working and delivery hour conditions
- 11) The units will be situated within metres of the existing dwellings with minimal planting in between
- 12) It will take years for the planting strategy to mature
- 13) The development will impact upon the quality of life of surrounding residents
- 14) This is the last significant area of green space between Hinckley and the A5, and is a natural barrier for Burbage residents
- 15) Commercial units will have adverse impact upon residential dwellings with the use of artificial lighting and the sound associated vehicles
- 16) The site helps to reduce the impact of air pollution
- 17) It will only create low skilled jobs with lower levels of pay, should attract more skilled labour force
- 18) Will lead to pressure on all schools
- 19) There are existing empty units which need occupying prior to more being developed
- 20) Herald Way is already used as a rat run when Hinckley is congested
- 21) Sketchley Hill (Rugby Road) is mostly impassable and dangerous after snowfall
- 22) Footpath along Rugby Road is not safe and dangerous for pedestrian and provides no suitable crossing, which is a danger for children accessing local schools
- 23) It is a beautiful and cultural part of history within the village and this country.
- 24) Detrimental to wildlife
- 25) The land is greenbelt and the views should be protected
- 26) Purchased the house due to the views
- 27) The Leicestershire Strategic growth plan does not support development in this area
- 28) Emerging Burbage Plan does not support development in this area. It is protected green wedge that forms part of the proposed site
- 29) Outside settlement boundary
- 30) Historical agricultural interest
- 31) Scale and height of the proposed warehouses are inappropriate and out of keeping with the area
- 32) Development would be overbearing
- 33) 5 year housing land supply already met
- 34) There is ancient ridge and furrow on site
- 35) Increase in parking
- 36) Burbage is losing its village feel
- 37) Loss of house value
- 38) 3 storey homes are not representative of the wider character
- 39) Housing mass is dense
- 40) Core strategy allocated land for 295 houses, with focus to the north, this has already been achieved, therefore no need
- 41) Does not address deficiencies in the quality, quantity and accessibility of green space and play provision; protect and preserve open landscape to the east of the village; and deliver the green infrastructure network. Contrary to Core Strategy
- 42) Access road only has a path on one side, opposite the access with no planned crossing. Most houses have up to 2 cars, which would result in 280 vehicles to the narrow road over congested local roads, development therefore contrary to Policy DM3, DM17 and DM18 of the SADMP

- 43) The play areas are in an area confirmed to flood, adding housing will prevent absorption of the of water and increase flood risk contrary to DM7
- 44) A5 already classed as over used, this development will add to an existing problem
- 45) Area classed as E1 intrinsically dark, after the housing and warehouses are built they'll be light every night from street lights and 24 hour warehouses. Contrary to policy DM7, DM10 and DM17 of the SADMP
- 46) Hinckley is not a smokeless zone, this development will add to the suffering of asthma and COPD sufferers
- 47) Many other sites such as brownfield which need regenerating
- 48) Loss of a historical bridal way
- 49) Landscape and visual impact
- 50) Reduces non motorised choices
- 51) The needs of the Borough is identified within the Leicester and Leicestershire Strategic Growth Plan, which has already been met and therefore the application cannot demonstrate a need for industrial development proposals.
- 52) Whilst additional employment growth may still be needed, it is needed in the more dispersed areas of the Borough, Burbage has already met its needs, and had a concentration providing significant levels of long term employment well in excess of local need
- 53) Significant levels of work force travelling into the area, causes traffic congestions, specifically along the A5
- 54) Sketchley Lane industrial estate comprises of a mix of small scale light industrial uses, which are separated and shielded from residents of Burbage through landscaping and their limited scale
- 55) Leicester and Leicestershire Strategic Growth Plan identifies the surrounding road network (A5) as an important corridor which needs to be enhanced to cope with planned growth
- 56) The development proposal could prevent the widening at a key point on the A5
- 57) Funding for highway upgrades is unlikely to be delivered within 15 years
- 58) The large units proposed are contrary to the smaller units on Sketchley Estate
- 59) By virtue of their planned scale and size the proposed units would be visible from adjacent residents and adjacent Sketchley Grange Hotel which would be severely impacted
- 60) Growth within the Borough is not matched by supporting infrastructure.
- 61) The proposal is contrary to the emerging directions for growth to meet its housing obligations to 2036
- 62) Sketchley Lane is rural in character and does not meet the County Councils minimum standard
- 63) The lane has a width of 4.6 metres for much of its length and bound by an ancient hedgerow to the south and narrow verges creating a rural standard.
- 64) Given its narrow width, it is impossible for a large vehicle and car to pass without fouling the pavement
- 65) The lane is used as a rat run to avoid congestion along Rugby Road, and a recent traffic survey confirms this
- 66) Previous applications and enforcement action has been taken again development in this area, due to its harm to the character and highway impact
- 67) Proposed commercial units would be metres from existing residential units, which is characterised by a semi rural housing estate
- 68) Substantial lack of boundary treatment on the boarder between the Spinneys and the proposed commercial building, and any proposed landscaping would take years to mature to provide an effective screening
- 69) 24 hour operations would create significant noise pollution between sleeping hours which would be an unacceptable impact

- 70) Windows which overlook the site are above the tree cover
- 71) Building orientation would have little impact upon the dampening of noise
- 72) Windows are often needed to be opened in the Spinneys due to the efficiency of the insulation; however noise pollution would impact this
- 73) With lack of screening light pollution would be adverse and direct, glow of Sketchley can already be observed, which is 500 metres away
- 74) 15.5 metre warehousing would be overbearing on existing residents
- 75) The elevation position of the Spinneys would reduce the effectiveness of any potential buffers
- 76) The main habitable aspects of dwellings in the Spinneys would directly look upon commercial units
- 77) The applicant is unable to give an accurate effect upon air pollution, however there would be an increase
- 78) Surrounding area characterised by residential dwellings backing onto rolling countryside, this would have a significant and detrimental effect to that
- 79) David Wilson Homes was subject to a number of constraints relating to scale and layout to ensure space and trees are maintained to give a rural feel
- 80) The construction materials would not be in keeping
- 81) Public footpath would be impacted due to unacceptable change in landscape
- 82) There are a number of inaccuracies within the application submission, when having regard to the cross section plans, the levels have been greatly exaggerated in an attempt to downplay the potential intrusion on nearby residents of the Spinney
- 83) Most of the commercial unit would be visible not just the ridge

Two petitions have been received one containing 13 signatures and one containing 41 signatures who oppose the application.

6. Consultation

6.1. No objection, some subject to conditions have been received from:-

HBBC Affordable Housing
 HBBC Environmental Services (Pollution)
 HBBC Waste Services
 Leicestershire Police
 Severn Trent Water
 HBBC Drainage
 LCC Ecology
 LCC Archaeology
 Rugby Borough Council
 Highways England
 LCC (Highways)
 LCC as Lead Local Flood Authority

6.2. Dr Luke Evans MP has objected upon the following grounds:-

- 1) Residents find difficultly driving to Lutterworth Road due to the heavy traffic at peak times as well as dangerously parked vehicles and speeding traffic. Recent traffic calming measures on Lutterworth Road have regrettably made little difference
- 2) Loss of sense of village as well as air pollution and further strain on services such as the doctor's surgery
- 3) Large scale proposals, such as this application, across the constituency, rather than incremental development are causing considerable concern for constituents

6.3. Burbage Parish Council object to the proposal raising the following issues:-

- 1) The development would be outside the parish development boundary and would have an adverse urbanising effect on the landscape, resulting in harm, to the intrinsic character and beauty of surrounding countryside
- 2) The housing development is on land that has historical connections with ridge and furrow agriculture and the warehousing development is contrary to the protected green wedge, both of which are identified in the emerging Neighbourhood Plan
- 3) The increased traffic movements associated with the proposed development will have an adverse impact on the amenities of the occupiers of dwellings along Sketchley Lane
- 4) Sketchley Lane is limited to 4.8 metres in width, and under stress from high traffic levels
- 5) The scale and height of the proposed warehousing is inappropriate, even in comparison with existing building on adjoining Sketchley Meadows Industrial estate; and would be out of keeping with the area and detrimental to the open views of the countryside
- 6) The warehousing would place an inappropriate additional load on the A5 prior to any upgrade, elevating current congestion
- 7) Lack of open space provision
- 8) Noise and light pollution associated with 24 hour operation of warehousing, potential flooding issues on part of the site and potential adverse impact on utilities serving existing residential development, such as drop in water pressure experienced by residents since Welbeck development was completed

7. Policy

7.1. Draft Burbage Neighbourhood Plan

- Policy 1: Settlement Boundary
- Policy 2: Windfall Sites
- Policy 3: Design and Layout
- Policy 4 Parking
- Policy 7: Protection of other important green spaces
- Policy 9: Biodiversity
- Policy 20: Business and retail

7.2. Core Strategy (2009)

- Policy 4: Development in Burbage
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation

- Policy DM18: Vehicle Parking Standards
 - Policy DM20: Provision of Employment Sites
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Employment Land and Premises Study and Review (2020)
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Assessment (2017)
 - Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (2017)
 - Housing Needs Assessment (2019)
 - Affordable Housing SPD (2011)
 - Open Space and Recreation Study (2016)
 - Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Archaeology
- Affordable housing, housing mix and density
- Impact upon neighbouring residential amenity
- Noise and Pollution
- Impact upon highway safety
- Drainage
- Ecology
- Impact upon trees
- Impact upon Public Right of Way
- Infrastructure contributions
- Other matters

Assessment against strategic planning policies

- 8.2. The application proposal is in two parts, with approximately 5.2 hectares comprising of residential and 10 hectares proposed to provide an extension to Sketchley Meadows Business Park, comprising of 30,000sq.m of gross manufacturing and logistics floorspace. Which will be considered in turn below.
- 8.3. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) 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.
- 8.4. 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) and the Site Allocations and Development Management Policies DPD (2016).

- 8.5. The relevant development plan documents in this instance consist of the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.6. The emerging Burbage Neighbourhood Plan (BNP) has recently been subject to examination in public. The emerging Burbage Neighbourhood Plan, does not allocate any sites for housing or employment developments. The BNP has moderate weight in decision making.

Residential scheme

- 8.7. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Policy 4 of the Core Strategy identifies Burbage as part of the urban area of the Borough where housing will be supported within its settlement boundary. It goes on to state the council will allocate land for the development of a minimum of 295 new residential dwelling, focused primarily to the north of Burbage, adjacent to the Hinckley settlement boundary. The adopted SADMP defines the extent of the settlement boundary of Burbage and identifies specific sites for housing and other forms of development.
- 8.8. The housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure identified in the Governments Housing Delivery Test and the Council is unable to demonstrate a 5 year housing land supply. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.9. The site is situated outside the defined settlement boundary of Burbage which forms the north, east and west of the application site. Policy DM4 of the SADMP is therefore applicable and states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:-
- It is for outdoor sport of recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development;

- 8.10. The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This issue will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case. A number of objections received state that the application site lies within land designated as Green Belt or Green Wedge. The application site is not designated as Green Belt land or as land within the Green Wedge within the SADMP.
- 8.11. This application is for the development housing outside the settlement of Burbage within the countryside it is contrary to Policy 4 of the Core Strategy and Policy DM4 of the SADMP. Therefore there is a conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Proposed employment

- 8.12. To the southern and western areas of the application site, an area of approximately 10 hectares is proposed to provide an extension to the existing Sketchley Meadows Business Park, which would be accessed via Watling Drive to the west of the application site.
- 8.13. The Core Strategy (2009) sets out the overarching spatial strategy for the Borough. In terms of Development in Burbage. Policy 4 seeks to allocate land for the development of 10 hectares of B8 employment land and 4 hectares of B2 employment land adjacent to the railway line as an extension to Logix Park. Policy 4 also goes on and states to ensure there is a range of employment opportunities within Burbage and in close proximity to Hinckley.
- 8.14. The application site is located outside any defined settlement boundaries, and is therefore situated within the countryside. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development and identifies several criteria outlining where development in the countryside can be considered to be sustainable. The policy identifies that development in the countryside can be considered sustainable where proposed development would significantly contribute to economic growth, job creation; subject to it meeting further detailed criteria; namely that the development would not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development.
- 8.15. The SADMP acknowledges that although sufficient employment land is available in the Borough to support the identified growth of the plan period it is important that employment opportunities are not stifled. Policy DM20: Provision of Employment Sites applies to this application and sets out that proposals which stand outside the settlement boundary and on greenfield sites will only be found acceptable where it is demonstrated that there are no suitable alternative sites identified sequentially in the following locations:
- Within settlement boundaries
 - On previously developed land
 - Adjacent to existing employment sites
 - Adjacent to settlement boundaries

- 8.16. The Employment Land and Premises Review (2020) is an evidence based assessment of the supply, need and demand for employment land and premises (use class B) in Hinckley and Bosworth. The study considers the borough has sufficient overall supply of employment land to meet the Objectively Assessed needs of the Borough of 62.48ha up to 2036. However there is an over emphasis on in that supply for strategic areas and a lack of local options. To allow this the study recommends that the Council consider further employment land allocation, primarily to meet the needs within the Borough.
- 8.17. The Hinckley and Bosworth Housing Needs Study, 2019 identifies that the projected housing growth rate of 457 dwellings/ha will create an additional resident labour force of 5,870 jobs over 2018 (not 2019) to 2036, which generates a need for 61,765sq of floorspace of 15.84 ha of land. However it is important to note that this figure represents the employment land requirement specifically from these 5,870 extra jobs and is not a forecast of OAN for the whole Hinckley and Bosworth economy. However, it does illustrate the economic impacts of the projected housing growth rate of 457 dwellings/ha. The study identifies local options for growth for Hinckley/Burbage/Barwell and Earl Shilton, including the application site. The study identifies the application site as a strong expansion option for the established employment cluster of the A47/A5 junction and Sketchley.
- 8.18. The Call for Sites SHELAA exercises have put forward 30 potential sites/areas totalling 612.94 ha, for B-Class uses (often alongside other options). However 16 sites put forward considered by the study deemed unsuitable, with 14 sites deemed suitable, the application site included, to support and meet the long and short term needs. Although sites are deemed as suitable for consideration, the study does state that only a portion should be considered for allocation. The study recommends that consideration should be given to allocating land for local needs employment (development of less than 9,000 sqm would be seen as addressing local needs).
- 8.19. The most recent Employment Land and Availability Monitoring Statement 2017 – 2019 provides a basis for monitoring the relevant Local Plan policies with regards to delivering sustainable economic development and employment land in the borough and sets out the net gains or losses of employment development across the borough at 1st April 2019. It shows that there has been a loss of 4.36 hectares of employment land within the key rural centres as the land is utilised for alternative uses, primarily housing. Therefore the challenge remains in helping to ensure there is an increased provision of employment opportunities.
- 8.20. As previously discussed, the ELPs (2020) provides an evidence base for Hinckley and Bosworth specific needs. The Housing and Economic Development Needs Assessment (HEDNA), produced on behalf of the Leicester and Leicestershire Authorities and the Leicester and Leicestershire Enterprise Partnership in January 2017, also assesses employment land requirements both local and strategic, for Hinckley and Bosworth Borough over the period to 2036. The HEDNA identifies the specific need for employment land, and in addition to that set out in the table below, Local Authorities will also need to seek to meet the need from strategic B8 uses.

Table 83: Employment Land Needs (Ha)

	2011-2031			2011-2036		
	B1a/b	B1c/B2	Small B8	B1a/b	B1c/B2	Small B8
Leicester	2-6	36	15	3-7	45	19
Blaby	37-45	15	10	47-48	19	12
Charnwood	14-37	21	11	17-40	26	13
Harborough	14-21	22	8	17-24	28	9
H&B	11-32	14	16	13-34	17	20
Melton	10-18	21	14	10-23	26	17
NWL	45-46	3	17	50-56	4	21
O&W	1	0	4	2	0	5
FEMA	142-198	132	93	177-215	165	117

Source: GL Hearn, 2016

- 8.21. The assessments states that Leicestershire authorities are strategically located at the centre of the UK and see strong demand for logistics/ distribution floor space and shows a strong market demand for additional B8 development. The assessment identifies a need for small scale B8 development also (less than 9,000 sqm).
- 8.22. The Site Allocations and Development Management Policies DPD implements the policies within the Core Strategy and contains policies to help guide new employment development and protect existing employment floor space.
- 8.23. The application site is outside the defined settlement boundary for Burbage, however the proposed employment site would be situated adjacent to an allocated employment site, Sketchley Meadows Industrial Estate (BUR52), and is proposed to extend this existing allocated employment site, which is identified as a category A site within the ELPs, and therefore a key employment area to be retained. The application has been supported by a sequential test, and commissioned an Employment Market Report, and reviews available sites in excess of 5 hectares, the Employment Market Report considers the existing supply and demand for employment land in Hinckley, and assesses that it is limited to 3 years of supply in the market of similar, good quality, small to mid box accommodation as being proposed, and not sufficient to provide an appropriate level of market choice, with particular shortage of sites which can provide small, mid-box sized units to accommodate B8 looking to serve the more local catchment.
- 8.24. The report identifies that the site has strong locational credential and there is a market demand for B2 and B8 units of less than 9,00sqm within the Hinckley and Burbage area. The sequential test identifies that there are two employment sites proposed in both the Earl Shilton SUE and Barwell SUE, however they are both unlikely to be available to in the next five years, to meet the immediate need and demand identified. The third site considered as a potential alternative site that could meet occupiers requirement is the Hinckley Sewerage Treatment Plant, however due to a number of physical and environmental constraints resulted in the site being an unviable option.
- 8.25. The supporting sequential test and employment market report identifies that existing sites such as the Goodman site, which has been completed in more recent years is fully occupied and demonstrates the strong demand for mid sized B2/B8 units, due to the focus on delivering more strategic and big size boxes (units over 9,290sqm). Demand and low vacancies combined with rising supply in the East Midland for small to mid boxes has led to speculative developments such as this, to fulfil demand and address an identified imbalance, especially within an important strategic route along the A5, reflective of the Boroughs transport links and location

at the heart of the logistics sectors 'Golden Triangle'. This demand is focused on prime sites in close proximity to the motorway network. Hinckley and Bardon Hill are the Borough's focus of market demand for the logistics sector due to their proximity to the motorway network.

- 8.26. The size and mix of the proposed units would be a reserved matter, however indicative plans which accompany the application in addition to the parameter plan demonstrates that the application site is capable of 2 larger units of with a combined floorspace of approximately 20,000sqm and 2 smaller units comprising of 10,000 sqm of floorspace, equating to 524 gross full-time equivalent jobs, being delivered through the development. Although the current ELPs does not identify an overarching need for employment space, it does recommends that consideration should be given to allocating land for local needs employment to address local need.
- 8.27. To support and raise the level of local skill set within the workforce, the applicant will seek to promote local employment opportunities and where possible encourage and facilitate learning, through the provision and agreement of a Local Employment Training Strategy. This will commit by way of a Section 106 to provide young people with a chance to gain value site and project related experience, specially targeting the unemployed Hinckley and Bosworth Borough Council residents and job seeking local students. This seeks to maximise the labour pool so that local unemployed people and local job seeking students have access to available job opportunities. The applicant would work in partnership with Hinckley and Bosworth Borough Council to facilitate this economic regeneration, ensuring vacancies and recruitment exercises are advertised in the context.
- 8.28. The NPPF identifies that where significant development of agricultural land is demonstrated to be necessary, areas of poor quality land should be use in preference to higher quality. This development would result in the loss of approximately 14.39 ha of agricultural land, 39% of site is Grade 2 (very good); 15% is Subgrade 3a (Good) and 39% Subgrade 3b (Moderate) in the Agricultural Land Classification (ALC) system). The current farming regime of BMV land within the application site is consistent with farming practices within the site as a whole, being limited to land used for livestock grazing rather than supporting a wide range of agricultural and horticultural crops. As such, the benefits of the presence of BMV land have been muted by farming practices being associated with lower quality land.
- 8.29. Given the quality of this land and its constrained nature; and preferable location compared to other greenfield sites which could involve loss of best and most versatile agricultural land it is considered that the proposal is acceptable in this regard, the loss of this should be weight in the balance of the merits of the scheme..
- 8.30. The proposed development would make a contribution to economic growth and job creation within the Borough; in addition, the applicant has satisfactorily demonstrated that there are no suitable alternative employment sites to accommodate the demand within the market in the short term, the proposal although outside the settlement boundary, is immediately adjacent to the settlement boundary of Burbage, and Sketchley Meadows Industrial Estate to which this would form an extension to. It is considered therefore that the proposed development would result in a degree of conflict with DM4 of the SADMP. Policy DM4 of the SADMP in terms of housing supply is out of date and therefore settlement boundaries which are based on housing targets are out of date and the tilted balance is applied, and therefore this conflict should be weighed in the balance. Notwithstanding this degree of conflict, the proposal does accord with Policy DM20, and the applicant has demonstrated through the submission of a sequential test and

market appraisal that there would be no alternative and suitable sites to meet the short term identified need.

Design and impact upon the character of the area

- 8.31. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.32. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be unjustified.
- 8.33. Objections to the application have been received on the grounds that the proposal would be detrimental to the character of the countryside.
- 8.34. The application site falls within the Burbage Common Rolling Farmland Character Area as detailed within the Landscape Character Assessment (2017). The document notes that the landscape around this area is influenced by large scale infrastructure such as the M69 and railway which introduces noise and movement in a relatively rural landscape. It also highlights that there are extensive views across agricultural fields and successive hedgerows are common as a result of the relatively few trees, and consequently the urban edges of Hinckley, Burbage, Barwell and Earl Shilton are often starkly visible as a result of their elevated ridgeline location and the relatively open settlement edge. Because of this extensive visibility and long distance views the area is sensitive as any change or development has the potential to be widely visible. This leads to the landscape strategy of ensuring any new and existing development is integrated into the landscape such as ensuring built form is orientated to provide broken rooflines and integrated with woodland copses. It also suggests strategic scale woodland planting should be considered to help screen development
- 8.35. The Landscape Sensitivity Assessment (2017) provides a general overview of comparative landscape sensitivity around key settlements based on landscape character. The application site fall within sensitivity Area 7: Sketchley. The assessment area covers the area between the urban extents of Hinckley and Burbage settlements outside the settlements edge to the south, extending towards the A5. This assessment concludes that the site is considered to have an overall low sensitivity to residential development due to the strong relationship it has with the settlement edge with the back gardens of adjacent prosperities backing onto to the eastern area. The assessment also identifies that it has a strong visual containment and also fits largely within the settlement form with existing development in and around the area to the north, east and west.
- 8.36. In terms of commercial development within this landscape, the assessment considers that the sensitivity area would have an overall medium sensitivity. The existing commercial development in the area has some visual containment from tree planting, while new commercial development to the east is considered to be more likely exposed on sloping land. The undeveloped fields in the east are smaller in scale and have a greater relationship with the adjacent residential development, and are located further away from the major infrastructure associated with the industrial estate, and therefore higher in terms of sensitivity.

- 8.37. The key sensitivities and values of the assessment area around Sketchley are:-
- Hedgerows with some mature hedgerow trees to field boundaries forming part of the overall ecological network
 - Small streams defined by woodland and tree planting providing 'green fingers' through large scale development and connecting recreational network.
 - The Ashby de la Zouch Canal as a historic asset (Conservation Area) and role as Green Infrastructure providing a connected recreational network.
 - Historic paddocks and farm buildings in an around the historic core of Sketchley
 - Semi-natural woodland planting at the centre of the industrial estate provides some visual containment and softens views of built development.
- 8.38. The landscape sensitivity study gives the following guidance for new development outside the settlement boundary of Sketchley in the assessment area:-
- Plan for successful integration in the landscape through sensitive design and siting, including use of appropriate materials and landscape mitigation to enhance sense of place
 - Seek to retain the pattern of hedgerows and hedgerow trees and incorporate further buffer planting to the A5 and A41 transport corridors.
 - Seeks opportunities to maintain and enhance the network or rights of way and consider opportunities to create and promote an integrated green infrastructure network around the Burbage and Hinckley urban edge, including along the Ashby de la Zouch Canal corridor
 - Conserve and enhance the historic character of the canal and its use for recreational boating
 - Protect localised areas of semi natural woodland and consider opportunities for further woodland creation around built edges and the A5.
- 8.39. The site is situated to the north of Watling Street (A5), to the south of Sketchley Lane. The application site, is bound of three sides by built development, to the north Sketchley Lodge and Sketchley Grange Hotel, to the north west is Sketchley Meadows Business Park, and to the south east a residential development known as The Spinney. The application site comprises of 7 fields/paddock areas which vary in terms of shape and size, and defined by field hedgerow interspersed with mature trees. To the east a bridle path (U67) travels north to south within a tree belt, which defines the eastern edge of the application site. The land generally drops away to the south west. Centrally located within the application site, to the rear of Sketchley grange hotel, are cow and chicken sheds. As identified and described within the LCA the site is visually contained and has a strong relationship with the with the settlement edge, which surrounds and contains the site. Whilst development on this land would have an impact upon the immediate rural character in this location, the level of adverse impact would be low to moderate at worst case, in the edge of settlement location, for the reasons set out below.
- 8.40. Although matters such as layout, siting, scale and appearance are reserved, the application within the Design and Access Statement identifies and confirms a number of parameters which would provide the framework of any detailed layout and appearance of any subsequent reserved matters application, and proposes overall to provide the following uses and amounts:-
- 5.46ha of commercial development with easy access to the A5
 - 3.72ha of residential development at a density average of 37dph; and
 - 5.39ha of green infrastructure including amenity open space, retained vegetation and new strategic planting.

- 8.41. Parameters have also been provided in terms of building heights which are proposed as follows:-
- Dwellings would be limited to 2 storeys with instances of 3 storey dwellings within key locations, to define central core or to act as markers at prominent locations
 - Commercial buildings are proposed to be a maximum height to ridge of 15.5metres along the most southerly half of the application site along the A5, and 13 metres to the ridge to the north adjacent Sketchley Grange Hotel.
- 8.42. The application has been supported by a LVIA, which provides an analysis of the likely landscape and visual effects of the proposed scheme, and has been carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment – third edition. The LVIA identifies and defines a number of receptors which are likely to experience visual change, these are Rights of Way users, Road Users, Residential Dwellings and other receptors such as visitors to the Sketchley Grange Hotel and Spa.
- 8.43. In terms of predicted effects on the character of the site, the LVIA identifies that the loss of agricultural field parcels to facilitate the mixed commercial and residential development would create localised effect. However when this effect is considered within the local context, with the perceptual and sensory dimension experiencing a very high adverse effect in year one, which through maturing of additional landscaping likely to reduce to a high adverse effect at year 15 as the development became more integrated over time, and becomes integrated into the local context. It is noted within the Landscape Sensitivity study, the sensitivity upon perceptual qualities within this landscape area, when having regard to the surrounding urban form, and the noise intrusion from the A5, which creates a busy landscape is predicted low to medium at worst case, due to the rurality and well treed field boundaries and mature specimens which are present.
- 8.44. The immediate area surrounding the site has been identified as being subject to the greatest change to the defined Landscape Character area (LCA). The LCA recognises some characteristics of the host LCA that are reflected locally within the site and its immediate context, mainly related to the pasture farmland, urban fringe influences and major transport corridors such as the A5. The assessment cites two sensitivities that are found within this application site. These are the presence of low hedgerows and mature trees as well as footpaths which connect to the wider landscape. However the application proposed that a landscape strategy would seek to retain boundary hedgerows and enhance these existing features, which would reduce the effects upon the Landscape Character Area. In terms of views from local road users, especially along the A5, where passing views are available, especially given the topography of the application, where by the land levels fall towards the A5. The LVIA identifies that this would be extremely limited due to the existing built form and mature and landscape features within the surrounding landscape. From the A5 receptors would experience short distance oblique views, distant viewpoints are identified as not discernible amongst the mature vegetation and existing built form. The submitted LVIA concludes and gives minor adverse long term effect at year 15, for vehicle users and a minor adverse.
- 8.45. The LVIA states that through good design and mitigation planting, views of the proposed development from residential dwellings would be partially mitigated, as supported by the indicative masterplan. Nonetheless views from nearby properties to the east of the application site along Troon Way and within the new residential development 'The Spinney' even with careful planning and landscaping would still experience some views towards the application site. The LVIA states that although the views would be seen in the context of the surrounding built form, the proposed

development would urbanise the site further due to change in land use, and such magnitude of change would be high, which would result in a major/moderate adverse effect at year 1, reducing to moderate within the long term through the maturing of any proposed landscape strategy.

- 8.46. The greatest scale of change in terms of effects upon visual amenity would be experienced along PRoW, U67/3, U67/2 and U64/2, which run both within and adjacent to the application site, where there are short distance and direct views of the existing agricultural fields. It should be noted that PRoW U67/2 has restricted access and therefore the effects are not measurable. The LVIA, identifies that given the urbanising context in which the application site is positioned within, the effects upon the receptor would be lessened. Accordingly, whilst the proposed development would impact upon views from the PRoW U67/3 and U64/2 adjacent to the site, the LVIA found no reason why the change to the land use should be found to be so harmful as to be unacceptable in terms of the effects on the landscape character and visual amenity. The LVIA states that the magnitude of change across the site would be mitigated with consideration to a number of factors, which include development which would consistent in land use terms with the adjacent development types, audible dual carriage adjacent to the southern boundary and retention of boundary landscape features, which would serve to mitigate both visual and landscape effects of the proposed development as well as enhancement of biodiversity. However notwithstanding the existing footpath is inaccessible at present, it is a still legal right of way and as such the magnitude of change to this route, need to be considered. Given the footpaths location, in that it would extend through the site and footpaths are considered sensitive receptors, this change would be of high magnitude of change with a high adverse impact on the landscape character which when viewed from this sensitive receptor the visual impact could be nothing less than moderate.
- 8.47. The LVIA concludes that there would be minor adverse effect on the wider landscape character area as a result of the proposed built form, and includes a landscape strategy which seeks to complement and enhance the existing landscape character in addition to mitigating and softening views of the proposed development from residential dwellings, PRoW and road users. The visual impacts of the development overall are considered to be moderate, given the presence of PRoW that currently traverse the application site. .
- 8.48. The application site is situated to the north-east of the Birmingham Green Belt, the edge of which is defined by the A5 (Watling Street), situated to the south of the application site. Paragraph 133 of the NPPF states the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The application site and its immediate context is not included within the Green Belt and the proposal would not extend beyond the existing built form positioned along the northern boundary of the A5. The proposal seeks to include a landscaping management strategy which would enhance and provide a more robust boundary treatment along this A5 boundary, which at present is sparse, and would reduce the visual impact on the adjacent Green Belt and Countryside.
- 8.49. The application is accompanied by an indicative layout, which seeks to concentrate residential development to the eastern portion of the site, and would be immediately accessed via Sketchley Lane, and contained on three sides by existing residential development. To the east dwellings along Troon Way back onto the application site, and to the south a development, known as 'The Spinney' by David Wilson Homes, is nearing completion granted under application 13/00529/OUT. To the north on the opposite side of Sketchley Lane, are dwellings which face onto the proposed access with Sketchley Old Village beyond. As you travel along Sketchley Lane, beyond Sketchley Grange Hotel, the lane narrows, and agricultural land can be

observed to the north, prior to the approach and entrance into Sketchley Business Park. To the south of Sketchley and effectively to the rear of Sketchley Grange Hotel, the proposed masterplan and indicative layout would provide the commercial element of the development. The commercial buildings would extend over 4 of the 7 fields, and would be contained by the A5 along its southern boundary, Sketchley Business Park to the north west, and Sketchley Grange to the north. To the south east the site would border the west boundary of 'The Spinney'.

- 8.50. The proposal would retain existing hedgerows to the boundaries, of the east and south boundaries of the site, and enhance with new planting. Within the site, although a number of hedgerows would be likely lost to allow development, a centrally located green infrastructure network which would utilise retained and enhanced hedgerows, mature trees and new planting would extend through the residential scheme and provide a link across the site which would extend towards Watling Drive. The proposed masterplan would also provide opportunity to sensitively locating commercial units to retain and incorporate existing hedgerow planting between each unit, where possible and subsequent enhancement.
- 8.51. The application site does have a varied topography, with land levels dropping generally south towards the A5. Whilst the finished floor levels of the dwellings and commercial units have not been provided, indicative sections demonstrate how the relationship of the site to the wider area could be achieved, to ensure a satisfactory relationship, between the proposed buildings and the wider area. A planning condition could ensure that any reserved matters application relating to scale and layout should be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels to ensure that a satisfactory relationship is achieved between buildings.
- 8.52. As the application has been submitted in Outline with matters of scale, layout and appearance reserved no assessment of the proposal in relation to the urban character is made. However, it is not considered that there is any reason that the proposal could not respond well to the features and characteristics of Burbage and there is recognition of this within the submitted Design and Access Statement.
- 8.53. The proposal would extend development beyond the settlement boundary of Burbage, and it is considered that the proposal would result in some harm, albeit limited, to the character and appearance of the area, and would therefore be in conflict with Policy DM4 and DM10 of the SADMP.

Historic environment

- 8.54. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Policy DM12 states that "development proposals should ensure the significance of a conservation area is preserved and enhanced" and that "assets identified on the Locally Important Heritage Asset List should be retained and enhanced wherever possible". The SADMP DPD also states that "development proposals should make every effort to retain the significance of locally listed heritage assets".
- 8.55. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.56. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Paragraph 197 states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”
- 8.57. Within the north-western corner of the application site is a single storey animal shelter constructed of red brick with a clay tile roof supported by simple timber open trusses and purlins re-used from an earlier building. The building was constructed sometime between 1887 and 1903 (it is first shown on the 1903 edition OS map) and will have provided shelter for animals grazing upon the number of fields associated with one of the nearby farm complexes (likely Sketchley Manor Farm). It is now used as stables and a tack room. The building is a simple and relatively common example of such a building, however it is considered to be of some illustrative historic interest with the age of the some of the re-used internal features and its likely historic and functional association with a nearby farm complex ensuring the building is of local significance. For these reasons the local planning authority identifies the building as a locally important heritage asset (a non-designated heritage asset in terms of the National Planning Policy Framework).
- 8.58. The Borough Council are currently compiling a list of Local Heritage Assets. The List is yet to be formally ratified but formal selection criteria has been adopted (in 2017) and this forms the basis of identifying and assessing the significance of any non-designated heritage assets when considering development proposals. Local heritage assets can be identified by the local planning authority during the consideration of a development proposal, as is the case with the building here.
- 8.59. Given the local interest of the building and it’s relatively poor state of repair it is considered that the adverse impact caused by its proposed demolition could offset by a programme of Building Recording. A Level 2 Historic Building Survey has been suggested by Leicestershire County Council Planning Archaeology, and subject to this recording of the building being undertaken prior to its demolition it is considered that the proposal will comply with Policies DM11 and DM12 the SADMP and section 16 of the NPPF.

Archaeology

- 8.60. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.61. An archaeological desk-based assessment was submitted and accompanied the application submission. The Leicestershire and Rutland Historic Environment Record (HER) identifies that the application site is situated within an area of known archaeological interest, due to its positioning adjacent to the course of the Roman Watling Street. Given the scale of the development, the lack of previous disturbance to the site, and the high potential for significant and well preserved archaeological remains of Roman or earlier road side settlement, during the course of the application further archaeological evaluation of the application was carried out.
- 8.62. A programme of archaeological trial trench elevation was carried out; the work identified a number of linear features and post-holes that are likely to be associated with medieval and post-medieval field boundaries. A ditch located in the southern part of the site contained a single sherd of 2nd century Roman pottery, but this was thought to be residual, given the absence of any other supporting evidence.

Nevertheless it has been requested that an archival copy of the report is submitted to the LCC, in order that this can be included within the Leicestershire and Rutland Historic Environment Record.

- 8.63. The application site, offers the existence of a complex arrangement of well-preserved medieval ridge and furrow earthworks that survive across the site, representing the visible remains of the medieval and post-medieval landscape. As these would be lost through groundworks associated with the proposed development, it is recommended that these should be recorded prior to the commencement of any development, mitigation of their loss. Leicestershire County Council (Archaeology) therefore recommend should permission be granted a condition shall be imposed which requires a topographic survey of the earthworks, to incorporate an analysis of existing Lidar data.
- 8.64. The archaeological desk-based assessment also identifies the presence of a late 19th century agricultural building on the site, which would be demolished as part of the current scheme. Traditional farm and agricultural buildings are a diminishing heritage resource and are considered as heritage assets which make an importance contribution to the rural landscape character and add to local distinctiveness, providing a visual link to the past and illustrate a history of farming and settlement in the English landscape.
- 8.65. As the traditional farm building is, or has the potential to constitute a heritage asset (or assets) with an archaeological and heritage interest (National Planning Policy Framework (NPPF) Section 16, paragraph 189 and Annex 2), a condition is considered reasonable and necessary to require the applicant to complete an appropriate level of building recording prior to alteration, to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance (NPPF Section 16, paragraph 199).
- 8.66. This would require provision by the applicant for a level of building recording, to equate with a Level 2 'Descriptive Survey', as specified in Historic England's Understanding Historic Buildings. A Guide to Good Recording Practice, HE 2016). With reference to the development impact, both the exterior and interior of the building would be investigated, described and photographed. The examination of the building would produce an analysis of its development and use and the record should include the conclusions reached. The survey would result in the preparation of accurate plans, elevations and/or sections, where applicable utilising available survey data or plan records.
- 8.67. As such subject to the inclusion of conditions as discussed above, the development would not result in a detrimental impact upon the understanding of the significance of any heritage asset, and would therefore be in accordance with Policies DM11 and DM12 of the SADMP.

Affordable Housing, Housing Mix and Density

- 8.68. Policy 15 of the Core Strategy requires residential development in urban areas to provide 20% Affordable Housing with a tenure split of 75% social rented and 25% intermediate housing. The details submitted with this application would suggest that based upon the delivery of 140 dwellings on site this proposal would provide 28 dwellings for affordable housing 21 for rent and 7 for intermediate tenure, in accordance with policy.

- 8.69. Using data from The Housing Register (at September 2019) of the applicants on the housing register 1335 have a local connection to Burbage for the following property sizes:-
- 1 bedroom properties- 625 applicants
 - 2 bedroom properties- 463 applicants
 - 3 bedroom properties- 194 applicants
 - 4 bedroom or more- 53 applicants
- 8.70. The greatest need for rented housing in Burbage is 1 bedroomed 2 person apartments. The preferred mix would be a mix of 6, 1 bedroomed 2 persons apartments, 8, 2 bedroomed 4 persons houses, 5, 3 bedroomed 5 person houses and 2, 4 bedroomed 6 persons houses, with a mix of 2 and 3 bedroomed houses for intermediate tenure. However, this is an outline scheme and the layout is not being considered at this time, the number and mix of housing could be agreed by a legal obligation. HBBC (Affordable Housing) is in support of this mix.
- 8.71. Since the application site, is in the urban area of the Borough the s106 agreement should include that affordable housing should be for a connection to the Borough of Hinckley and Bosworth.
- 8.72. Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum net density of a least 40 dwellings per hectare within and adjoining Hinckley, Burbage, Barwell and Earl Shilton. The density of the proposed site is to average at 37dph, which is lower than the prescribed policy position. However, this policy also sets out where individual site characteristic dictate and are justified, a lower density may be acceptable. In this instance a lower density is considered to be acceptable due to the equipped play space and inclusion and enhancement of green infrastructure that would be provided, between and through the proposed development, this is above the policy requirement for open space.
- 8.73. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.
- Impact upon neighbouring residential amenity
- 8.74. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light
- 8.75. Objections have been received from local residents with regard to residential amenity by way of additional noise and traffic as well as loss of view. However, the loss of view is not a material planning consideration.
- 8.76. By virtue of the size of the site and subject to satisfactory layout, scale, design and landscaping which are matters reserved for future consideration, the indicative layout submitted demonstrates that the site could be developed for up to 140 dwellings and up to 30,000sqm with satisfactory separation distances and without resulting in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties.
- 8.77. The application site, as previously discussed, is bound to the south, east and north by residential development. The indicative layout demonstrates that a separation distance of approximately 50 metres from the nearest residential dwelling within Kensington Avenue and Tamarisk Close, could be achieved to the nearest

indicative proposed commercial unit, with an enhanced landscape buffer in between. The submission indicates that the ridge height of the proposed units, would be positioned lower than those dwellings to the east, due to the proposed 2-3 metre deep cut in which would reduce the scale of the building in relation to the neighbouring existing dwellings. To the north, the dwellings along Kensington Avenue face north towards the application site, the indicative layout proposed residential development to the north, with a separation distance of approximately 30 metres, with ridge heights of 10 metres proposed, as the land drops slightly into the site. Therefore the indicative layout and scale demonstrates that the proposed development could be achieved, with satisfactory separation distances without resulting in significant adverse impacts upon those dwellings within Kensington Avenue and Tamarisk Close, in terms of overbearing impact or loss of light from the proposed commercial units.

- 8.78. However the individual end users are unknown, and the introduction of the commercial units in close proximity to existing and proposed dwellings, could in turn impact upon the amenity of existing and future residential occupants, without restriction. Although the application proposes parameters which demonstrates the relationship between buildings in terms of their separation distances can be achieved, there is concern that without adequate landscaping buffers, this relationship could be deemed detrimental, especially with unrestricted hours and at maximum height in such close proximity to residential dwellings, could have an impact upon the physical quality of external space enjoyed as part of a home. It is therefore considered necessary that conditions are imposed to ensure this relationship is not detrimental, and parameters are provided to ensure that any units nearest to the proposed dwellings are restricted in terms of hours and heights, as well as a landscaped buffer including bund to separate the uses, which is to be considered as part of reserved matters application.
- 8.79. To the east the site is bound by Troon Way, with an existing footpath running along this boundary. The indicative layout presents proposed dwellings along this stretch, which would be of similar scale of those dwellings along Troon Way. Given the existing landscaping, the positioning of the footpath a proposed separation distance of approximately 30 metres between these existing dwellings along Troon Way. Such a separation distance would ensure that the proposed development would not result in any adverse overlooking nor overbearing impact to these dwellings.
- 8.80. To the west of the proposed access, and to the east of Sketchley Grange Hotel, are a trio of dwellings, known as, Sketchley Lodge Farmhouse, Kinder Lodge and Sketchley Lodge. Sketchley Lodge is a two storey detached dwelling the rear and private amenity space of which backs onto the proposed development site. The indicative layout proposes the rear of dwellings would back onto the site, and can achieve a window to window distance in excess of 20 metres, which is sufficient to ensure that the proposed development would not result in any overlooking, loss of privacy or overbearing impact to this dwelling. To the west of this application is Sketchley Lodge and Kinder House, where the separation distance and relationship to these properties and the application site increases.
- 8.81. By virtue of the size of the site and subject to satisfactory layout, scale, design and landscaping which are matters reserved for future consideration, the indicative layout submitted demonstrates that the site could be developed for up to 140 dwellings and up to 30,000sqm of commercial floorspace with satisfactory separation distances without resulting in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties.

- 8.82. The proposal is therefore considered to be in accordance with Policy DM10 as the amenity of neighbouring occupiers of the proposed development would not be adversely affected to warrant refusal of the application.

Noise and Pollution

- 8.83. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light. Policy DM10 of the SADMP seeks to ensure that the amenity of the occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site
- 8.84. The application has been accompanied with a Soils and Agricultural Quality Study, Phase 1 Ground conditions report and Noise Impact Assessment.
- 8.85. The submitted noise impact assessment has regard to the proposed mixed use development, details the existing noise climate and the suitability of the site for the proposed use. The report identifies and provides an assessment of the likely impact of HGV movements associated with the commercial uses on noise sensitive receptors and has regard to any necessary mitigation measures. Environmental Health (Pollution) have considered the submitted Noise Impact assessment and has no objection to the proposed development subject to the imposition of conditions. The conditions seek to ensure that prior to development a scheme for protecting the proposed dwellings from noise from the network and proposed commercial element of the development is submitted and agreed. In addition to a scheme to protect the existing nearby dwellings from noise from the commercial element of the scheme is also submitted and agreed. These conditions are considered reasonable and necessary to ensure the proposed and existing dwellings are provided with an acceptable level of amenity, when having regard to the proximity of the A5 and the commercial use.
- 8.86. The application has been supported with a screening test for potential significant air quality impact from proposed development, which has been informed by the peak AM and PM trips contained within the Transport Assessment. Environmental Health have considered the information and are satisfied that the proposed development would not have a significant impact upon air quality, or would be impacted on by the baseline air quality, and as such a more detailed assessment in this instance would not be necessary.
- 8.87. The Phase 1 investigation recommends that a Phase II investigation is carried out, especially given the agricultural nature of the use, with any Phase II investigations seeking to confirm the sites geology and the extent and characteristics of the made ground within the farmyard area. Environmental Health (Pollution) have therefore no objections subject to the imposition of conditions relating to further contamination investigations to ensure the safe development of the site.
- 8.88. Given the scale of development, which would be in proximity to the adjoining settlement boundary, Environmental Health (Pollution) have also requested a further condition for the submission of a Construction Environment Management Plan, to detail the site preparation and construction and how the impact of this would be mitigated and prevented. It is considered when having regard to the surrounding residential dwellings that this is reasonable and necessary and should be imposed should permission be granted.
- 8.89. The development is therefore in accordance with Policy DM7 of the SADMP.

Impact upon highway safety

- 8.90. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new

development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

- 8.91. Access is a matter for determination by this application and a detailed access plan has been provided. In addition to this, the proposal has been supported by the submission of a Transport Assessment and Travel Plan that conclude the proposal would not have adverse impact upon the safe operation of the local highway network. Sketchley Lane, benefits from pedestrian footpaths serving the extent of the lane as it extinguishes into the dead end. The wider area also, benefits from a local and regular bus service, which can be observed along Greenmoor Road, Herald Way and Rugby Road.
- 8.92. The residential access would be taken from the south side Sketchley Lane, and would provide visibility splay of 2.4 x 45 metres which would be in accordance with manual for street, when taking into consideration of the applicants speed survey data.
- 8.93. The applicant during the course of the application has submitted junction modelling which takes into account the recent changes in the layout to the roundabout at the Rugby Road, Sketchley Road junction. From the '2024 do minimum' scenario with the 2024 'do minimum + development scenario' it can be seen that the roundabout is operating at capacity in the AM peak hour on the Rugby Road northern arm without the development. In the do minimum + development scenario, the development traffic pushes the arm overcapacity by 0.05 from 1.0 to 1.05. The development would increase queuing southbound traffic on Rugby Road on the approach to the roundabout by approximately 16 vehicles and the delay by approximately 48 seconds. All other arms operate with a RFC below 0.85 in the AM peak. In the PM peak, the RFC of the same arm increases by 0.04 from 0.85 to 0.89. Queuing increases by approximately nine vehicles and delay by approximately two seconds. All other arms of the roundabout operate within capacity.
- 8.94. LCC (highways) consider that the impact of the development traffic on the roundabout during the PM peak to be negligible. As part of the application consideration has been given to a re-design of this roundabout, utilising highway land to the east of the roundabout would be required in order to increase capacity. However when considering the impact of the development on the Rugby Road northern arm during the AM peak alone, and given this arm would be operating at capacity without the development, it is not considered that re-designing the roundabout at the expense of the applicant would be neither reasonable nor proportionate in this instance, and therefore highways would seek a contribution towards the wider improvements proposed along this network.
- 8.95. The dimensions of the access ensure an allowance is made for the largest vehicles expected to regularly access the site, such as refuse collection vehicles, to do so in a safe manner without disruption to other road users and without over-designing. The commercial proposal of the application would be taken from an existing branch serving Sketchley Industrial estate with direct access onto the A5.
- 8.96. The applicant has carried out a Transport Assessment in relation to the developments impact upon the A5, Sketchley Lane/Logix Road/Dodwells Roundabout/The Long Shoot junction and the M69 Junction 1. Highways England having regard to the submitted information, during the course of the application are satisfied that the proposed development is not likely to result in a detrimental impact

on any of the aforementioned junction in the proposed opening year, 2021 and therefore have no objections.

- 8.97. LCC and Highways England as the Local Highway Authority have no objection to the development, however they have suggested that development proposals could be acceptable in highway safety concerns subject to the imposition of a number of conditions and off site obligations prior the commencement of the development

Flooding and Drainage

- 8.98. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.99. A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.100. Severn Trent Water Limited and Environmental Health (Drainage) have assessed the information submitted and raise no objections to the scheme subject to conditions to require the submission of further surface water drainage scheme details in accordance with the submitted Drainage Strategy for prior approval, infiltration testing, management of surface water during construction of the development and a long term maintenance plan for the sustainable surface water drainage system for prior approval. The conditions would be reasonable and necessary to prevent flooding and maintain water quality by ensuring the satisfactory storage and disposal of surface water from the site and a suitable maintenance regime for its long term performance.
- 8.101. During the course of the application further information has been submitted to the Lead Local Flood Authority, who will provide a formal response prior to the meeting, and will be reported by way of a late item, however it is considered that subject to the imposition of appropriate conditions the proposal would be
- 8.102. Subject to the satisfactory discharge of such conditions, the proposal would be in accordance with Policy DM7 of the adopted SADMP in respect of surface water drainage and water quality.

Ecology

- 8.103. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.104. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.105. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.106. An Ecology Appraisal was submitted in support of the application and has been considered by Leicestershire County Council (Ecology).
- 8.107. No evidence of bat roosts was found in the existing farmstead buildings on site and they were considered at most to have a low potential to support roosting bats. Foraging bats were however recorded on site and these were found mainly to be using the boundary features for foraging. These features are being retained within

the development, but it is important that they are also buffered and are not subject to increased levels of lighting.

- 8.108. One outlier sett was found on the southern boundary of the application site, however no evidence of badgers was recorded on the application site and as such it is considered likely that the badger population is to the south of the application site, and therefore not a constraint to this development at this time. Notwithstanding this, it is considered necessary that an updated badger survey should be completed prior to each phase of the development.
- 8.109. The application was supported by a Great Crested Newt (GCN) survey, which included one pond immediately to the north of the site, the surveys found no GCN populations which would be a constraint to the development. Pond 3 is within 250m of the application site and not separated by any significant development however this pond has been infilled a number of years ago and is limited to a shallow depression free of water, and as such not considered likely that GCNs would be present. Although GCNs were not present, palmate newts were recorded in pond 4, which are not common species in Leicestershire and would require a level of protection should they be impacted. However the proposal in its current form would not result in an impact upon this population and therefore considered acceptable.
- 8.110. The Phase 1 Habitat Survey indicates that the majority of the site comprises improved grassland, and part of the site was designated as a potential Local Wildlife Site (LWS) based on surveys in the 1980s. However, from more updated surveys and information the site is no longer botanically diverse, which is a likely result of a change in management since the initial survey in the 1980s.
- 8.111. The proposed scheme would result in the loss of hedgerows and trees which are present within the application site, Hedgerow 13 and 15 would meet the criteria when assessed against the Local Wildlife Sites selection criteria are species rich, containing locally native trees and shrubs. This extent of hedgerow runs generally along the northern boundaries of the bottom two fields which abut the A5. Retaining this extent of hedgerow would result in a significant constraint to the site, in terms of the most efficient use of land is brought forward which is suitable for the development to meet local housing and employment need. Policy DM6 states:-

Where a proposal is likely to result in harm to locally important sites (including habitats or species of principal importance for biodiversity), developers will be required to accord with the following sequential approach:-

- a) Firstly, seek an alternative site with a lesser impact than that proposed;
 - b) Secondly, and if the first is not possible, demonstrate mitigation measures can be taken on site;
 - c) Thirdly, and as a last resort, seek appropriate compensation measures, on site wherever possible and off site where this is not feasible.
- 8.112. In order to compensate for the loss of these hedgerows and mature trees the masterplan provides a net gain in linear habitats, through the provision 0.41km of new native species rich hedgerows, 0.9km of street tree planting and 2.63ha of native broadleaved woodland, as proposed within the Landscape strategy plan. The Landscape strategy would provide a net gain in linear habitats of 2.53 linear unit gains. In order to compensate for the loss of any hedgerows new hedgerow planting must comprise species-rich hedgerows, using only locally native species. The loss of mature trees within this hedgerow would require compensation planting in the form of new parkland/hedgerow trees, which is protected, would have the opportunity to develop into a similar valuable habitat over the course of time. As such it would be considered necessary that any reserved matters application would be accompanied by a mature tree strategy protecting those trees which

would be retained to ensure that adequate management is in place for the existing proposed trees and associated features.

- 8.113. The proposed development does provide opportunities for ecological enhancement, and biodiversity calculations submitted within the ecology report advises that the proposed development would result in a net gain. However as landscaping and layout is a reserved matters, this would need to be considered further should a reserved matter application followed, to ensure the proposed development would provide a net gain, in accordance with the Landscape Strategy Plan.
- 8.114. Overall, the impact of the proposed development on protected species is accordance with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

Impact upon Trees

- 8.115. The application has been accompanied by an Arboricultural report considering the impact that the development proposal may have upon the surrounding trees and providing any mitigating measures.
- 8.116. The proposed layout has been designed to accommodate the key boundary trees along the boundaries of the site. There are three Tree Preservation Orders present surrounding the application site, Sketchley House, which is located on land to the south east of the application site. Sketchley Lane, which affects a number of road side trees to the north west of Sketchley Lane and Land off Sketchley Lane, which affects a number of existing trees along the eastern/south boundary of the application site. The latter of the Orders includes a veteran tree.
- 8.117. The Arboricultural report identifies 34 individual trees, 28 groups of trees and 38 hedgerows. Of these, 2 have been categorised as A, of high quality and value, 35 categorised as B, of moderate quality and 32 categorised as C, of low quality. 31 items have been categorised as U due to their impaired condition and therefore unsuitable for retention. The veteran tree along the eastern boundary of the application site has been classified as a B3 category. The indicative masterplan has been informed by the arboricultural recommendations, and has sought to maintain trees where possible. The proposed development has identified to result in the loss of 7 of the 35 Category B trees and 6 trees and groups of Category, which are primarily the hedgerow and tree boundaries of the centrally located field boundaries within the site. The existing trees identified for retention would be continued to be managed.
- 8.118. Concerns have been raised by the Tree Officer relating to the loss of the trees from within the site, however due the location of the trees within the site, options to develop the scheme around the affected trees would render the scheme undeliverable. Given the identified need of this type of development, the loss of the trees are considered to be outweighed by the significant social benefits of the proposal.
- 8.119. The development would provide an opportunity for the inclusion of a well designed landscaping scheme on site, and the loss of 13 trees/groups would be more than compensated through the provision of new planting across the site, which would have a greater potential for greater longevity within the landscape. The landscaping scheme would also provide opportunities species diversity for the site. It is therefore considered that the loss of trees would not provide a reason not to support the proposal given the on site mitigation that could be provided and the significant social benefits of this development. Given the loss of trees any subsequent application should seek to mitigate the loss through the incorporation of a high quality and sympathetically designed landscaping proposal. It is therefore considered that the loss of trees would not provide a reason not to support the

proposal given the on site mitigation that could be provided and the social and economic benefits of this development.

- 8.120. Therefore it is considered that subject to the submission adequate mitigation for the loss of the trees and management of the existing tree stock, it is considered that the application would accord with Policy DM6 of the SADMP.

Impact upon Public Right of Way

- 8.121. An existing public right of way U67 currently runs through the site from north to south, within the eastern portion of the site extends through the David Wilson Homes site (Sketchley House development planning reference 13/00523/OUT) towards the A5 (Watling Street). The proposal would maintain this footpath, and incorporate it into and through the site, providing and maintaining the public link to the A5, the precise nature, design and surfacing of the footpath would be fixed at design stage.
- 8.122. Following Consultation with Leicestershire County Council (Public Rights of Way) they have no objection to the proposed diversion, however the construction and surface specification would be subject to a separate consent from Leicestershire County Council.

Infrastructure Contributions

- 8.123. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.124. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (As Amended) (CIL) and paragraph 56 of the Framework. The CIL Regulations and NPPF confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Play and Open Space

- 8.125. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space, which is provided on site and what would be the requirements off site.

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 140 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	504	500	0.04

Casual/Informal Play Spaces	16.8	2352	2352	0
Outdoor Sports Provision	38.4	5376	0	5347
Accessibility Natural Green Space	40	5600	9100	0

- 8.126. The nearest existing off site public open space is located off Colts Close BURB 21 with a quality score of 76% and provides Natural Green Space. Beyond Colts Close, the next nearest recreational facility providing Outdoor Sport Facilities and provisions for young people, is Rugby road Park BURB09 (60%) and Tilton Road Recreation park, BURB12 which has a quality score of 67%.
- 8.127. In accordance with the Open Space and Recreation Study (2016) the number of dwellings proposed requires a Local Area of Play (LEAP) to be provided on site. The submitted Development Framework indicates the provision of a LEAP centrally located within the residential portion of the development; this has been confirmed as being 0.05ha in size, which is appropriate for a LEAP, which is required to be of at least 400sqm. The developer would be obligated to provide and then transfer the on-site open space area to a management company, together with a maintenance contribution or, request that either the Borough Council or the Parish Council maintain the land. If the land is to be transferred to an authority then the area of open space would include a maintenance contribution. The study also requires the provision of a Locally Equipped Area for Play (LAP) on site of a minimum of 100sqm, given the size of the proposed LEAP, it is considered that sufficient equipped play space can be provided within the site to serve the development needs.
- 8.128. The site is providing on site casual informal play space, with a policy compliant position of 2352 square metres of casual and informal play space, as well as 9100 square metres of Natural and Accessible Space, excluding any SUD features, which is in excess of the policy requirement of 5600 square metres. This would be located centrally and round the edged of the site to the east, and would contain a network of footpaths, providing a large accessible useable space. An off site contribution towards the provision of outdoor sports would be sought, given the lack of on site provision for this.
- 8.129. To ensure this development provides sufficient open space in accordance with Policy 19 of the Core Strategy this contribution is considered necessary and directly related and fairly and reasonably related in scale and kind to the development proposed and therefore meets the CIL tests. The monetary contributions are set out below.

	On site maintenance (20 years)	Off site provision	Off site maintenance (10 years)	Total
Equipped Children's Play Space	£87,800.00	/	/	£87,800.00
Casual/Informal Play Spaces	£25,401.60	/	/	£25,401.60
Outdoor Sports	/	£48,652.80	£23,116.80	£71,768.80

Provision				
Accessibility Natural Green Space	£37,219.00			£37,219.00
			Overall Total	£222,189.40

- 8.130. As the application is submitted in outline format the formula in The Open Space and Recreation Study (2016) can be used to calculate the contribution required as a percentage for each unit provided.
- 8.131. The developer will also be obligated to provide and then transfer the on-site open space area to a management company, together with a maintenance contribution or, in the alternative, requesting that either the Borough Council or the Parish Council maintain it. In the latter eventuality, the open space area would be transferred to the relevant authority together with a maintenance contribution.
- 8.132. The provision of Play and Open Space is required for compliance with Policies 11 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section of 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 4 requires development in Burbage to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative layout of the proposed development suggests the provision of open space around the site to include a LEAP, informal space and accessible natural space.
- 8.133. The closest public open space which provides sport provision is Tilton Road Tilton Road, (BUR 12) and Rugby Road (BUR09) all fall below the quality scores set by the Open Space and Recreation Study, and provide a number of typologies within a reasonable accessible distance, in accordance with the open space strategy, an off site contribution towards this park is considered in lieu of on site formal sport provision is considered to necessary, and therefore the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

NHS West Leicestershire CCG - Health Care

- 8.134. The West Leicestershire CCG has requested a contribution of £85,183.92 towards addressing the deficiencies in services at Burbage Surgery, which are the closest available GP practices to the development. The practice has seen significant growth due to housing development within their practice areas over the past 5 years, which is impacting on their capacity and resilience. An increase of 339 patients will significantly impact on patient demand in the area.
- 8.135. 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 Surgery, 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 Burbage Surgery, 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.

- 8.136. This request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was sufficient evidence to support the contributions being sought.

Education

- 8.137. LCC Children and Family Services have requested a contribution towards education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution is £612,864.00

- 8.138. The contribution towards addressing the impact of the development upon education 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. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, 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 has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

Civic Amenity

- 8.139. LCC Waste Management requested a contribution of £6,934.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate an additional 1.054 tonnes per annum of waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.
- 8.140. This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

Libraries

- 8.141. LCC Library services have requested a sum of £4,220 towards provision of additional resources at Hinckley Library, which are the nearest library to the development. The population catchment for Hinckley library is 44,669, and the proposed development is estimated to add a further 420 to the existing population. It is considered that residents of the development are more likely to access this service and therefore the s.106 should direct the contribution towards this service.

Highways

- 8.142. Leicestershire County Council (Highways) requests a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel.
- 8.143. LCC (Highways) have requested a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel these include; Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass. It is very unlikely that a development will get 100% take-up of passes, 25% is considered to be a high take-up rate). A STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £11,337.50. A Travel Plan Co-ordinator to be funded and employed by applicant from the commencement of development until 5 years following full occupation. Specifically, the Travel Plan Co-ordinator shall undertake the tasks in accordance with the Framework Travel Plan for the promotion of public transport services and other sustainable modes of travel, to ensure the implementation of the framework Travel Plan submitted in support of the application. Formalisation of a new bus stop, including pole, flag, timetable case and raised kerbs on the nearest bus route to the residential site. These contributions are considered to be CIL compliant.
- 8.144. Leicestershire County Council's Local Transport Plan 2011-2026 (LTP3) identified Hinckley as a key area of focus for investment, where the Council needs to stimulate economic growth, minimise congestion levels and reduce carbon emissions. As part of this works have already been carried out to the Rugby Road/Sketchley Road roundabout, having regard to the flow diagrams submitted it is noted that approximately 46 two way trips in the AM peak and 41 in the PM peak respectively would utilise the northern section of Rugby Road, where highway improvements have been identified. 46 AM peak hour movements equates to 18% as a proportion of the forecasted increase of 254 peak hour vehicle movements over the two junctions. Given the sites location and the limited destinations prior to the above junctions, traffic will inevitably route via at least one of the two junctions.
- 8.145. On this basis the 18% proportional impact of the 19/00947/OUT development can be applied to the scheme improvement costs to establish the required developer contribution towards these required highway mitigation works. The total works cost of the schemes was estimated at £3.5million and of which a proportionate contribution of £630,000 would typically be sought. However, a significant portion of the required scheme cost funding has already been sourced from the aforementioned, successful, NPIF funding bid. The Local Highway Authority has therefore calculated the 18% proportional contribution against only the £1.2 million funding requirement outstanding, which equates to the £216,000 figure required.

- 8.146. Given the site specific impact of application 19/00947/OUT and the material impact it has at the aforementioned junctions, which already operate beyond their practical reserve capacity, works or contributions are required to avoid the otherwise severe impact on the operation of the local highway. It is considered that the contribution of £216,000 towards the Hinckley Hub Sub-Package (Part of Hinckley Area Project Zone 4) work is reasonable to mitigate the off site highway impact.

University Hospital Leicester (UHL)

- 8.147. UHL have requested a contribution to address NHS revenue shortfalls for acute and planned treatment. This is by way of a monetary contribution of £49,702.00 towards the 12 month gap in the funding in respect of A &E and planned care at the University Hospital, Leicester.
- 8.148. 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 UHL to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. UHL is 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. UHL has 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 UHL 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, therefor it has not been demonstrated that the request fairly and reasonable relates in scale and kind to the development proposed.
- 8.149. This request is therefore not considered to meet the test of the CIL Regulations. This request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was insufficient evidence to support the contributions being sought.
- 8.150. Whilst objections have been received on the grounds of lack of infrastructure facilities (schools, health care facilities etc.) the proposed scheme would provide CIL compliant infrastructure contributions towards the provision and maintenance of such facilities to mitigate the impacts of the development through the completion of a suitable planning obligation and would therefore be in accordance with Policies DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy.

Other matters

- 8.151. HBBC (Street Scene Services) have requested a condition to detail the waste collection and recycling strategy of the site, it is considered that this is an appropriate condition that meets the tests.
- 8.152. Objections have been received in respect of de-valuation of properties; however this is not a material planning consideration that can be taken into account.

8.153. Comments have been received in respect of loss of views, it should be noted that views can not be protected, and therefore are not considered a material planning consideration.

9. Planning Balance

9.1 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.

9.2. 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.

9.3. 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.

9.4 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.

9.5 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 Land. Therefore, this does add to the value of the landscape, although given that the land is grade 3 and not 2 or greater and there is other agricultural land around Burbage, it is not considered this has significant weight in the planning balance.

9.6 Burbage is an identified Neighbourhood Plan Area; however, although the plan has been subject to an examination in public the examiners report has not been published and therefore the weight afforded to the plan is moderate in the planning balance.

9.7 Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably out weigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.

9.8 The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary

period. Additionally the residents of the proposed development would provide ongoing support to local services.

- 9.9 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.
- 9.10 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.
- 9.11 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 in conflict with Policy DM4 and DM10 of the SADMP DPD.
- 9.12 Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm has been identified, it is considered on balance that the harm 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.

10. Equality Implications

- 10.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 10.3. There are no known equality implications arising directly from this development.
- 10.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

11. Conclusion

- 11.1. 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.
- 11.2. Subject to conditions the proposal would not have any significant adverse impacts on residential amenity, vehicular or pedestrian safety, Ecology, Archaeology, Drainage and Air Quality and Noise. It is considered that the proposed development is in accordance with Policies DM6, DM7, DM10, DM11, DM17 and DM18 of the SADMP (2016).
- 11.3. 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.
- 11.4. 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 as 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.
- 11.5. 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 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.
- 11.6. On balance it is considered that the harm identified to the character and appearance of the countryside from new residential and commercial development would 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 do justify making a decision other than in accordance with the development plan. The application is therefore recommended for approval subject to the conditions and planning obligations listed above.

12. Recommendation

- 12.1. **Grant planning permission** subject to:
 - The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 20% Affordable Housing, 75% affordable rented and 25% shared ownership
 - £4200 for library facilities at Hinckley Library
 - £616,864.00 for education
 - £85,183.92 Health Care Provision (GP Practices)

- £222,189.40 of Play and Open Space contributions
 - On-site Open Space requirement of at least 500m² of equipped play area and 2352m² of casual and informal space
 - Provision of opportunities for apprenticeships and work experience and employment and skills related training during the construction of the development.
 - £216,000 towards the Hinckley Hub Sub-Package (Part of Hinckley Area Project Zone 4)
- Planning conditions outlined at the end of this report.
- 12.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 12.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

12.4. **Conditions and Reasons**

1. Approval of the following details (hereinafter called “reserved matters” shall be obtained from the local planning authority in writing before any development is commenced:
 - a) The layout of the site including the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development;
 - b) The scale of each building proposed in relation to its surroundings;
 - c) The appearance of the development including the aspects of a building or place that determine the visual impression it makes;
 - d) The landscaping of the site including treatment of private and public space to enhance or protect the site’s amenity through hard and soft measures.

The development shall be implemented in accordance with the approved details.

Reason: This planning permission is submitted in outline form only and the reserved matters are required to be submitted in accordance with the requirements of Part 2 of the Town and Country Planning (Development Management Procedure) (England) Order 2010.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site boundary Plan Dwg NO. edp4824_d002f received on the 21 August 2019 access drawing 43859-5501-006 43859-5501-004 Rev B received 2 December 2019.

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

3. Application for the approval of reserved matters relating to the dwellings shall be made within 18 months from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure that the development is delivered in a timely manner in accordance with Paragraph 76 of the National Planning Policy Framework 2019.

4. Application for the approval of reserved matters relating to the commercial uses shall be made within 2 years from the date of this permission and the

development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: To ensure that the development is delivered in a timely manner in accordance with Paragraph 76 of the National Planning Policy Framework 2019.

5. The development hereby permitted shall be implemented in general accordance with the illustrative masterplan dwg no edp4824_d041d received by the Council 21st September 2019 and the parameters contained within Section 5 of the Design and Access statement received on the 21 August 2019.

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

6. Any reserved matters application shall be accompanied by a scheme which details the proposed housing mix for the development which should be in accordance with the Council's adopted Development Plan and the housing needs of the area. The development shall then be completed in accordance with the approved details.

Reason: To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy 2009.

6. Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that a satisfactory relationship is achieved between buildings in particular those along Troon Way, Kensington Avenue and Tamarisk Close in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

7. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages shall be deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

8. Notwithstanding the recommendations within the Phase 1 Ground Condition Assessment reference 43859/3501 dated 2019 no development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

9. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination and implementation is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

10. Development shall not commence until details of all trees, shrubs and hedges to be retained, including any trees located outside but adjacent to the site boundary, together with the means of protecting them from damage during the carrying out of the development have been submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of development and shall remain in place until after the completion of the development.

Reason: Whilst landscaping is a reserved matter, a condition is necessary at this stage to ensure that the existing landscaping on the site is protected in accordance with DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

11. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

12. No development 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 and 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 bat and bird boxes. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD.

13. Prior to commencement of development and site clearance, a badger survey shall be undertaken to establish the presence of badgers which could be

affected by the proposed development, and a mitigation/compensation scheme if required, have been submitted to and approved in writing by the local planning authority. Mitigation/compensation works shall be carried out in accordance with the approved scheme.

Reason: To ensure that any delays in construction is preceded by more up-to-date survey work to protect any badgers that could be affected by the proposal in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

14. The layout submitted at Reserved Matters shall provide a natural vegetation buffer zone of at least 5m alongside all retained hedgerows of the application site.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. All ecological enhancements on the site shall be completed in complete accordance with Section 6 of the Ecology Appraisal (August 2019) before occupation of any dwelling or commercial unit.

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

16. No development shall commence on site until a grass snake mitigation strategy has been submitted to the local planning authority for their approval in writing. The strategy shall be based on the enhancements detailed in section 6 of the Biodiversity Impact Assessment. Only the approved strategy shall then be implemented on site.

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

17. All landscape planting used within the informal/semi-natural open space and adjacent to the boundaries of the site shall be locally native species only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. No vegetation shall be removed on site during the bird nesting season (1st March - 31st July inclusive).

Reason: To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the Site Allocations and Development Management Policies.

19. No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority and the approved details shall then remain in force throughout the construction period. The plan shall detail 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 and a procedure for the investigation of complaints.

Site preparation and construction hours shall be limited to between 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no working on Sundays and Bank Holidays.

Reason: To ensure the protection of neighbouring residential amenity during construction to accord with Policies DM7 and DM17 of the SADMP.

20. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities and a timetable for their provision, has been submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

21. No development shall commence on site until a Footpath Management Plan has been submitted to and approved in writing by the local planning authority. Such a plan shall include details of temporary diversion, fencing, surfacing, signing and a time table for provision. The approved details shall then be implemented in full on site prior to the occupation any dwelling or commercial unit.

Reason: To ensure the Public Right of Way is safe and available during the period of construction in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

22. No development shall commence on site until a surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The submitted scheme should include infiltration testing to confirm (or otherwise) the suitability of the site for the use of infiltration as a drainage element and should ensure that surface water does not drain into the Public Highway. Development shall be carried out in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

23. No development shall commence on site 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. Development shall be carried out in accordance with the approved details.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD..

24. No development shall commence on site until such time as details in relation to the long term maintenance of the sustainable surface water drainage system within the development have been submitted to and approved in

writing by the local planning authority. Development shall be carried out in accordance with the approved details.

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 sustainable drainage system within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD..

25. No demolition/development shall take place/commence until a written scheme of investigation for L2 Historic Building Survey and Topographic Survey has been submitted to and approved in writing by the Local Planning Authority. For the land and structures that are included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
- The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

No development shall then take place other than in accordance with the approved Written Scheme of Investigation.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies Development Plan Document (2016).

26. Prior to the commencement of development details of external lighting shall be 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.

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

27. Any reserved matters application shall be accompanied by a scheme for protecting the proposed and existing dwellings from noise from the road network and the commercial element of the development. The agreed scheme shall be completed in full accordance prior to first occupation of any dwelling.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

28. Any reserved matters application shall be accompanied with a scheme for protecting nearby residents from noise from commercial element of the

development. The agreed scheme shall be completed in full accordance prior to first use of any commercial unit.

Reason: To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

29. Any reserved matters application shall include a landscape buffer of at least 20 metres in width and to include a landscape bund, between any existing and proposed dwellings and the commercial uses. The landscape buffer and any associated planting shall be implemented in full accordance prior to any occupation or first use of the site.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

30. Any reserved matters relating to scale and appearance shall restrict the height of any commercial building within 100 metres of any existing or proposed dwelling within the wider site to no more than 12 metres in height. Commercial buildings over 100 metres from existing and proposed dwellings shall be no more than 15 metres in height.

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

31. Any commercial building within a 100 metres of any existing or proposed residential dwelling in the wider site, shall not operate other than between the hours:-

0730 – 1900 Monday – Friday

0800 - 1300 Saturdays

No hours on a Sunday

Reason: To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

32. The commercial units approved by this permission shall be used for B2 and B8 and for no other purpose (including any other purpose in Schedule 2 to the Town & Country Planning (General Permitted Development) Order 2015), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure the proposed development is compatible with existing development in the locality in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

33. Prior to the occupation of any of the dwellings on site, full fibre broadband connection shall be made available and ready for use.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the NPPF (2019).

34. Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:-

- Measures to prevent waste generation
- Information on local services in relation to the reuse of domestic items
- Information on home composting, incentivising the use of a compost bin and/or food waste digester
- Household Waste Recycling Centre location, opening hours and facilities available
- Collection days for recycling services
- Information on items that can be recycled

Reason: In accordance with the National Planning Policy for Waste (2014).

35. No part of the residential development hereby permitted shall be occupied until such time as the access arrangements shown on PBA drawing number 43859-5501-004 Rev A have been implemented and completed 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 Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) the National Planning Policy Framework (2019).

36. No part of the residential development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 45 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and in accordance with the National Planning Policy Framework (2019).

37. No part of the employment development hereby permitted shall be occupied until such time as the access arrangements shown on PBA drawing number 43859-5501-006 have 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 Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and in accordance with the National Planning Policy Framework (2019).

38. Prior to commencement of the employment development hereby permitted, a junction protection scheme covering Watling Drive and Sketchley Lane (industrial estate side) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented in full prior to occupation of any unit.

Reason: In the general interest of highway safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2019).

39. No part of the development hereby permitted shall be first occupied until a full Travel Plan for each employment unit/ the residential site which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and the National Planning Policy Framework (2019).

12.3. Notes to Applicant

1. The applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.

2. It is necessary, when carrying out works to tree(s) to be aware of the Wildlife and Countryside Act, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.

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Planning Committee 19 May 2020
Report of the Planning Manager

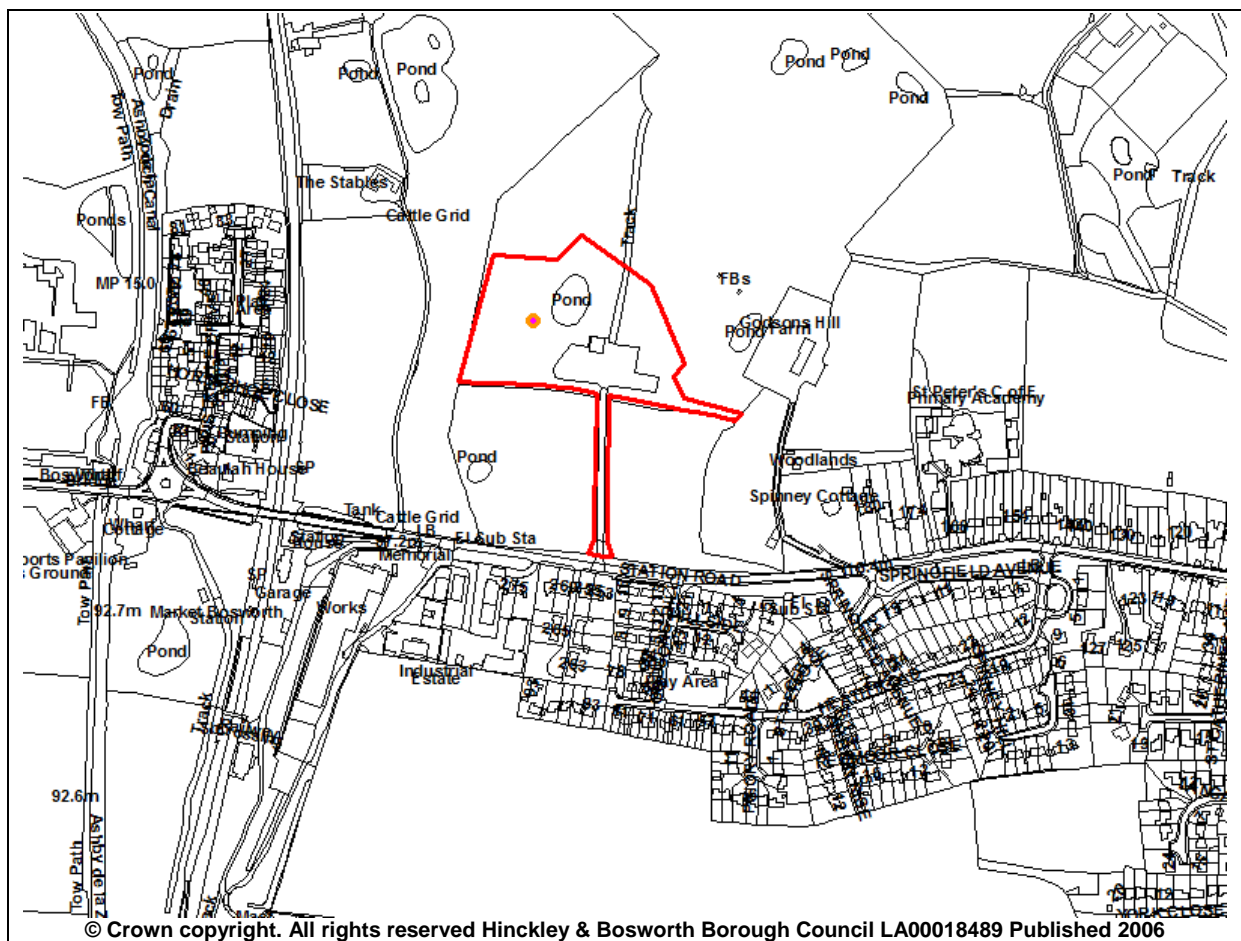
Planning Ref: 19/01437/FUL
Applicant: Statue Homes Ltd
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Kyngs Golf And Country Club Station Road Market Bosworth

Proposal: Erection of a multi-purpose golf clubhouse(D2), formation of new car parking areas and access roads and the erection of 6 golf holiday homes (C1) and all associated ancillary works and landscaping



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

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

2. Planning Application Description

2.1. This application seeks full planning permission for the erection of a club house, the formation of a new car parking area and the erection of 6 proposed holiday homes, which are to be occupied on short term let basis.

- 2.2. The proposed clubhouse would include a golf members lounge, changing rooms, pro-golf shop, golf simulator, along with kitchen area with bar, and a function hall. The proposed clubhouse would be dual frontage, with entrances to the south and east. The proposed clubhouse building would be two storeys in scale, specifically within the east portion of the proposed building, with the remaining building being of single storey, with low eaves and hipped roof. The clubhouse would have an approximate ridge height of 9.2 metres at its highest ridge. The proposed parking would be provided to the south of the club house and extend west. The design and scale of this building has altered from the previously refused permission.
- 2.3. To the east and north of the proposed clubhouse 6 holiday homes are proposed. The Plots 1-6 would be situated to the south west of the proposed golf clubhouse and adjacent to the south facing boundary of the application site. These proposed holiday homes would reflect a traditional courtyard arrangement, and would be of single storey scale, with each holiday let providing two bedroomed self catering accommodation with a shared central courtyard.
- 2.4. The site has been subject to previous applications, and more recently an appeal (reference: APP/K2420/18/3218401) which sought permission for a Golf Clubhouse and 15 holiday homes.
- 2.5. A Design and Access statement, Transport Statement, Flood Risk Assessment/Drainage Strategy, Ecology Report, Landscape and Visual Baseline Report and Market Assessment and Business Case have been submitted to support the application.

3. Description of the Site and Surrounding Area

- 3.1. The existing golf course comprises of approximately 48 hectares of undulating land, which has been regraded following planning permission for the creation of the golf course. Generally the land rises to the east, towards the approach of the settlement boundary of Market Bosworth.
- 3.2. The site extends north beyond the settlement boundary of Market Bosworth towards the neighbouring settlement of Carlton and is surrounded by undulating countryside. An existing footpath, S70, runs east to west through the gold course which allows extensive views across the site.
- 3.3. The application site is accessed via Station Road which is an existing access, leading to a pair of gates which secure the site. At present the site is not in use. An existing pre-fabricated building resides on site, which sought to serve as a temporary clubhouse. There is an existing area of hardstanding along the southern boundary of the site serving as a car park to the golf course.

4. Relevant Planning History

07/01287/FUL	Erection of greenkeepers store	Permitted	21.12.2007
08/00217/FUL	Retention of slab area	Permitted	09.04.2008
08/00750/FUL	Erection of golf club house, new access and associated parking and managers flat	Permitted	24.09.2008
13/00272/CONDIT	Variation of condition 18 of planning permission	Permitted	17.02.2014

	02/00685/COU to remove the right hand turn lane and propose other off site highway works.		
17/00528/FUL	Erection of multi-functional recreational building, the erection of a golf simulator building, the erection of a golf buggy garage, formation of a new car parking area for 242 vehicles and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping	Refused	15.09.2017
18/00732/FUL	Erection of multi-functional recreational building formation of a new car parking areas, new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping (Resubmission)	Refused Appeal Dismissed (ref APP/K2420/18/3218 401)	23.10.2018 24.10.2019
19/00230/FUL	Change of use of vacant outbuilding to No. 1 holiday lodge and alterations to existing vehicular access onto Station Road to include the extension of the access drive	Refused Appeal allowed (ref: APP/K2420/19/3229 633)	18.04.2019 24.10.2019

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press and 15 representations have been received raising the following matters:

- 1) The golf course does not exist in a functional sense, the greens are flooded and it is not a viable business having failed previously

- 2) The public footpath runs across some of the property has had signs removed and thrown in the hedge
- 3) Already ground work being carried out on site to facilitate road laying of a road
- 4) What will the golf holiday home serve?
- 5) The area is not within the Neighbourhood plan
- 6) Station Road is congested
- 7) Developing this will result in the loss of an area which is natural and beautiful.
- 8) Will impede pedestrian and vehicular access onto Station Road.
- 9) This proposal will create a staggered crossroads for which priority / right of way will be unclear leading to a potential increase in accidents
- 10) Increase in noise from weddings and other functions
- 11) Golf course need to restored to a playable condition and clubhouse provided prior to the lodges being built
- 12) Clubhouse and lodges are too tall should be reduced further in height to comply with views and vistas policy in MBNP.
- 13) Existing trees and hedges around the development should be retained
- 14) Courtyard lodges should be used as temporary accommodation only
- 15) Roof heights and ground levels should be conditioned
- 16) Scale and design of the clubhouse is excessive given no golf course exists and no business case has been provided
- 17) Design and appearance of lodges is similar to residential properties rather than cheaper timber lodges
- 18) Proposed to employ 22 FTE at a cost of £550,00 pa which is a heroic assumption
- 19) In the previous application membership fees were to be £685pa so even just to employ 22 FTE would require 950 memberships without even taking into account operating costs.
- 20) Approving this application will result in residential development on the site and set a precedent for further residential development between the site and Station Road.
- 21) Allowing residential development in this location would resident in noise levels from JJ Churchill factory opposite posing a problem putting 150 jobs at risk
- 22) Demand for golf has declined
- 23) This will set a precedent for non-NDP compliant planning approval
- 24) Approving this application will compromise JJ Churchills ability to operate from site
- 25) No justification that the lodges are necessary to support the re-opening of the golf course

6. Consultation

6.1. No objections, some subject to conditions received from:-

Sport England
Environment Agency

Ashby Canal Association
Leicestershire County Council (Ecology)
Leicestershire County Council (Archaeology)
Leicestershire County Council (Public Rights of Way)
Leicestershire County Council (Highways)
Conservation Officer
Environmental Health (Drainage)
Environmental Health (Pollution)
Hinckley and Bosworth Borough Council Waste

6.2. Lead Local Flood Authority have requested further information

6.3. No comments have been received from:-

Severn Trent Water
English Gold Union
Ramblers Association

6.4. Comments have been received Dr Luke Evans MP with the following points:-

- 1) The community would really welcome the reinstatement of the Golf Course
- 2) The Parish have no objection to a club house as long as the heights do not effect views and vistas in the MBNP and the lodges are for short stay only
- 3) The main concern is conditions and ensuring sufficient conditions are imposed to ensure it complies with the MBNP

6.5. Market Bosworth Parish Council has provided the following comments: -

- 1) This application however does not demonstrate in any way that an operational golf course will be provided as part of or subsequent to this development. There is no evidence of a business plan or evidence as to how the significant costs of this current proposal will help to establish the restoration of a golf course which has been maintained minimally for the last few years
- 2) The hedgerow does screen the view of the golf course as it is low lying in comparison to the vast views and vista of the extensive views of countryside; the clubhouse and courtyard if allowed with such significantly high pitched roofs will obscure the significant views of extensive countryside beyond the golf course and especially Vista 11 which as stated in the Neighbourhood Plan "gives extensive views of north west Leicestershire". c.f. 1.5 and 1.6
- 3) Both developments, clubhouse and courtyard development, straddle several differing contour heights. It is not clear anywhere in the application if the buildings will be located at the lowest base height and 'cut into' higher ground, or if the developments will be built up to meet a ground level at the highest point. The latter would have a significant added impact on obscuring the views and vista
- 4) The application form states no trees are present on site, this is not true, there are trees and ancient hedgerows. These serve valuable purpose in screening and appearance
- 5) The scale and design of the clubhouse is excessive given that no existing golf facility exists
- 6) Market Bosworth is well served for provision of leisure/fitness classes with provision at the Sports Club (approximately 150 metres from the golf course), Spindles leisure and fitness centre at Bosworth Hall Hotel, yoga, pilates and chi gung held at the Parish Hall and Swan House, there's no evidence of need

- 7) Clubhouse is too tall and would impact Vista 11, height and pitch should be reduced by 1 metre
- 8) The courtyard development shows single storey dwellings with significantly steep pitched roofs, unnecessarily high and will in fact impact on the views and vista that the Appeal Inspector clearly identified should be preserved
- 9) The plans are not clear what the ground levels would be, and if the area would be increased or lowered, which would have an impact on the overall scale
- 10) There is no need for the proposed internal roundabout why is there a further road leading off it
- 11) Application Form - Section 9 Vehicle Parking. The applicant states existing parking spaces are 100 with proposed parking for 194. The former operational golf course actually had parking for approximately 40 vehicles therefore the proposed increase would be 154 rather than 94 as stated on the form
- 12) Course Amendment Plan, Drg No.GL0945 15, remains as part of the application. This shows a diagram including the 15 lodges remains embedded in the application as a proposed development despite the appeal dismissing the application on the basis of these lodges
- 13) Conditions should be imposed should permission be granted, restricting hours of use, licensing and limiting the holiday lodges

6.6. Market Bosworth Society objects on the following grounds:-

- 1) The area is attractive and forms part of a number of vistas and views in particular CE1a, Policy DM4 seeks to safeguard the countryside and settlement separation however the Inspector of the previous appeal put these aside
- 2) The clubhouse would be visible from Wellsborough Hill, the view of which is prominent in all views into Market Bosworth which has remained unaltered for years
- 3) Further reductions to the roofline should be sought to meet the inspectors comments in being single storey
- 4) The plans are not clear what the ground levels would be, and if the area would be increased or lowered, which would have an impact on the overall scale
- 5) It is important to retain as smaller development area as possible for the preservation of the area
- 6) The application form states no trees are present on site, this is not true, there are trees and ancient hedgerows. These serve valuable purpose in screening and appearance
- 7) Condition should seek to limit the holiday lodges for use of golfers using the Golf Course
- 8) Conditions should be secured to retain the holiday lodges for short stay accommodation
- 9) Condition should seek to protect residents against noise and light pollution from the development

7. Policy

7.1. Market Bosworth Neighbourhood Plan 2014-2026

- CE1: Character and Environment
- CE3: Important Views and Vistas
- CE5: Landscape of the Wider Parish

7.2. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone
- Policy 23: Tourism Development

7.3. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Boroughs Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM24: Cultural and Tourism Facilities

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- North Warwickshire and Hinckley & Bosworth Destination Management Plan 2017-2020
- Landscape Character Assessment (2017)
- Emerging Good Design Guide (2020)
- National Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon the Market Bosworth Conservation Area and other heritage assets
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact upon Drainage and Flood Risk
- Impact upon Ecology
- Land Contamination and Pollution
- Impact upon Archaeology
- Other matters

Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development and states that planning

applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.

- 8.3. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless materials consideration indicate otherwise.
- 8.4. The application site is situated outside any defined settlement boundaries, and is therefore situated within the countryside. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development. Policy DM4 identifies several criteria outlining where development in the countryside will be considered sustainable. It is considered that two of the 5 criteria are relevant to this application.
- 8.5. Policy DM4 of the SADMP identifies that development in the countryside will be considered sustainable where proposed development is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; subject to it meeting further detailed criteria.
- 8.6. Secondly Policy DM4 of the SADMP identifies that a proposal which significantly contributes to economic growth, job creation and/or diversification of rural business.
- 8.7. The applicant identifies within the supporting documentation that the proposed would create 22 full time equivalent jobs. This is based upon RICs employment density, and although this data was used on the previously considered scheme and subsequent appeal the Inspector, when considering appeal Ref: APP/K2420/18/3218401, found that this data when assessed against the costs estimate, was at odds and could not be certain of the number of jobs created. However it was considered by the Inspector at the time of the appeal that notwithstanding this, the proposal would provide noticeable new economic activity and create new employment opportunities. Although the number of jobs proposed has been reduced by this scheme, from 59 to 22, it is still nonetheless accepted that the proposed would provide an employment opportunities. Although it would not be considered significant, the proposed redevelopment of the course would provide an opportunity to bring an existing golf course back into use.
- 8.8. The application site, is not designated within the Site Allocations and Development Management Policies DPD, it is however identified within the Market Bosworth Neighbourhood Plan (MBNP) as a Leisure and Tourism facility. Policy DM24 of the SADMP seeks to resist the loss of or change of use of cultural and tourism facilities, and redevelopment or loss of cultural and tourism facilities would only be appropriate where it can be demonstrated that:
 - a) The existing facility can no longer operate in a viable manner and all attempts of diversification have been exhausted; and
 - b) The facility cannot be retained through voluntary, charitable or community organisations or ventures, with the exception of strategic hotels; or
 - c) The proposal would result in an appropriate replacement cultural, tourism and leisure resource which fulfils the requirements of Core Strategy Policy 23; or
 - d) The loss of a small portion of the site for alternative uses would result in enhanced facilities for culture and tourism on the remainder of the site.
- 8.9. The proposed scheme includes the erection of a Golf Club House, which would operate along side the existing golf course, which is currently vacant and not in use. The application has been accompanied with an proposed plan of the re-developed course, which demonstrates that notwithstanding the proposed clubhouse and

holiday building, an 18 hole golf course and existing 9 practice pitch would be maintained, with the re-siting and regrading of the tee off point and 18th hole.

- 8.10. Policy 11 of the Core Strategy seeks to support the development of the tourism industry within Key Rural Centres Stand Alone, for which Market Bosworth is considered to be. Policy 23 of the Core Strategy encourages tourism development, including accommodation where it meets the following criteria:
- The development can help to support existing local community services and facilities: and
 - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping: and
 - The development adds to Hinckley & Bosworth's local distinctiveness:
 - Complements the tourism themes of the borough: and
 - The development adds to the economic wellbeing of the area.
- 8.11. The proposed development would provide a clubhouse to support the existing golf course and also seek to provide on site accommodation. The on site accommodation would be in the form of 6 holiday homes, to be occupied on a short term basis, of no more than 28 consecutive days. The North Warwickshire and Hinckley and Bosworth Destination Management Plan (2017-2022) identifies that there is a strong market for self catering accommodation across most of the year, with there being strong occupancy rates for these types of facilities. It also identifies that there are development opportunities for holiday cottages as well as other types of accommodation to cater for the potential scale of tourism growth. The inspector in consideration of application 18/00732/FUL, concluded that a proposal for a clubhouse and associated holiday accommodation would accord with Policies 11 and 23 of the Core Strategy and Policies DM4 and DM24 of the SADMP, due to the economic benefit to the area, its location and form of development, which would support and bring back into use an existing leisure facility, by way of a Golf Course, it is considered that the provision of tourist/holiday accommodation is supported in principle.

Design and impact upon the character of the area

- 8.12. The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 170 states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in the manner commensurate with the statutory status or identified quality in the development plan) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 8.13. Policy DM4 of the SADMP seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside, and protect its intrinsic value, beauty and open character.
- 8.14. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.15. The Market Bosworth Neighbourhood Development Plan (MBNDP) was adopted in 2015 and therefore full weight is afforded to relevant policies within the Document. The Market Bosworth NDP, identifies the site as falling within Character Area A, and describes the site as follows:-

“A large, landscaped 126 acre site forming an 18 hole golf course and associated facilities. The course spans north to the parish boundary of Carlton”

- 8.16. The Market Bosworth NDP describes the character as:
- 1) Open landscape features including open bodies of water and green countryside landscape
 - 2) Large wide open aspect (within individual sites)
 - 3) Outdoor leisure pursuits including water based activities
 - 4) Heritage
- 8.17. Policy CE1 seeks to ensure that all new development within the Neighbourhood Plan area of Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials. Policy CE3 of the Market Bosworth NDP (Important Views in Vistas) seeks to restrict development which would harm important views and vistas as defined in the NDP. The proposal falls directly within defined Character Area A. Policy CE5 of the Market Bosworth NDP identifies that development outside the settlement boundary will be permitted for sport or recreation where it does not cause harm on the landscape or biodiversity of the countryside.
- 8.18. The application site is identified within the Market Bosworth NDP as the Kyngs Golf Course as providing and contributing to the approach into Market Bosworth from the west along the B585. The Market Bosworth NDP identifies this view as being important because it shows how close the countryside is to the built form of the village and the fact that the settlement sits on an open wooded hilltop. The site also forms an important vista due to its extensive views of north west Leicestershire.
- 8.19. Policy 23 of Core Strategy seeks to ensure that development relating to tourism is of a design and scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping.
- 8.20. The application site is situated within Character Area C, Bosworth Parkland as identified within the Landscape Character Assessment (2017). Key characteristics of this area are of rolling farmland and parkland with gentle slopes which rise and fall reaching a high point around the town of Mark Bosworth. The golf course comprises approximately 48 hectares of former agricultural land situated within the countryside. Due to the nature of a golf course the agricultural landscape has been altered however over time this has matured into the landscape and retains the open and verdant nature of the countryside. An existing footpath also crosses through the site in a general east to west direction.
- 8.21. The public right of way runs from the east and travels to the north west across the golf course. The majority of the views from the public right of way currently comprises of undulating golf course, a belt of woods which define the approach into the settlement, and the existing small scale buildings on site, which are largely restricted by views due to the existing topography of the site, providing a verdant and rural character. The approach into Market Bosworth from the B585 also affords a rural and verdant view due to the green nature of the golf course, set back from the highway by two parcels of pasture land and enclosed and defined by native hedgerows.
- 8.22. The site although undulating does generally rise up to the east travelling up towards the settlement. An existing belt of woodland defines and contains the east edge of the golf course. To the east of the golf course, there are two existing dwellings which are easily viewed adjacent to the site, the most significant is Godson Hill Farm, which is a substantial one and half storey dwelling which is situated adjacent

the golf course, and a two storey dwellings situated within the trees beyond Godson Hill Farm and upon a higher land level due to the incline as you travel up towards the settlement of Market Bosworth.

- 8.23. The scale and location of the proposed club house is similar to that previously considered under application reference 18/00732/FUL and subsequent application, which was dismissed at appeal (ref: APP/K2420/18/3218401). The proposed clubhouse would be situated to the west of the entrance of the existing access into the application site, with proposed parking to the south, which would be a mix of paved parking and reinforced grass overflow. The proposal seeks a significant increase in parking provision due to the aspiration for additional uses to be catered for within the Club House such as creating a wedding venue, which is an acceptable and compatible use often associated with Golf Courses, to aid and supplement income. To avoid excessive areas of hard surfacing, the additional overflow parking required by any additional ancillary and supplementary uses such as weddings would be provided within an area of reinforced grass which would be unlit. Lighting within the car parks are limited to LED low level bollard lighting further reducing imposing built form outside the settlement boundary and within the countryside.
- 8.24. The club house would be residing upon an angle, and roughly 'T' shaped, with an entrance and principle elevation forming the head, and the function rooms beyond. The proposed building would have dual frontage and with the south east facing elevation, being more dominant in scale. The head of the 'T' would be 2 storeys in scale with an overall height of approximately 8.9 metres to the ridge, reducing down to single storey with an overall ridge height of approximately 8 metres. The proposal also seeks the provision of 6 holiday homes, which would be in the form of a neo-traditional building, in the form of a single storey courtyard development. The proposed courtyard development would be situated along the south of the site, and generally south east of the proposed Club house. Although courtyard developments are not uncommon outside settlement boundaries, the proposed development would not be of a conversion scheme, and is new development, which is not a common feature within the countryside; however the proposed would serve and provide facilities within an allocated Leisure and Tourism facility. The inspector considered that the proposed development would given the style and finish of the proposed development evoke a large farmhouse, which would respect the surroundings, with the proposed courtyard appearing secondary in terms of its relationship to the clubhouse building.
- 8.25. The proposed buildings would be situated within Vista 11 as identifies within the Market Bosworth Neighbourhood Plan. Vista 11 is identified as being important due to the extensive views of north west Leicestershire. It would also be possible to achieve views of the proposed development from footpath S70 as it enters from the east of the site. The Inspector when considering appeal ref: APP/K2420/W/18/3229633, had regard to the proposed built form and its relationship in the wider context of Station Road. The Inspector in his consideration of the appeal identified that although the proposed clubhouse and lodge would be prominent in the landscape, from Station Road due to the presence of the hedgerows and distances from Station Road, its presence would not be unexpected, and its relationship with the countryside apparent. The Inspector also noted that although the proposed clubhouse and the courtyard of holiday lets would be situated within a stretch of largely open land along Station Road, the surroundings offer indication of the application sites proximity to Market Bosworth, with continuous development present surrounding the site, with a mix of housing and industrial uses present, which provide an urbanising influence. Therefore despite its openness, it is contained. The Inspector therefore concluded that in

terms of the proposed clubhouse and courtyard holidays lets the development would result in localised impact on the landscape, however in combination of the scale, siting and wider context the proposed buildings were not considered by the Inspector to result in harm to the landscape character of the area, nor detract from the identified vista 11 of the MBNP. Given the undulating nature of the site, it would be considered necessary to impose a levels condition to ensure that the proposed development would not result in an unduly prominence.

- 8.26. Therefore having regard to the conclusions contained within the Inspectors decision (ref: App/K2420/W/18/3229633) which is a significant material consideration in the determination of this application it is considered that the proposed clubhouse, and court yard of holiday accommodation would accord with Policies DM4 and DM10 of the SADMP and Policies CE1, CE3 and CE5 of the MBNP and Policy 23 of the Core Strategy.

Impact upon the Market Bosworth Conservation Area and other heritage assets

- 8.27. The site is considered to be located within the wider setting of some heritage assets including the Market Bosworth Conservation Area, the Ashby Canal Conservation Area, and a number of listed buildings, so consideration must be given to the impact the proposal may have on these heritage assets.
- 8.28. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets and development proposals should ensure the significance of a conservation area is preserved and enhanced. Development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.29. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.30. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.31. Market Bosworth is a ridge top settlement and the Market Bosworth Conservation Area Appraisal identifies the settlement as being influenced by its agricultural economy and the strong manorial tradition based on Bosworth Hall within its parkland setting. The approach to Market Bosworth is through woodland pasture and traditional parkland, development is screen by substantial groups of mature native trees with the spire of the grade II* listed St Peters church visible above this tree line. All routes into Market Bosworth converge on the Market Place which is the centre of the Conservation Area.
- 8.32. The Market Bosworth Conservation Area Appraisal states that from the west (and where the application site is located), Station Road enters the settlement primarily through modern development with only isolated examples of buildings which pre-date the First World War. Beyond the railway bridge, which is situated to the west of the application site, the approach to Market Bosworth and the conservation area centre gently rises up to a wooded knoll with wide vistas of countryside to the north,

where the application site resides, and continuous development to the south. The western boundary of the conservation area is still located some distance to the east from the application site, and is only visible as occasional glimpses of the church spire located within its centre. The historical relationship between the church and its surrounding agricultural landscape is only apparent when the church can be viewed, but such glimpses allow for a sense of appreciation of the church, the conservation area within which it is located, and their wider settings. Therefore the current largely undeveloped and semi-rural character of the site sits comfortably within the wider setting of the church and the conservation area and is considered to make a positive, although very minor, contribution to the significance of these heritage assets. While the vista to the north of Station Road would alter, the wooded knoll which characterises the ridge of the settlement and the approach into Market Bosworth and the conservation area beyond would remain visible, as would the occasional glimpses of the church spire. Therefore the proposal is considered to have a neutral impact on the setting of the Market Bosworth Conservation Area and the grade II* listed St Peter's church, thus preserving the significance of the conservation area and being compatible with the significance of the listed building.

- 8.33. Located further to the west of the application site is the Ashby Canal Conservation Area. At its nearest point the Ashby Canal is screened from the site by modern development, although there are occasional glimpses of the site from the canal from other vantage points along its length. The semi-rural nature of the site sits comfortably within the wider setting of the canal as it winds through a predominantly rural and semi-rural landscape. Subsequently, the current character of the application site is considered to make a neutral contribution to the significance of the Ashby Canal Conservation Area. The layout, form, and appearance of the proposed development accompanied with the proposed soft landscaping scheme would mean there would be no discernible change to the occasional glimpses of the site from the canal. In this regard it is considered that the proposal would have a neutral impact on the setting of the Ashby Canal Conservation Area and consequently preserve its significance.
- 8.34. There are other grade II* and grade II listed buildings located within the wider vicinity of the application site. However there is no visual or other relevant relationship between these listed buildings and the application site, and consequently the application site makes no contribution to the significance of any listed building other than the grade II* listed church as identified above. The proposal in its current form will have no adverse impact on any of these additional listed buildings.
- 8.35. In light of the above, it is considered that the proposal would preserve the character and appearance and thus significance of the Market Bosworth Conservation Area and the Ashby Canal Conservation Area, and would be compatible with the significance of the grade II* listed St Peter's Church by having no adverse impact on its wider setting. The proposal is therefore in accordance with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF, and complies with the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.36. Policy DM10 criterion (a) of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.37. The nearest residential dwelling would be Godsons Hill Farm which is situated to the east of the application site and positioned upon an elevated position to that of

the golf course. The proposed holiday homes would be positioned sufficient distances from this dwelling as to not result in any loss of amenity in terms of overshadowing or overlooking.

- 8.38. The proposed development would not result in any adverse impacts of neighbouring residential amenity and would therefore comply with Policy DM10 (a) of the SADMP.

Impact upon highway safety

- 8.39. Policies DM17 and DM18 of the SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.40. Given the scale of the proposal the application has been accompanied with a Stage 1 Road Safety Audit, and a Transport Assessment. This has taken account of existing traffic conditions, accessibility, and sustainable modes of transport, accidents and vehicular impacts.
- 8.41. The applicant proposes that the site would be accessed and served via the existing access which is positioned to the north side of Station Road, which is C Classified Road subject to a 30mph speed limit. There has been two recorded accidents within 250 metres of the access during between 2013 and 2017 (Inclusive), and resulted in slight injuries due to the shunt nature of the accidents, which was likely caused due to drivers exceeding the speed limit.
- 8.42. The scheme proposes to upgrade the existing access with a simple priority junction to accommodate the proposed additional traffic to be generated. The design of the improved junction has been submitted as part of the applicants Transport Assessment. The scheme proposes to widen the existing access serving the site, increase the kerb radii and improved visibility splays along Station Road and give way markings to be provided within Station Road, on the approach to the Golf Course. In addition to vehicular safety, the scheme also seeks to incorporate and provide a pedestrian crossing point, with dropped kerbs and tactile paving set back from Station Road to allow pedestrians to safely cross the access serving the course and the widening of the pedestrian footpath along the northern side of Station Road to 2 metres.
- 8.43. Leicestershire County Council (Highways) has considered the application and have no objection subject to the imposition of conditions relating to the delivery of the upgrade to the access, parking layout and an events management scheme being submitted with details on how traffic would managed in the case of a large event being held. A condition has also been sought in respect to public rights of way S70, which runs through the existing course. As the course would require amending and part of the site regarding, it is in this instance considered necessary, to ensure any changes would not have an adverse impact upon this public footpath. As such the proposed development is considered to comply with Policy DM17 and DM18 of the SADMP.

Impact upon Drainage and Flood Risk

- 8.44. Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding and be located away from area of flood risk unless adequately mitigated. The application has been accompanied by a Flood Risk Assessment (FRA) and the scheme has been considered by Leicestershire County Council (Drainage) and the Environment Agency.
- 8.45. The applicant has submitted a Flood Risk Assessment (FRA). The site is located in flood zone 1 (low less than 1 in 1,000 annual probability of flooding). The proposal

includes a drainage strategy which seeks to utilise Sustainable urban Drainage features across the site, with surface water drainage being provided in new below ground gravity drains to achieve acceptable surface water run off rate. It is proposed that the Clubhouse and car parking areas are to discharge through the proposed below ground drains, via voided stone attenuation, within the car park and then subsequently into the attenuation ponds. The holiday lodges would be provided with storage using voided stone tanks below permeable paving and the existing attenuation pond to attenuate a minimum of 500Cu.m of runoff with the discharge via an orifice flow control chamber into an existing ditch to the West of the application site. The Lead Local Flood Authority have considered the submitted strategy, and have no objection subject to the imposition of conditions, the development therefore complies with Policy DM7 of the SADMP.

Impact upon Ecology

- 8.46. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.47. The application has been accompanied by an Ecology mitigation strategy, the content of which has been considered by Leicestershire County Council (Ecology), in addition Leicestershire County Council (Ecology) have carried out a site visit to the site in April 2018, to allow a brief habitat survey of the site to be carried out and raise no objections subject to conditions.
- 8.48. The survey of the site found that majority of the site is improved grassland, managed as a short grass for the golf course with minimal diversity. However ponds situated within the golf course and the application site do meet the Local Wildlife criteria, a long with a mature Oak tree, it is therefore essential that the pond is retained and buffered from development, with suitable management enhancements included.
- 8.49. There is a pond within the application site and a pond to the immediate south which has been identified as supporting a 'medium' population of Great Crested Newts (GCN). The GCN 'Proposed Mitigation Strategy' contains a survey of the off site pond to the south. This concluded that GCN were still present, with a maximum of GCN present. However, these surveys were completed late in the season and it is therefore agreed with the agent, applicant and ecologists that for the purposes of planning, the presence of a 'medium' population of GCN will be assumed. The majority of the application site is in its present state currently sub-optimal for Great Crested Newts but the banks at the edges of the course provide suitable terrestrial habitat. The use of amphibian fencing would restrict Great Crested Newts to the suitable areas of habitat which would be managed appropriately and would minimise the risk of them entering the 'operational' area of the site. The proposed mitigation strategy seeks to provide a short term and long term mitigation strategy, with long term proposals seeking to encourage Great Crested Newts to move into the site and into newly created habitats. Prior to development it is necessary to seek the submission of a Habitat management Plan to be submitted and approved, which includes full details of how existing and proposed habitats are managed, with further details on proposed enhancements surrounding the existing ponds.
- 8.50. The proposed development provides a significant opportunity to enhance the habitats within the site and provides a welcomed opportunity through landscaping to include wildflower meadows towards the east of the site.

- 8.51. In order to ensure existing and new habitats to be managed appropriately, it is necessary to impose pre-commencement conditions which seeks Landscaping plans which reflect the GCN mitigation strategy, the submission of a Habitat Management Plan and that all work are carried out in accordance with the a GCN mitigation strategy. Therefore accordingly subject to conditions the development would be in accordance with Policy DM6 of the adopted SADMP by securing biodiversity enhancements.

Land Contamination and Pollution

- 8.52. Policy DM7 of the adopted SADMP seeks to prevent the risk of pollution resulting from development.
- 8.53. No ground investigation report has been submitted nor a noise report in support of the application. Environmental Health (Pollution) have no objection to the principle of development, subject to the hours of the clubhouse being condition in accordance with the application form, which is considered necessary to ensure that any ancillary uses associated with the Golf Course, do not become of nuisance to nearby residents. Having regards to the history and formation of the application site and the proposed extent of the development the imposition of conditions relating to the investigation and monitoring of land contamination and landfill gas are deemed reasonable and necessary to ensure there is no risk of pollution in accordance with Policy DM7 of the SADMP.

Impact on archaeology

- 8.54. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers will be required to provide appropriate desk-based assessment and, where applicable, field evaluation detailing the significance of any affected asset. Where preservation of archaeological remains in situ is not feasible and /or justified the local planning authority will require full archaeological investigation and recording by an approved archaeological organisation before development commences.
- 8.55. Leicestershire County Council (Archaeology) advises that having checked against Historic Environment Records it is not necessary that any archaeological work will be required as part of the scheme in accordance with Policy DM13 of the adopted SADMP and the overarching principles of section 12 of the NPPF.

Other matters

- 8.56. Objections have been received in respect of considering and allowing this proposal would lead to housing development being introduced to the site, which would have an adverse impact upon neighbouring commercial properties. However each proposal is considered upon its own merits against the development plan policies, and any alternative proposal would require planning permission and prior due consideration. Therefore the matter of any potential future uses or development proposals is not material in the assessment of this application.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.

9.3. There are no known equality implications arising directly from this development.

9.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

10.1. The application site is situated within the countryside, adjacent to the settlement boundary of Market Bosworth. The application proposes the provision of a clubhouse and the erection of 6 holiday lodges, for short stay purposes. Although situated outside the settlement boundary, the established use of the site is as a golf course. It is considered that the proposed clubhouse and associated holiday accommodation would support this existing leisure and tourist use, in accordance with Policies DM1, DM4 and DM24 of the SADMP and Policy 11 and 23 of the Core Strategy.

10.2. It is considered that the proposed development and associated infrastructure by virtue of the scale, siting, layout and design would be limited to a localised impact on the landscape, and would not detract from the identified vista 11 of the MBNP, especially when having regard to the urban influences which are present along Station Road, and would therefore have no impact upon the settlements setting. The development would therefore not result in an impact upon the character and appearance of the area, and would comply with Policies DM1, DM4, DM10 and SADMP, Policies CE1, CE3 and CE5 of the Market Bosworth Neighbourhood Plan and Policy 23 of the Core Strategy.

10.3. The development would not give rise to any adverse impacts in terms of neighbouring amenity, drainage, pollution and highway safety has been found acceptable and capable of being controlled by conditions.

10.4. Consequently, officers consider that the proposal has overcome the areas of concern identified by the Inspector at the appeal and are in accordance with Policy 23 of the Core Strategy and Policies DM4, DM6, DM7, DM10, DM11, DM12, DM17 and DM18 of the SADMP together with the overarching principles of the NPPF.

11. Recommendation

11.1. **Grant planning permission** subject to:

- 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. Conditions and Reasons

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town & Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan Drg No .A-EL-003 Rev J
Proposed Site Plan Drg No. A-PL-001 Rev L
Proposed Elevations, Drg No. HMD/PD/0377/03 Rev A
Proposed Floor Plans, Drg No. HMD/PD/0377/04 Rev A
Proposed Floor Plan, Units 1-6, Roof Plan, Drg No. HMD/PD/0377/012
Proposed Elevations, Units 1-6, Drg No. HMD/PD/0377/013
Proposed Elevations, Units 1-6, Drg No. HMD/PD/0377/014
Enhancement to Access Junction, Drg No. HAS.17030.02 Rev A
Access Arrangements and Highway Improvements, Drg No. P827.101A
Visibility Splays, Drg No. HAS/17-030/01 Rev A
Widened Footways, Drg No. HAS.17030.03 Rev A
Received 23 December 2019

Course Amendment Plan - Drg No. GL0945 15A
Received 6 January 2020

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the proposed holiday lodges and clubhouse, shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

4. The holiday homes, hereby approved, shall be for short term letting purposes only and shall not be used as the sole or main residence of the occupiers. No person shall occupy any cabin for a period exceeding four weeks within a 12 month period. Furthermore, no person shall occupy any cabin within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection at all reasonable times to the Local Planning Authority following prior written notification

Reason: The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as accommodation for short term letting purposes in the interests of contributing to tourism and the economy of the area and to ensure compliance with Policy DM4 and DM24 of the adopted Site Allocations and

Development Management Policies Development Plan Document (2016) and Policy 23 of the Core Strategy.

5. Prior to first use of the clubhouse hereby approved, works to reinstate the 18 hole golf course including, drainage, greens and tees shall be completed and brought into use.

Reason: To ensure the retention and operation of the Golf Course as a leisure facility to accord with Policy DM24 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The holiday accommodation hereby approved shall not be occupied until the clubhouse has been completed and brought into use.

Reason: The lodges are associated with the use and vitality of the existing leisure facility to provide complementary overnight accommodation to this Leisure and tourist resource to accord with Policy DM24 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Policy 23 of the Core Strategy.

7. The Golf Clubhouse hereby approved shall not be in use, other than between the hours

0700 – Midnight – Monday – Saturday

0800 – 2300 – Sunday

Reason: To protect amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and not at any time on Sundays and Bank Holidays unless other agreed in writing.

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).

9. Before any development commences full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:

- (i) proposed finished levels or contours
- (ii) means of enclosure
- (iii) hard surfacing materials
- (iv) existing trees and hedgerows to be retained and details of their protection
- (v) planting plans
- (vi) written specifications
- (vii) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate
- (viii) implementation programme.

Reason: To ensure that the development has a satisfactory external appearance and enhances and conserves the biodiversity of the application site to accord with Policy DM4, DM6 and DM10 of the Site Allocations and Development Management Policies DPD.

10. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels of the golf clubhouse and holiday accommodation have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. The development shall not be brought into use until the secure bicycle parking facilities have been permanently provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable development and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

12. No floodlighting or external lighting 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.

Reason: To safeguard the appearance of the area and/or the amenities of neighbouring dwellings according with Policy DM4, DM7 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

13. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of ground and water pollution from previously unidentified contamination sources at the development site in accordance with Policy DM7 of the of the Site Allocations and Development Management Policies DPD (2016).and in line with the aims and objectives of the National Planning Policy Framework 2019.

14. If during development, contamination not previously identified is found to be present at site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of ground and water pollution from previously unidentified contamination sources at the development site in accordance with Policy DM7 and in line with the aims and objectives of the National Planning Policy Framework 2019.

15. Upon completion of the remediation works a verification report shall be submitted to and approved in writing by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. No development approved by this permission shall be commenced until a scheme for the monitoring of landfill gas on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any landfill gas shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: As the site lies within 250 metres of a known landfill/made up ground site and in the absence of detailed information which demonstrates that the site does not have ground gas egress, in order to safeguard human health and to ensure that the necessary measures are taken to avoid any risk to public safety, in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. No development shall commence until a surface water management plan has been submitted in writing to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full accordance before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

18. Prior to commencement of the development hereby approved, details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

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 according with Policy DM7 of the Site Allocations and Development Management Policies DPD.

19. Prior to commencement of development a details for the long term maintenance of the surface water drainage scheme shall be submitted to and

approved in writing by the Local Planning Authority. The Maintenance Plan should include details of routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

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 within the development have been submitted to and approved in writing by the Local Planning Authority in accordance with DM7 of the Site Allocations and Development Management Policies DPD.

20. Prior to commencement, infiltration testing shall be carried out to demonstrate the suitability of the site for the use of infiltration as a drainage element and the flood risk assessment (FRA) shall be updated accordingly to reflect any changes to the drainage strategy. The updated FRA and drainage strategy shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented and completed prior to first occupation of the holiday cabins.

Reason: To demonstrate that the site is suitable for the use of infiltration techniques as part of the drainage strategy to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

21. The development shall be carried out in full accordance with the Great Crested newt Strategy (July 2018) specified within the submitted Proposed Mitigation Strategy, Ref WCL/MS/0618R2 received by the Local Planning Authority on the 24 July 2018.

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

22. A Habitat management plan is to be submitted to the Local Planning Authority prior to the commencement of the development hereby approved. This should include full details on how existing and proposed habitats will be managed. Further details on the proposed enhancement surrounding the existing ponds shall be included, and managed in accordance thereafter.

Reason: To ensure the long-term health of existing and proposed habitats according with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

23. No development shall commence on site until a Footpath Management Plan has been submitted to and approved in writing by the Local Planning Authority. Such a plan shall include the details of temporary diversion, fencing, surfacing, signing and a time table for provision. The plan should ensure that the footpath has a width of 3 metres (if enclosed by fences on both sides). No trees or shrubs are to be planted within 1 metres of the edge of the public right of way. Any planted species should be non-invasive. Any changes to the existing boundary treatments running alongside the public right of way are to be approved in writing by the Local Planning Authority.

Reason: To ensure the Public Right of Way is safe and available during the period of construction and throughout the lifetime of the development, in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

24. Prior to first use of the development hereby permitted, an Event Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and maintained for the duration of use unless otherwise agreed in writing by the Local Planning Authority.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016).

25. No development shall commence on site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming hazardous for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area according with Policy DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016).

26. Notwithstanding the submitted plans, prior to first occupation of the holiday accommodation hereby permitted the proposed access shall have a width of a minimum of 6 metres for a distance of at least 15 metres behind the highway boundary and shall be surfaced in a bound material with a 10m kerbed radii. The access once provided shall be so maintained at all times.

Reason: To ensure that vehicles entering the site 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 to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

27. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 65 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 and the National Planning Policy Framework (2019).

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Planning Committee 19 May 2020
Report of the Planning Manager

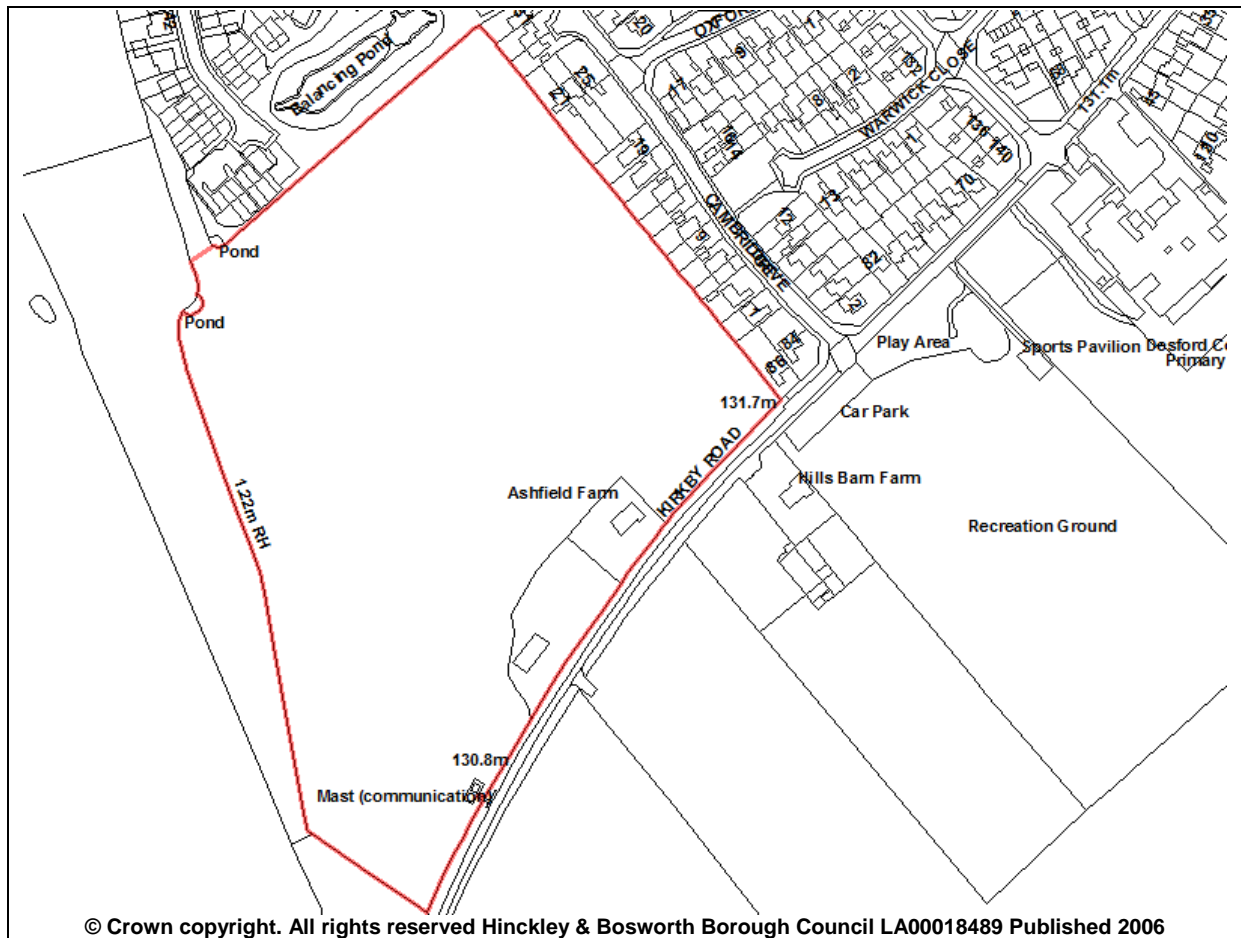
Planning Ref: 19/01243/OUT
Applicant: Davidsons Developments Ltd
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Ashfield Farm Kirkby Road Desford

Proposal: Residential development of up to 120 dwellings (Outline - access only)



1. Recommendations

1.1. Grant planning permission subject to

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing, 75% affordable rented and 25% intermediate
 - Play and Open Space £255,528.00
 - Desford Crossroads Highway Improvement Scheme £198,750.00
 - Bus Passes (£360.00 per pass)
 - Sustainable Travel monitoring fee £6.000
 - Education £960,081.96
 - Libraries £3,620
 - Civic Amenities £5944.00

- Health Care Provision (GP Practices) £78,300.00
 - Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
 - 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks outline planning permission for up to 120 dwellings with associated public open space, landscaping and infrastructure. All detailed matters are reserved for later determination, except access.
- 2.2. As the application is outline the proposed housing mix is unknown. However, the applicant has identified that 40% of the housing to be provided would be affordable housing, if 120 dwellings were to be provided this would result in 72 market dwellings and 48 dwellings would be affordable with a likely mix of 36 dwellings for affordable rent and 12 intermediate / shared ownership dwellings.
- 2.3. An indicative development framework has been provided showing how the site could accommodate a development of up to 120 dwellings and shows access position, areas of infrastructure, built development and open space.
- 2.4. The proposed access would be via a new junction with Kirkby Road, and would incorporate vehicular and pedestrian access.
- 2.5. The proposal includes a large area of informal open space including a Local Area of Play (LAP). The informal open space includes planting, pedestrian links and footpaths around the edge of the site connecting in to existing footpaths.

3. Description of the Site and Surrounding Area

- 3.1. The site is located to the north-west of Kirkby Road on the south western edge of Desford. The site is formed of a single relatively flat agricultural field, approximately 5.35ha in area. There is a single residential dwelling, within the site, (Ashfield Farm) accessed from Kirkby Road.
- 3.2. The site is bound by existing development to the north-east and north-west. The western site boundary is defined by hedgerow and hedgerow trees, adjacent to which lies a strip of young plantation woodland with agricultural fields beyond. To the south bordered by a field boundary hedgerow is Kirkby Road.
- 3.3. A large recreation ground and children’s play area is located close to the Site, south east of Kirkby Road, and includes sports fields and changing rooms. Desford Community Primary School lies to the east of the recreation ground. Both are within close proximity to the proposed site.

4. Relevant Planning History

14/01166/OUT	Residential development for up to 120 dwellings, access, open space and associated works (outline - access only)	Refused	22.07.2015
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5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 245 Letters of objection have been received from 208 separate addresses; the comments are summarised below:
- 1) Congestion in village already an issue, would add additional traffic
 - 2) On street parking is an issue in the area
 - 3) Caterpillar and Neovia traffic already cause issues in the village
 - 4) Site too close to a school, which is dangerous congestion out here is already an issue
 - 5) Paths outside the school are narrow
 - 6) Desford has already had a lot of development
 - 7) Pollution and noise is a problem in the village
 - 8) Infrastructure can not cope particularly the school, doctors and dentist
 - 9) Anti-social behaviour an issue on adjacent new site
 - 10) Loss of another green field
 - 11) Impact upon wildlife
 - 12) Limited shops in the village
 - 13) Bellway development has already impacted water pressure
 - 14) Development here has been refused before
 - 15) The bus service to Desford is poor
 - 16) No the preferred option in the Neighbourhood development plan
 - 17) Disturbance from construction
 - 18) The primary school would become over capacity, and whilst a s.106 contribution may allow for expansion it would leave the school with significant educational and financial pressures to manage. The school has already gone through a period of expansion with pick up and drop of times present issues on the highway network as it is.

6. Consultation

- 6.1. No objection, some subject to conditions and/or obligations have been received from:-
- HBBC Drainage
 - HBBC Environmental Health
 - HBBC Street Scene Services
 - HBBC Affordable Housing
 - HBBC Compliance and Monitoring
 - HBBC Planning Policy
 - LCC Ecology
 - Lead Local Flood Authority
 - LCC Highways
 - LCC Minerals Planning
 - LLC Archaeology
 - NHS West Leicestershire CCG
 - HBBC Conservation Officer
- 6.2. No response received from:-
- Western Power Distribution

6.3. Desford Parish Council object to the proposals for the following reasons:-

- The application has been refused by HBBC previously
- The development is unjustified intrusion in to the Countryside
- There would be a sharp change in character, at this point Kirkby Road only serves a few dwellings. The recreation area defines the edge of the village.
- The village infrastructure cannot sustain a development of this size
 - The Primary school is at capacity
 - Bosworth academy is at capacity
 - Desford medical centre is at capacity
 - Desford Dental Surgery is at capacity
- It is the access that causes the Parish the most concern and the impact on the existing road infrastructure which is heavily strained. There is only one way in and out of the development, all along Kirkby Road. The proposal will exacerbate congestion
- Desford has few shops and commercial amenities
- Desford has already met Local Plan numbers for housing
- Desford has seen a disproportionate amount of development

7. Policy

7.1. Core Strategy (2009)

- Policy 8: Key Rural Centres relating to Leicester
- Policy 14: Rural Areas Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)
- Community Infrastructure Levy (CIL) Regulations (2010)

7.4. Other relevant guidance

- Desford Neighbourhood Development Plan examination version
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide
- Good Design Guide (2019)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- impact upon the character of the countryside and character of the area
- Affordable Housing and Housing Mix and Density
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flooding and Drainage
- Ecology
- Pollution
- Archaeology
- Infrastructure Contributions
- Other Matters

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) 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) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Desford is identified as a Key Rural Centre within Policy 8 of the Core Strategy. To support its role as a Key Rural Centre focus is given to limited development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5. Policy 8 provides the policy framework for each Key Rural Centre relating to Leicester. The first criterion for Desford seeks the provision of a minimum of 110 new homes.

- 8.6. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure and the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by MHCLG. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby 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 weighed in the balance of the merits of any application and considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy, which are attributed significant weight as they are consistent with the Framework.
- 8.7. This site lies outside of the settlement boundary of Desford (DES01) and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.8. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- It is for outdoor sport of recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development;
- 8.9. The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.
- 8.10. The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages. The site that the DNP at policy H2 proposes to allocate is at Barns Way and has received Outline planning permission, this is the site which the Parish Council concludes is the least damaging and most sustainable from those sites included in the Site Assessment Summary for the SHLEAA relating to Desford.
- 8.11. However, the DNP is not yet adopted and so the advice at paragraph 14 of the Framework is not applicable. Notwithstanding that, the DNP is a material

consideration in this decision making process and the weight to be given to it is set out in paragraph 48 of the Framework. Factors to be considered to the weight to be given to the DNP include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. Whilst a referendum ensures that the community has the final say on whether the neighbourhood plan comes into force, decision makers should respect evidence of local support prior to the referendum.

- 8.12. HBBC Planning Policy advise that the Borough Council has advised the Parish Council that they have no in principle objection to the inclusion of the housing allocation proposed however consideration should also be given to including reserve sites in the DNP. They also advise that as the DNP is not yet adopted then its contents could be altered and so this will affect the weight which can be given to it in the determination of this application.
- 8.13. A submission version of the plan was received in January 2020 and a 6 week consultation process carried out which ended in March 2020, therefore the plan is at examination stage the DNP is with the Examiner and the Council awaiting the outcome of the examination. The borough council still had outstanding comments on the plan.
- 8.14. The site was subject to an outline planning application in 2014 for up to 120 dwellings (14/01166/OUT). The application was refused on 22 July 2015, with a single reason for refusal as follows;

The proposal would conflict with the spatial distribution of growth as identified within the Core Strategy by significantly exceeding the residual allocated requirement for housing in Desford, leading to an unsustainable form of development by virtue of its location outside the settlement boundary of the village, and its impact upon the rural character and setting of the village. The proposal is contrary to Policy 8 of the adopted Core Strategy and saved Policies NE5 and BE1 of the Hinckley & Bosworth Local Plan (2001)

- 8.15. At the previous application was determined the Council were able to demonstrate a 5year land supply of deliverable housing and the housing supply policies contained within the Core Strategy were therefore considered to be up-to-date. This is a material consideration in the determination of this application.

Affordable Housing, Housing Mix and Density

- 8.16. Policy 15 of the Core Strategy requires residential development in rural areas to provide 40% Affordable Housing with a tenure split of 75% affordable rented and 25% intermediate housing. The details submitted with this application would suggest that this proposal should provide up to 48 dwellings for affordable housing 36 for affordable rent and 12 for intermediate tenure, in accordance with policy.
- 8.17. The intermediate tenure in this instance is discount market sales, in place of shared ownership. This is an affordable housing product that falls within the definitions of affordable housing as set out in the NPPF. For the housing to meet NPPF definitions the properties are sold at a discounted rate of at least 80% market value.
- 8.18. Using data from The Housing Register of the applicants on the housing register 54 have a local connection to Desford for the following property sizes:
- 1 bedroom properties- 25 applicants
 - 2 bedroom properties- 22 applicants
 - 3 bedroom properties- 5 applicants
 - 4 bedroom or more- 2 applicant

- 8.19. The preferred mix of properties for the affordable rented housing would therefore be for 8 x 1 bedroom 2 person maisonettes, 18 x 2 bedroom 4 person houses and 10 3 bedroom 5 person houses. The intermediate tenure should consist of a mixture of 2 and 3 bedroom houses.
- 8.20. Since Desford is in the rural area the s106 agreement will include a cascade that the affordable housing for rent is offered firstly to people with a connection to the parish, and secondly to people with a connection to the Borough.
- 8.21. Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum net density of a least 30 dwellings per hectare within key rural centres such as Desford. The density of the proposed site is at this stage unknown, however the indicative masterplan shows that the site could accommodate development at an appropriate density. This policy also sets out where individual site characteristic dictate and are justified, a lower density may be acceptable. The site is bound on two sides by hedgerows and trees which are considered to be important to mitigating the impact of the development on the character of the area, LCC (Ecology) seek a 5m buffer to existing hedgerow planting which reduces the available developable area of the development, further more the illustrative plan indicates a large on site public open space.
- 8.22. Policy 16 also requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings using the most up to date housing market assessment or local evidence. The most up to date housing market assessment is the Housing Needs Study (2019). This identifies the suggested housing mix below.

Number of bedrooms	HNS (2020) market mix
1	5%
2	30%
3	45%
4 +	20%

- 8.23. As the application is submitted in outline, there is no detail of the housing mix, however a condition should therefore be applied to the application to require the submission of any Reserved Matters application to include details of the market housing mix.
- 8.24. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Design and impact upon the character of the area

- 8.25. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.26. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be contrary to Policy.

- 8.27. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.28. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193).
- 8.29. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should also ensure the significance of a conservation area is preserved and enhanced.
- 8.30. The Borough's Landscape Character Assessment (2017) identifies the site within Landscape Character Area D- Newbold and Desford Rolling Character Farmland. This area is characterised by predominantly arable farmland with clustered areas of industry and recreational facilities near to the village fringes and clustered villages of varying sizes centred on crossroads. Large to medium sized field patterns are common in the area defined by single species hawthorn hedgerows. The application site is characterised by arable farm land following an existing field pattern on the village edge. There is a tree lined boundary to the west of the site, which separates the site from a wider rural landscape. The southern boundary is formed by Kirkby Road, and existing residential development bounds the north-east and north-west, creating physical boundaries to these edges. The site also falls within Landscape Sensitivity Area 12, as set out by the Landscape Sensitivity Assessment (2017) this assessment area is located to the south of Desford and is described as having a medium level of sensitivity to development.
- 8.31. The sensitivity of the landscape in the LCA (2017) is assessed as arising from its rural character with limited urbanising influences, providing an attractive setting to Desford. However, this particular site is influenced by urbanising features, including adjacent residential development and overhead electricity cables that cross the site. The site is also fairly well contained by boundary planting meaning it is relatively contained from the wider rural landscape. Therefore, the site has a semi-rural, settlement fringe character.
- 8.32. The submitted Landscape and Visual Impact Appraisal sets out the landscape qualities of the site are low and the site does not represent a 'valued landscape' with reference to the definitions within the NPPF. The LVIA also considered the visual environment around the site and concludes that the site is only partially visible from the immediate surrounding as a result of, existing mature vegetation and residential development largely restricting views of the site with residential development to the north also visible in some views.
- 8.33. The proposed scheme seeks to maintain and enhance the existing landscape character through retention of the boundary hedgerows and trees, planting up of existing gaps and additional soft landscaping through the site so that the development integrates in to the landscape context and provides for a landscape buffer to the adjacent countryside. Therefore, the LVIA concludes that the proposal would not cause long term significant harm to the landscape character area

although there is moderate localised impact through the loss of an arable field. It is also considered that whilst the proposal would represent a degree of localised change to the visual environment, this would not amount to harm to amenity. Through the maturing of landscape planting the site would continue to be relatively contained and where views would be available this would be in the context of existing urban development.

- 8.34. The Landscape Character Assessment (2017) also includes urban character assessments. The document describes the key characteristics of Desford urban area, and includes a built form of largely two storey terraced cottages, with prominent red brick chimneys, an historic core situated to the northern edge, mixed building materials, small compact streetscapes which then opens out to a wider street pattern with winding cul-de-sacs. Proposals should address the townscape strategies, which includes respecting the rural setting of the village in terms of siting, scale, design and materials used. Development proposal should also provide landscape enhancements and tree planting to the settlement edge. The plans submitted with the application are illustrative only, however, it appears that development can be accommodated within the site that would be able to assimilate well in to the urban character of Desford, whilst also delivering key townscape strategies as set out in the LCA. Notwithstanding the reserved matters, there is no reason that the proposal could not provide development that reflects the urban character of Desford, in accordance with Policy DM10 of the SADMP.
- 8.35. Overall, it is considered that the proposed development would not result in significant harm to the landscape character or visual environment. However, it would result in moderate localised harm to the countryside, through the urban development of an existing arable field and the extension of built form in to a currently semi-rural environment. The proposal would extend development beyond the settlement boundary of Desford and it is considered that the proposal would have some harm to the character and appearance of the countryside and would therefore have some conflict with Policy DM4 and DM10 of the SADMP.

Historic Environment

- 8.36. Paragraph 189 of the National Planning Policy Framework (NPPF) requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The desk-based assessment and landscape and visual impact appraisal includes a limited assessment on the direct physical and visual impact on heritage assets and their settings but in the opinion of HBBC Conservation officer the level of detail submitted as part of this application is proportionate and meets the requirements of paragraph 189.
- 8.37. Paragraph 190 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset). There are no designated heritage assets (Listed Buildings, Scheduled Monuments, Conservation Areas, Registered Battlefields or Parks and Gardens) within the study site. Within a 1km search area, there are no scheduled monuments. Desford Conservation area is approximately 600m north east of the site, The Conservation Area is screened from the study site by intervening built development and there is no inter-visibility. The Conservation Area contains a number of listed buildings, however these are not inter-visible.
- 8.38. Based on the indicative masterplan and information within the Design & Access Statement it is considered that the layout and scale of the proposal will not have any detrimental harm on any heritage assets. The proposal would have a neutral impact upon the historic environment of Desford and therefore accords with DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of

sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraphs 189 and 190 of the NPPF.

Impact upon neighbouring residential amenity

- 8.39. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.40. Objections have been received from local residents with regard to residential amenity by way of additional noise, traffic and antisocial behaviour. The effects on property value are not a material planning consideration.
- 8.41. There are properties along Shericles Way and Tumblin Fields Close that face the site, this is also the location of POS within this recent Bellway Development, therefore there is some offset to these properties. Properties along Cambridge Drive back on to the site and are separated by a hedgerow. A reserved matters application that dealt with layout could ensure that adequate separation is achieved to these surrounding dwellings. 86 Kirkby Road is adjacent to the site and has a single storey extension to the side that runs parallel to the eastern site boundary. There is a window in this extension facing the site, however this appears to serve a garage. Should this window serve a habitable room it is considered that appropriate layout of the proposed development could ensure adequate amenity levels are maintained to this property. By virtue of the size of the site and subject to satisfactory layout, scale, design and landscaping which are matters reserved for future consideration, the indicative only layout submitted demonstrates that the site could be developed for up to 120 dwellings with satisfactory separation distances and without resulting in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties.
- 8.42. It is not considered that additional traffic using the highway network would be so adverse to the residential amenity of surrounding dwellings that it would warrant the refusal of the application, no objection has been raised by HBBC Environmental Health with this regard.
- 8.43. Therefore the proposal is considered to be in accordance with Policy DM10 as the amenity of neighbouring occupiers of the proposed development would not be adversely affected to warrant refusal of the application.

Impact upon highway safety

- 8.44. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.45. A number of objections raise concerns with the amount of traffic through Desford and the impact that parking around the school would have on safe access to the development. In addition, concern has been raised with the width of the footpath outside of the Primary school on Kirkby Road.
- 8.46. Access is a matter being considered by the proposal and a detailed access plan has been provided. In addition to this the proposal has been supported by the submission of a Transport Assessment and Travel Plan that conclude the proposal

would not have adverse impact upon the safe operation of the local highway network.

- 8.47. Access to the development would be via an extension and change of priority to Kirkby Road, with the major arm routing straight through to the development. The single track Kirkby Road carriageway, leading to Kirby Muxlow, would be redirected into the site to form the minor arm of a simple priority-controlled T-junction with the site access arm. The 35m stretch of redundant Kirkby Road carriageway between the access bend and the redirected single track lane would be stopped up.
- 8.48. Following consultation with LCC a Road Safety Audit was produced which recommended amendments to the proposed access, in relation to the re-direction of Kirkby Road as an agricultural access. The revised access has been considered and found to be acceptable to serve the proposed development.
- 8.49. The methodology for calculating the trip rates and assigning them on the highway network has been checked and is considered acceptable. With regards to impact upon the wider highway network, the application is supported by a transport assessment that LCC have stated includes an appropriate level of committed developments and growth in the assessment.
- 8.50. LCC Highways confirmed that there is no evidence to suggest that a road safety scheme is required at any of the junctions within the vicinity of the proposed development. However, the above data reveals the development would have some impact upon the performance of the network within the vicinity of the development, therefore LCC have asked for a number of mitigation measures via s.106 obligations which are discussed further in the report.

Travel Plan

- 8.51. The submitted Travel Plan identifies that the scheme is in a location accessible by all modes of transport and it is therefore in a good location for residential development. The proposed development is well connected to the existing vehicular and pedestrian networks and there are good opportunities for public transport. There are good opportunities for pedestrian and cycle travel to and from the site, with key facilities within walking and cycling distance, and appropriate infrastructure provided along the desire lines. There are also good opportunities for bus travel, with a regular bus service serving Desford on an hourly basis on weekdays and Saturdays. Neovia Logistics Park and Caterpillar employment sites are within desirable cycling distances and accessible by public transport.
- 8.52. The District, Local and Neighbourhood Centre Review (2015) identifies that Desford has two neighbourhood centres. One at St Martin's Drive, which is a 'small parade of shops with at least one convenience store and informal parking', and the other at Desford High Street, which is 'a dispersed linear Neighbourhood Centre with a limited mix of retail uses'. The mix of facilities/businesses in Desford include: a general store, food takeaways, two Co-op stores, pharmacy, hair salon, library, one pub, a doctors surgery, and a dentists. The Travel Plan sets out targets for the proposed development with an aim to achieve a 10% reduction in the residents' single occupancy vehicle car usage. LCC have confirmed they are satisfied with the TP that has been submitted with the application.
- 8.53. Overall, the proposal does not have a significant adverse impact upon highway safety with adequate mitigation, the submitted Travel Plan satisfies the need to encourage sustainable transport and there is no concern that parking can not be provided in accordance with guidance, therefore the proposal is in accordance with the requirements of Policy DM17 and DM18 of the SADMP.

Drainage

- 8.54. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.55. A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF. The site is identified as being within flood zone 1 where residential development is considered compatible with reference to the Planning Practice Guidance flood risk vulnerability table. The FRA concludes that the site is at no or low risk of flooding from a number of sources including surface water run off.
- 8.56. The site is relatively flat with no noticeable gradient. The site is not currently served by a drainage networks. Existing surface water drains towards an existing ditch along the western boundary. The infiltration testing of the site reveals that shallow infiltration features such as permeable driveways would be feasible on the site, other methods would be required however for the disposal of surface water.
- 8.57. As such, it is proposed for a restricted discharge into the drainage ditch that runs along the western site boundary, with the provision of an onsite attenuation basin to temporarily store surface water runoff before it is discharged offsite at the existing rate.
- 8.58. Foul Water would be dealt with via a connection to the existing Severn Trent Water networks. This would require an onsite pumping station, through agreement with Severn Trent Water, the applicant has provided evidence of a developer enquiry which confirms additional connections can be accommodated.
- 8.59. The use of SuDs drainage techniques has been investigated, and the soakaway testing conducted confirmed that infiltration is viable onsite. This will be achieved using infiltration swales for the adopted highways, and below ground soakaway features and permeable driveways that will serve the private dwellings. The proposed infiltration and attenuation systems are entirely contained within the site and maintenance of the drainage system will be the responsibility of the landowners to maintain on an ongoing basis.
- 8.60. The proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

Ecology and Arboriculture

- 8.61. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.62. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.63. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.64. An Ecology Appraisal was submitted in support of the application. The Preliminary Ecological Appraisal identifies additional surveys are required for great crested newts, reptiles, breeding birds and bats.

- 8.65. The further Bat Survey recorded a low number of bats foraging around the site. No bats were recorded roosting within the buildings to be demolished and no further bat surveys are required. The proposed illustrative masterplan (P17-1428_03 Rev G) retains and buffers the existing hedgerows from the development, which will allow the site to continue to provide foraging opportunities for bats. The Breeding Bird Survey identifies a common assemblage of breeding birds on site. The proposed development will provide areas of open space, which will provide alternative breeding locations for the species found on site. The Reptile Survey recorded a small population of grass snakes on site. The report concludes that, in the absence of mitigation, the grass snake population could be impacted by the development. The Great Crested Newts survey (GNC) showed that the on-site pond was dry and that ponds within the vicinity are not suitable to support GCN and the proposed method statement is considered acceptable by LCC Ecology.
- 8.66. A further Ecological Mitigation & Enhancement Strategy was submitted with the application and provides mitigation and working methods to minimise the impact of the development on site. This was found to be satisfactory by LCC Ecology. Conditions are however required to ensure appropriate mitigation including a 'Habitat Management and Enhancement Plan' to be submitted once a final layout is submitted as part of any reserved matters application, as well as appropriate buffers to existing habitats and wildflower planting and the use of locally native species.
- 8.67. The application is also supported by the submission of an Arboricultural Assessment. This assessment found that none of the trees within the site are considered to be ancient or veteran trees and there are no TPO's existing on site. Three category A trees were identified (all Oak), all of which are to the northern boundary and are proposed to be retained. There are also two category B trees, to the southern boundary (one Oak one Field Maple) both of which are to be retained. The remainder of the trees on site were category C, however the majority of these trees are proposed to be retained. There are also field boundaries to the site, which are to be retained as part of the development. The field hedgerow to the south H1 (category C) is required to be cut to allow for access. There are two small groups of trees G1 and G2 and one hedgerow H2 proposed to be removed to allow for alignment of new dwellings. However G1 and G2 are category C and offer limited amenity, H2 forms the property boundary to the existing curtilage of Ashfield Farm and has limited value. It is considered necessary for a condition to require the planting of species rich hedgerow to compensate for this loss of hedgerow (and habitat) across the site. This is supported by the Preliminary Ecological Assessment.
- 8.68. The recommended mitigations are considered to be reasonable and necessary and therefore suitably worded conditions should be applied to any permission so that the overall, impact of the proposed development on protected species accords with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

Pollution

- 8.69. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.70. A land contamination report was submitted in support of the application, HBBC (Pollution) commented that the report recommends further intrusive investigation. Therefore conditions are recommended requiring the details of a written scheme of investigation to deal with land contamination, it is considered that these conditions are reasonable and necessary given the previous agricultural use of the land.

- 8.71. A noise report was also submitted in support of the application which recommends design recommendations in response to elevated noise conditions. Therefore a condition is recommended requiring the submission of noise attenuation

Archaeology

- 8.72. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.73. An archaeological desk-based assessment was submitted with the application which states archaeological and historical information from the surrounding area indicates an unknown potential for Iron Age evidence and a low/negligible potential for significant evidence of all other periods. This initial assessment was carried out at the time a previous planning application was submitted. Following this field investigation was undertaken including trial trenching which found no significant archaeological finds. This information was submitted to LCC Archaeology and as a result no further work is required in support of this current application.
- 8.74. The desk-based assessment identifies the south-western, north-western and north-eastern field boundaries on the perimeter of the site and the south-western internal field boundary of the site have been assessed as 'important' historic hedgerows as they form a filed pattern that pre-dates the Enclosure Act. Proposals include the retention and enhancement of the hedgerow forming the perimeter boundaries. Therefore, there is limited impact upon this asset. Internal hedgerows mentioned in the report have been removed and they are no longer present on site.
- 8.75. Given the previous suitable investigation for the site, no further work is required which LCC Archaeology have confirmed is acceptable. The development is therefore in accordance with Policy DM13.

Infrastructure Contributions

- 8.76. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.77. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Affordable Housing

- 8.78. The developer will be obligated to provide 40% affordable housing, with a tenure split of 75% affordable rented and 25% intermediate (discount market sales).
- 8.79. This obligation is considered necessary as the provision of affordable housing is required for compliance with Policy 15 of the Core Strategy. This policy is consistent with Section 5 of the NPPF which seeks to deliver a sufficient supply of homes, to meet the needs of different groups within the community including those requiring affordable housing. Policy 15 seeks to provide affordable housing as a percentage of dwellings provided on site, therefore the obligation directly relates to the proposed development. The level of affordable housing represents the policy compliant position. The required affordable housing mix is based on the most recent housing need assessment for Desford, and will be required to be delivered on a cascade approach with residents with a connection to Desford. Therefore the

obligation is directly related to the proposed development. The extent of the affordable housing obligation is directly related in scale and kind to the development as it represents a policy compliant position, expected by all development of this typology. No issues of viability have been raised with this scheme.

Play and Open Space

- 8.80. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space, which is provided on site and what would be the requirements off site.

	Policy Requirement per dwelling (sqm) based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 120 dwellings (square metres)	Provided on site	On site maintenance (20 years)	Off site provision	Off site maintenance (10 years)
Equipped Children's Play Space	3.6	432	432	£75,859.20	/	/
Casual/ Informal Play Spaces	16.8	2016	10940	£118,152.00	/	/
Outdoor Sports Provision	38.4	4608	/	/	£41,702.40	£19,814.40
Accessibility Natural Green Space	40	4800	/	N/A	N/A	N/A

- 8.81. The policy requirement would be for 432sqm of on site equipped play, the indicative layout plan indicates that an area of play is to be provided. 2016sqm of casual informal play space should be provided on site, this should however not include infrastructure features such as pumping stations or SUDS features. The indicative development layout shows footpaths linking through open space to the boundaries of the site, however, the SUDS feature occupy 1630m² of this space as well as a large pumping station. Notwithstanding that, there appears to be sufficient alternative space particularly to the south of the site for this to be accommodated. The application submission states that the site can accommodate 1.94ha of casual/informal open space. It is clear from the indicative layout that there is no on-site outdoor sports provision or inclusion of accessible natural green space within the development, which would therefore have to be provided and maintained off site.

- 8.82. The nearest off site public open space that contains outdoor sport provision is DES05, which has a quality score lower than the target of 80%. Therefore, the off site, outdoor sport provision should be directed here. There are no natural or semi-natural open spaces within the prescribed accessibility standards and therefore an

off site contribution should not be sought. The Open Space and Recreation Study does not require natural or semi-natural open spaces to be provided on site.

- 8.83. The developer will also be obligated to provide and then transfer the on-site open space area to a management company, or, in the alternative, requesting that either the Borough Council or the Parish Council maintain it. In the latter eventuality, the open space area would be transferred to the relevant authority together with a maintenance contribution.
- 8.84. The provision of Play and Open Space is required for compliance with Policies 8 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 8 requires development in Desford to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative only layout of the proposed development suggests the provision of open space around the site to include a LEAP and informal space. Using the adopted Open Space and Recreation Study (2016) the closest public open spaces to the proposed site fall below the quality scores set by the Open Space and Recreation Study and therefore the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

Highways

- 8.85. LCC (Highways) request a number of contributions to satisfactorily mitigate the impact of the proposed development on the local highway network and to promote and encourage sustainable travel these include; Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass. A sustainable transport scheme monitoring fee of £6,000 To enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement.
- 8.86. It is not considered that the Travel Packs are necessary as an obligation. This is because the developer is able to provide the Travel Packs in consultation with LCC about their content. Therefore, this can be achieved by a suitably worded condition. A condition would meet the tests of conditions as set out in the PPG given that the requirement upon the developer to provide the pack is relevant to planning, reasonable, necessary, precise and enforceable. The bus passes are only accessible via LCC and so the obligation to provide these should be in the legal agreement, application forms should be provided in the Travel Packs and the

obligated fee payable if these bus passes are taken up. Desford is a sustainable settlement, with a bus service and services available to residents. However, the bus route is approx. 800m from the site entrance and whilst this is acceptable, some of the residents will be in excess of 800m, and so the encouragement of sustainable transport modes and the provision of 6 month bus passes is necessary for this site.

- 8.87. The bus passes will be provided to the residents of the development and therefore they directly relate to the mitigating impact of new residents as a result of the development. The changes to the CIL regulations in 2019 provide for monitoring fees under regulation 122(a) as long as it reasonably relates in scale and kind, the sum of £6,000 is considered reasonable to monitor the sustainable transport scheme for five years, given the scale of the development it is reasonable to expect monitoring of this to expand over a number of years.
- 8.88. LCC Have requested a contribution towards improvements to the A47 / B582 Desford Road (Desford Crossroads) to mitigate against the impact of the development in line with the submitted transport evidence. A monetary contribution of £198,750.00 has been requested to a highway improvement scheme. This is a proportional cost based on the total cost of the scheme (£7.5million).
- 8.89. Mitigation schemes have also been requested for the provision of a scheme of footway improvements between the site and the School along Kirkby Road and a highways improvement scheme at the B582 Leicester Lane / Barns Way junction. However, the highway authority has agreed that the upgrade works to Leicester Lane / Barns Way junction would only make a nominal improvement to the junction capacity which is not proportional to this development. Therefore, this is not longer being requested. In addition to this, the highway authority confirm that there is some uncertainty as to the potential footway improvements which can be delivered considering not all the land required is within the extents of the highway or land under the Applicant's control, therefore this is not a reasonable or precise obligation, neither can it be secured by condition as requested. Therefore, this is not to be included within a legal agreement.
- 8.90. It has also been identified that the proposal would add to future deterioration of the Hinckley Road/ Dans Lane junction. However, given the existing layout of the junction the LHA cannot demonstrate that a scheme of mitigation can be delivered which is proportionate when compared with the number of trips or the predicted impact. Accordingly, the LHA does not consider the impact at the junction to be severe in terms of NPPF and no obligation is requested.

NHS West Leicestershire CCG - Health Care

- 8.91. The West Leicestershire CCG has requested a contribution of £78, 300.00 towards addressing the deficiencies in services at Desford and Ratby Surgeries, which are the closest available GP practices to the development. The practices have seen significant growth due to housing development within their practice areas over the past 5 years, which is impacting on their capacity and resilience. An increase of 290 patients will significantly impact on patient demand in the area.
- 8.92. 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 identified Surgeries, 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.

Education

- 8.93. LCC Children and Family Services have requested a contribution towards education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development taking in to account any other committed s.106 contributions from other development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution requested from this development is £960,081.96.
- 8.94. The contribution towards addressing the impact of the development upon education 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. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, 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 has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

Civic Amenity

- 8.95. LCC Waste Management requested a contribution of £5944.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate an additional 25 tonnes per annum of waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.
- 8.96. This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

Libraries

- 8.97. LCC Library services have requested a sum of £3,620 towards provision of additional recourses at Desford Library, which is the nearest library to the development.
- 8.98. 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. Desford library is within 0.83km of the site, the request states that the proposed development will add 360 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.

University Hospital Leicester (UHL)

- 8.99. UHL have requested a contribution to address NHS revenue shortfalls for acute and emergency treatment. This is by way of a monetary contribution of £42,602.00 towards the 12 month gap in the funding in respect of A &E and acute care at the University Hospital, Leicester.
- 8.100. 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 UHL to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. UHL is 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. UHL has 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 UHL 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.
- 8.101. This request is therefore not considered to meet the test of the CIL Regulations.
- 8.102. 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 UHL to warrant or justify the contribution sought against the CIL Regulations.

Other issues

- 8.103. The site is not within an area recorded to require a Coal Authority mining report, therefore, the risk from coal mining is considered to be negligible.
- 8.104. HBBC (Waste) has recommended a condition requiring adequate provision for waste and recycling storage and collection.

8.105. The site has potential to contain grade 2 agricultural land, as per Natural England Land Classification Maps, the loss of this should be weighed in the balance of the merits of the scheme.

9. Planning Balance

9.1. 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.

9.2. The proposal would be in conflict with Policy DM4 of the SADMP. This policy is in accordance with the Framework and has significant weight. The proposal, whilst involving development on open land, has been found to have adverse impact on the character of the area and so there is some conflict with Policy DM4 and DM10 of the SADMP. Further to this, harm has also been identified to the character of the countryside, consistent with the previous reason for refusal. However, unlike the previous refusal, this application is being considered under a tilted balance set out in the NPPF, and regard is given to the fact the Council can not currently demonstrate a 5 year land supply. This is a material consideration that tilts the balance with regards to the presumption in favour of development.

9.3. The emerging DNP does not form part of the adopted Development Plan as it has yet to be made. Nevertheless, it is accepted that the bringing forward of development that is not plan-led is harmful in the sense that it removes from the local community the ability to shape its surroundings and environment. The application site is not the preferred housing site in the emerging DNP. However, the consultation responses received to the DNP do not appear to demonstrate a preferred site for housing from the Desford community.

9.4. 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. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably out weigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.

9.5. 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 120 houses (including up to 48 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 and is a significant social benefit.

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

9.7. 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.

- 9.8. Other provisions of the Planning Obligation are primarily to mitigate the development's own impacts and cannot be taken as benefits.
- 9.9. The development would result in the loss of land used for agriculture, however, this is not best and most versatile. Therefore, its loss does not weight significantly against the proposal.
- 9.10. Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm and limited adverse impact on the wider landscape character has been identified, it is considered on balance that the harm identified to the character and appearance of the countryside from new residential development would not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan.

10. Equality Implications

- 10.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
 - (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 10.3. There are no known equality implications arising directly from this development.
- 10.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

11. Conclusion

- 11.1. 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.
- 11.2. The proposal, subject to conditions, is in accordance with Core Strategy Policies 15, 16 and 19 and Policies, DM1 DM3, DM6, DM7, DM13, DM17 and DM18 of the SADMP.
- 11.3. The, proposal would have a neutral impact upon the historic environment of Desford and therefore accords with DM11 and DM12 of the SADMP, section 16 of the NPPF

and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraphs 189 and 190 of the NPPF.

- 11.4. 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.
- 11.5. The proposal, whilst involving development on open land, has been found to have moderate localised harm and limited impact on the character of the wider area, so there is some conflict with Policy DM4 and DM10 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 120 houses (including up to 48 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 and is a significant social benefit.
- 11.6. The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 11.7. 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.
- 11.8. On balance it is considered that the harm identified to the character and appearance of the countryside from new residential development would 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 do justify making a decision other than in accordance with the development plan.
- 11.9. The application is therefore recommended for approval subject to the conditions and planning obligations listed above.

12. Recommendation

12.1. Grant planning permission subject to

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing, 75% affordable rented and 25% intermediate
 - Play and Open Space £255,528.00
 - Desford Crossroads Highway Improvement Scheme £198,750.00
 - Bus Passes (£360.00 per pass)
 - Sustainable Travel monitoring fee £6.000
 - Education £960,081.96
 - Libraries £3,620
 - Civic Amenities £5944.00
 - Health Care Provision (GP Practices) £78,300.00
- Planning conditions outlined at the end of this report.

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

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

12.4. **Conditions and Reasons**

1. Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-

- a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes

- b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges

- c) layout of the site including, the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes

- d) Scale of each building proposed in relation to its surroundings

have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. The submission of any Reserved Matters dealing with Layout, will be accompanied by a scheme which details the proposed market housing mix for the development, this should be in accordance with the Council's adopted Development Plan. The development shall then be completed in accordance with the approved details.

Reason: To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy 2009.

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

- a) Site Location Plan P17-1428_08 received 05 November 2019
- b) ADC Infrastructure drawing number ADC1969-DR-001-P4

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

5. The development hereby permitted shall be implemented in general accordance with the Illustrative Masterplan P17-1428 003 01 Rev G received 5 November 2019.

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

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC Infrastructure drawing number ADC1969-DR-001-P4 (received 21st January 2020) have 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).

7. The Travel Plan shall be carried out in accordance with the details contained within reference ADC1969-RP-B (received 21st January 2020). A Travel Plan Co-ordinator shall be appointed from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.

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 and Policy DM17 of the SADMP.

8. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area to accord with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

9. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site

Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

10. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

11. Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the guideline values for indoor ambient noise levels identified by BS 8233 2014 – Guidance on Sound insulation and Noise Reduction for Buildings, shall be submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to occupation of the dwellings to which it relates.

Reason: To ensure that acceptable levels of residential amenity area provided to future occupiers of the development in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail 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 the development.

Reason: To ensure that the proposed use does not become a course of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016.)

13. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

14. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

15. No development shall commence until drainage details for the disposal of surface water have been submitted in writing to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

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.

17. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

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 sustainable drainage system within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

18. No development shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage

element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy.

19. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

20. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

21. All landscape planting used within the informal/semi-natural open space and adjacent to the boundaries of the site shall be native species only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. The layout submitted at Reserved Matters shall provide a natural vegetation buffer zone of at least 5m alongside all retained hedgerows where shown in the illustrative masterplan P17-1428 003 01 Rev G received 05th November 2019 and where these do not have a common boundary with the existing residential properties.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. No development 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 and 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 to informal play space and natural open space should be comprised of native species wildflower

grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

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

24. The development shall be carried out in full accordance with sections 2-6 of the Ecological Mitigation and Enhancement Strategy (Focus Ecology, 2019) 5 November 2019

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

25. The Landscaping Reserved Matters shall include planting of new species rich hedgerows.

Reason: To compensate the loss of hedgerows within the site, as recommended in Preliminary Ecological Assessment (Focus Ecology Ltd) to accord with Policy DM6 of the SADMP.

26. Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:

- Measures to prevent waste generation
- Information on local services in relation to the reuse of domestic items
- Information on home composting, incentivising the use of a compost bin and/or food waste digester
- Household Waste Recycling Centre location, opening hours and facilities available
- Collection days for recycling services
- Information on items that can be recycled

Reason: In accordance with the National Planning Policy for Waste (2014).

27. Prior to the commencement of development a scheme for the delivery of full fibre broadband connections to serve each dwelling on the application site, shall be submitted to and approved in writing by the Council. The fibre broadband connection shall be made available to each dwelling in accordance with the approved scheme.

Reason: To provide advanced high quality and reliable communications infrastructure to accord with paragraph 112 of the National Planning Policy Framework (2019).

28. Any reserved matters relating to layout and landscaping shall include detail of a pedestrian link from the site, adjoining to the north boundary in broad conformity with the illustrative masterplan P17-1428 003 01 Rev G received 5 November.

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).

29. Prior to the occupation of the first dwelling, a Travel Pack informing residents what sustainable travel choices are in the surrounding area shall be submitted

to and approved in writing by the Council. The agreed Travel Packs shall then be supplied to purchases on the occupation of each dwelling.

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).

30. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at no time on Sundays and Public Holidays unless otherwise agreed in writing.

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

12.5. Notes to Applicant

1. All vegetation and, particularly, woody vegetation proposed for clearance should be removed outside of the bird-breeding season (March - September inclusive) as all birds are protected under the Wildlife and Countryside Act, 1981 (as amended) whilst on the nest. Where this is not possible, vegetation should be checked for the presence of nesting birds prior to removal by an experienced ecologist.
2. Recommended species for native hedgerow planting in relation to condition 26 are as follows;
 - Crataegus monogyna
 - Prunus spinosa
 - Cornus sanguinea
 - Corylus avellana
 - Acer campestre
 - Euonymus europaeus
3. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
4. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided
5. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.

6. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach. Soakaway design must be in strict accordance with industry best practice.
7. Travel Packs can be provided through Leicestershire County Council at a cost of £52.85 per pack.

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Planning Committee: 19 May 2020
Report of the Planning Manager

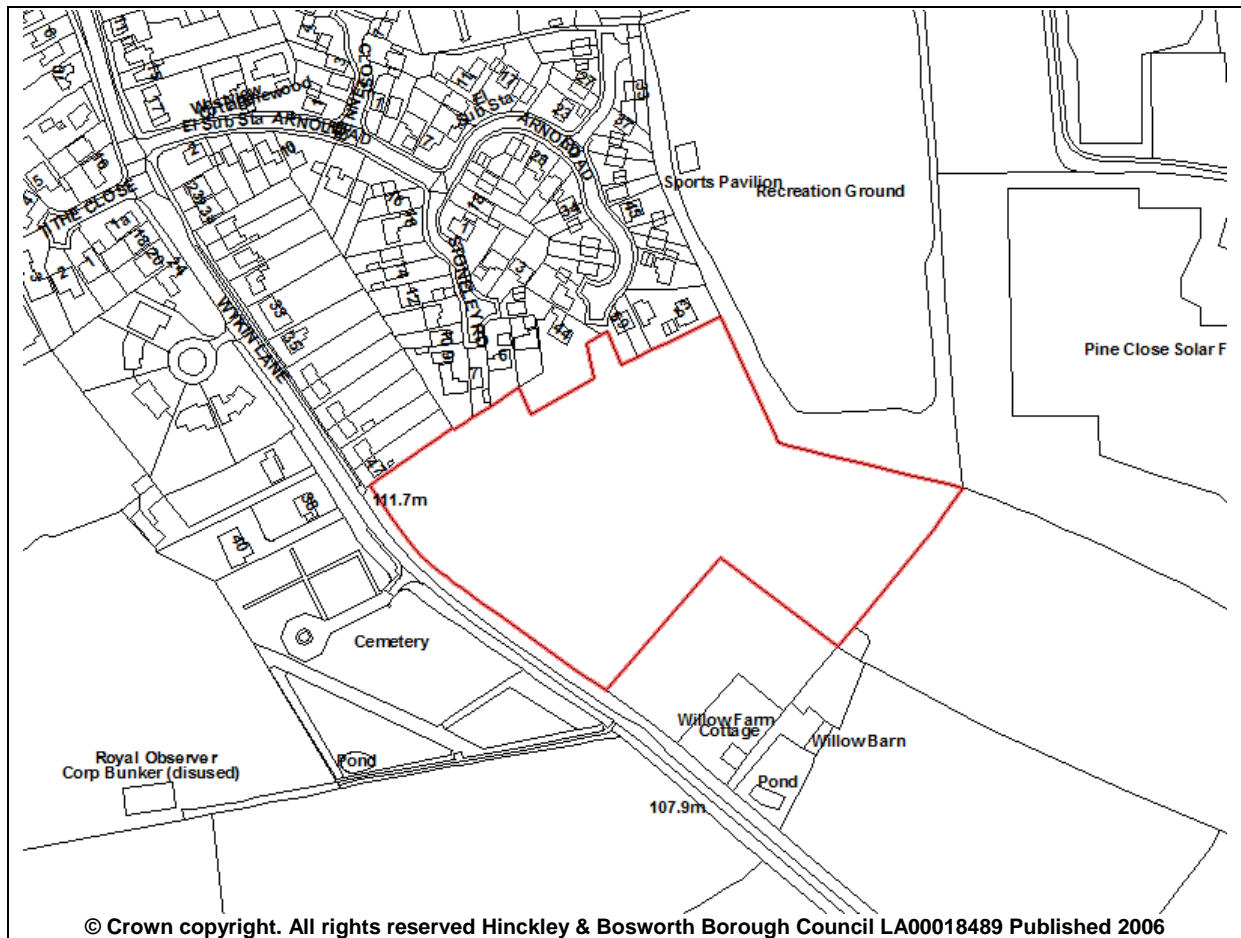
Planning Ref: 19/01324/OUT
Applicant: Davidsons Developments Ltd
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Land At Wykin Lane Stoke Golding

Proposal: Residential development of up to 55 dwellings (Outline - access only)



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing, 75% affordable rented and 25% intermediate tenure
 - £115,503.90 Play and Open Space
 - 200 metre square Local Area of Play
 - Bus Passes (£360.00 per pass)
 - £240,768.00 Education
 - £1660 Libraries
 - £2724 Civic Amenities
 - £27,826.26 Health Care Provision (GP Practices)

- Off site highway works
 - Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
 - 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

2. Planning Application Description

- 2.1. This application seeks outline planning permission for up to 55 dwelling, associated public open space, landscaping and infrastructure. All detailed matters are reserved for later determination, except access.
- 2.2. As the application is in outline format, the proposed housing mix is unknown. However, the applicant has identified that 40% of the housing to be provided would be affordable housing and so if 55 dwellings were to be provided this would result in 33 market dwellings with 22 dwellings being affordable with a mix of 16 for social or affordable rent and 6 for intermediate dwellings.
- 2.3. An indicative development framework has been provided, which shows how the application could accommodate 55 dwellings, in addition to an attenuation pond, and an area for play (LAP). The indicative layout identifies the point of access, with a primary road which would extend into the development with a number of private and secondary roads serve from it. The proposed new access would be via a new junction with Wykin Lane, and would provide both vehicular and pedestrian access into the site.
- 2.4. The following documents have been submitted in support of the application; Planning Statement, Design and Access Statement, Statement of Community Involvement, Landscape and Visual Impact Appraisal, Transport Assessment and Travel Plan, Flood Risk Assessment, Foul Drainage, Ecological Appraisal, Bat Survey, Arboricultural Assessment, Ground conditions report and Heritage Assessment.

3. Description of the Site and Surrounding Area

- 3.1. Stoke Golding is a historic village which occupies a higher ground, with a historic core centred around the north west of the village, which is centred around its connection with Bosworth Battlefield, with more modern outskirts. The application site comprises of approximately 2.12 hectares, and encompasses a single agricultural field, located to the south of Stoke Golding. To north, the site is bound by residential development, Arnolds Crescent, and Hall Drive Play Area and Recreation Ground (Ref STG10). To the south the boundary is defined by existing field boundaries and agricultural use. To the west on the opposite side of Wykin Lane, is Wykin Lane Cemetery. The site is not publically accessible and there are no public rights of way which run through the site.
- 3.2. The application site is located within Landscape Character Area E, Stoke Golding Rolling Farmland, in the Landscape Character Assessment (2017). One of the key characteristics of this area, which is shared with the application site, is small to medium rectilinear field pattern divided by low hedgerows and mature hedgerow trees.

4. Relevant Planning History

None

5. Publicity

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press. 254 representations have been received during the course of the application raising the following points:-

- Access between Hinckley, Nuneaton and the A5 use Stoke Golding as a cut through
- The road to the development is a single track road and it can not manage more traffic
- School is at capacity and this will add to more traffic with pupils attending schools outside the Village and catchment
- TB in cattle is significant which is spread through cattle building on grass land will decrease space for Badger to roam making contact with cattle more likely
- There is no demand for more homes
- The village has poor transport links
- Expansion of the village results in the loss of historical importance of the village
- House prices are affected by the additional housing
- Development takes away our village sense
- Removal of habitat detrimental to wildlife
- Will create a precedence building on greenfield
- Village is becoming overpopulated
- Doctors surgeries are full
- Wykin Lane is not wide enough
- Passing points will not alleviate an already dangerous road
- Will give rise to antisocial behaviour in the park and cemetery
- The introduction of passing places will change the look and feel of the Lane as you enter the village
- Will increase in accidents and possibly fatalities of those navigating the single width lane
- Mitigation will not overcome congestion of Wykin Lane
- Horse riders and Dogs walkers use the Wykin Lane frequently, increase in traffic will pose risk to these
- Stoke Golding has already had 2 large developments
- There are ponds within the vicinity with Great Crested Newts
- There will be an impact upon the Protected species
- Wykin Lane is intended for use by farm vehicles, horse riders, cyclists and dog walkers
- There are more suitable brownfield sites available in Hinckley
- This development will undermine physical separation from Hinckley
- Local drainage and sewerage system can not cope
- Affordable homes built on Convent drive were not purchased by HBBC but an outside body
- Stoke Golding have poor public transport
- Stoke Golding is a historically important village being the place where King Henry VII was crowned and has a protected Conservation Area
- There are number of footpaths which lead from the side of this lane which are well used, this development will result in a pedestrian safety issue from traffic
- Transport survey was carried out in February which does not include increased traffic risk in spring and summer and increased cycle, horse and pedestrian use
- Cycle route from Stoke Golding to Redmoor Academy for school children, the increased risk to life for children and cycling along Wykin Lane without sufficient lighting or designated path is not a solution
- The use of the 2011 census for route to work is not suitable data as the village has significantly expanding since then

- The TRICs data refers to February and a survey of movements on Wykin Junction, winter traffic flow along this lane is reduced, and the use of the 2011 census is out dated
- The development will destroy the tranquillity of the cemetery on the opposite side of Wykin Lane
- The use of flood tanks as mitigation for flooding is inadequate
- Local Development Framework describes Stoke Golding as 'Rural' and were assured the village would not significantly grow
- Severn Trent appear to have concerns over the development (of 180 dwellings) and where it will discharge to
- Volume of development is not in keeping with the Neighbourhood Plan
- Stoke Golding has limited facilities and infrastructure to support any more development
- Development is contrary to the Development Plan
- The land is likely to be subject to a covenant to ensure it is retained as agricultural use
- People pay a premium to live in the environment
- The developer has intention to extend the site up to 150 homes
- Ecology reports are invalid as they were carried out during the wrong time of the year and badgers and foxes weren't included, which are in the vicinity
- The application does not have any regard to the Stoke Golding Neighbourhood Plan, dismissing any recognition of the document
- The site can be seen from many vantage points and the LVIA states it has negligible effect which is unacceptable
- Development is contrary to Policy 7 and 17, SA1 and Policy DM4 notwithstanding developer stating policies are out of date
- Wykin Lane, needs to be upgraded for 2 way traffic, passing places is not enough
- This development will increase risk of flooding drainage system already struggling
- The cemetery poses a risk to the development, due to the restrictive parking, it has resulted in hearse being unable to enter the site, resulting in reversing into Wykin Lane
- The natural contour and vegetation into the village is a restriction to the vision for vehicles entering into the village, and when having regard to the change in speed from 60 to 30mph often results in vehicles braking sharply, placing an access in this location is dangerous
- Stoke Golding is not a sustainable location, and therefore the development is contrary to Paragraph 103 of the NPPF
- New houses are only for the affluent upsetting the balance of smaller and social housing percentages
- Recreational facilities are inadequate for the size of the village now
- Loss of light and privacy to neighbouring properties
- Noise impact from large dwellings
- Increase pollution and light pollution
- Earl Shilton and Barwell SUEs were passed several years ago, for much needed housing however have not commenced nor pushed when housing is required in the Borough
- Location of an attenuation pond would put children at risk
- The application site is located 0.6miles from the village centre
- The closet main service provider is Hinckley 2.3 miles away from the application site, and residents would be reliant upon private car, contrary to Paragraph 102 of the NPPF
- Public transport is within 0.3 miles but infrequent

- Development in the countryside would set a precedent and allow further development outside defined settlement boundaries
- It can not be concluded visual impact are not significant
- Policy DM4 of the SADMP states development in the countryside will be acceptable for a number of exceptions but unsustainable development will be discouraged. Large scale residential development is not one of the exceptions and that is due to the separation distance between the application site and Stoke Golding and the adverse effects on the beauty and natural environment
- Development will significantly protrude the current built form of Stoke Golding. Contrary to Paragraph 170 of the NPPF
- The Development is too large and will adversely affect the landscape both visually and landscape terms
- Most adverse impact from the development will be from nesting birds, which is likely to last 5 years
- No mitigation proposed to recover the losses of nesting birds, strategy to rectify would take a considerable amount of time
- The change to the application site will discourage the current wildlife from nesting, using the vegetation as a corridor and breeding and therefore contrary to Paragraph 174 of the NPPF and Policy DM6 of the SAMDP
- The applicant is avoiding a statutory duty to provide a full EIA assessment required under Schedule 2, Column 1, Section 10 of the Town and Country (Environmental Impact Assessment) Regulations 2017. The applicant under took public consultation on 180 dwellings. Submitting separate applications for smaller developments that falls under the threshold of requiring an EIA
- The FRA contains supporting documentation for development of up to 180 dwellings
- Transport Assessment confirms 82.3% of traffic movements will be private car contrary to the spatial objective 13 of the Local Plan and paragraphs 102 and 108 of the NPPF
- Design and Access statement makes provision for charging points but not bike racks
- The developer has not demonstrated how the development would integrate with existing provisions
- Traffic during the building phase have an effect upon the road network, increase in noise and unacceptable disturbance
- Existing surface of Wykin Lane cannot support additional traffic movements
- No evidence to demonstrate the agricultural land is no longer fit for purpose and therefore is residential is the only option
- The applicant should carry out an Agricultural Land Assessment to evaluate the current condition of the land and its suitability in its current use
- The application is situated to the south of existing properties and the applicant has not demonstrated that the occupiers would not be adversely affected
- Residents will experience much higher noise and disturbance levels than is currently experienced contrary to Policy DM7 of the SADMP
- Planting may lead to loss of light to existing properties, which will impact the private amenity of the properties. Development would be contrary to Policy DM10 of the SADMP
- Damage to conservation area from the construction traffic
- Passing places will change the character of the entrance into the village
- Only one store, and therefore would be a reliance on cars

5.2 One letter in support has been received on the following grounds:-

- Population is vastly increasing and young people need places to live
- There should be no objection as long as the existing services grow with it

- Homes of objectors were built despite objectors once upon a time

6. Consultation

6.1. No objection, some subject to conditions have been received from:

HBBC Affordable Housing
HBBC Environmental Services (Pollution)
HBBC Waste Services
HBBC Drainage
LCC Ecology
NHS England

6.2. Updated consultation responses to be received from:-

LCC Archaeology
LCC as Lead Local Flood Authority
Severn Trent Water

6.3. Stoke Golding Parish Council have objected on the following grounds:-

- Overdevelopment on an inappropriate greenfield site
- This is phase one of a larger development
- Stoke Golding has already exceeded the housing allocation set out in the Core Strategy
- Neighbourhood Plan is emerging and highlighted that development should be brownfield first
- Increase in traffic along a single track road
- Unacceptable pressure on existing infrastructure and village services including schools and doctors

6.4. Councillor Collett

- The single track road is already a hinderance for existing residents, who have to pull in and wait for other vehicles to pass more passing points is missing the point that the road is unsuitable more traffic. 55 homes potentially means another 100 cars plus delivery vehicles. It will also be a risk for cyclists and pedestrians particularly in the winter months when it is dark
- Strain on existing services, the existing schools and Dr Surgery. The applicant has given no assessment with respect to whether there is any spare capacity to take on more children and patients
- Brownfield land first there are other places to build housing in the village
- Applicant is proposing 40% affordable housing, however is this viable, it is likely to come back with a viability argument and reduce contributions
- No attempt has been made by the applicant to address concerns raised by the community engagement
- Not the right location

6.5. County Councillor Ivan Ould has objected on the following grounds:-

- Not in accordance with the Development Framework
- This site is the first of a wider site
- Development would be contrary to Policy 12 of the Core Strategy, DM1, DM4 and DM10 of the SADMP.
- Unsustainable and unjustified new residential development in the designated countryside outside the settlement boundary.
- Contrary to Policies DM11 and DM12 of the SADMP, adverse impact upon the character and appearance of the site and its contribution to the rural setting and its conservation area.

- Detrimental to highway safety contrary to Policy DM17, unacceptable opposite a cemetery entrance and single track lane
- Not enough school places

7. Policy

7.1. Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

7.2. Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Highways Design Guide

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the countryside and character of the areas
- Historic Environment
- Affordable housing
- Archaeology
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Flooding and Drainage
- Ecology

- Pollution
- Infrastructure contributions
- Other matters

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) 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) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4. The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Stoke Golding is identified as a Key Rural Centre stand alone within Policy 7 and 11 of the Core Strategy. To support its role as a Key Rural Centre focus is given to limited development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5. Policy 11 provides the policy framework for each Key Rural Centre that Stands Alone (away from Leicester and outside of the National Forest). The first criterion for Stoke Golding seeks the provision of a minimum of 60 new homes. Since the adoption of the Site Allocations and Development Management Policies (2016) DPD which allocated sites in Stoke Golding in accordance with the Core Strategy. STG02PP has been granted and approved 59 dwellings, and STG25 benefits from consent for 75 Dwellings off Hinckley Road. Since 2009 Stoke Golding has delivered 151 dwellings.
- 8.6. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure, in addition the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by Ministry Housing Communities and Local Government (MHCLG). Therefore, the application should be determined in accordance with Paragraph 11(d) of the Framework whereby 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.
- 8.7. The consideration under Paragraph 11 (d) is weighed in the balance of the merits of any application and considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which is attributed significant weight as they are consistent with the Framework.
- 8.8. This site lies outside of the settlement boundary of Stoke Golding and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should

be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.

- 8.9. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - d) It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- 8.10. The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.
- Impact upon the character of the countryside and character of the area
- 8.11. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.12. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features. It should be noted that as the development is not considered to be sustainable development in the countryside in accordance with the first part of Policy DM4, any harm to the intrinsic value, beauty, open character and landscape character of the countryside would therefore be unjustified.
- 8.13. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should also ensure the significance of a conservation area is preserved and enhanced.

Landscape and visual impact

- 8.14. The Borough's Landscape Character Assessment (2017) identifies the site within Character Area E, Stoke Golding Rolling Farmland. This is characterised by Undulating arable and pasture farmland with gentle valleys sloping down to the Ashby Canal, Tweed River and associated tributaries. Small to medium rectilinear field pattern divided by low hedgerows and mature hedgerow trees, typical parliamentary enclosure, with smaller pasture fields around settlements, creating a largely unified field pattern and providing continuity with the agricultural past. Historic villages occupying higher ground, with a rural settlement pattern with former

agricultural villages typically demonstrating a historic core, modern outskirts and sporadic farmsteads on the outer edges within a strong rural setting.

- 8.15. The application site, is reflective in terms of its scale and form of hedgerow enclosure, however the application site is of irregular shape. The application site, maintains a rural interface to the settlement, however there are public open spaces and solar farms to the south, south east which shape and influence the character of the area. . The site is not however a 'valued landscape' for the purposes of Paragraph 170 of the NPPF. Nor has the site got any national or local designations and is not unique or remarkable for any landscape purposes.
- 8.16. The Landscape Character Assessment (2017) identifies that the key sensitivities of this rural landscape are considered to be the rural character of the landscape, despite its proximity to urban area, with little light pollution. The gap between Stoke Golding and Dadlington, which is important in retaining the 'village' character. Low hedgerows and mature trees, which define the historic field pattern. The historic value and associations with the Bosworth Battlefield, The Ashby Canal, footpaths and the uncluttered rural views of the church spires, which are sensitive to change and valued for the sense of local distinctiveness they provide.
- 8.17. An assessment is made of the landscape value within the submitted LVIA, which takes into consideration the landscape value of the site, in the context of the site being situated within the Character area E – Stoking Golding Rolling Farmland as identified within the Landscape Character Assessment (2017), and concludes that the site in this context would have a medium to high value. However the landscape has no specific designations, and the value of the site, has also been assessed in terms of its specifics within its immediate context, which due to the immediate landscape context which includes public open spaces, several rights of ways, and the landscape components of the site, it is found to have a medium value, with a medium susceptibility in landscape terms.
- 8.18. The LVIA identifies that when having regard to the site in its immediate setting, which is located directly adjacent to the settlement edge defined by residential development to the north, with play and open space and solar installations contained within the landscape to the east. The site is bound and screened by mature hedgerow with a limited network of public access, which results in few opportunities for the character of the site to be experienced or viewed. Therefore in its immediate context the LVIA considers the site to have a low susceptibility, in landscape terms.
- 8.19. The LVIA identifies that the greatest degree of visual impact would be from two key locations, one located immediately adjacent to the site within Wykin Lane, and the second from the Hall Drive Recreation area. From Wykin Lane direct and near views of the western boundary of the site is characterised by mature trees and dense understory, which screens the wider application site. The proposal would introduce built form, set back within the site, with the landscape strategy proposed to retain landscaping along this boundary to provide a buffer, with proposed further mitigation proposed to enhance and improve density. The LVIA concludes that the visual effect at this viewpoint would have a magnitude of medium and a moderate significance of effect at year 15, with the existing and proposed planting establishing softening and screening the edge of the proposed development.
- 8.20. The second key location is from the public open space from Hall Drive, where from this location there are direct, near distance views to the eastern edge of the site, including the belt of mature trees and woodland that forms part of the eastern boundary. From this location views of the proposed development would be of the upper limits of the proposal, that would be partially visible above some sections of

the trees and hedging. These views would be set against the context of the existing built form. The LVIA states that whilst the proposed development would not introduce a new feature into this view, the extent of the settlement would partially enclose the western edge of the open space. It is however considered that the on site open space proposed and indicated within the layout along this boundary, results in the proposed development being set back away from the application sites east boundary, which results in the built form being omitted from view to some extent reducing the extent of the visibility. The LVIA having regard to this, concludes that the visual effect at year 15, when the existing and proposed landscaping matures would have a magnitude of negligible to low and a minor adverse significance of effects.

- 8.21. The LVIA concludes that there will be some adverse landscape and visual effects; however these are localised and limited in their immediate context. It is considered that the overall harm to the landscape character of the local area having regard to the LVIA is considered to be minor to moderate, due to the relatively contained nature of the application site, set against the existing residential context and limited receptors.
- 8.22. The proposal would extend development beyond the settlement boundary of Stoke Golding and it is considered that the proposal would result in some harm to the character and appearance of the area and would therefore conflict with Policy DM4 and DM10 of the SADMP DPD.

Historic Environment

- 8.23. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.24. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193).
- 8.25. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should also ensure the significance of a conservation area is preserved and enhanced. Proposals which adversely affect a scheduled monument or its setting should be wholly exceptional and accompanied by clear and convincing justification.
- 8.26. There are no designated or non-designated heritage assets upon the application site itself. The Stoke Golding Conservation Area is located approximately 250m to the north of the application site at its closest point; this also incorporates the southern boundary of the Hlaew and medieval farmstead scheduled monument. The Grade II listed Royal Observer Corps underground monitoring post is located approximately 200m west of the application site. Further listed buildings are located within the historic core of the village but are a greater distance from the application site. An archaeology and built heritage assessment has been submitted with the application which assists in confirming that there no visual or known historic or other relevant relationships between the application site and these designated heritage assets. It is therefore considered that the application site is not located within the

setting of any heritage assets. The submitted illustrative masterplan indicates that the site access is to be provided from Wykin Lane in between a retained hedgerow and the proposed dwellings would have to be no more than two storeys in scale to ensure they respect the prevailing built form in the area. For these reasons it is considered that the proposed development would continue to fall beyond the setting of any heritage asset and thus have no effect on their significance. The proposal therefore complies with Policies DM11 and DM12 of the SADMP DPD, Section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Affordable Housing

- 8.27. Policy 15 of the Core Strategy requires residential development in rural areas to provide 40% Affordable Housing with a tenure split of 75% affordable rented and 25% intermediate housing. The details submitted with this application would suggest that based upon the delivery of 55 dwellings were to be provided this would result in 33 market dwellings and 22 dwellings would be affordable, with a mix of 16 dwellings for social rent and 6 intermediate dwellings.
- 8.28. Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum net density of a least 30 dwellings per hectare within key rural centres such as Stoke Golding. The Design and Access Statement confirms that the density of the housing contained within the development framework parameters is on average 35 dwellings per hectare. However, lower densities will occur on the western edge, of the site, whilst higher densities will be located along the primary vehicular route and towards the existing settlement edge. This is considered an acceptable design approach to achieve a balance between efficient use of land, whilst assimilating with the character of the area.
- 8.29. Using data from The Housing Register (at March 2020) of the applicants on the housing register 110778 have a local connection to Stoke Golding for the following property sizes:
- 1 bedroom properties- 4853 applicants
 - 2 bedroom properties- 3813 applicants
 - 3 bedroom properties- 1611 applicants
 - 4 bedroom or more- 501 applicants
- 8.30. The greatest need for rented housing in Stoke Golding is 1 bedroomed 2 person maisonettes. The preferred mix would be a mix of 4, 1 bedroomed 2 persons apartments or quarter houses, 6, 2 bedroomed 4 persons houses, 6, 3 bedroomed 5 person houses, with a mix of 2 and 3 bedroomed houses for intermediate tenure. However, this is an outline scheme and the layout is not being considered at this time, the number and mix of housing could be agreed by a legal obligation. HBBC (Affordable Housing) is in support of this mix.
- 8.31. Since the application site, is in the rural area of the Borough the s106 agreement should include those applicants in the first instance to have a local connection to Stoke Golding, with a cascade in the second instance for a connection to the Borough of Hinckley and Bosworth. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Archaeology

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

- 8.33. The Leicestershire and Rutland Historic Environment Record (HER) identifies that the application site has potential to contain prehistoric archaeological remains and very little archaeological investigation has previously been undertaken in the vicinity of the proposed development area, but scatters of prehistoric flint and Roman pottery indicative of nearby settlement have been identified through field walking across sever fields to the west of the application site. During the course of the application, following comments from Leicestershire County Council (Archaeology), a trial trench evaluation of the site has been carried out, and further comments from LCC (Archaeology) will be reported by way of a late item of the assessment of this trial trenching.

Impact upon neighbouring residential amenity

- 8.34. Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.35. Objections have been received from local residents with regard to residential amenity by way of additional noise and traffic as well as loss of view. However, the loss of view is not a material planning consideration.
- 8.36. By virtue of the size of the site and subject to satisfactory layout, scale, design and landscaping which are matters reserved for future consideration, the indicative layout submitted demonstrates that the site could be developed for up to 55 dwellings with satisfactory separation distances without resulting in any significant adverse impacts on the privacy or amenity of the occupiers of any neighbouring properties. Residential amenity for the future occupiers of the development is a matter that will be established through the submission of detail; however, there is no reason that this can not be achieved.
- 8.37. The proposal is therefore considered to be in accordance with Policy DM10 as the amenity of neighbouring occupiers of the proposed development would not be adversely affected to warrant refusal of the application.

Impact upon highway safety

- 8.38. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.39. Access is a matter for determination and a detailed access plan has been provided. In addition to this, the proposal has been supported by the submission of a Transport Assessment and a Stage 1 Road Safety Audit. The detailed access plan proposes a 5.5 metre site access with a 6 metre kerb radii and a 2metre wide footpath from the north east side of Wykin Lane, which would extend into the application site. The proposed access at the Junction with Wykin Lane would provide visibility splay of 2.4 metres x 55 metres to the north and 52 metres to the south.
- 8.40. The dimensions suggested for the site access also ensure an allowance is made for the largest vehicles expected to regularly access the site, such as refuse collection vehicles, to do so in a safe manner without disruption to other road users and

without over-designing. A swept path analysis has been carried out of the site access and is provided and an appendix to the Transport Assessment.

- 8.41. The Road Safety Audit identifies two problems with the site access and design, firstly the lack of street lighting in the vicinity of the proposed access. The Local Highway Authority considers that it is necessary to extend the street lighting in the vicinity of the access to cover the proposed access. This is considered to be necessary and would be provided and considered at the detailed design stage. There is also 30 national speed limit roundels which would be in close proximity to the access to the south, however it is not considered that these would warrant relocation. The second problem the Road Safety Audit identifies is the proposed centre line, which is proposed on the widened section of the carriageway as you enter into Stoke Golding along Wykin lane, which may give drivers a false impression that it is safe to travel at higher speeds past the junction, and would be the only section within Wykin Lane, which would have a centre line present. As such in light of the Safety Audit the proposed centre has been removed, and therefore the LHA are satisfied with the design of the proposed access, including the footways, visibility splays and the demonstrated swept paths for larger vehicles.
- 8.42. An assessment of the capacity of the proposed junction has been carried out, which utilised the average AM and PM weekdays flows for Wykin Lane, which have been factored to 2024 levels, and demonstrates that the proposed site access would operate within capacity with the development in place at 2024.
- 8.43. A number of off site highway improvements are detailed on the submitted plans, which include forward visibility between the existing passing bays, which are proposed to be improved and new passing bays provided along Stoke Lane. A total of 11 new passing bays are proposed. The existing passing bays would be lengthened and surfaced, and include kerb lines to ensure consistency with the proposed new bays, and would be secured through a S278 agreement, to mitigate the impact of the development upon the highway network.
- 8.44. Reserved Matters applications will specify sufficient parking, both in terms of numbers and dimensions, to comply with the relevant standards at the time of submission, as will the internal road layout.
- 8.45. Therefore, the Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with Policy DM17 of the SADMP or paragraph 109 of the National Planning Policy Framework (2019), subject to the conditions and planning obligations outlined in this report.

Flooding and Drainage

- 8.46. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.47. The site is located within Flood Zone 1 being at low risk of fluvial flooding and therefore passes the Sequential Test and does not require the Exception Test to be undertaken. The site generally falls from the north west to the south east, and a small drainage ditch feature running parallel to the eastern boundary is the only noticeable ordinary watercourse that runs adjacent to the Stoke Golding Recreation ground and Pine Close Solar farm.
- 8.48. The Environment Agency pluvial (Surface Water) flood maps show the route of surface water runoff across the ground. The Pluvial maps identify an isolated area

of low surface water flood risk towards the north east corner of the application site, and follows the natural gradient of the site. Given the nature of the proposed development, impermeable areas within the site, would increase and as such careful consideration and mitigation would need to be regarded and managed.

- 8.49. This strategy shows feasibility that the site can be drained; however, having regard to the soil scape and the underlying ground conditions it is considered that SuDs would be unsuitable as the primary method of disposing surface water runoff from the site. It is proposed that surface water runoff shall initially look to be drained by a gravity conveyed network down to an attenuation basin that will temporarily store surface water onsite, before it is discharged at the existing QBAR rate of 9.3l/s into the watercourse adjacent to the site. Discharge from the site is proposed to be restricted to pre-development Greenfield runoff rates as not to increase the flood risk to the surrounding area or to exacerbate flooding downstream from the development. This is considered as the most appropriate surface water drainage solution.
- 8.50. The LLFA raise no objection to the proposal subject to conditions requiring the submission of a surface water drainage strategy which will require full construction detail. The Environment Agency have no objection to the proposed development, as there is no fluvial flood risk concerns, nor environmental constraints.
- 8.51. The Lead Local Flood Authority and HBBC Drainage have no objection to the proposals put forward for dealing with surface water drainage, subject to conditions. Therefore the proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk.

Ecology

- 8.52. Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.53. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.54. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.55. The application has been accompanied with a preliminary Ecology appraisal, which has been updated during the course of the application. This gives consideration to the habitat survey which has been completed and submitted as part of the application, which concludes that, the application site not a field of species rich grassland.
- 8.56. The application was also supported by a Great Crested Newt (GCN) survey, which omits an adjacent pond, however this is a garden pond. As such is it therefore likely that only a small to medium population of GCN are present within the pond and mitigation proposed is to proceed on that basis. Due to the outline nature of the application, where by the layout and landscaping scheme is a reserved matter, it is considered necessary that conditions are imposed which seeks a 4.5 metre uncut buffer to enhance the connectivity at the site and the wider landscape through the

use of permanent green corridors between this pond and the hedgerow along to the east. The site is currently sub-optimal for GCN, with hedgerows therefore providing the greatest connectivity. In addition a full GCN survey is considered necessary shall be submitted prior to any reserved matter, and any mitigation incorporated within the proposed layout.

- 8.57. The Preliminary Ecological Appraisal indicates that no evidence of badgers was recorded on site, but had potential to support badger. It is therefore considered necessary that due to this potential that prior to the submission of any reserved matters should permission be granted an updated survey is carried out. The Bat Transect Survey, identified bats using the hedgerows on site. Bats should not be significantly impacted by the development, provided that the recommendations contained within the bat survey are followed and the existing hedgerows retained and buffered by the development. There is also a mature Oak Tree on the boundary with the application site and the playing field to the north east of the site, which has been identified as a potential Local Wildlife Site, its retention as such is therefore necessary and buffered by development accordingly.
- 8.58. Overall, subject to conditions, the impact of the proposed development on protected species is accordance with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

Pollution

- 8.59. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.60. The application has been accompanied with a Soils and Agricultural Quality Study and Phase 1 Ground conditions report.
- 8.61. The Phase 1 investigation recommends that an intrusive investigation especially given the agricultural nature of the use, with any Phase II investigations seeking to confirm the sites geology and the extent and characteristics of the made ground. Environmental Health (Pollution) have therefore no objections subject to the imposition of conditions relating to further contamination investigations to ensure the safe development of the site.
- 8.62. Given the scale of development, which would be in proximity to the adjoining settlement boundary, Environmental Health (Pollution) have also requested a further condition for the submission of a Construction Environment Management Plan, to detail the site preparation and construction and how the impact of this would be mitigated and prevented. It is considered when having regard to the surrounding residential dwellings that this is reasonable and necessary and should be imposed should permission be granted.
- 8.63. The development is therefore in accordance with Policy DM7 of the SADMP.

Infrastructure Contributions

- 8.64. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.65. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (As Amended) (CIL) and paragraph 56 of the Framework. The CIL Regulations and NPPF confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

Play and Open Space

- 8.66. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space, which is provided on site and what would be the requirements off site.

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 55 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	198		198
Casual/Informal Play Spaces	16.8	924	200	724
Outdoor Sports Provision	38.4	2112	0	2112
Accessibility Natural Green Space	40	2200	0	2200

- 8.67. In accordance with the Open Space and Recreation Study (2016) the number of dwellings proposed requires a Local Area of Play (LAP) to be provided on site. The submitted Development Framework indicates the provision of a LAP to be positioned along the north west boundary of the site, and would provide an area of informal play space. In addition to the LAP, a resultant 724 square metres should also be included within the layout. The Design and access states that the proposed development based on the indicative masterplan would provide 0.43 hectares of play and open space through the development, inclusive of the LAP. However having regard to the site layout, and indicative layout, which would include an attenuation pond, and pockets of landscaping, which given the location in close proximity to roads and residential dwellings would not be considered as useable casual and informal space, and would instead provide part of a wider landscaping scheme and strategy to the development. Any subsequent reserved matter relating to the detailed layout of the site, would have need to have regard to Ecology mitigation strategy which requires 5 metre buffers outside any defined curtilages, which would also reduce the overall provision as illustrated within the masterplan. Therefore in this instance when it is not always practical due to the other factors off site contributions may be deemed necessary.
- 8.68. The nearest existing off site public open space is located off Hall Drive Park (STG10) with a quality score of 72%, which is below the 80% target score, and provides Children's play equipment, Outdoor Sport Facilities and provisions for young people. Hall Drive Park is located immediately to the north east of the

application site. A link between the proposed LAP and the neighbouring Hall Drive Park, has been considered as part of the application, however due to Ecology constraints of the site, it would not be possible, due to the ecology implications.

- 8.69. To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. Although contributions towards casual and informal play space would be having consideration of the proposed onsite LAP, it is considered necessary and reasonable to seek requests towards equipped Children's play space, 724 square metres of casual/informal play space, outdoor sports provision and Accessibility Natural Green Space. The contributions sought will therefore be based upon the table below:

	On site maintenance (20 years)	Off site provision	Off site maintenance (10 years)	Total
Equipped Children's Play Space		£36,022.14	£17,384.40	£53,406.54
Casual/Informal Play Spaces	£2160.00	£3214.56	£3909.60	£9,284.16
Outdoor Sports Provision	/	£19,113.60	£9,081.60	£28,195.20
Accessibility Natural Green Space	/	£8,998.00	£15,620.00	£24,618
			Overall Total	£115,503.90

- 8.70. As the application is submitted in outline format the formula in The Open Space and Recreation Study (2016) can be used to calculate the contribution required as a percentage for each unit provided.
- 8.71. The developer will also be obligated to provide and then transfer the on-site open space area to a management company, together with a maintenance contribution or, in the alternative, requesting that either the Borough Council or the Parish Council maintain it. In the latter eventuality, the open space area would be transferred to the relevant authority together with a maintenance contribution.
- 8.72. The provision of Play and Open Space is required for compliance with Policies 11 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section of 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 11 requires development in Stoke Golding to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative layout of the proposed development suggests the provision of open space around the site to include a LAP. Using the adopted Open Space and Recreation Study (2016) the closest public open space, to the proposed site, Hall Drive Park (STG10) falls below the quality scores set by the Open Space and Recreation Study and therefore the obligations and

contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

NHS West Leicestershire CCG - Health Care

- 8.73. The West Leicestershire CCG has requested a contribution of £27,826.26 towards addressing the deficiencies in services at Stoke Golding Surgery, which are the closest available GP practices to the development. The practice has seen significant growth due to housing development within their practice areas over the past 5 years, which is impacting on their capacity and resilience. An increase of 133 patients will significantly impact on patient demand in the area.
- 8.74. 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 Surgery, 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 Stoke Golding Surgery, 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.
- 8.75. This request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was sufficient evidence to support the contributions being sought.

Education

- 8.76. LCC Children and Family Services have requested a contribution towards education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution is £240,768.00
- 8.77. The contribution towards addressing the impact of the development upon education 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. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, 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 has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

Civic Amenity

- 8.78. LCC Waste Management requested a contribution of £1684.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate an additional 1.054 tonnes per annum of waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.
- 8.79. This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

Libraries

- 8.80. LCC Library services have requested a sum of £1,660 towards provision of additional resources at Hinckley Library, which are the nearest library to the development. The population catchment for Hinckley library is 44,669, and this development would add 165 to the existing library's catchment population. The contribution would seek to provide additional resources and materials such as books, audio books, newspapers, and associated equipment and storage. The Museums, Libraries and Archives Council (MLA) publication "Public Libraries, Archives and New Development: a standard approach" recommends a minimum stock figure of 1,157 items per 1,000 population.
- 8.81. The proposed development would be within 3.59km of Hinckley Library, situated on Lancaster Road, and would be nearest facility. There are existing bus services 6 days a week into Hinckley, which provides direct access to the Library, and it is considered that residents of the development are likely to access this service. It is considered that contribution is reasonable in scale and kind to the proposed scale of the development and therefore the s.106 should direct the contribution towards this service.

Highways

- 8.82. LCC (Highways) have requested a number of contributions to promote and encourage sustainable travel these include; Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area. These can be provided through Leicestershire County Council at a cost of £52.85 per pack. Six month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at (average) £360.00 per pass.
- 8.83. There are services in Stoke Golding creating a sustainable community such as schools, doctors, community centre, public house and sports pitches and play areas which are within walking distance of the proposal and do meet the day to day needs of residents. However, given the lack of employment, secondary school, library and other services residents are likely to access (supermarket etc.) it is considered the bus pass and travel pack contributions are necessary. The bus passes and travel

packs will be provided to the residents of the development and therefore they directly relate to the mitigating impact of new residents. The travel pack contribution covers the cost of the preparation and distribution of the packs and the buss pass is an optional service that there may not be a 100% take up of, therefore the contributions are reasonable and fair in scale and kind.

Other matters

- 8.84. HBBC (Street Scene Services) have requested a condition to detail the waste collection and recycling strategy of the site, it is considered that this is an appropriate condition that meets the tests.
- 8.85. Objections have been received in respect of de-valuation of properties; however this is not a material planning consideration that can be taken into account.
- 8.86. Comments have been received in respect of loss of views, it should be noted that views can not be protected, and therefore are not considered a material planning consideration.

9. Planning Balance

- 9.1 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.
- 9.2. 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.
- 9.3. The proposal would be in conflict with Core Strategy Policy 7 and 11 and Policy 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. There are also some minor adverse visual impacts identified, so there is some conflict with Policy DM4 and DM10 of the SADMP.
- 9.4 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 55 houses (including up to 16 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.
- 9.5 The proposal would result in the loss of agricultural land, using mapping available the land is identified as grade 3 Best and Most Versatile Land. Therefore, this does add to the value of the landscape, although given that the land is grade 3 and not 2 or greater and there is other agricultural land around Stoke Golding, it is not considered this has significant weight in the planning balance.
- 9.6 Stoke Golding is an identified Neighbourhood Plan Area; however, given the early stages that the preparation of the plan is at, this has very limited weight in the planning balance.

- 9.7 Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably out weigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 9.8 The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.9 As discussed the proposal could deliver up to 55 dwellings, of which 40% would be affordable. This would result in a significant social benefit to the area and also to the borough. 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 of existing hedgerow and trees around the site and the provision of SUDS which can be designed to include benefits to biodiversity, secured via condition.
- 9.11 It has been concluded that there would be minor to moderate harm to the character of the area caused by the landscape and visual impact built development in this location would have on the open character of the countryside which provides a rural setting to Stoke Golding. The proposal would extend development beyond the settlement boundary of Stoke Golding and it is considered that the proposal would result in harm to the character and appearance of the area in conflict with Policy DM4 and DM10 of the SADMP DPD.
- 9.12 Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm has been identified, it is considered on balance that the harm 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.

10. Equality Implications

- 10.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 10.3. There are no known equality implications arising directly from this development.
- 10.4. The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights,

specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

11. Conclusion

- 11.1. 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.
- 11.2. The proposal, subject to conditions, is in accordance with Core Strategy Policies 15, 16 and 19 and Policies DM3, DM6, DM7, DM13, DM17 and DM18 of the SADMP.
- 11.3. An assessment against the historic assets within the vicinity finds that the proposal would fall beyond the setting of heritage asset and as such would not have an impact upon the historic environment of Stoke Golding and therefore accords with DM11 and DM12 of the SADMP and paragraphs 189 and 190 of the NPPF.
- 11.4. 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.
- 11.5. The proposal would be in conflict with Policy 7 and 11 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 moderate adverse localised impact on the character of the area and so there is some conflict with Policy DM4 and DM10 of the SADMP.
- 11.6. 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 55 houses (including up to 70 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.
- 11.7. As such, 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 moderate harm found.
- 11.8. On balance it is considered that the harm identified to the character and appearance of the countryside from new residential development would 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 do justify making a decision other than in accordance with the development plan. The application is therefore recommended for approval subject to the conditions and planning obligations listed above.

12. Recommendation

12.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing, 75% affordable rented and 25% Intermediate housing

- £115,503.90 Play and Open Space
 - 200 metre square Local Area of Play
 - Bus Passes (£360.00 per pass)
 - £240,768.00 Education
 - £1660 Libraries
 - £2724 Civic Amenities
 - £27,826.26 Health Care Provision (GP Practices)
 - Off site highway works
- Planning conditions outlined at the end of this report.
- 12.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 12.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.
- 12.4. **Conditions and Reasons**
1. Application for the approval of reserved matters shall be made within 18 months from the date of this permission and the development shall be begun not later than one year from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
 2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
 - a) appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
 - c) layout of the site including, the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.
 - d) scale of each building proposed in relation to its surroundings have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).
 3. Prior to the commencement of development a scheme which details the proposed market housing mix for the development, this should be in broad accordance with the Council's adopted Development Plan. The development shall then be completed in accordance with the approved details.

Reason: To ensure an appropriate housing mix to meet the housing needs of the locality is provided in accordance with Policy 16 of the Core Strategy 2009.

4. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - a) Site Location Plan P18_2922-001-1 Rev B received on the 10 March 2020
 - b) Proposed Access ADC2042-DR-002 P4

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

5. The reserved matters shall be implemented in general accordance with Illustrative masterplan received on the 25 November 2019.

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

6. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on ADC drawing number ADC2042-DR-002-P4 have 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).

7. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

Reason: To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph 170 of the National Planning Policy Framework (2019).

8. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail 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 the development.

Reason: To ensure that the proposed use does not become a course of annoyance to nearby residents in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016)

9. Construction work of the development, hereby permitted, shall not take place other than between the hours of 07:30 hrs and 18:00 hrs on weekdays and 08:00 hrs and 13:00 hrs on Saturdays and at no time on Sundays and Public Holidays unless otherwise agreed in writing.

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

10. No development approved by this permission shall be commenced until a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

12. No development shall commence until drainage details for the disposal of surface water have been submitted in writing to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full before the development is first brought into use.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the Site Allocations and Development Management Policies Development Plan Document (2016).

13. Prior to commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

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.

14. Prior to commencement of development details in relation to the long term maintenance of the sustainable surface water drainage system on the development shall be submitted to and approved in writing by the Local Planning Authority. Details of the SuDS Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the system and should also include procedures that must be implemented in the event of pollution incidents within the development site.

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 sustainable drainage system within the proposed development in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

15. No development shall commence on site until a scheme that makes provision for waste and recycling storage and collection across the site has been submitted in writing to and approved in writing by the Local Planning Authority. The details should address accessibility to storage facilities and adequate collection point space at the adopted highway boundary. The approved scheme shall be implemented in accordance with the agreed details.

Reason: To ensure the bin storage on site is not detrimental to the street scene and overall design of the scheme in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

17. All landscape planting used within the informal/semi-natural open space and adjacent to the boundaries of the site shall be locally native species only, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

18. The layout submitted at Reserved Matters shall provide a natural vegetation buffer zone of at least 5m alongside all retained hedgerow which do not relate to boundaries and a 4.5 metre uncut buffer provided as shown in Section 3.1.2 of the Great Crested Newt Mitigation Strategy received on the 24 February 2020.

Reason: To ensure that the development has a satisfactory landscaping scheme in the interests of Ecology in accordance with Policy DM6 of the

adopted Site Allocations and Development Management Policies Development Plan Document (2016).

19. No development 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 and 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 a Great Crested Newt Corridor, areas of open space and created habitats including SUDs and all landscaping to informal play space and natural open space should be comprised of native species wildflower grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

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

20. Any reserved matters shall be accompanied with an updated Badger Survey shall be undertaken. The findings of the survey including a method statement for the clearance of the site, shall be submitted to and approved by the local planning authority. The site clearance shall be carried out in accordance with the approved details.

Reason: To ensure there is no adverse impact on biodiversity and features of nature conservation in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document.

21. Any reserved matters shall be submitted with full updated Great Crested Newt Surveys and updated mitigation strategy.

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

22. Prior to the commencement of development details of any external lighting not within a residential curtilage shall be 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). Light spill onto retained hedgerows and the brook corridor shall be minimised to a value of 1lux or lower at the edge of habitats. 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.

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

23. Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:

- Measures to prevent waste generation
- Information on local services in relation to the reuse of domestic items

- Information on home composting, incentivising the use of a compost bin and/or food waste digester
- Household Waste Recycling Centre location, opening hours and facilities available
- Collection days for recycling services
- Information on items that can be recycled

Reason: In accordance with the National Planning Policy for Waste (2014).

24. Prior to the occupation of the first dwelling, a Travel Pack informing residents what sustainable travel choices are in the surrounding area shall be submitted to and approved in writing by the Local Planning Authority. The agreed Travel Packs shall then be supplied to purchases on the occupation of each dwelling.

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).

25. Prior to the commencement of development full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and the infrastructure fully available prior to the occupation of each dwelling/unit on the site.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2019).

12.5. Notes to Applicant

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
2. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
3. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
4. In reference to condition 24, Travel Packs can be provided through Leicestershire County Council at a cost of £52.85 per pack.

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 08.05.20

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

FILE REF	CASE OFFICER	APPLICATION NO	TYPE	APPELLANT	DEVELOPMENT	Appeal Valid	DATES
	SW	19/00892/OUT (PINS Ref 3252017)	WR	Mr Gareth Xifaras Animal Pub Compamny Ltd 147 Station Lane Lapworth Warwickshire B94 6JH	The Prince Of Wales Inn 52 Coventry Road Hinckley (Demolition of public house and erection of 12 apartments (outline - access, layout and scale))	Awaiting Start Date	
	GS	19/01411/FUL (PINS Ref 3251812)	WR	Mr G & S Warren Invicta Universal Ltd Engine Block Unit 1 The Sidings, Merrylees Desford	39 Station Road Desford (Sub-division of and extensions to existing dwellinghouse to form 5 apartments, erection of 4 dwellinghouses and alterations to existing access)	Awaiting Start Date	
	JF	20/00041/HHGDO (PINS Ref 3251699)	WR	Ms Joanne Haddon Fairway Cottage Leicester Road Hinckley	Fairways Cottage Leicester Road Hinckley (Rear extension measuring 8 metres in depth; 4 metres in height to the ridge; and 4 metres to the eaves)	Appeal Valid Awaiting Start Date	01.05.20
	CG	19/01414/HOU (PINS Ref 3251309)	WR	Mr Ryan Jones 3 Grey Close Groby	3 Grey Close Groby (Re-modelling of existing dwelling including partial demolition, construction of a first floor to create an additional storey with rear dormer and rear single storey extension. Extension to existing garage to create a quadruple garage including the raising of the roof with 1 dormer windows to create a first floor to be used as an office/ annexe)	Appeal Valid Awaiting Start Date	04.05.20

	OP	20/00140/OUT (PINS Ref 3250796)	WR	Mr Steve Walters 129 Leicester Road Glen Parva	2 Preston Drive Newbold Verdon Leicester (Residential development for one dwelling (Outline- all matters reserved))	Appeal Valid Awaiting Start Date	23.04.20
	OP	19/01438/OUT (PINS Ref 3250575)	WR	Mr Stephen Hill 159 Coventry Road Burbage	159 Coventry Road Burbage (Residential development for one dwelling (Outline- access, layout and scale only))	Appeal Valid Awaiting Start Date	22.04.20
	SW	20/00004/FUL (PINS Ref 3250144)	WR	Mr Harjeeve Bath 14 Station Road Ratby LE6 0JN	14 Station Road Ratby (Demolition of an existing garage and installation of 2 new residential dwellings in the rear garden of 14 Station Road, Ratby)	Appeal Valid Awaiting Start Date	16.04.20
	WH	19/00004/UNBLDS (PINS Ref 3247752)	WR	Mr & Mrs Marcus & Gill O'Sullivan 122 Ashby Road Hinckley	122 Ashby Road Hinckley (Erection of a car port)	Appeal Valid Awaiting Start Date	13.03.20
	HW	19/01374/HOU (PINS Ref 3247571)	WR	Mr Paul Hodgson 24 Winchester Drive Burbage	24 Winchester Drive Burbage (Pitched roof to flat roof side extension)	Appeal Valid Awaiting Start Date	02.03.20
20/00010/PP	GS	19/00833/OUT (PINS Ref 3246720)	WR	Mr Christie Glenn 18a Coventry Road Burbage	20 Coventry Road Burbage (Erection of one dwelling (outline - access and layout only))	Start Date Awaiting Decision	11.03.20
20/00008/PP	CG	19/00714/FUL (PINS Ref 3246434)	WR	Keith Baxter Garden Farm Bagworth Road Narlestone	Forge Bungalow Main Street Cadeby (Demolition of existing bungalow and erection of 2 no dwellings)	Start Date Awaiting Decision	09.03.30
20/00009/PP	EC	19/01145/HOU (PINS Ref 3245403)	WR	Mr York 14 Almond Way Earl Shilton LE9 7HZ	Thirlmere 42 Far Lash Burbage (Raising of ridge height and loft conversion to create a 1.5 storey dwelling, side extension and external alterations to the dwelling)	Start Date Awaiting Decision	09.03.20

	RH	19/01011/OUT	PI	Gladman Developments Ltd Gladman House Alexandria Way	Land South Of Cunnery Close Barlestone (Residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (SuDS) (Outline - access only))	Notification of intention to submit the appeal (Likely submission date of appeal 31.01.20)	17.01.20
20/00004/PP	SW	19/00934/OUT (PINS Ref 3244630)	WR	Ms J Cookes 2A Drayton Lane Fenny Drayton	2A Drayton Lane Fenny Drayton Nuneaton (Erection of one dwelling (Outline with layout to be considered))	Start Date Awaiting Decision	07.02.20
20/00007/VCON	OP	19/01079/CONDIT (PINS Ref 3244583)	WR	Mr Ricky Child 89 Hinckley Road Burbage	339 Hinckley Road Burbage (Removal of condition 9 (removal of permitted development rights) of planning permission 19/00413/FUL)	Start Date Awaiting Decision	18.02.20
20/00002/PP	GS	19/01049/FUL (PINS ref 3243667)	WR	Mrs Susan Birch Wrask Farm Desford Road Newbold Verdon	Land West Of Wrask Farm Desford Road (Erection of one dwelling)	Start Date Awaiting Decision	21.01.20
	CG	19/01164/CLUE (PINS Ref 3246256)	IH	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Appeal Valid Awaiting Start Date	05.02.20
	CG	19/00391/CLUE (PINS Ref 3238743)	IH	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Appeal Valid Awaiting Start Date	29.10.19
	CG	18/01255/CLUE (PINS Ref 3238520)	IH	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Appeal Valid Awaiting Start Date	29.10.19

20/00003/NONDET	RW	19/00253/CONDIT (PINS Ref 3236523)	IH	Mr Gerry Loughran Poundstretcher Limited c/o Landmark Planning Ltd	Crown Crest PLC Desford Lane Kirby Muxloe Leicester (Variation of Condition 11 of planning permission 10/00332/FUL and planning permission 12/00313/CONDIT to extend the permitted days and hours during which deliveries can be taken at, or dispatched from, the site to: Mondays to Fridays (including Bank Holidays) 06.00 to 23.00; Saturdays 08.00 to 18.00 and Sundays 09.00 to 13.00.)	Start Date Hearing	03.02.20 Date to be arranged
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Decisions Received

19/00040/PP	CG	19/00732/FUL (PINS Ref 3238555)	WR	Mr Singh Marble Homes Ltd 27-35 Sussex Street Leicester	112 High Street Barwell (Development of two 1 bedroom flats)	DISMISSED	21.02.20
	SH	18/00102/UNBLDS (PINS Ref 3248429)	WR	Mr Richard Doran Mullen & Kelly Construction Ltd Alpha House Countesthorpe Road South Wigston	Newtown Linford Lane Groby	OUT OF TIME	14.03.20
19/00038/RPAGDO	RH	19/00538/CQGDO (PINS Ref 3236060)	WR	Mr Rob Jones Winfrey Farm Dadlington Lane Stapleton	Winfrey Farm Dadlington Lane Stapleton (Prior notification for change of use of agricultural buildings to 5 dwellinghouses (Class C3) and for associated operational development)	DISMISSED	19.03.20
19/00039/PP	GS	19/00198/OUT (PINS Ref 3239130)	WR	Mrs Zoe Finlay Spring Hill Farm Wykin Road Hinckley	Land Adjacent To 29 Elizabeth Road Hinckley (Erection of one dwelling (outline - all matters reserved))	DISMISSED	19.03.20

20/00006/F TPP	GS	19/00887/HOU (PINS Ref 3244239)	WR	Mrs Lisa Mallon 22 Flaxfield Close Groby	22 Flaxfield Close Groby (Single storey front, side and rear extension, including new fence and gates)	ALLOWED	30.03.20
20/00001/PP	SW	19/00996/FUL (PINS Ref 3243353)	WR	Mr & Mrs A Sanderson Garland Gables Garlands Lane Barlestone	Garland Gables Garland Lane Barlestone (Conversion of ancillary domestic storage building to a four bed dwelling and demolition of a barn)	DISMISSED	02.04.20
20/00005/F TPP	GS	19/00929/HOU (PINS Ref 3243531)	WR	Mr Leigh Jones 28 Hall Lane Witherley Atherstone	28 Hall Lane Witherley Atherstone (Single storey extension to front and rear, two storey rear extension, first floor front and side extension)	DISMISSED	09.04.20
19/00022/NONDET	RW	19/00213/CONDIT (PINS Ref 3229530)	WR	Centre Estates Limited 99 Hinckley Road Leicester	Land Off Paddock Way Hinckley (Application Reference Number: 17/00115/FUL (Appeal Reference: APP/K2420/W/17/3189810) Date of Decision: 13/09/2018 Condition Number(s): 2)	DISMISSED	09.04.20
19/00043/ENF	WH	18/00268/UNUSES (PINS Ref 3222721)	WR	Mr Andrew Charles Swanbourne Dawsons Lane Barwell	Land East Of The Enterprise Centre Dawsons Lane Barwell (Siting of 2 storage containers ancillary to the existing equestrian use)	DISMISSED	17.04.20
19/00042/PP	WH	18/01051/FUL (PINS Ref 3222720)	WR	Mr Andrew Charles Swanbourne Dawsons Lane Barwell	Land East Of The Enterprise Centre Dawsons Lane Barwell (Siting of 2 storage containers ancillary to the existing equestrian use)	DISMISSED	17.04.20

19/00031/PP	SW	19/00093/FUL (PINS Ref 3235944)	WR	Mr David Jackson SW Jackson Manor Farm 2 Carlton Road Barton in the Beans	Manor Farm 2 Carlton Road Barton In The Beans (Demolition of existing agricultural buildings and erection of 8 dwellings with associated landscaping)	DISMISSED	04.05.20
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Designation Period 1 April 2019 - 31 March 2021

Appeal Decisions - 1 April 2019 - 30 April 2020 (Rolling)

Major Applications

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
8	5	3	0	0	1	0	2	3	0	0	1	0	1

March - Total No of all Major decisions made 82/Total No of appeals allowed 5 = 6.1%

April - Total No of all Major decisions made 43/Total No of appeals allowed 5 = 11.63%

Minor/Other Applications

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
33	8	25	0	0	6	0	22	2	0	2	0	0	1

March - Total No of Minor/Other decisions made 1566/Total No of appeals allowed 13 = 0.83%

April - Total No of Minor/Other decisions made 855/Total No of appeals allowed 13 = 1.5%

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
5	0	5	0	0

Designation Period 1 April 2018 - 31 March 2020

Appeal Decisions - 1 April 2018 - 31 March 2020 (Rolling)

Major Applications

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
11	7	4	0	0	2	0	4	4	0	0	1	0	0

February - Total No of all Major decisions made 79/Total No of appeals allowed 5 = 6.33%

March - Total No of all Major decisions made 82/Total No of appeals allowed 5 = 6.1%

Minor/Other Applications

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
69	16	52	1	0	15	1	47	1	0	4	0	0	1

February - Total No of all Minor/Other decisions made 1503/Total No of appeals allowed 12 = 0.80%

March - Total No of Minor/Other decisions made 1566/Total No of appeals allowed 13 = 0.83%

Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
5	0	5	0	0

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