

# Public Document Pack



Hinckley & Bosworth  
Borough Council

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

Date: 02 November 2020

To: **Members of the Planning Committee**

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

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **PLANNING COMMITTEE** as a virtual meeting via Zoom on **TUESDAY, 10 NOVEMBER 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 'Rebecca Owen'.

Rebecca Owen  
Democratic Services Manager

## PLANNING COMMITTEE - 10 NOVEMBER 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 20 October 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. 20/00462/FUL - LAND SOUTH OF MARKFIELD ROAD, RATBY (Pages 3 - 36)

Application for proposed residential development for 90 dwelling units, new access off Markfield Road, locally equipped children's play area, cycleway and footpaths and SUDS measures.

8. 20/00407/HYB - WOOD FARM, STANTON LANE, ELLISTOWN (Pages 37 - 90)

Application for hybrid application comprising of Outline permission for the erection of buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved expect for access) and full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures.

9. 20/00286/OUT - MICHEALMAS COTTAGE, 138 SAPCOTE ROAD, BURBAGE (Pages 91 - 106)

Application for residential development of 5 dwellings and detached garages (Outline with access and layout to be considered).

10. APPEALS PROGRESS (Pages 107 - 114)

To report on progress relating to various appeals.

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

20 OCTOBER 2020 AT 6.30 PM

PRESENT: Cllr MJ Crooks - Chairman

Cllr DJ Findlay – Vice-Chairman

Cllr SL Bray, Cllr MA Cook (for Cllr RG Allen), Cllr DS Cope, Cllr WJ Crooks, Cllr REH Flemming, Cllr A Furlong, Cllr SM Gibbens, Cllr E Hollick, Cllr KWP Lynch, Cllr LJ Mullaney, Cllr RB Roberts and Cllr BR Walker

Also in attendance: Councillor DC Bill MBE, Councillor CW Boothby and Councillor LJP O'Shea JP

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

#### 519 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors C Allen, R Allen and Boothby, with the substitution of Councillor Cook for Councillor R Allen authorised in accordance with council procedure rule 10.

#### 520 MINUTES

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

RESOLVED – the minutes of the meeting held on 29 September be approved as a correct record.

#### 521 DECLARATIONS OF INTEREST

No interests were declared at this juncture.

#### 522 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions delegated at the previous meeting had been issued.

#### 523 19/01379/FUL - LAND WEST OF KIRKBY ROAD, BARWELL

Application for construction of a 32 hectare solar farm to include the installation of solar panels to generate electricity with access from the A447 Ashby Road and associated substation switchgear building, inverter cabins, telecommunications mast, storage/communications building, battery containers, access tracks, fencing, gates, CCTV and landscaping.

It was moved by Councillor B Crooks, seconded by Councillor Findlay and

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report and late items;

- (ii) The Planning Manager be granted powers to determine the final detail of planning conditions.

524 20/00711/REM - SPRINGFIELD RIDING SCHOOL, GROBY ROAD, RATBY, LE6 0BS

Application for approval of reserved matters (appearance, landscaping, layout and scale) of application 19/00680/OUT for erection of 168 dwellings.

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

RESOLVED –

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

525 20/00481/FUL - LAND ADJACENT STANTON-UNDER-BARDON PRIMARY SCHOOL, MAIN STREET, STANTON UNDER BARDON

Application for erection of four two-storey dwellings including access and parking arrangements to be built on land associated with 12/01052/OUT.

It was moved by Councillor Findlay and seconded by Councillor Bray that permission be granted with an additional condition that materials be in keeping with the surrounding properties. 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 report and the abovementioned additional condition in relation to materials;
- (ii) The Planning Manager be granted delegated powers to determine the final detail of planning conditions.

526 APPEALS PROGRESS

Members received an update on progress of various appeals since the last meeting. It was noted that a date had now been set for a hearing in relation to the appeal submitted by Crown Crest PLC and this would take place on 5 January. It was noted that the 5 January meeting would be moved to 12 January to allow for this.

RESOLVED – the report and change in meeting date be noted.

(The Meeting closed at 7.48 pm)

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CHAIRMAN

Planning Committee 10 November 2020  
Report of the Planning Manager

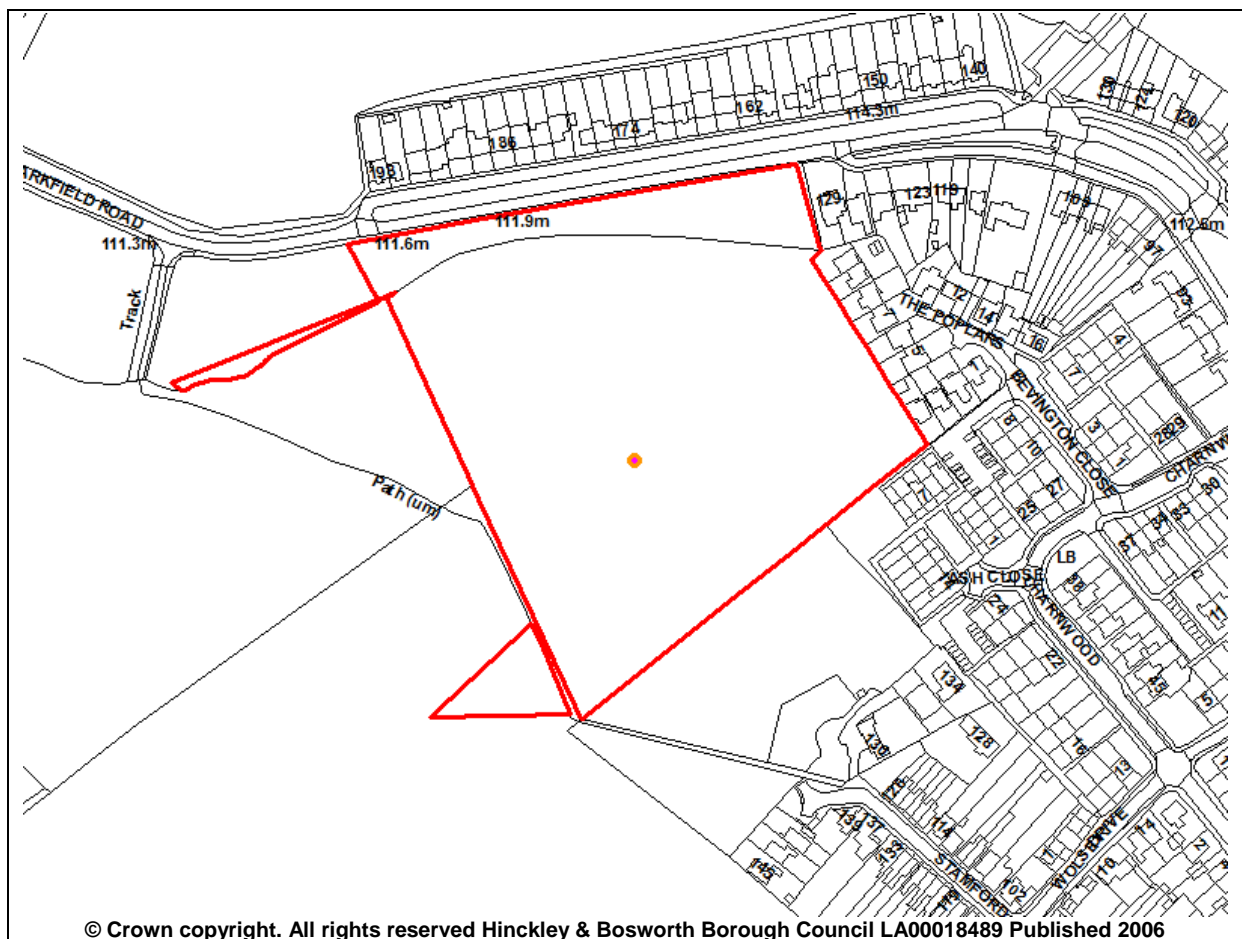
Planning Ref: 20/00462/FUL  
Applicant: Cawrey Homes  
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth  
Borough Council

Site: Land South Of Markfield Road Ratby

Proposal: Proposed residential development for 90 dwelling units, new access off Markfield Road, locally equipped children's play area, cycleway and footpaths and SUDS measures



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution of a S106 agreement to secure the following obligations:
  - 40% Affordable Housing with a split of 50% affordable rented and 50% shared ownership
  - £2,660.00 for library facilities at Ratby Library
  - £311,629.60 towards secondary school education
  - £36,381.31 towards Health Care Provision (GP Practices)
  - On-site Open Space requirement of 400m<sup>2</sup> of equipped play area with equipment to a minimum value of £58,500; 2476.4m<sup>2</sup> of Casual/Informal

- Play Space and 3600m<sup>2</sup> of natural green space along with maintenance costs.
  - Off-site Open Space contribution for 3456m<sup>2</sup> of outdoor sports provision of £31,276.80 along with the maintenance cost of £14,860.80.
  - Off-site tree planting of 7,622.6m<sup>2</sup> in accordance with the Proposed Tree Planting Plan (land shown within the blue line ownership boundary) with the planting specifications and management plan to be agreed with the local planning authority.
  - Travel Packs – one per dwelling (can be supplied by LCC at £52.85 per pack)
  - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass.
  - Raised kerb provision at the nearest two bus stops (ID 2527) at a cost of £3,500.
  - STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.
  - Improvements to the wider R50 footpath linking the application site with Stamford Street at a cost of £20,000.
  - 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 full planning permission for the construction of 90 dwellings with associated public open space, landscaping and infrastructure. The site has an area of approximately 3.8 hectares. A detailed access plan has been submitted which shows a new road leading into the site from Markfield Road along with a right hand turning lane into this new road.
- 2.2. The housing mix proposed comprises 54 private market houses and 36 affordable houses with 18 of these houses being affordable rented units and 18 being shared ownership units. The properties proposed are a mix of 4 x one bed houses, 36 x 2 bed houses, 2 x 2 bed bungalows, 36 x 3 bed houses and 12 x 4 bed houses. The properties proposed are of traditional construction comprising predominantly facing bricks with roofing tiles. All of the properties would be built to a height of two-storeys with the exception of the 2 adaptable bungalows.
- 2.3. The site layout plan shows the development would be predominantly arranged into four perimeter blocks along with ribbon development backing onto the existing properties along The Poplars and Ash Close. All of the properties would either face onto roads or parking forecourts. Some of the properties would have small front gardens whereas others would have parking along the frontage. All of the properties would have rear gardens of at least 9 metres in length with the exception of the two bungalows where the length would be 4 metres.
- 2.4. Areas of open space are proposed across the site but predominantly along the northern boundary of the site where a large area of land would remain undeveloped. In this open space area would be a Locally Equipped Area for Play (LEAP). An attenuation pond is proposed in an area of open space to the south west of the site. This pond would adjoin the existing footpath R50. All the proposed development would be at least 3 metres away from the northern, southern and

western boundary edges of the site which would allow the retention of the existing field hedgerows.

- 2.5. The proposal includes the construction of a footpath link onto Markfield Road along with two footpath links onto the existing footpath R50. There would also be a footpath installed along the southern carriageway of Markfield Road to link to the existing footpath.
- 2.6. The application is supported by the following technical documents:-
  - Design and Access Statement
  - Existing Site Sections
  - Drainage Strategy and Calculations
  - Topographical Survey
  - Transport Assessment
  - Travel Plan
  - Highway Technical Note
  - Tree Survey
  - Planning Statement
  - Parking Provision
  - Landscape and Visual Appraisal
  - Illustrative Street Scenes
  - Archaeological Assessment, Geophysical Survey and Magnetic Susceptibility
  - Ecological Appraisal
  - Flood Risk Assessment

### **3. Description of the site and surrounding area**

- 3.1. The application site is located to the south of Markfield Road, Ratby. The settlement boundary for Ratby forms the eastern boundary of the site. Markfield Road forms the northern boundary of the site and the settlement boundary for Ratby does include the existing properties along the northern carriageway. Open countryside forms the southern and western boundaries. The presence of this built development along with the adjoining open fields gives the area its semi-rural character.
- 3.2. The majority of the site lies within the National Forest. The site is located within Landscape Character Area A - Charnwood Fringe Settled Forest Hills Landscape Character Area (LCA – A) in the Landscape Character Assessment (2017). This is characterised by a gently undulating landform with small plateaus on higher ground and rising to the adjacent Charnwood Forest area to the east. The site also lies immediately adjacent to Urban Character Area 8 – Ratby.
- 3.3. The centre of Ratby is located some 550 metres from the site to the south east. In the village centre there are a wide range of local facilities including a primary school, doctor's surgery, community hall, sports centre, places of worship, public houses, shops, post office, library, recreation and other social facilities. The nearest bus stop is within walking distance of the site being located on Charnwood Drive.
- 3.4. The application site is currently in arable use bound by hedgerows on three sides. The site is mostly flat and level, however, the land does fall away gradually from north to south from 111m AOD along Markfield Road to a low point of 105m AOD where the attenuation basin is proposed.

#### **4. Relevant planning history**

##### **14/00108/OUT**

- The application site was part of a wider site for a residential scheme of up to 158 dwellings (outline - access only)
- Refused and Dismissed at Appeal
- 12.11.2014

#### **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. 56 letters of objection have been received raising the following issues:

- 1) The Council has already approved a large housing scheme on Markfield Road involving 168 houses and another 400 houses are planned in Markfield
- 2) Ratby's housing numbers have nearly doubled since 1991 – 453 houses built between 1991-2013 and there are plenty of existing properties available for sale or rent
- 3) There are more suitable sites for housing in the Borough and the Council now has a 5 year housing land supply
- 4) The proposal would set a precedent for further housing around the site
- 5) The road network around the site cannot accommodate the additional traffic which this residential scheme would generate
- 6) The proposed vehicular access into the site would cause highway safety issues and a lot of cars along Markfield Road exceed the speed limit
- 7) There is a lot of on street parking in the area due to people visiting Martinshaw Woods
- 8) Ratby already has high levels of air and noise pollution from the motorway and this scheme will add to these levels
- 9) The new residents of the scheme would be exposed to high levels of air pollution from the M1
- 10) The proposal will have a detrimental impact on the remnants of a Roman encampment known as 'The Burroughs' which is underneath the site
- 11) The proposal would impact on the residential amenity of occupiers of adjoining properties through overlooking, loss of privacy, loss of a view, loss of sunlight and the overbearing impact of this housing scheme
- 12) The proposal would negatively impact the property prices in the area
- 13) Previous housing schemes built by the applicant in Ratby do not have any landscaping included in them
- 14) The properties along The Poplars are all bungalows occupied by residents above retirement age whose enjoyment of their properties and gardens would be impacted on by the construction of family housing to the rear of their gardens. This would have an impact on their health and well being
- 15) During the construction phase there would be noise and pollution
- 16) A residential scheme on the site would cause noise and pollution to Martinshaw Woods to the detriment of the wildlife using the woods
- 17) There have been a lot of traffic accidents along Markfield Road and this proposal would make the situation worse
- 18) The local services and facilities in Ratby cannot cope with these additional residents especially the doctor's surgery and local schools. The COVID pandemic is also creating additional pressure on these services
- 19) There are no local facilities for young people to use in Ratby



- 20) Planning permission has already been refused for a residential scheme (158 houses) which included this site and an appeal was dismissed (ref: 14/00108/OUT)
- 21) Proposal would cause harm to this countryside location and would be contrary to Development Plan policies and advice in the NPPF
- 22) Damage to wildlife using the site including badgers, foxes and buzzards and contrary to LCC's Environment Policy 2011
- 23) Loss of ridge and furrow on the site
- 24) There is no provision for the required 0.75 hectare of tree planting and the proposal would remove ancient hedgerows
- 25) The proposal would involve re-routing public footpath N63 at the top of Stamford Street and this is a well-used footpath (photographs provided of walkers using the footpath)
- 26) There is a need for more bridleways in the area
- 27) The proposal for tree planting along the new footpath/cycle path is unacceptable
- 28) The lower field is already subject to flooding as the land slopes sharply away from Markfield Road to the south. The proposed balancing pond would be inadequate

## **6. Consultation**

- 6.1. LCC Ecology – holding objection due to lack of wildflower planting and proposed tree planting in close proximity to the footpath/cyclepath. Their revised comments on the amended plans submitted are awaited.
- 6.2. No objections have been received from:
  - HBBC Affordable Housing
  - HBBC Environmental Services (Pollution) – subject to pre-commencement conditions
  - HBBC Waste Services – subject to a condition
  - Leicestershire Police
  - HBBC Planning Policy
  - LCC as Lead Local Flood Authority – subject to pre-commencement conditions
  - HBBC Drainage – subject to pre-commencement conditions
  - LCC Archaeology – subject to pre-commencement conditions
  - National Forest
  - LCC as Highway Authority – subject to conditions
- 6.3. No comments have been received from:
  - Severn Trent Water
  - Woodland Trust
  - Arboricultural Officer
- 6.4. LCC Developer Contributions request:
  - £311,629.60 towards secondary school education in the area
  - £2,660.00 towards library facilities at Ratby Library

University Hospitals of Leicester NHS Trust request:

  - £24,174.00 towards additional health care services

George Eliot Hospital NHS Trust request:

  - £36,226.00 towards additional health care services

NHS West Leicestershire CCG request:

- £36,381.31 towards the cost of providing additional accommodation for 218 patients in Ratby

HBBC Affordable Housing – requirement for 40% of the housing to be affordable. They confirm that the proposed split of social or affordable rented and properties for intermediate tenure is acceptable. The housing mix proposed is a suitable mix of dwelling types and tenures and the space standards are acceptable.

S106 Monitoring Officer – requirement for an equipped play area, casual/informal play space and natural green space on site.

6.5. Ratby Parish Council object to the proposal raising the following issues:

- 1) A planning appeal and Judicial Review were both dismissed for a housing scheme on this land
- 2) There has been a recent planning approval for 168 houses to be built on the same road in Ratby which will cause traffic congestion within the village
- 3) Unacceptable levels of traffic and vehicles would be generated from the proposal as Ratby Primary School cannot be extended and school children would travel by car
- 4) Markfield Road is an extremely busy, fast road and with another major development this will add to traffic congestion problems
- 5) The land in question is outside the settlement boundary where the countryside and settlement separation should be preserved and development should not have an adverse effect on the intrinsic value, beauty, character and landscape character of the countryside
- 6) The proposal would result in the loss of countryside

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres relating to Leicester
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 17: Rural Needs
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 21: National Forest
- Policy 22: Charnwood Forest

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 DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

### 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)
- HBBC Landscape Character Assessment (2017)
- HBBC Landscape Character Sensitivity Study (2017)
- Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA)
- Affordable Housing SPD (2011)
- Open Space and Recreation Study (2016)
- Leicestershire Highways Design Guide
- Agricultural Quality of Land Surrounding Settlements in the Hinckley and Bosworth District Report (2020)

## 8. Appraisal

### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Ecology
- Archaeology
- Flooding & Drainage
- Affordable Housing
- 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 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. Ratby is identified as a Key Rural Centre relating to Leicester. Policy 7 supports proposals within the settlement boundaries of Key Rural Centres that provide a mix of housing types and tenures as set out in Policies 15 and 16. Policy 8 of the Core Strategy provides the policy framework for each Key Rural Centre

relating to Leicester. The first of the criteria seeks the provision of a minimum of 75 new homes in Ratby. This housing provision was exceeded when the SADMP was adopted in 2016 with extant planning permissions for 107 dwellings.

- 8.5 Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing at 1<sup>st</sup> April 2020. Due to the change in the housing figures required for the borough, the housing policies in the plan are out of date and as such paragraph 11(d) of the NPPF is triggered. Paragraph 11(d) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when 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. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.6 This site lies outside of the settlement boundary of Ratby. The land is identified as countryside within 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.
- 8.7 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 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
  - 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;
- 8.8 The site does not fall under any of the categories identified in Policy DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy.
- 8.9 Therefore, this housing proposal outside of the settlement boundary of Ratby and within the countryside is contrary to Policies 7 and 8 of the Core Strategy and Policy DM4 of the SADMP. As such there is a conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made where planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the

Framework taken as a whole. 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.

Design and impact upon the character of the area

- 8.10 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.
- 8.11 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.
- 8.12 The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.
- 8.13 The application site lies within the Charnwood Fringe Settled Forest Hills Landscape Character Area (LCA – B). This is characterised by a gently undulating landform with small plateaus on higher ground and rising to the adjacent Charnwood Forest area to the east; of a large scale irregular field pattern of mainly arable and some pasture, with smaller fields around settlements with fields enclosed by hedgerows with scattered trees; and, a dispersed pattern of former mining villages following a linear pattern on ridgetops with a good public access and footpath network throughout, especially within the National Forest area. The site is not a 'valued landscape' for the purposes of Paragraph 170 of the NPPF, does not have any national or local designations and is not unique or remarkable for any landscape purposes.
- 8.14 The landscape strategies for this area are to ensure new development should complement the existing settlement pattern and be well integrated within the wooded landscape, to support the National Forest Strategy and to encourage, connect and enhance habitats such as hedgerows, tree planting, farm woodlands and lowland meadow.
- 8.15 The Hinckley and Bosworth Sensitivity Study 2017 was undertaken to provide an overview of comparative landscape sensitivity around key settlements to provide context for policies and proposals within the emerging Local Plan, in particular in relation to built development. Within this Study the application site is assessed as part of the land to the west of Ratby. This land is described as follows:
- "Despite its intact rural character providing an attractive setting to the settlement, the assessment area is considered to have overall medium sensitivity to residential development due to the relationship it has with built development and the visual containment from existing woodland in the north."*
- 8.16 The application site also lies immediately adjacent to the urban area of Ratby which is identified as Urban Character Area 8 (UCA-8) within the Landscape Character Assessment. The key characteristics of Ratby as relating to the application site are that it is a historic hilltop settlement with open countryside setting to the west and south, its compact streetscene of narrow lanes within the historic core which contrast sharply with the expansive design of later roads such as Markfield Road and the M1 as a strong urban influence.
- 8.17 The application proposal would replace arable land which is classified as subgrade 3b in the Agricultural Quality of Land Report where heavy slowly permeable soils are found which limit the use of the land to autumn-sown crops. The land is devoid of any structures with permanent residential built form which would cause harm to

the landscape setting of the site. There are a number of public rights of way within 500 metres of the site including public right of way R50 which lies adjacent to the site. The walkers along these footpaths would be slow moving receptors and are considered to be of high sensitivity. A number of properties also have direct views across the application site from The Poplars, Ash Close and Stamford Street where views from habitable rooms would be achieved and these residents are considered to be of high sensitivity. The views from properties along Markfield Road would mainly be from first floor windows due to the intervening vegetation which would conceal views from ground floor habitable rooms.

- 8.18 A Landscape and Visual Appraisal (LVA) has been submitted with the application. This LVA describes the proposed development layout as being landscape led in that it retains and enhances the existing field boundary hedgerows and replants the roadside hedgerow along Markfield Road. A soft landscaping scheme has been submitted with the proposal along with a proposal for off-site planting to form part of a Section 106 Agreement. The route of public footpath R50 is unaffected by the proposal and new links would be created from the site onto this footpath. A new linear public open space containing a new footpath/cycleway that links Markfield Road to the National Cycle Route 68 and public right of way R121 would be created along with a play area.
- 8.19 The LVA concludes that due to the elevated settlement edge of Ratby concurrent with the gently sloping topography, the application site is not prominent in the local landscape, nor does it affect the skyline. The landscape character is thus described as transitional and urban fringe and the site has an overall medium sensitivity to residential development. There is no reason to disagree with this overall judgement which is in accordance with the findings in HBBC's Landscape Sensitivity Study.
- 8.20 The application site is located immediately adjacent to the existing settlement edge on two sides where two storey dwellings are visible. The presence of the existing settlement edge and those properties adjoining the immediate northern and eastern edges of the Site are a prominent characteristic feature of the Site and its immediate setting. As such, the sensitivity of the receptor is deemed to be of low vulnerability as the change in the baseline view would be minor.
- 8.21 Mitigation measures have been incorporated into the proposal which include the retention and enhancement of all existing boundary vegetation, the replanting of the roadside hedgerow and large areas to the north which would remain undeveloped with a landscape buffer/advanced native planting along the northern, western and southern boundaries. Tree planting is also proposed within and adjoining the site. The landscape harm identified to the local landscape area is identified as moderate.
- 8.22 A width of at least 3.5 metres around the northern, southern and western boundaries of the site would remain free of development to allow the planting of new native mixed hedgerows in areas of the site without hedgerows along with species-rich grassland and tree planting to soften the boundaries of the site. The tree planting proposed along the north western boundary with Martinshaw Wood along with the setting back of the built development from the main road would also shield some views of the housing development from the surrounding land.
- 8.23 The LVA argues that the low density (being 31 dwellings per hectare) and gently sloping nature of the proposed development combined with the enhancement of robust mature boundary vegetation would result in the overall effect on the landscape character area being of minor significance. With regards to LCA B, as the magnitude of the impact of the proposed development would be negligible due to the gently sloping nature of the application site and its containment from the wider landscape to the north, along with the soft landscaping scheme and the low density of the development, with a medium sensitivity and a negligible magnitude of

impact, the overall effect on the character of the LCA would be of minor significance.

- 8.24 A number of the objections received refer to a residential scheme on the site already being dismissed at appeal as being harmful to the character and appearance of the open countryside. The application site was part of a wider site for a residential scheme of up to 158 dwellings submitted under application ref: 14/00108/OUT. The Planning Inspector in his appeal decision stated that whilst Markfield Road and part of the adjacent field did have a character influenced by nearby housing, the residential scheme would extend some way beyond this into the wider countryside and would cut across existing natural features and boundaries in a visually harmful manner. The Inspector further expressed concern that the appeal scheme would spill over the rim into a trough and up the opposite slope, extending beyond existing field boundaries towards a low ridge. The appeal scheme would also harm the experience of users of public footpath R50 and residents in Stamford Street.
- 8.25 As described above, the Inspector's main concern was the inclusion of the land to the north of Stamford Street which contains the public footpath. This current planning application site boundary is contained to the field adjacent to Markfield Road (with the exception of the attenuation basin) and so does not include any of the land to the north of Stamford Street. The development would be contained by a hedgerow marking the boundary with this land north of Stamford Street and the route of the public footpath would not be affected by the proposal although there may be temporary diversions in place during the construction of the attenuation pond.
- 8.26 The route of public footpath (R50) is unaffected and will remain in its current location as part of the development proposal. There may be temporary diversions in place during the construction of the attenuation pond and the surfacing of the footpath will be improved and maintained in this area.
- 8.27 As such, it is considered that this proposal would not diminish the benefit of the existing valued public right of way compared to the appeal scheme which was for a larger development proposal submitted under ref: 14/00108/OUT.
- 8.28 The application site does have a varied topography and the details of all finished floor levels should be submitted and agreed in writing by the Council as part of a pre-commencement condition. This should include cross sections including properties along Markfield Road and The Poplars to ensure that the proposal would not have an overbearing impact on the existing surrounding properties.
- 8.29 The existing residential dwellings surrounding the site comprise a mix of detached dwellings, semi-detached and terraced dwellings and semi-detached bungalows sited with predominantly small front gardens, many of which are used as parking areas. The proposal is to retain the vegetation around the majority of the site along with setting any development back from these boundaries. Additional planting and landscape buffers are also proposed and form part of the landscape plan submitted. These mitigation measures would maintain the site's existing mature and open character which contributes to the semi-rural character of the area.
- 8.30 The properties proposed are of a traditional design comprising predominantly facing brickwork with roofing tiles to reflect the design of the adjoining residential properties. Some of the plots would have rendering at first floor level on their front elevations.
- 8.31 Three illustrative street scenes have been submitted showing the plots along Markfield Road and the plots along the main internal road leading from Markfield Road. The plots along Markfield Road are proposed to be the focal buildings as

these plots would be visible through the gap created by the access road onto Markfield Road and from the public open space proposed to be created to the north. These plots would have bay windows, roof canopies above the front doors, brick window cills, smaller window panes and feature brickwork at first floor level.

- 8.32 The illustrative street scenes also show the variation in roof styles which would comprise of predominantly front facing pitched roofs with side facing pitched gable roofs at first floor level. The corner plots notably Plots 22, 47 and 50 along the main internal road have been designed so that windows and/or the front door is located on the side elevation to give these plots dual-frontages as required by the Council's Good Design Guide SPD to create variety and rhythm within the street scene. Where possible, parking areas are set between dwellings in order to reduce the visual impact of cars on the street scene. Landscaping is proposed along parts of the internal roads to soften the built development. Dwellings are orientated to maximise views over the landscaped buffer and the public open space to improve natural surveillance of these areas. Bungalows are to be provided in the south eastern corner of the site where the existing residential properties of Ash Close are located in close proximity to the application site.
- 8.33 The housing mix proposed comprises 54 private market houses and 36 affordable houses with 18 of these houses being affordable rented units and 18 being shared ownership units. The properties proposed are a mix of 4 x one bed houses, 36 x 2 bed houses, 2 x 2 bed bungalows, 36 x 3 bed houses and 12 x 4 bed houses. All of the properties would be built to a height of two-storeys with the exception of the 2 adaptable bungalows. The density of the development at 31 dwellings per hectare would be in accordance with the requirements of Policy DM16 of the Core Strategy which requires at least 30 dwellings per hectare within and adjoining Key Rural Centres such as Ratby.
- 8.34 Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of a minimum of 40% affordable housing on all sites in rural areas and this should be agreed in a Section 106 Agreement. Whilst the development would not provide a split of 75% affordable rented and 25% shared ownership, the mix and tenure with a split of 50/50 has been agreed with HBBC's Affordable Housing Officer. Therefore, it is considered that the mix of housing types and tenures would be in general compliance with the requirements of Policy 16 of the Core Strategy.
- 8.35 The proposal would extend built development beyond the settlement boundary of Ratby and it is considered that the proposal would result in a moderate degree of harm to the character and appearance of the area which would conflict with Policy DM4 of the SADMP. Mitigation measures have been incorporated into the proposed layout of the scheme to minimise this harm. The mitigation measures include the retention, enhancement and in some cases replacement of all of the existing boundary vegetation. New tree and hedgerow planting would be provided both within the site and outside of the application site boundary to provide high quality landscaping taking into account the key sensitivities of the LCA.
- 8.36 It is therefore considered that the design, layout, design and landscaping details as submitted along with the improvements to landscaping and ecological enhancements would result in the development not being unduly intrusive to the wider countryside. Whilst there would be some conflict with Policy DM4 of the SADMP (2016), the mitigation measures submitted with the scheme would ensure that the development complemented the character of the surrounding area as required by Policy DM10 of the SADMP (2016) and advice in the Council's Good Design Guide SPD.



#### Impact upon neighbouring residential amenity

- 8.37 Policy DM10 of the adopted SADMP seeks to ensure that development does not adversely affect the amenity of occupiers of neighbouring properties.
- 8.38 Whilst there are existing dwellings adjoining the site boundary and there is a variation in ground levels on parts of the site, the proposed layout ensures that the finished floor levels would either be similar to the properties along The Poplars or lower. A planning condition can be imposed to ensure that the finished floor levels are agreed in writing prior to the commencement of development.
- 8.39 The layout has been designed to ensure that the properties which back onto the bungalows along The Poplars are orientated so that they are at an angle to the existing properties. Whilst the distance between the proposed properties and the existing properties would be a minimum of 20 metres in places this is below the separation standards laid out in the Good Design Guide SPD (being 21 metres). However, the existing properties are single storey in height and as such, any overlooking into habitable rooms would be restricted by the height of these single storey properties along with the proposed 1.8m close panel fencing along this boundary. The rear gardens proposed for these plots would be a minimum of 12 metres in length. Therefore, whilst the measurements do not meet the standard as laid out in the Council's Good Design Guide SPD, in this instance, the mitigation measures mentioned above would result in the proposed layout not having an overbearing impact on the outlook or a loss of privacy between these properties.
- 8.40 The proposed two properties in the south eastern corner of the site would be within 19 metres of the row of housing on Ash Close which back onto a public footpath. These two properties are proposed to be single storey in height to ensure that any overlooking into habitable rooms is restricted. There would also be a landscaped buffer between these two boundaries. As such it is considered that the mitigation measures mentioned above would result in the proposed layout not having an overbearing impact on the outlook from these properties or a loss of privacy between these properties.
- 8.41 The majority of the internal layout of the proposal has been designed to comply with the minimum standards laid out in the Council's Good Design Guide SPD. This includes rear garden with a minimum depth of 10 metres which exceeds the guide's recommendation of 7 metres. The exception to this are the 2 bungalows proposed on Plots 35 and 36 which whilst having a wide garden, the length of this garden would not exceed 4 metres. As the bungalows are designed for people with restricted mobility and the gardens would back onto a landscaped buffer which faces south, it is not considered that the reduced amenity space would impact on the amenity values of the potential occupiers of these plots.
- 8.42 The use of perimeter blocks ensures that each plot has been designed to minimise the impact of overlooking whilst providing some surveillance over rear gardens, parking forecourts and areas of open space. Indeed, the layout proposed would assist in providing security and so designing out crime in these areas in accordance with the advice in the Good Design Guide SPD.
- 8.43 The construction of the development would be temporary and would not result in any long term impacts on amenity. However, by virtue of the scale of development, the proximity to existing residential properties and potential duration of the construction phase, as recommended by the Council's Environmental Health (Pollution) a condition can be included on any consent granted to secure the submission of a Construction Environmental Management Plan for approval by the local planning authority prior to any construction work taking place to protect the amenities of neighbouring properties and minimise any adverse impacts. A

condition can also be imposed requiring for the submission and approval of a construction traffic management plan to protect the amenity of neighbouring properties.

- 8.44 Based on the above, the proposal would not have a significant adverse impact on the residential amenity of either nearby residential properties or on the future occupiers of the site. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

Impact upon highway safety

- 8.45 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.
- 8.46 A Transport Assessment and Travel Plan have been submitted with the application. Both of these documents concluded that the proposal would not have adverse impact upon the safe operation of the local highway network. Following concerns raised by LCC as Highway Authority, additional information has been submitted to support the application. This includes a Technical Note, an amended Travel Plan, a revised access drawing and a revised internal layout drawing. A Stage 1 Road Safety Audit has also been submitted to support the revised access.
- 8.47 The detailed access plan shows a 5.5m carriageway extending into the site from Markfield Road with a 2m wide footway on both sides of the proposed access, which would extend into the site to allow for pedestrian access. A ghost right turn lane would be provided on Markfield Road into the site on the basis of the traffic which the development is predicted to generate between 07:00 and 19:00 hours, the level of traffic already using Markfield Road and the Design Manual for Roads and Bridges (DMRB) guidance.
- 8.48 Speed survey data has been obtained from LCC which indicate 85%ile speeds of 46.1mph westbound and 42.1 eastbound. Visibility splays of 2.4 x 160 metres to the east and 2.4 x 120 metres to the west of the access have therefore been provided which is in accordance with Part 3 of the Leicestershire Highway Design Guide (LHDG).
- 8.49 A two metre wide footway would be provided alongside the edge of Markfield Road, tying in to the existing footway provision leading into Ratby.
- 8.50 LCC as the Highway Authority has confirmed that the right turn lane is feasible. Whilst the turning length of 30m does not meet the required length as set out in table 5.22 of CD123 for the measured speeds, as the speed limit along this stretch of Markfield Road is 30mph and the addition of the right turn lane is likely to reduce the traffic speed slightly, they state that they would not seek to resist the proposal on this basis. The Highway Authority also considers that there may be scope to increase the turning length at the Detailed Design Stage.
- 8.51 The submitted Transport Assessment and Technical Note sets out the traffic counts which were undertaken along with a survey of queue lengths at identified junctions. These junctions are:

1. Site Access/Markfield Road ghost right turn lane
  2. Markfield Road/Whittington Drive priority junction
  3. Markfield Road/ Main Street/ Groby Road mini roundabout
  4. Groby Road/ Sacheverell Way/ Ratby Road ghost right turn lane
  5. Sacheverell Way/ Leicester Road roundabout
- 8.52 The application submission includes updated traffic count data from LCC for Junctions 3, 4 and 5. This data has been factored using TEMPRO growth factors to a base year of 2020 and future year of 2025 which has been accepted by the Highway Authority. The 2025 future year scenario includes the nearby committed development (19/00680/OUT).
- 8.53 Ratio to Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically a value of 0.85 is seen as the practical capacity, with results higher than this more likely to experience queuing or delay. The RFC of all junctions is not proposed to exceed 0.85 with the development in place in 2025. Therefore, the Highway Authority conclude that they are satisfied that these junction will operate within capacity.
- 8.54 Concerns have been raised by residents that junction 4 is operating without any spare capacity. The Highway Authority has confirmed that for application ref: 19/00680/OUT this junction with Ratby Road was modelled as a single lane approach. However, this junction does have a flare which enables more than one vehicle to wait at the give way line (i.e. one vehicle turning left and one vehicle turning right). As such the junction would operate within its capacity following the completion of this development.
- 8.55 With regards to the internal layout of the road network proposed and the parking plan, the Highway Authority has confirmed that the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. However, the internal layout of the road network would not be suitable for adoption and as such would need to remain in private ownership. In particular, the road leading to the field gate access should include a turning head, the bin collection points should be relocated 2m behind the highway boundary, 25m visibility splays are required on all junctions throughout the development and speed controls on Roads 2 and 4 are required. The Highway Authority has recommended that conditions are imposed on any consent granted if the internal road network is to remain private.
- 8.56 The applicant has confirmed that their preference is for the internal highway network to be adopted. Amended plans have been submitted with the application. These plans show minor alterations to the road network to address the issues raised by the Highway Authority. The Highway Authority has been consulted on these amended plans and any further comments made by them will be reported to the planning committee as a late item.
- 8.57 The parking plan shows that the 8 x 1 bed houses would have one car parking space, the 2 and 3 bed properties would have at least 2 car parking spaces and the 4 bed properties would have at least 3 car parking spaces. The Highway Authority has confirmed that the parking layout is acceptable and that the proposed parking for corner properties do benefit from side access gates leading into the host property. The Highway Authority has suggested planning conditions to ensure that

the parking and turning areas proposed within the site are laid out and available for use prior to the occupation of each dwelling.

- 8.58 The Highway Authority has recommended that improvements are made to the nearest bus stop on Charnwood Road and that a contribution of £20,000 is sought to improve the footpath link between the site and Stamford Street by installing 215m of stone path along public footpath R50.
- 8.59 It is therefore considered that the proposal would have a negligible impact upon the capacity of the local highway network and that junctions within the vicinity of the site would not be severely affected by the additional development traffic in accordance with Policy DM17 of the SADMP (2016) and the National Planning Policy Framework (NPPF).

#### Ecology

- 8.60 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.
- 8.61 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.62 Policy 21 of the Core Strategy requires that to support the implementation of the National Forest, proposals that contribute to the delivery of the National Forest Strategy will be supported.
- 8.63 An Ecological Appraisal and Protected Species Survey (Curious Ecologists March 2020) has been submitted with the application and was found to be satisfactory by LCC (Ecology). The hedgerows are the most valuable feature of the site and most of these would be retained with acceptable buffer zones alongside. Whilst the roadside hedge would need to be removed, LCC Ecology has confirmed that this hedgerow does not meet Hedgerow Regulation Standards as an “important” hedge and it is not of local wildlife site standard. As such, they have no objections to its removal and an equivalent amount of hedgerow replanted on site with a species mix of Hazel, Hawthorn, Holly and Blackthorn along with oak tree standards to replace the trees lost in the roadside hedgerow.
- 8.64 Following concerns raised by LCC Ecology, the hedgerow along the southern boundary of the site has been excluded from the rear gardens and instead a buffer of at least 3.5 metres has been provided to protect the hedgerow from piecemeal loss and damage. LCC Ecology has advised a number of planning conditions should be imposed on any consent granted to ensure that the biodiversity value of the site is maintained and enhanced and to undertake further survey work on the site for badgers.
- 8.65 An amended soft landscaping scheme and tree planting scheme has been submitted following concerns raised by LCC Ecology about the proposed tree planting within close proximity to the proposed pedestrian/cycle path. The amended plans show a grass verge of at least 4 metres along the path to allow for outgrowth and for planting with wildflower seeds. LCC Ecology has been consulted on these amended plans and any further comments made by them will be reported to the planning committee as a late item.
- 8.66 The National Forest Company has confirmed that they are satisfied that the requirement of the National Forest Planting Guidelines has been fulfilled on the context of the proposed woodland planting and the green infrastructure provision within and adjoining the application site. They also consider that the provision of a dedicated footway/cycle way from the site to the National Forest Way to the west is

acceptable in terms of providing access for future residents to the woodlands in the locality. They recommend that conditions are imposed to ensure that the local equipped area of play includes the use of wooden play equipment and that the materials used on the housing such as the porches reflect National Forest Character. The imposition of such conditions would ensure that the proposal was in accordance with Policy 21 of the Core Strategy which seeks to contribute towards the delivery of the National Forest Strategy.

- 8.67 Based on the above, it is considered that the impact of the proposed development on protected species is in accordance with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

#### Archaeology

- 8.68 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.
- 8.69 The land is under arable cultivation and is not 'ridge and furrow' as confirmed by the Archaeological Assessment submitted with the application. The two small paddocks at the end of Stamford Street lie outside of the application site and are unaffected by this proposal. The hedgerow between the application site and these two paddocks would be retained and protected with the exception of the opening of a new gateway for livestock and maintenance vehicles. The application site is located away from The Burroughs and would be well screened by an existing hedgerow and planting.
- 8.70 LCC (Archaeology) state that the Leicestershire and Rutland Historic Environment Record shows that the proposed developed site has good potential for the presence of prehistoric and Anglo-Saxon remains and is also crossed by the projected line of the Via Devana Roman road.
- 8.71 The application site has been surveyed for evidence of Archaeological features and some features of uncertain origin were identified in the north-western corner of the site. LCC Archaeology recommends that further archaeological evaluation of the site and any subsequent mitigation arising from this can be secured through a pre-commencement condition. The findings of these further studies would then inform an appropriate programmed of archaeological mitigation including as necessary intrusive and non-intrusive investigation and recording. The pre-commencement condition is considered to meet the tests as laid out in the NPPF and should be applied as requested to ensure that the proposal complies with the requirements of Policy DM13 of the SADMP.

#### Flooding and Drainage

- 8.72 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. A Flood Risk Assessment (FRA) has been submitted with the application in accordance with paragraph 163 of the NPPF.
- 8.73 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. There are no recorded flooding incidents on the site. However, some of the objection letters have indicated that the fields to the south of the site have experienced flooding from water draining off the site. The FRA indicates that as the site is currently not positively drained, the source of this flooding is likely to be surface water or groundwater. The proposal is for surface water from the proposed development to be intercepted by a sustainable drainage scheme. Attenuation storage would be provided by an attenuation basin located in the south west corner

of the site. Runoff would be released from the site at greenfield runoff rates to an ordinary watercourse and the proposed outfall is shown to be within the ownership of the applicant. This slow release of water would ensure that flood risk downstream is not increased.

8.74 The Lead Local Flood Authority and HBBC Drainage raise no objections to the Surface Water Drainage Strategy proposal subject to conditions requiring the submission of a surface water drainage strategy which will require full construction details.

8.75 Therefore the proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and the proposed development is located in a suitable location with regard to flood risk.

#### Affordable Housing

8.76 The proposal is for 36 affordable housing units to be provided on site with 18 of these houses being affordable rented units and 18 being shared ownership units. The affordable housing should be spread evenly throughout the site in small clusters as set out in Key Policy Principle AH 3: Design and Layout in the Affordable Housing Supplementary Planning Document.

8.77 The Affordable Housing Officer has provided information on the housing register as on 24 June 2020 stating that the following number of applicants were in need of affordable housing in Ratby:

- For 1 bedroomed properties 53 applicants
- For 2 bedroomed properties 42 applicants
- For 3 bedroomed properties 13 applicants
- For 4 or more bedroomed properties 6 applicants.

8.78 There are 26 applicants on the housing register who indicate they have a connection to the parish of Ratby. Of this number, 10 are waiting for 1 bed properties, 12 for 2 beds, 2 for 3 beds and 2 for a 4 bed.

8.79 The Affordable Housing Officer has agreed the mix proposed for the affordable rented units as: 4 x 1 bed units; 2 x 2 bed bungalows and 12 x 2 bed units. The agreed mix for the shared ownership units is: 10 x 2 bed units and 8 x 3 bed units.

8.80 There is a requirement for applicants in the first instance to have a local connection to Ratby, 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.

#### Infrastructure Contributions

8.81 Policy DM3 of the 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.

8.82 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.

## Affordable Housing

- 8.83 The developer will be obligated to provide 40% affordable housing, with a tenure split of 50% affordable rented and 50% intermediate (shared ownership). The agreed mix for the affordable rented units is as follows: 4 x 1 bed units; 2 x 2 bed bungalows and 12 x 2 bed units. The agreed mix for the shared ownership units is: 10 x 2 bed units and 8 x 3 bed units.
- 8.84 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 housing waiting list for Ratby, and will be required to be delivered on a cascade approach with residents with a connection to Ratby. 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

- 8.85 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. There would also be a requirement for the maintenance of on-site open space provision for a 20 year period and for the maintenance of off-site open space provision for a 10 year period.

### 1. Play and open space contributions

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 90 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	324	400	None. Equipment to be provided on site to a minimum value of £58,500 (based on 324m <sup>2</sup> required)

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 90 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Casual/Informal Play Spaces	16.8	1512	2476.4	None
Outdoor Sports Provision	38.4	3456	None	£31,276.80 contribution required towards off site outdoor sports provision and £14,860.80 required for its maintenance
Accessibility Natural Green Space	40	3600	3600 (balancing pond not included)	None

- 8.86 In accordance with the Open Space and Recreation Study (2016) the number of dwellings proposed requires a Locally Equipped Area for Play (LEAP) to be provided on site. The submitted Site Plan does include the provision of an equipped area for play to the north east of the site.
- 8.87 The developer would be obligated to provide and then transfer the on-site open space area to a management company, 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 of £148,105.12.
- 8.88 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 Ratby 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.
- 8.89 Using the adopted Open Space and Recreation Study (2016) the closest outdoor sports provision would be Ferndale Park. 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

- 8.90 The West Leicestershire CCG has requested a contribution of £36,381.31 towards addressing the deficiencies in services at Ratby Surgery, which is the closest available GP practice to the development. An independent premises feasibility study has identified that this surgery is poorly laid out due to successive small extensions and so has no further room to expand. The recommendation on the final report was that the practice would need to relocate to new build premises to meet future demand. The practice partnership has invested in land within the village and is currently preparing their final business case and plans for a new surgery. An increase of 218 patients from the proposal would significantly impact on patient demand in the area.
- 8.91 The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local surgery at Ratby, 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

- 8.92 LCC Children and Family Services has requested a contribution towards secondary school 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 £311,629.60 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Brookvale Groby Learning Campus or any other school within the locality of the development.
- 8.93 The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and would address 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.

#### Libraries

- 8.94 LCC Library services have requested a sum of £2,660.00 towards provision of additional resources at Ratby Library, which is the nearest library to the development. The development would be within 0.66km of Ratby Library. The contribution is calculated using a methodology that is attributed to all developments of this typology and has only been requested where there is a deficiency in stock level. Therefore the contribution relates fairly and reasonably in scale and kind.

#### University Hospital Leicester (UHL) and George Eliot Hospital (GEH) NHS Trusts

- 8.95 UHL and GEH have requested contributions to address NHS revenue shortfalls for acute and planned treatment. This is by way of a monetary contribution of £24,174.00 and £36,226.00 respectively towards the 12 month gap in the funding in respect of A & E and planned care at the Hospitals in Leicester and Nuneaton.
- 8.96 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 and GEH to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. UHL and GEH are unable to demonstrate that the burden on services arises directly from the development proposed, as opposed to a failure in the funding mechanisms for care and treatment. The requests made are 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 and GEH have not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Further to this there are issues with the data and methodology used by UHL and GEH 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 these requests fairly and reasonable relate in scale and kind to the development proposed.
- 8.97 A similar request was considered by a Planning Inspector during the determination of appeal ref: APP/K2420/W/19/3235401, where it was found that there was insufficient evidence to support the contributions being sought. These requests are therefore not considered to meet the test of the CIL Regulations.

#### Other Matters

- 8.98 HBBC (Street Scene Services) has 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.
- 8.99 As a result of public consultation, objections have been received on the grounds of loss of property value; however, this is not a material planning consideration.

- 8.100 HBBC Environmental Services (Pollution) has requested that a condition is imposed to undertake a scheme of investigation into land contamination that may be present on the site due to the previous agricultural uses which have taken place. It is considered that this pre-commencement condition is reasonable and necessary considering the sensitive receptors who will be occupying the site in accordance with the requirements of Policy DM7 of the Core Strategy (2016).

## **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 (including planning balance)**

- 10.1. Whilst the Council can demonstrate a 5 year housing land supply, the housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies 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.

- 10.2. The proposal would be in conflict with Core Strategy Policies 7 and 8 and Policies DM4 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 a moderate to minor impact on the wider landscape character. There are also some minor adverse visual impacts identified, so there is some conflict with Policy DM4 of the SADMP.

- 10.3. 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 90 houses (including 36 affordable homes). These additional houses would have moderate weight in the planning

balance whilst the affordable housing would have significant weight in the planning balance.

- 10.4. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh 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.
- 10.5. The proposal would result in economic benefits through the construction of the scheme albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 10.6. As discussed above, the proposal would deliver 90 dwellings, of which 40% would be affordable. This would result in a moderate social benefit to the area and also to the borough. The proposal would also involve the provision of areas of public open space (POS) and new tree planting within the National Forest. The POS would be connected to existing pedestrian footpaths and the National Forest network providing a benefit to the wider area.
- 10.7. Some environmental benefits would be provided such as additional planting through the landscaping to be provided in the open space along with off-site tree planting. 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.
- 10.8. It has been concluded that there would be moderate harm to the character of the area caused by the landscape and the visual impact of built development in this location would harm the open character of this area. 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 this level of 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.
- 10.9. Subject to conditions the proposal would not have any significant adverse impacts on residential amenity, vehicular or pedestrian safety, Ecology, Archaeology, Drainage and Land Contamination. It is considered that the proposed development is in accordance with Policies DM6, DM7, DM10, DM11, DM13, DM17 and DM18 of the SADMP (2016) and is therefore recommended for approval subject to the conditions and planning obligations listed below.

## **11. Recommendation**

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

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
  - 40% Affordable Housing, 50% affordable rented and 50% shared ownership
  - £2,660.00 for library facilities at Ratby Library
  - £311,629.60 towards secondary school education
  - £36,381.31 Health Care Provision (GP Practices)
  - On-site Open Space requirement of 400m<sup>2</sup> of equipped play area with equipment to a minimum value of £58,500; 2476.4m<sup>2</sup> of Casual/Informal Play Space and 3600m<sup>2</sup> of natural green space along with maintenance costs.

- Off-site Open Space contribution for 3456m<sup>2</sup> of outdoor sports provision of £31,276.80 along with the maintenance cost of £14,860.80.
  - Off-site tree planting of 7,622.6m<sup>2</sup> in accordance with the Proposed Tree Planting Plan with the planting specifications and management plan to be agreed with the local planning authority.
  - Travel Packs – one per dwelling (can be supplied by LCC at £52.85 per pack)
  - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass.
  - Raised kerb provision at the nearest two bus stops (ID 2527) at a cost of £3,500.
  - STARSfor (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.
  - Improvements to the wider R50 footpath linking the application site with Stamford Street at a cost of £20,000
  - Planning conditions outlined at the end of this report
- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.
- 11.3 That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.
- 11.4 **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 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
  2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:  
  
Drgs No: C170 0198-P02 (Existing site plan) and House Types contained in the following Drgs No: C170 0200-P02; 0210-P02; 0220-P02; 0221-P02; 0222-P02; 0223-P02; 0230-P02; 0231-P02; 0232-P02; 0233-P02; 0234-P02; 0235-P02; 0236-P02; 0240-P02; 0241-P02; 0242-P02; 0250-P02; 0251-P02; 0252-P02; 0260-P02; 0261-P02; 0263-P02; 0280-P02; and 0281-P02 all received by the local planning authority on 15 May 2020.  
  
House Types contained in the following Drgs No: C170-BRP-00-XX-DR-A-0262-P04; 0270-P04; 0271-P04 and 0282-P04 all received by the local planning authority on 4 June 2020.  
  
Proposed Drainage Strategy Drg No: MRRD-BSP-ZZ-XX-DR-C-240 Rev P03 received on 3 August 2020.  
  
Proposed Site Access Drg No: MRRL-D-0001-P05; Location Plan Drg No: C170-0199-P03; Proposed Site Plan Drg No: C170-0100-P13; Green Infrastructure Area Drg No: C170-01030P06; Proposed Tenure Mix Drg No: C170-0104-P05; Proposed Refuse Strategy Drg No: C170-0105-P03; Boundary Treatment Plan Drg No: C170-0106-P03; Proposed Tree Planting Drg No: C170-0107-P02; and House Types in Drg No: C170-0230-P03; 0232-P03 and 0236-P03 all received on 31 August 2020.  
  
Soft Landscaping Plan Drg No: DNS 01.3C received on 8 September 2020.

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

3. Prior to the 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)

4. 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 Policies DM17 and DM18 of the SADMP (2016).

5. 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)

6. 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).

7. No development shall take place until details of the pedestrian links to be provided from the application site to public footpath R50 to the west and to Markfield Road to the north have been submitted to and approved in writing by the local planning authority. The approved footpath links shall be implemented in full and made available for use in accordance with the approved details prior to the occupation of the 50<sup>th</sup> dwelling.  
**Reason:** To improve connectivity of the site to the surrounding area in accordance with Policy DM1 of the SADMP (2016).
8. No development shall commence on site 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 submitted details shall include infiltration testing. 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).
9. Prior to the 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.
10. Prior to the 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.
11. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/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).

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 within the red and blue lines of the approved Site Location Plan 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.

13. No works shall commence on site until full details of the finished floor levels for each of the approved dwellings along with cross sections including Markfield Road and The Poplars have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full accordance with the approved details.

**Reason:** To ensure that the development has a satisfactory appearance in accordance with Policies DM4 and DM10 of the SADMP (2016).

14. Prior to the commencement of development on site a badger survey shall be submitted to the local planning authority for approval in writing. Should evidence of badgers be found on site then the survey shall include a mitigation plan.

**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).

15. Prior to the construction above foundation level of any of the dwellings hereby approved, 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 local planning authority. The approved scheme shall be implemented in full.



**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).

16. None of the dwellings hereby approved shall be occupied until such time as the access arrangements shown on approved Drg No: MRRL-DR-D-0001 Rev P05 along with any approved amendments to increase the turning length on Markfield Road as approved at the Detailed Design Stage have been implemented in full. For the avoidance of doubt this shall include the installation of the footpath along Markfield Road.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to ensure pedestrian safety in accordance with Policy DM17 of the SADMP (2016).

17. None of the dwellings hereby approved shall be occupied until such time as vehicular visibility splays of 2.4 metres by 160 metres to the east and 2.4 x 120 metres to the west of the access 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 accordance with Policy DM17 of the SADMP (2016).

18. No dwelling hereby permitted shall be occupied until such time as the parking and turning facilities for that dwelling have been implemented in accordance with Drg No: C170-DR-A-0100 Rev 13. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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

19. Any dwellings that are served by private access drives including any turning spaces shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Drg No: C170-DR-A-0100 Rev P13. The private access drives shall be surfaced with hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and once provided shall be so maintained in perpetuity.

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

17. None of the dwellings hereby approved shall be occupied until full details of the play equipment, street furniture and boundary treatment around and within the locally equipped play area has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the occupation of the 70<sup>th</sup> dwelling on the site.

**Reason:** To ensure that the development has a satisfactory level of equipment provided which respects the National Forest in accordance with Policies DM4 and DM10 of the SADMP (2016).

18. The approved hard and soft landscaping scheme on Drw Nos: DNS 01.3C and C170-0199-P03 shall be completed prior to the occupation of the plot to which it relates. The non-residential landscaping areas shall be completed upon occupation of the 70th dwelling. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

19. 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 dwellings including the porches hereby permitted have been deposited with and approved in writing by the local planning authority. The scheme shall be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory appearance in the interests of visual amenity in accordance with Policy DM10 of the SADMP (2016).

20. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the SADMP (2016).

21. Each dwelling with a private vehicular access hereby permitted shall not be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays has been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, and once provided, shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety and in accordance with Policy DM17 of the SADMP (2016).

22. The development shall be carried out in full accordance with the recommendations specified in the Ecological Appraisal and Protected Species Survey dated March 2020.

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

23. The bin storage areas as approved on Drg No: C170-0105-P03 shall be completed prior to the occupation of the plot to which they relate and all 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).

#### 11.5 Notes to Applicant

1. In relation to condition 5 and 6; advice from Health and Environment Services can be viewed via the following web address: [https://www.hinckley-bosworth.gov.uk/info/200075/pollution/177/contaminated\\_land](https://www.hinckley-bosworth.gov.uk/info/200075/pollution/177/contaminated_land) site which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
2. With reference to condition 8 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, pervious paving 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.
3. With reference to condition 9 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.
4. With reference to condition 10 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.
5. With reference to condition 11 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.

6. 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.
7. 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>.
8. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. 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> If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) in the first instance.
9. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
10. 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>.
11. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with the construction works.
12. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highway Act 1980.

13. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.

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Planning Committee 10 November 2020  
Report of the Planning Manager

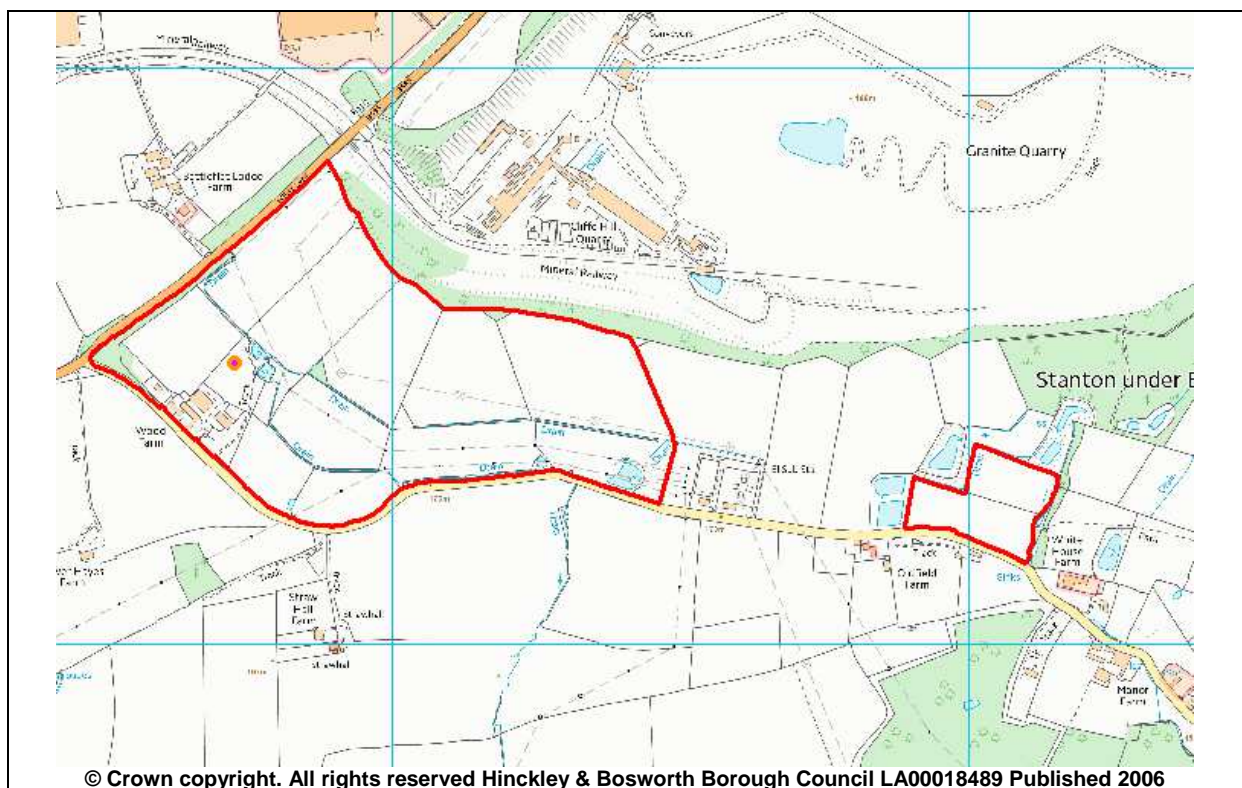
Planning Ref: 20/00407/HYB  
Applicant: Wood Farm Holdings  
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth  
Borough Council

Site: Wood Farm Stanton Lane Ellistown

**Proposal: Hybrid application comprising of Outline permission for the erection of buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved expect for access) and Full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures**



## 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:
  - Coalville transportation infrastructure strategy contribution
  - National Forest Off site planting
  - Provision of opportunities for apprenticeships and work experience and employment and skills related training during the construction of the development.
  - One travel pack per employee £52.85 per pack from first occupation
  - One six month bus pass per employee £350 per pass
  - Sustainable Travel Accreditation and Recognition Scheme monitoring fee of £11,337.50

- Improvements to surrounding rights of way
  - Planning conditions outlined at the end of this report
- 1.2. That the Planning Manager be given delegated 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 is a hybrid application seeking planning permission for:
- Outline permission (access only) for the development of up to 114,200sqm a B2 (Industrial) and/or B8 (Storage and Distribution)
  - Full planning permission for the relocation and erection of farmstead
- 2.2. The application site comprises of two areas of land situated along Stanton Lane, this comprises of a total of 35.48 hectares which is split into 32.6 hectares for the main site proposed for the employment development, and 2.88 hectares for the proposed farm site.
- 2.3. The proposed farmstead would comprise of full consent for two new two storey dwellings and five associated farm buildings. The farm yard would comprise of two cattle sheds, bull pens and calf pens, grain store and a steel framed workshop. The southern half of the proposed farmstead would comprise of the two farm managers dwellings, located either side of the access road, which would extend beyond a centrally located hedgerow into the farm yard situated to the northern part of the site. The scheme proposes additional planting and balancing pond to the towards the south east corner incorporating the existing public right of way (R9). Access would be taken from Stanton Lane.
- 2.4. The outline scheme seeks to develop up to 114,200 sqm of employment use across the site, which would be divided in to three sections. The application proposes a maximum ridge height of 21 metres in areas 1 and 2 (west and central areas of the site) and 18 metres in area 3 (eastern portion of the application). The main access to the site would be in the form of a new roundabout from West lane, situated to the north west corner of the application, with a secondary 'left in/right out' only junction from Stanton Lane, which would be restricted to cars and motorcycles to serve the unit within Area 1.
- 2.5. The proposed parameters for the outline scheme also includes a landscape buffer to the edge of the application, and would include National Forest Planting and footpath link through the site.
- 2.6. The application is supported by the following technical documents:

Design and Access Statement  
 Minerals Assessment  
 Arboricultural Impact Assessment  
 Topographical Survey  
 Transport Assessment  
 Framework Travel Plan  
 Planning Statement  
 Noise Report  
 Lighting Report  
 Landscape and Visual Impact Assessment  
 Ecology Survey  
 Illustrative Landscape Strategy



Archaeological Geophysical Survey Report  
Ecological Impact Assessment  
National Forest and Access Statement  
Utilities Assessment  
Flood Risk Assessment  
Employment Market Report  
Economic Statement  
Employment land Sequential Assessment

### **3. Description of the site and surrounding area**

- 3.1. The application site is situated to the south west of West Lane (B585) and to the north of the Stanton Lane. Situated to the East of Stanton Under Bardon, situated outside any defined settlement boundary. To the north of the application site is Cliffe Hill Quarry, with areas of woodland and agricultural land to the south. There is a group tree preservation order (Ref W4) which is situated to the north west boundary of the application. To the north west is an established employment development with a solar farm to the south west. The application site is situated outside any settlement boundary and within the National and Charnwood Forest.
- 3.2. The main site is negotiated by a number of overhead power lines which originate from an electricity substation located beyond the east boundary, and supported by steel framed pylons. The existing farmstead is made up of two dwellings, known as Wood Farm and Bramblewood, and a number of agricultural buildings and structures, which are of brick and slate, developed over time following the growth and need of the farm. The application site comprises of a number of irregular agricultural fields separated by hedgerows and trees.
- 3.3. There are a number of public footpaths in proximity to the site. Grange Walk, R114 and R31 are situated along the north east and south of the larger of the two application sites, and footpath R9 cross the farm site to the south east corner.
- 3.4. Levels across the application site vary, with a high point of the site positioned in the northern boundary of site, with an approximate level above Ordnance Datum (AOD) of 193 metres. The lowest point recorded is situated adjacent to a pond located in the south east corner which is at a recorded level of 161.5 metres AOD.

### **4. Relevant planning history**

#### **14/01220/FUL**

- Extension of existing livestock building
- Permitted
- 09.03.2015

#### **19/00507/SCOPE**

- Proposed employment development of land east of Stanton Lane (Wood Farm), Bardon
- Opinion Issued – Environmental Impact Assessment not required
- 29.05.2019

### **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.
- 5.2. The application has received 56 objections raising the following matters:
1. The socio-economic statement is unconvincing

2. Developers would gain profit but the area would not gain any, with the loss of fields and National Forest
3. Lorries and cars take short cuts through Stanton under Bardon
4. This development would add even more traffic to existing roads which cannot cope with the amount of traffic
5. Considering moving out of the area due to the development in the local areas, resulting in pollution
6. Planning should not be proceeding when Covid 19 is still about
7. Green belt for warehousing should not be sacrificed
8. There are many empty warehouse on Interlink and the development at interlink south
9. It will bring little benefit to the area
10. Wood Farm is agricultural land situated in the National Forest, and its development would be contrary to the Government aims of planting millions of trees and lower CO2 levels
11. The development benefits primary overseas' investors interests at the detriment to the well being of the local community
12. The development would add to the CO2, and particulate pollutions from the extra transport contributing to poor health and environment deterioration in the areas that has suffered from poor health and deep pollution cause by the mining industry
13. Loss of privacy
14. Loss of visual amenity
15. Parking and turning will only meet the current guidelines and not meet for future growth
16. Will result in congestion and more accidents in the exiting layout and lead to faster traffic if future changes favour more lorries at the cost of local traffic
17. Adverse impact due to noise
18. Traffic generation will have an impact upon the health of residents in the new dwellings along the A511 near the white horse roundabout
19. Increase use of hazardous materials to the environment
20. Loss of trees
21. Design and appearance unsympathetic to locality and National Forest
22. Landscaping will sterile wildlife as it will be low cost and easily maintainable
23. There is little to no unemployment in Stanton and therefore this would not be a benefit
24. The road will become a rat run, it is dangerous as it is
25. Already lost agricultural land to solar panel and forest, once this is developed it will be lost forever
26. HBBC declared a 'Climate change emergency' in July and has committed itself to taking action to help the Borough become Carbon Neutral by 2030
27. Main Street is effectively one way due to the on street parking, this makes access difficult and obscures views

28. This development is not within the settlement boundary and is within open countryside
29. Contrary to Core Strategy Policy 12, which only supports home working and other small scale employment uses
30. Development would be contrary to Policy DM2 of the SADMP, the development would irreversibly damage the landscape harming the visual aspects of the surrounding area
31. Contrary to Policy DM4, the intrinsic value would be destroyed, beauty and open character and landscape character of the countryside will be removed
32. Even at year 15 with the tree growth the visual impact from neighbouring properties is completely overwhelming
33. Fields east of the substation on both sides of the lane should be planted with trees to help shield nearby residents
34. Cross sections and view points are miss leading, buildings of such scale can not be hidden successfully
35. Does not complement the character of open countryside contrary to DM10 of the SADMP
36. The rebuilding of the structures in the proposed location will devalue the character of the area and destroy two lovely pastures, contrary to Policy DM14 of the SADMP
37. The new development would not be in the curtilage of the existing dwelling, it would be sited over 1km away contrary to Policy DM14
38. The emerging neighbourhood plan is at an advanced stage but is not yet formally part of the development for the area, however if approved a precedent would be created allowing similar developments down the lane. This site is not part of that plan
39. There is a low unemployment rate locally employees will come from outside the area, and lead to an increase in transport
40. Access of the relocated farm will increase vehicles over 1km along the lane passing close to existing homes
41. Contrary to the aims of the NPPF
42. Conflict between vehicles, pedestrians and cyclists will occur due to increased traffic
43. The development would adversely impact upon the footpath along the quarry bank
44. Proposed money towards infrastructure would not be available for years and the improvements will be carried out years after the development, leaving a struggling infrastructure
45. The second consultation with residents was during lockdown and online only excluding residents without internet access
46. Development would not appear sympathetic to the local character or history
47. The proposal plan and building types and materials are not welcome east of the B585
48. Contrary to the National Forest Strategy
49. Identified as important views in the draft neighbourhood plan

50. Contrary to Policy BE2, ENv2, ENV3, ENV6 of the Neighbourhood Plan and therefore should be refused
51. There is not a local need for this site, it has not been identified contrary to Policy 17 of the Core Strategy
52. Focus for rural villages is limited development with the aim of ensuring existing services, this development would not secure existing services or maintain community cohesion
53. Traffic survey was carried out with abnormal weather and is not a true reflection
54. Road speeds are much higher in dry weather and should be carried out again
55. This development would jeopardise the restoration of the quarry
56. Fig 5 of the Landscape character assessment (light and pollution) clearly demonstrates the development site is already compromised, achieving the highest level of light pollution, and doesn't take into account Bardon 2
57. Water contamination
58. Spread of disease in livestock
59. Contamination due to run off from construction vehicles
60. The farm relocation should be as close as possible to the existing site
61. Entrance from the farm is close to existing homes and would cause disruption with agricultural vehicles
62. Highways have recommended refusal in the past along Stanton Lane due to the increase in turning traffic causing a highway danger
63. There has been no demonstration of a lower speed level for this section of road which requires a splay greater than demonstrated
64. The dwellings are unnecessarily large
65. Diverting R9 would exit it onto a dangerous part of the road and is located adjacent a watercourse
66. Proposal contradicts the landscape character type for the area
67. Noise and light pollution would impact upon wildlife thriving
68. Human rights act article 8m states that a person has the substantive right to respect for their private and family life. In the case of Britton vs SOS the courts reappraised the purpose of the law and concluded that the protection of the countryside falls within the interests of Article 8. It therefore not only encompasses home but also the surroundings
69. The area has already had too much development
70. No proven need for additional warehousing on non brownfield land
71. There is warehousing that has been empty and to let since 2016
72. Loss of hedgerows which are more than 100 years old and are a home environment for species dependent upon the hedgerows
73. Significant wildlife corridor for wildlife to move between Billa Barra reserve and the National Forest around Bagworth
74. The development would not support strong, vibrant and healthy communities by removing the opportunity for the supply of housing required to meet the

needs of the present and future generations and could prevent any future creation of a high quality built development with accessible local services

75. National Forest strategy is to create a National Forest between Needwood in Staffs and Charnwood Forest in Leics. Charnwood Forest is a traditional working landscape, home to farms and quarries with diverse ecology. Also provides an aesthetic contribution, it is used for walking, cycling and rock climbing
76. Stanton under Bardon is identified as a Rural Village in the Core Strategy, the proposed development is contrary to the objectives set out
77. Stanton under Bardon has limited services and are not sustainable, as a result car travel is required in most cases to access employment and day to day living. Given the distance, the unlit nature of the roads it is unlikely employees would walk or cycle
78. Traffic would divert through Stanton under Bardon to avoid the A511
79. The B585 should be the boundary to stop further encroachment
80. The development is contrary to the Development Plan Policies and the NPPF
81. The development would adversely affect the future benefits of the restoration of the quarry site
82. The development is contrary to Policy DM4 of the SADMP
83. The application is far in excess of the needs for warehousing and distribution purposes as expressed in the Leicester and Leicestershire Joint Position Statement on Housing and Employment Land Supply 2011 – 2031
84. Other applications in the area for domestic buildings have already been refused, due to impact upon the character and landscape contrary to Policies DM1, DM4, DM10, DM17 and DM18 of the SADMP
85. There will be nothing to stop further development if this is approved
86. The development will sit on top of a hill and will be seen for mile
87. There will be light pollution
88. Will not offer permanent sustainable career opportunities, low paid zero hour contract workings which will be brought in from surrounding towns and cities
89. The farmstead will bring the cattle sheds which can hold a total of 250 animals, within 500 metres of Preston Close, which with the westerly winds, villagers will be subjected to noise
90. The two farm houses are overly large, 173sqm compared to the average 3 bed property of 130sqm
91. The Employment Land and Premises Study HBBC states the borough has enough land to meet the requirements inclusive of a 5 year buffer
92. Stanton Lane and Ellistown Lane are used by ramblers, Duke of Edinburgh award scheme, dog walkers, horse riders etc. it has been a lifeline during Covid 19, and the development would have an adverse impact upon health and Stanton's rural nature
93. The EIA proforma concluded that the land in question was not a regional or national importance and the quality of the site not considered to high with regard to the landscape or environmental value, which is not the case

94. Specific strategies for Stanton were to promote a positive landscape including woodland planting
  95. It is unique having some of the oldest rocks on Earth, thrown up by volcanic activity, the rocks have many fossilised remains of the first moments of complex life and can only be found in a handful of places
- 5.3. One letter has been received neither objecting nor supporting raising the following points:
1. There is a declared Climate Emergency, and given the position of the logistics in the 'Golden Triangle', one of the most important things we can do locally to tackle climate change is to work to shift freight movement around the UK away from road and HGVs
  2. There would be additional HGV and traffic generated on local roads, creating pollution, congestion, pollution and road safety
  3. There is currently work being done to get the Ivanhoe train line reopened in this area, if this is reopened it would run within a mile of the area, an arm of which would be in close proximity and this rail link should be explored
  4. Should permission be granted conditions should seek that and put in place a freight plan to support modal transfer
  5. Put in place a bus service, to fit shift patterns and provide funding to increase and expand the existing services
  6. S.106 money to help pay for a passenger train station, so workers of the new development can come by train once the line is re-open
- 5.4. Two petitions have been received; one signed by residents of Stanton Under Bardon and a second online Petition through Change.org. The petitions have been signed by a total of 982 signatures at the time of writing this report. The village petition was carried out prior to the formal application being submitted; the online petition also started prior to the formal submission of the planning application and initially identified the scoping application, however this petition has remained open at the time of writing the report. Additionally the online petition does not meet the requirements that the Local Planning Authority would normally accept as they do not contain full postal addresses. 43 Letters of support have been received and have raised the following points:
1. Creation of jobs
  2. Coalville suffers from a lack of funding and now there are COVID restrictions
  3. Increased employment should benefit the local economy and improve the standard of living
  4. This application presents an opportunity to meet the growing demand for logistic schemes in the Midlands
  5. The Midlands is a location of choice for logistics, and logistics and distribution makes significant contribution to the UK economy including the East Midlands, which benefits from excellent transport connections and strong local labour market
  6. This site is located in the 'Golden Triangle' for logistics, with nearby employment developments demonstrating the potential for this area to support further growth

7. The applicant has demonstrated that this development would create up to 1500 much needed jobs, as well as 575 construction jobs, and 430 jobs supported in the local economy
8. In a time of uncertainty and potential job losses, it is increasingly important that new employment schemes are delivered to support future growth and employment for local people
9. Exiting local employers are actively seeking a new site to retain existing local workforce, who have been in the vicinity in excess of 15-20 years
10. There are limited existing premises available of suitable warehouse space
11. It would be an advantage for the farmstead to have purpose built grain store facility as it will allow them to store grain and take advantage of the market fluctuations over the 12 month period
12. The farmstead has stood the test of time with the challenges of British farming, the proposed farmstead would allow for efficiencies and champion its food production standards
13. Improved animal welfare
14. Less waste with the forage and grain kept in better conditions with modern storage facilities
15. Lower running costs
16. It is essential for the herd to have stockman on the farm 24 hour a day to detect problems and either intervene themselves or call for the vet, and when a cow is calving having both brothers on the farm to assist is essential
17. Sustainable employment and better footpath links to the National Forest.
18. The well designed dwelling houses will enhance the surrounding area and the farm building will enhance the rural character and appearance of the surrounding area
19. There is a huge demand for growth and growth requires long term sustainable employment, to which this development would provide
20. Industrial warehousing helped create the east midlands
21. The development is already sited surrounding by active industrial activity, quarrying, pipe/brick works, solar farm, warehousing and electrical distribution
22. Working the fields for farming is difficult due to the pylons and poles, which makes it difficult with large agricultural machinery
23. The land is also not too viable for growing of crops due to its nature
24. The development would not alter the areas character this is now a growth area and should be development responsibly and for the long term prosperity of the county
25. It would keep the industry concentrated in areas that are already well developed with existing road access links and al associated infrastructure and enable the local economy and country to prosper
26. Logistic parks developed have more positives than negatives
27. Jobs in the area are required especially for the younger generation who are losing their jobs due to Covid 19

## **6. Consultation**

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

- HBBC Environmental Services (Pollution)
- HBBC Waste Services
- Leicestershire Police
- Severn Trent Water
- HBBC Drainage
- LCC Ecology
- LCC Archaeology
- Highways England
- LCC (Highways)
- LCC as Lead Local Flood Authority
- Coal Authority
- LCC (Minerals)
- Natural England
- National Forest

6.2. Stanton under Bardon Parish Council have objected on the following grounds:

1. The proposed development does not meet the three strands of sustainability as set out within the NPPF
2. There is surfeit of warehousing, which can be demonstrated by warehousing that has been empty and to let since 2016, and the construction of additional warehousing, such as tungsten park, Bardon, units at Ashby and Castle Donnington have provided ongoing availability
3. Social role is not relevant as the development is not housing
4. The development results in the loss of hedgerows which are over a 100 years old and habitat for species. Forms a significant corridor for wildlife to move between Billa Barra reserve and the national forest around Bagworth, therefore does not meet the environmental aim
5. Core Strategy 12 supports enabling home working and other small scale employment uses within the rural villages, this development is not small scale
6. The application does not comply with saved policy BE1 of the local plan, which includes key design issues
7. The site is situated within the Charnwood Forest which is viewed as an important landscape for the region and of particular beauty
8. Charnwood Forest is a traditional working landscape, home to farms and quarries, with diverse ecology. As well as the aesthetic contribution the forest makes, it is also used for walking, cycling and rock climbing
9. The application site is an important link into the greater area of Charnwood Forest and provides connectivity between the National Forest and the Charnwood Forest
10. The aim of the Core Strategy in protecting and enhancing the boroughs diverse landscape is relevant still and should be adhered to



11. Spatial Objective 1 of the Core Strategy seeks to strengthen and diversify the economy by providing sufficient, sustainably located, good quality land and premises. The focus for new employment will be Hinckley, reflecting its status as a sub regional centre and in Earl Shilton and Barwell to support the regeneration of these areas, with smaller scale employment in the key rural centres. The development is contrary to this objective
12. Identifies that Hinckley is the development area and identifies only 10 hectares required for warehousing, this has been massively exceeded in the Bardon area
13. Development would not secure existing services. The majority of employees would travel by car. This proposed development would not enhance existing services or maintain community cohesion and the applications should, therefore, be refused
14. Development under consideration would adversely affect the future benefits of restoration of the quarry site
15. The development would not meet the aims of Policy 22 of the Core Strategy
16. The development fails to meet Policy DM4 SADMP in several areas, in particular points (a), (b),(c),(d),(e)(i), (ii), (iii) and (v)
17. The development fails to meet Policy DM10 of the SADMP specifically points (a),(b),(c),(d),(e)
18. The proposal is contrary to Policy DM20 where allocated employment areas will be supported where they stand within settlement boundaries or on previously developed land
19. Leicester & Leicestershire Joint Position Statement on Housing and Employment Land Supply 2011 to 2031 Adopted March 2018 states in terms of the need for strategic warehousing/distribution land, the position across Leicester and Leicestershire, again as at March 2017, is that 98ha has been built out, a further 322ha has the benefit of planning permission and 135ha is allocated for development. This represents a total of 555ha against the minimum requirement figure of 361ha. Therefore due to oversupply this application should be refused.
20. The Council has a duty to be consistent in determining application. Application 16/00592/OUT was refused for 2 dwellings due to the unsustainable location, which would harm the intrinsic value, beauty, open character of the area
21. There is a duty upon the Borough Council to be consistent in its decisions. See North Wiltshire District Council v Secretary of State for the Environment (1993) 65 P & CR 137: "One important reason why previous decisions are capable of being material is that like cases should be decided in a like manner so that there is consistency
22. Stanton under Bardon has been collaborating with Bagworth and Thornton Parish Council to create a Neighbourhood plan. The community expressed a clear desire to protect what is special about the parish. Its countryside setting and quiet peace of a woodland dominant landscape are seen as being particularly important
23. The neighbourhood plan is not yet made, should be taken into account
24. Tuesday 16 July 2019, Hinckley & Bosworth Borough Council declared a 'Climate Emergency'. The loss of 12.8 hectares of agricultural land is not

conducive to “green” issues. It is the Parish Council’s submission that the loss of this agricultural land is not conducive to meeting the aims of the Borough Council

25. The erection of a new farm complex necessitates the loss of more agricultural land
26. The location of the farm access is on a part of Ellistown Lane which is deregulated with regard to traffic speed
27. Slow and large farm traffic exiting the site would present a hazard to road users
28. The application proposes two farm managers’ 3-bed properties are large at 173 sq metres given that the average size of a 4-bed property in the UK is now 147 sq metres and it is the opinion that these two properties would be an intrusion into the countryside
29. Dwellings should be restricted to farm managers only
30. B585 road which divides Bardon 2 from Bardon 3 forms a significant boundary Bardon 3 would form a significant intrusion into the open countryside and would make any future applications difficult to refuse
31. Stanton Lane will result in a “rat run”, avoiding the daily traffic queues at the Stardust junction and the Flying Horse junction of the A511
32. Transport Assessment, the applicant states “psychologically, once on the B585, it is more likely they will remain on that route than going back to Stanton Lane”. Once employees experience the regular and extensive queues on the A511, they will readily turn towards Stanton under Bardon
33. The “planned” improvements to the A511 by Leicestershire County Council are in planning stages only and are subject to Government finance. No improvement to the junction at Stardust is planned within the scheme (despite it being a bottleneck) and the proposals for the Flying Horse island have not been agreed. In any event, it is not envisaged that the works will be completed until 2025 at the earliest
34. There is no funding allocated to these infrastructure projects from central government
35. Aldi planning application for the former colliery site expects to generate 122 two way traffic movements in the am peak and 98 two way movements in the pm peak, Bardon 3 was not factored in
36. Given the likely downturn in the economy demand for warehousing likely to reduce
37. There is no provide made for lorry waiting, pallet stacking or refuelling
38. At certain times, Pall Ex Logistics causes significant delays on the B585 with vehicles waiting to gain access to their site
39. “Providing for Journeys on Foot” identifies a maximum walk distance of 2km for commuter, school and sightseeing walk trips. The site is outside of this area when measured from Stanton under Bardon. Given the rural nature of the road, and the fact that the roads are mostly unlit, it is highly unlikely that

employees from Stanton under Bardon or elsewhere would walk or cycle to the site

40. The 120 bus service does not now run. This has been replaced by the 125 service which has further reduced the bus service to Stanton under Bardon, with no buses between Stanton under Bardon and Ellistown either before 0915 or after 1830 and none on Sundays, it is unlikely that workers from the village, or elsewhere, would use the bus network to travel to work
  41. In 2014 Andrew Bridgen MP stated in the House of Commons “the economic growth in North West Leicestershire which is the highest in the country at nearly 5% and with an unemployment rate less than 2%”. This leaves the area with a low number of locally available workers, resulting in the use of buses to bring in workers from outside the area to, for example, the Amazon site
  42. The statement of community involvement states that the majority of those attending the exhibition responded that they considered the landscaping proposals would substantially screen the development – the break down was 19 for No, 6 for Yes and 9 for Don't know, this does not represent the majority
  43. Second consultation took place after the Covid-19 lockdown was implemented, resulting in only a few comments to Oxalis
- 6.3. Markfield Parish Council have objected on the following grounds:-
1. Increased traffic through the village
  2. Already alternative available sites at Bardon Business Park and other locations
  3. Bringing existing industrial site closer to the village would have an adverse impact of the quality of the residents lives
  4. Potential for this to lead to further development closer to the village, with a detrimental impact on the residents
- 6.4. County Councillor Peter Bedford has objected to the application on the following grounds:
1. Increased traffic through the village
  2. There are already alternatives available at Bardon Business Park and other such locations
  3. The bringing of existing industrial site closer to the village with an adverse impact of the quality of residents lives
  4. The potential that this development would lead to further development close to the village with a detrimental impact upon the residents of Stanton under Bardon
- 6.5. Councillor Matthew Lay has objected to the application on the following grounds:
1. This application should be refused on policy grounds as it provides little economic gain but would bring maximum environmental harm
  2. The application site is situated in both the Charnwood and National Forest designated areas and is open countryside as listed in the current Local Plan which is still the primary document for development in HBBC
  3. During the development of the last local plan the Council was careful to allow for limited expansion of the Bardon industrial estate while keeping that

expansion to the west of the B585 recognising that this road presents a natural limit to industrial expansion and provides a buffer between the estate and the established settlement of Stanton under Bardon

4. This application would seek to rubbish the local plan and its policies and would do untold harm to the nature of the area east of the B585
5. It is designated open countryside and should be protected for its own sake
6. The has important local features including mature hedgerow and stone walls which are key environmental features and havens for wildlife
7. The economic weight of such application can be used to override the status of the land, and this should not happen in this case
8. The proposal would bring few economic benefits to the area
9. There is already surplus of this type of the warehousing in both Leicestershire and HBBC
10. The employment opportunities are limited and tend towards temporary low wage employment drafted in from Leicester
11. The economic impact is harmful to the local economy as it leaves the local economy unbalanced and dependent on this economic activity which is harmful to the environment and community
12. The dominance of warehousing also brings a further intolerable increase in traffic movements onto the A511 and with it an increase in air pollution
13. The traffic is likely to travel past a potential air quality management zone at the Flying Horse in Markfield which is a material consideration
14. HBBC are committed to creating a net zero authority, this application would made a mockers of such commitment

## **7. Policy**

### **7.1. Core Strategy (2009)**

- Policy 12: Rural Villages
- Policy 17: Rural Needs
- Policy 21: National Forest
- Policy 22: Charnwood Forest

### **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
- Policy DM20: Provision of Employment Sites

### **7.3. National Planning Policies and Guidance**

- National Planning Policy Framework (NPPF) (2018)
- Planning Practice Guidance (PPG)

#### 7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Employment Land and Premises Study (2020)
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA) (2019)
- Leicestershire Highways Design Guide

### 8. Appraisal

#### 8.1. Key Issues

- Assessment against strategic planning policies
- Impact upon Cliffe Hill Quarry and safeguarding minerals
- Design and impact upon the character of the area
- National Forest
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact upon Public Rights of Way
- Impact upon Trees
- Ecology
- Impact upon Archaeology
- Drainage
- Noise and pollution
- Planning obligations

Assessment against strategic planning policies

#### 8.2. This application proposal is in two parts,

- i) An outline scheme covering 32.6 hectares for the development of buildings for B2 industrial and/or B8 distribution logistic uses at Wood Farm.
- ii) A full application for a replacement farmstead, including agricultural dwellings and associated farm buildings, which would comprise a total area of 2.88 hectares.

#### 8.3. Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) 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.

#### 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). However Policies in the Core Strategy and the SADMP are accepted to be out of date as are focussed on the delivery of a lower housing requirement than as determined using

the Standard Methodology set by MHCLG. Therefore paragraph 11(d) of the NPPF is relevant to this application 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.

- 8.6. The policies within the development plan however remain consistent with the framework and are therefore accorded significant weight in the determination of applications.
- 8.7. The emerging Markfield Neighbourhood Plan, is only at the pre-submission (Regulation 14) stage and currently out for public consultation. Therefore only limited weight can be afforded this emerging document.

#### Proposed Employment

- 8.8. The northern and majority of the application site, comprising of approximately 32.6 hectares would replace the existing farmstead and proposes a development of up to 114,200sqm of general industrial (B2) and or logistics (B8) employment floorspace.
- 8.9. 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.
- 8.10. 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
- 8.11. The Employment Land and Premises Review (2020) (ELPs) 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 supply for strategic areas and a lack of local options. To allow for this the study recommends that the Council consider further employment land allocation, primarily to meet the needs within the Borough.
- 8.12. 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.

- 8.13. 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 is identified within this study, and recommends that the site *“represents a strong candidate for inclusion. Located close to Bardon, the focus for development Borough and proposed for larger B2/B8 uses it would continue the momentum of development commenced by Mountpark I and II scheme, to the north. Further ongoing demand for such uses is reported here. The site/area is large enough and of a regular shape which could support a new group of strategic scale B2/B8 employment units.”* The study recommends that although a potential site it is constrained by the existing powerlines which would need to be redirected and would need to be viably mitigated.
- 8.14. 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 identifies that there has been a positive gain of 10.98 hectares of employment land within the rural villages and hamlets, ranging from small scale to large scale proposed at Nailstone Colliery, Wood Road, Nailstone, meeting the requirement of the Core Strategy, there has also been a considerable net gain of floorspace on existing employment sites within these settlements, primarily due to the commitment of new research and development facilities at MIRA, Higham on the Hill.
- 8.15. As previously discussed, the ELPs (2020) provide 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
<b>FEMA</b>	<b>142-198</b>	<b>132</b>	<b>93</b>	<b>177-215</b>	<b>165</b>	<b>117</b>

Source: GL Hearn, 2016

- 8.16. 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).
- 8.17. 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.
- 8.18. The application site is outside of any defined settlement boundary and is not immediately adjacent to an existing employment site. However it is noted that to the north west of the application site on the opposing side of west lane, is an employment development which is currently under construction, with an allocated employment site beyond, off Beveridge Lane, Interlink Distribution Park (Ref: STA20). This site is identified within the Employment Land and Premises Review as a category A site, meaning it is a key employment site to be retained.
- 8.19. The application has been supported with a Social Economic Statement, which includes a sequential test of available land as well as a marketing report by CBRE. The marketing report considers the existing supply and current demand for named active occupier requirements that are unable to satisfy requirements due to lack of existing buildings, who would be forced to look further afield. The report concludes that the take up of new build has exceeded supply and overall availability of 100,000sqft units nationally have decreased through 2019. Demand continues to rise due to the changing consumer habits, and the overall availability of 100,000sq ft units nationally has decreased. However demand is being driven by the growth of the online retail sector due to the changing consumer habits, with the continued shift from high street towards e-commerce, creating a growing demand for distribution space.
- 8.20. The report identifies that the site has strong locational credentials with a market demand. It is identified and acknowledged that there are existing large employment sites in Hinckley and Bosworth Borough, in particular MIRA, which is in excess of 34hectres, which is a technological park. This site however is identified as not suitable for traditional B2 or B8 uses and could not be accommodated without undermining the existing economic strategies of the Leicester and Leicestershire Local Enterprise Partnership. A side from this there is also an approved large scale site known as 'Hinckley Park' which is situated to the east of Junction 1 of the M69 with a total of around 55hectare site, which is being marketed to target a range of large scale and smaller scale industrial and distribution occupiers. The site is already committed by DPD where a large scale distribution centre is due to open shortly. There is also a further large scale distribution unit which is also under construction with a secured occupier, leaving 7 hectares being targeted towards B1c light industrial and B2 industrial operators providing approximately 41,000 sqm across a number of small buildings to meet more local employment needs. This site does make a direct contribution to the employment land supply in the Borough. However the site is not situated in close proximity to existing to an existing industrial and logistics park, which is a key characteristic which the HEDNA reports to help with a specialised workforce.
- 8.21. The CBRE Report does acknowledge the vacant Interlink 225 site nearby but goes on to explain that it has remained empty for some time due to its specification of the building which lends itself to bulk storage rather than the through put of goods which is more appropriate for the retail market, which is identified as where much of the current demand originates. However it should be noted that this building is



under offer from an occupier. There has also been the recent sale of Nailstone Colliery to Aldi, but there maintains to be occupiers in the local area which are unable to satisfy requirements of the business needs due to the lack of existing buildings or land.

- 8.22. It is identified through the submission and supporting report that the application site occupies a strong locational credential, situated in what is known as the 'Golden Triangle' with links to the A511 and Junction 22 of the M1 all being in close proximity to the application site. The applicant is also able to provide and identify a comprehensive list of named occupiers with interests in the locality and who have declared an interest, due to the lack of available space for large unit occupiers, including a local established business seeking a larger premises. Four of the twelve named operators are currently active within the local area, and are unable to satisfy requirements due to lack of existing buildings, who will be forced to look further afield to satisfy requirements which would result in a decrease of employment opportunities for the area.
- 8.23. The size and mix of the proposed unit would be a matter for a reserved matter, however indicative plans which accompany the application identifies three larger units are capable of being accommodated on the application site. The parameters plan which accompanies the application demonstrates that the max floor area to be accommodated on site would be 114,200 sqm equating to approximately 1500 full time equivalent jobs (Calculated using Homes and Communities Agency, Employment Density Guide, 3<sup>rd</sup> Edition and evidence from other desk based research on employment yield), being delivered through the development. The construction investments of the proposed development are estimated to be £80million, with a proposed two year construction period the development would support 575 construction jobs. As well on site employment, it is estimated that once operational the scheme could generate additional off site benefits from both the corporate supply chain and employee expenditure within the wider economy.
- 8.24. 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 be committed by way of a Section 106 to provide young people with a chance to gain valuable 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. However based on past work trends, it is estimated that 800 jobs from the 1500 full time jobs are likely to be staffed by residents within a 10km radius, therefore directly benefiting the Borough.
- 8.25. 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. The application has been accompanied by a Soil Resource and Agricultural Land Quality study which surveyed 47.9ha of agricultural land, of which 9.4ha is undisturbed agricultural soils along the southern margin, a total of 35.7 ha of the land to the north of the site was remodelled in the 1980s on extension of the Cliffe Hill Quarry which is positioned to the north of the application site. This development would result in the loss of approximately 47.9 ha of agricultural land, 23% is Subgrade 3a (Good), 71% Subgrade 3b (Moderate) and 0.2% Subgrade 4 (Poor Quality) 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.

- 8.26. 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.
- 8.27. The proposed development would make a significant contribution to economic growth and job creation within the Borough and wider local area; 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, would comply with Policy DM4 of the SADMP, subject to consideration of the impact upon the character of the countryside and all other material planning considerations. The proposal has demonstrated through the submission of a sequential test and market appraisal that there would be no alternative suitable site to meet the short term identified need, to accord with Policy DM20 of the SADMP.

Loss and replacement of the agricultural farmstead

- 8.28. 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 unless other material considerations indicate otherwise. The proposed development would seek the development of the existing farmstead and relocate the existing farmstead further south along Stanton Lane.
- 8.29. As previously mentioned given the site's location outside of the settlement boundary of Stanton under Bardon, Policy DM4 of the SADMP is of relevance. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. The policy does not support the construction of new dwellings within the countryside unless it relates to the provision of accommodation for a rural worker in line with Policy DM5 and also meets the relevant criteria within the second part of Policy DM4. The proposed development is to accommodate rural workers and therefore Policy DM5 is applicable.
- 8.30. Policy DM5 allows for the provision of rural worker accommodation where the following special circumstances can be demonstrated; it is essential for one or more workers to be readily available at most times for the proper functioning of the rural enterprise and the worker(s) are in full time, permanent employment which directly relates to the rural enterprise; and the rural enterprise is economically sustainable and has a clear prospect or remaining so; and there are no available existing dwellings or buildings suitable for conversion to residential on the site of the enterprise or within the local area; and the proposed dwelling is of a size and scale appropriate to the proper functioning and needs of the rural enterprise. The assessment of the proposal against the criteria a-d set out in Policy DM5 of the SADMP is as follows:
- a) It is essential for one or more workers to be readily available at most times for the proper functioning of the rural enterprise and the worker(s) are in full time employment, permanent employment which directly relates to the rural enterprise;**
- 8.31. The existing farmstead has been in existence for a considerable amount of time, and supports a livestock rearing enterprise. Therefore the need of for agricultural buildings proposed derives not only from the demolition of the existing farmstead,

but also from deficiencies associated with those buildings. The general scale of the livestock and arable activity of the farm business would be unchanged. The emphasis should the farmstead be relocated is to improve the quality of the livestock reared and the scope to manage the storage and sale of surplus cereal crops.

- 8.32. Planning Practice Guidance describes essential functional need as relating to circumstances where the on-site presence of a worker is necessary to ensure the effective operation of an agricultural enterprise as a consequence of animals or agricultural processes requiring daily 24-hour attention, of there being a risk to human or animal health or from crime, or of the necessity to deal with emergencies that could cause serious loss of crops or products. Essential need is, therefore, primarily concerned with the management of risks within the operation of an enterprise, and in all cases, these would relate to circumstances which cannot be managed within normal working hours. The single greatest risk management in this application is that of animal husbandry.
- 8.33. The Farm Business Appraisal calculates the labour requirement of the farm business at 4.4 workers, of which 1.3 workers are allocated to animal husbandry tasks. However, it is considered that this calculation based on standard man data factors underestimates the labour requirement in the context of the enterprises involvement with the breeding and rearing of pedigree cattle of high genetic quality, the numbers of which are intended to increase at the relocated farmstead. It is argued that the application of the level of care attention necessary to support such high value animals and the genetic control of their breeding requires the labour of 2 workers, from a total farm labour requirement of 4.9 workers.
- 8.34. When having regard to the management of the breeding programme, it is demanding with the management of tasks beyond routine with animals presenting predictable or unforeseen demands outside normal working hours. This is particularly the case when cows are in calf and giving birth, the care of calves which require a substantial level of care during the early phase of development, and when they are being kept in housed conditioned and are entirely dependant on the intervention of the stockman. Wood Farm, calves throughout the year and indicates that some animals comprise of cereal beef which are usually managed in a housed system. Furthermore, the livestock will be housed throughout the winter period.
- 8.35. In the light of the above considerations, the numbers and circumstances of the animals within the existing farm enterprise should the farm be relocated, then the farmstead would require the ready availability of a key worker at most times. If the current position of two workers being house on the farm was not replicated it is considered that there would be inevitable detrimental effects on the effective management of operations, as well as the welfare or the livestock and the health and safety considerations.

**b) The rural enterprise is economically sustainable and has a clear prospect of remaining so;**

- 8.36. The unit is long established, and the projected financial assessment of the farm business which is based upon actual farm data and industry standard data provides what is considered to be a realistic picture should the farmstead be relocated and provide improvements to both the livestock and arable enterprises being realised, within the general uncertainties of the agricultural industry immediately post Brexit.

**c) There are no available existing dwellings or buildings suitable for conversion to residential on the site of the enterprise or within the local area;**

- 8.37. There are no existing residential properties in the immediate proximity of the proposed relocated farmstead. The nearest settlement of Stanton under Bardon

would not provide the level of supervisory oversight necessary with adverse consequences, particularly as there is a paucity of suitable and available properties in that settlement.

**d) The proposed dwelling is of a size and scale appropriate to the proper functioning and needs of the rural enterprise**

- 8.38. The proposed scale of the workers accommodation would be approximately 173.1sqm exclusive of 22.5sqm of office space. The proposed dwellings would provide 2 and 3 bedroomed properties across two storeys. The proposed dwellings are not considered unusually large in the general size range of agricultural dwellings, with dwellings of 200sqm being at the upper end of the range.
- 8.39. In addition to the replacement dwellings, the proposal also seeks to replace the agricultural buildings, and provide a farmstead suitable for the agricultural enterprise. Whilst as previously mentioned the scale of the enterprise would be unchanged, it is proposed to consolidate and improve the quality of the housed provision on site, through the provision of modern storage facilities. The proposed buildings which are made up of 5 separate buildings comprising of workshops, grain stores, cattle and bull pens have been sized and designed to industry spatial requirements, with some flexibility built into cattle pens to provide storage of machinery. Although there is an increase in built development compared to the existing farmstead, the proposed replacement farmstead appears more compact and functionally effective to that of the current provision. It is considered therefore that when having regard to the existing provision and in light of the agricultural appraisal and the needs of the business the proposed buildings are considered appropriate in terms of the scale and form from an agricultural perspective.
- 8.40. The proposed replacement farmstead, is considered to meet the criteria set out in Policy DM5 of the SADMP, and would be of a scale to serve the demonstrated needs of the existing enterprise. However the existing farmstead currently meets this need, and as such the loss of the existing farmstead for the erection of a proposed employment site, would be weighed in the consideration of the application as a whole.

**Impact upon Cliffe Hill Quarry and Safeguarding Minerals**

- 8.41. Policy DM6 of the SADMP seeks that development proposals demonstrate how they conserve and enhance features of nature and geological value, with the primary objective to conserve and enhance biodiversity or geology interests.
- 8.42. The application site is situated to the south of Cliffe Hill Quarry, which extends to the east of Stanton Under Bardon, this is afforded protection at the national level, as an identified SSSI. However the site being considered in this application, is positioned to the west of Stanton Under Bardon, and therefore not immediately bound to the site which is identified as a SSSI designation.
- 8.43. Nevertheless in terms of the site with the quarry to the north and its proximity, The National Planning Policy Framework (NPPF) states that minerals are essential to provide the infrastructure, buildings, energy and goods that the country needs (Paragraph 203). It goes on to say that, since minerals are a finite natural resource which can only be worked where they are found, it is important to make best use of them to secure their long term conservation. The need to safeguard valuable mineral resources is recognised in paragraphs 204 and 206 of the NPPF.
- 8.44. The proposed application area lies within a Igneous Rock Mineral Consultation Area. Given its proximity to Cliffe Hill Quarry, the proposal has potential to sterilise a valuable mineral resource which benefits from planning permission and is currently operational. Policy M11 of the adopted Leicestershire Minerals and Waste

Local Plan states that planning permission will be granted for development that is incompatible with safeguarding mineral within a Mineral Safeguarding Area if the applicant can demonstrate that the mineral concerned is no longer of any value or potential value; or the mineral can be extracted satisfactorily prior to the incompatible development taking place. The application has been supported by a Minerals assessment and Leicestershire County Council (Minerals) has had regard to the submitted application and raise no objections.

- 8.45. The assessment identifies that all potentially workable mineral reserves at New Cliffe Hill Quarry are exhausted and it is not commercially viable to extract this, and is underlain by brickclay which is known to have extensive reserves in Western Leicestershire. Furthermore the proposed development site is situated outside any brickclay area. New Cliffe Hill Quarry is a designated safeguard waste site and there is a 100 metre lateral distance and existing spoil bund between the proposed development, and therefore the proposed development is not considered to have a detrimental impact upon the geological interests of the neighbouring quarry, and is therefore in accordance with Policy 6 of the SADMP.

Design and impact upon the character of the area

- 8.46. 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.
- 8.47. 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. Policy 21 of the Core Strategy supports development in the National Forest providing that the siting and scale of the proposed development is appropriately related to its setting within the forest, and respects the character and appearance of the wider countryside. Policy 22 of the Core Strategy supports proposals that maintain the traditional working landscape of the forest, provide new recreation facilities, provide access to and from the rural areas, retain the local character, enhance open spaces, enhance woodland and habitat provision and connectivity.

Landscape and visual impact

- 8.48. The application site is situated within Character Area A - 'Charnwood Forest Settled Forest Hills' as identified within the Landscape Character Assessment (2017). Key characteristics are prominent elevated landforms, diverse land uses which relate to the varied geology, small to medium scale field patterns interspersed with large areas of woodland cover, proximity to Leicester City and major transport infrastructure. The Assessment identifies and provides a general overview of key sensitivities for that Character Area and sets out a strategy for each area, which for Character Area A, is as follows:
1. Conserve and enhance the historic core of village settlements and ensure extensions are well integrated within this wooded landscape. Promote characteristic building forms.
  2. Support the vision of the National Forest Strategy by planting native and mixed species woodland, linking areas beyond the National Forest boundary.

3. Conserve the distinct and separate identity of Groby and Ratby, including the rural gap that separate the villages.
  4. Locate solar farms and wind turbines in the least sensitive areas.
  5. Conserve rocky outcrops and semi-natural vegetation in disused quarries. Promote amenity and biodiversity through quarry restoration schemes.
  6. Conserve and enhance the well wooded character of the landscape. Promote woodland management such as coppicing and ground flora diversification, as well as hedgerow tree planting.
  7. Promote a positive landscape strategy, including woodland planting, around Stanton under- Bardon to help integrate the industrial units, quarries and development pressures associated with the M1 (junction 22).
- 8.49. The topography of the sites context is undulating, with areas of mineral workings and restored land creating dramatic changes within the area, however generally it falls from the north to the south west. The submitted LVIA identifies that the application site comprise of two areas of land, the main and largest area of site is situated off Stanton Lane and immediately to the south of the B585 (West Lane) and a further site area, proposed for the relocated farmstead is located further east of the main site along the northern side of Stanton Lane.
- 8.50. The application site comprises of a number of medium sized pasture fields bounded by mixed hedgerows, with Wood Farm and associated buildings located to the south west of the site situated on Stanton Lane. There is existing mature trees and woodland along the north west edge adjacent to the B585 (West Lane), Pylons and powerlines extend across which travel east - west direction. A Public Right of Way extends along the northern edge of the site across on higher ground which travels around the edge of the quarry (R114), there is also a further footpath which would pass through the south east corner of the proposed farm site (R31). The quarry to the north is set beyond maturing woodland, however this planting is not overly mature on as this planting was done following the quarry operations commencing.
- 8.51. The submitted LVIA considers the effects of the development on the landscape, in the context of the national, regional and county scale landscape character areas, it is considered that the proposed development once operational would have contained implications and effects on the landscape character area, which would be considered minor adverse, as the development is reflective of the broad geographic extent of the character area. The LVIA identifies that at a local level the proposed development would have a direct effect upon Landscape character Area (6) Thringstone/Markfield Quarries Settlement (Charnwood Forest Landscape Character Assessment) and Charnwood Forest Settled Forest Hills (Area A) of the Hinckley and Bosworth Landscape Character Assessment, to which the site is situated within and adjacent to. Although harm has been identified at this level it would be considered localised and its impact at most has been identified as Minor/moderate adverse.
- 8.52. The proposed development would change the use and character of the application site to commercial; however the nature and appearance of the proposed development would be reflective of its immediate context to the north. The proposed development would be accompanied by a comprehensive landscape strategy, which would provide a wooded setting to the proposed development. The proposed development would also alter the current landform, with a cut and fill approach to the earthworks, with the most southern parts raised and moulded to assist in providing a visual screen, and to the north the land lowered, providing development plateaus.
- 8.53. The proposed farmstead which would be situated to the east, would comprise of two dwellings and a number of farm buildings, including new landscaping and

sustainable drainage measures. Within the vicinity there are a number of other existing dwellings and farm buildings to the south west and south east along Stanton Lane. The proposed farmstead would conserve and manage existing trees and hedgerows with the exception to a section which would be removed to facilitate the access. Given the siting and layout of the proposed farmstead, it would occupy a relatively enclosed landscape setting, and would be reflective of other farming properties within the surrounding landscape.

- 8.54. When however having regard to the magnitude of the change to this landscape arising from the completed development the LVIA identifies that the development would result in Medium/High resulting in a moderate adverse landscape effect, due to the larger proportion of the application proposing an employment development. The impact of the farmstead however when judged in isolation would be substantially smaller.
- 8.55. The LVIA includes a comprehensive visual impact assessment, which considers and determines the potential effects upon surrounding receptors. The LVIA also includes an illustrative scheme upon full completion of the earthworks using the maximum parameters of the proposed development from a number of viewpoints, upon full completion and at 15 years post completion. The viewpoints includes residential properties, neighbouring settlements, rights of ways and other footpaths and other visual receptors situated at a more distant view, of over 3 kilometres.
- 8.56. The clearest views of the site from the nearest receptor would be from Strawhall Farm, which is situated to the south of proposed commercial element of the development, and would obtain views towards the north east, with clearer views obtained from the vehicular access. The most easterly part of the building units on the site would be most visible, however when considering the proposed landscape strategy, views would be limited to the most upper parts of the building, therefore the Moderate/major adverse effect upon this property would reduce over time. However from the settlement of Stanton Under Bardon which is situated to the east of the application site, there would be no views towards the proposed development from the majority of the dwellings, due to the undulating landform and planting. From the south west of the village edge the properties would have varying views of the eastern extent of the higher portions of the development of the commercial site, and of the farm site. However the views would not be extensive and confined to its immediate setting, its impact reducing over time with the maturity of the landscaping.
- 8.57. It would also be possible for distant views of the commercial proposal to be achieved from the eastern side of the settlement of Bagworth which occupies an elevated position. The farmstead would not be viewable. However the views would be intervened by farmland and woodland on the rising ground up to the quarry providing visual filtering to the development.
- 8.58. There are a series of public rights of ways which extend across the landscape around the site, with a PROW extending along the north boundary of the application site following the quarry edges (R114), and a further PROW along the south east corner of the proposed farmstead (R31). It is acknowledged within the LVIA that the proposed development would form a dominant element in the views along PROW R114 however it would not obstruct all distant and long ranging views of the landscape beyond, with a major/moderate harm identified along these receptors. Proposed mitigation along the higher slopes within the site and close to the footpath route would include planting to assist in filtering some of the closest and clearest views. To the south of the site and Stanton Lane there are 2 PROW and a permissive footpath (Refs J and K) which extend across the farmland in a south west direction and would have varying views towards the proposed development

from certain stretches, with the clearest being from PROW 33 situated on higher ground south of Stanton Lane. At the closest and clearest points would be moderate/major adverse, however this would only arise over limited stretches of the footpaths. In the wider footpath network, views would either be limited at year 15 once planting is established, of the site or none at all due to being filtered by existing woodland and landscaping. The most notable visual effects from the proposed development would arise from the PROW however these would be confined to the site and its immediate context and other wider effects and influences. The effect of the relocation of the farmstead would be limited and localised.

- 8.59. The LVIA concludes that there will be some adverse landscape and visual effects; however these are localised and limited in their immediate context and limited receptors. It is acknowledged that upon completion the harm would be at its worst, however following the maturing of the landscaping planted and other mitigation measures in place 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. This is due to the proposed mitigation, which includes the conservation of the existing woodland/tree planting, translocation of selected existing trees and hedgerows within the site, land formation and moulding along the eastern site boundary and its proposed PROW through the site and a comprehensive long term management of landscaping.

#### Siting Design and Layout

- 8.60. The outline element of the proposal is for the erection of up to 114,200sqm of B2 (General Industry) and B8 use (Storage and Distribution). An indicative masterplan and layout has been provided demonstrating the site can accommodate the proposal. The proposal has been informed by the sites changes in levels having regard to the findings contained within the LVIA. The parameters provide a maximum ridge height of buildings of 21 metres, which would allow buildings to achieve an 18 metre clear internal height, providing functionality and flexibility, with the exception of area 3 which would have a maximum height of 18 metres. Given the levels across the site vary there would be a considerable amount of earth works required to achieve levelled surfaces, and therefore any reserved matters should include finished floor levels. The indicative appearance of the proposed units reflect the wider locality in terms of the design and scale, and would be seen in the context of the wider employment site to the north.
- 8.61. The proposed units would be set in within the site, and the parameters plan and indicative layout demonstrates that the existing woodland and trees to the perimeter of the site would be retained to the south west corner of the site. The application has been supported by a landscape strategy, and seeks to provide strong buffers along the boundary, of depths of up to 60 metres in areas along Stanton Lane. The landscape scheme also includes National Forest planting strategy, to accord with Core Strategy Policies 21 and 22. The strategy also identifies how pedestrian links would be provided and landscaped through the development, with the translocation of trees where possible, to create a more established landscaping scheme.
- 8.62. The proposed replacement farmstead which forms the full element of the application, would provide two farm manager dwellings, with the associated agricultural buildings, to support the established farmstead, and would be situated to the west of the existing power substation. The application site comprises of two parcels of agricultural land, which is divided. The south half of the site would comprise of two farm managers dwellings, which would be located either side of a proposed access road, along with a workshop. The access road extends north into the site which serves the farmyard, which comprises of 4 agricultural buildings with



an open storage area for cattle. The agricultural buildings respond to the demonstrated needs of the enterprise and are functional in appearance; the steel portal framed buildings include concrete planks at base level with Yorkshire Boarding or box profile cladding to the wall and natural roof sheeting. The buildings would have a maximum height of 6.11 metres. Notwithstanding the fact that the proposal would introduce built form within the countryside, the agricultural buildings proposed would be of a flexible, general purpose character typical of those seen on many farms. The buildings are considered to be functional and appropriate in design, and are arranged in a courtyard formation. As such, the proposed farm buildings would not be out of keeping with the rural character of the area.

- 8.63. The proposed dwellings would be two storey in scale and would provide 195.6 square metres each of residential floor space and agricultural related floor space. The proposed dwellings are of individual design, and are of brick and tile, with grey aluminium windows and render. The proposed dwellings include design features such as chimneys, the use of projecting gables have also been used to provide relief within the elevations. The proposal also includes additional landscaping and planting to the south east corner and balancing pond, with the existing right of way diverted along the eastern boundary and incorporated into the landscape strategy of the site.
- 8.64. The proposal would extend development beyond any defined settlement boundary and it is considered that the proposal would result in some harm to the character and appearance of the area and would therefore have a degree of conflict with Policy DM4 of the SADMP. However whilst there would be conflict of Policy DM4 of the SADMP overall it is deemed that subject to the imposition of conditions, and satisfactory layout and appearance the outline scheme would incorporate a high standard of landscaping which adds to the quality of design.
- 8.65. The proposed full application is considered to complement the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features; it incorporates a high standard of landscaping. It helps support the National Forest Strategy and respects the character and appearance of the wider countryside. In accordance with Core Strategy Policies 21 and 22, Policy DM4, DM5 and DM10 of the SADMP DPD and the overarching principles of the NPPF.

#### National Forest

- 8.66. Policy 21 of the Core Strategy in order to supports the implementation of the National Forest to the north east of the Borough, requires that proposals contribute to the delivery of the National Forest Strategy.
- 8.67. The National Forest Strategy requires the development to provide woodland planting in accordance with their Guide for Developers and Planners. The guide expects a development of this scale to incorporate 30% of the site area as woodland planting, which would equate to 10.49ha.
- 8.68. The proposed development would provide green infrastructure as part of the landscaping proposal and the requirements would be met as follows:-  
Existing woodland to be retained – 0.72ha;  
National Forest planting on-site – 9.48ha;  
National Forest planting off-site (12m width) – 0.29ha;  
Total area – 10.49Ha.
- 8.69. The proposal would include an additional 12 planting belts situated approximately 275metre to the east of the application to provide additional habitat and screening,

which would be secured by a legal agreement to secure its delivery and management as it is situated outside the application site.

- 8.70. In terms of the proposed planting within the outline application site, the NFC notes that the area of woodland proposed between the buildings and Stanton Lane would be partially located on an embankment and appropriate planting for these circumstances would need to be conditioned. The provision of a mixture of broadleaved woodland, wet woodland and grassland would be considered acceptable. Further planting details including size and species proposed should be provided at reserved matters stage. The NFC would want to see appropriate design references to the national forest location such as in relation to the proposed materials for the buildings and any ancillary development within the curtilages of the proposed buildings. The incorporation of appropriate energy conservation and sustainability measures should also form part of any reserved matters submission.
- 8.71. In terms of the proposed changes to public access, the NFC notes the proposal to provide additional linkages between Grange Walk (NFC promoted footpath) and existing public footpaths in the area. The principle of diverting the section of Grange Walk which runs along part of Stanton Lane into the woodland planting of the proposed development site would be acceptable as would the provision of additional linkages between the public footpaths to the south Q99 and R114 running along the northern boundary of the site. Therefore the proposed development is considered to adequately mitigate the impact upon the National Forest subject to the imposition of conditions and a legal agreement to secure off site planting and management.

#### Impact upon neighbouring residential amenity

- 8.72. 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.
- 8.73. Impacts upon residential amenity from the proposed commercial use in the outline element of the proposal have also been considered in the pollution section of this report. It should be noted that objections received in respect to the loss of a view is not a material consideration.
- 8.74. Residential properties along Stanton Lane, to the south of the application site, are limited and sporadic and are set back from highway. Strawhall Farm is situated to the south of the commercial proposal. Although Environmental Health have considered impact upon residential properties and found there to be suitable mitigation from pollution; the submitted LVIA highlights that the visual impact from this property is likely to be moderate/major. This is due to the outlook from the property would be altered permanently. However, consideration is given to the proposed landscaping treatment along this section and the separation distance to the proposed buildings. Therefore although the landscape character view from this property would be adversely altered this would not have an overall adverse impact upon the residential amenity of this property as result of the proposed mitigation.
- 8.75. To the south of the proposed farmstead there are further residential properties, White House Farm, is positioned to the south east of the proposed farmstead. White House Farm is set away from the boundary. The proposed farm dwellings would be detached and would achieve adequate window to window distances as set out within the Hinckley and Bosworth Design Guide, ensuring there is sufficient private amenity for both existing and proposed dwellings. The farmstead would be situated to the north of the proposed dwellings, away from the existing dwelling.

Having regard to the scale of the proposed farm buildings combined with the separation distance to White House Farm, there would be no adverse impact in term of the loss of light nor overshadowing from this development upon this property. As the proposed development would include a proposed new use of the farmstead it is necessary that a condition is imposed to ensure that prior to the development commencing a scheme is to be submitted and agreed for protecting nearby dwellings from odours resultant from the farm.

- 8.76. 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

- 8.77. 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.
- 8.78. The proposed development would be accessed via a proposed new roundabout on the B858 (West Lane), with a secondary car park access provided on Stanton Lane, to serve the up to 144,200 sqm of B2/B8 employment use. The proposed secondary access from Stanton Lane, has been provided due to an end user requirement to provide a separate car park access, which allows for greater efficiency in on site operations.
- 8.79. The most notable alternative route to the site from the A511 is via Stanton Under Bardon, via Sutton Lane, Main Street and Stanton Lane, which are all unclassified roads. Stanton Lane is a rural road and beyond the proposed farm access there are a number of narrow bends in the road. On street parking is present at a number of locations along Main Street through Stanton under Bardon. The proposed development would include widening of Stanton Lane up to the secondary access and specifically the location of the secondary access, which is located as close as possible to the classified and strategic road networks. As such the Highways Authority consider the secondary access proposed to be acceptable and that it is unlikely a significant number of drivers would need to U turn at the proposed roundabout to travel along Stanton lane.
- 8.80. The internal layout is yet to be determined due to the outline nature of the application, however the secondary access is not considered appropriate for HGV use with the primary access is considered to be more appropriate for HGV use and given the existing weight restrictions on Stanton Lane, which would require a Traffic Regulation Order to relocate, this would also restrict HGVs to the B585. Therefore the Highway Authority would resist any future reserved matters application requiring the HGV use of the proposed secondary access.
- 8.81. The proposed farmstead would comprise of two farmhouses and a number of associated agricultural buildings. Vehicle tracking of a tractor has been submitted as well as speed surveys. The tracking demonstrated that a tractor would take up a section of the carriageway, however given the existing farmstead is being relocated from further along the road, the majority of trips would already be using the road, in addition Stanton Lane is a rural road and it is considered that the presence of farming vehicles would not be unexpected along such a route.

- 8.82. As part of the application, junction capacity assessments of 11 surrounding junctions have been provided for consideration along with traffic flow diagrams which include committed developments. Ration of Flow Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The results provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically a value of 0.85 is seen as the practical capacity, with results higher than this more likely to experience queuing or delay. The Local Highways Authority is satisfied that the following junctions will operate within capacity in 2025 with the proposed development in operation:-
- Beveridge Lane/Walker Road/West Lane roundabout  
 Station Road/ Ellistown Terrace Road/ Victoria Road T-Junction  
 B585 West lane/B585 Victoria Road/Stanton Lane/Bardon 2 site access roundabout  
 B585 West Lane/ proposed primary site access roundabout
- 8.83. The following junctions Would operate over capacity in 2025 without the development in place :
- A511 Bardon Road/ Beveridge lane roundabout  
 A511 Shaw Lane/Copt Oak Road/ Stanton Lane (Flying horse roundabout)  
 A511 Bardon Road/Regs Way/ Grange Road (Birch Tree Roundabout)  
 A511 Stephenson Way/Bardon Road roundabout
- 8.84. These junctions forms part of wider strategy of improvements through the Coalville Transport Strategy. The proposed development would have a direct upon these junctions when in operation and therefore a contribution towards the Coalville Transportation Strategy would be considered reasonable and necessary to mitigate the proposed development.
- 8.85. The Beveridge Lane/Whitehall Road/Ibstock Road/Midland Road double mini roundabout is already operating at over capacity. In 2025 the comparison between the with and without development scenario shows that the proposed development does marginally reduce the capacity further in the PM peak in particular. Nevertheless the Highways Authority anticipates that the improvements delivered as part of the Coalville Transport Strategy would draw some traffic back on to the A511 due to the reduction in queuing and delays on the strategic road network. Given the limited impact of the proposals on the junction and the request towards a contribution to the Coalville Transport Strategy, it is not considered that the development would lead to a severe impact on the junction and it is accepted that no further works are required as a result of this development.
- 8.86. The B585 West Lane/B585 Victoria Road/Stanton lane/ Bardon 2 site access, taken in the worst case scenario, where all Stanton Lane westbound traffic approaching the roundabout to both left and right, as well as all east bound traffic approaching Stanton lane turning both left from West lane and right from Victoria Road. Traffic from the Bardon 2 development has also been allocated to the roundabout, along with the forecast traffic to use the Stanton Lane secondary access to the proposed development. The methodology is considered acceptable and robust and demonstrates that this junction at 2025 would operate with spare capacity in place.
- 8.87. During the course of the application, further consideration has been provided to the level of traffic likely to use the secondary access. Unit 1 as illustrated in the indicative layout contributes to approximately 45% of the overall gross floor area for the site. On this basis, it is calculated unit 1 would generate approximately 65 arrivals and 43 departures in the Am peak and vice versa in the PM peak, all of which would be light goods vehicles. While a capacity assessment has not been carried out for the junction given the nature of the access which encourages drivers

to turn right out and left in, along with the accepted trip distribution, it is not considered that a significant number of drivers would attempt or need to turn left out, or right in to the site. Therefore on this basis, the right out and left in traffic manoeuvres from the access are unlikely to result in delays along Stanton Lane.

- 8.88. In terms of the wider network, and its impact upon the M1 junction Highways England have reviewed the survey data of the junction capacity assessment and the assessment scenarios. The capacity assessment of the M1 junction indicates that while the junction would operate overcapacity, this affected a single arm (M1 southbound off-slip) and all arms on the County network (A511, A50 & Cliffe Lane) would all operate within capacity. The Coalville Transport Strategy includes a sum for mitigation works at M1 J22 and subsequently, LEP Growth Fund monies were provided to deliver improvement works at M1 J22 in 2017.
- 8.89. 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. Subject to these, the proposal is considered acceptable and in accordance with Policies DM17 and DM18 of the SADMP.

#### Impact upon Public Rights of Way

- 8.90. An existing right of way R114 runs along the north edge of the application site, where the site borders the Quarry, and would run through the proposed development. The development seeks to provide new paths to the east and south boundaries to link with a wider footpath network, with footpath Q99 which extends south, and diversions proposed to footpath R9 and R33 (to the west and south of the application site).
- 8.91. In order to improve the surrounding networks, Leicester Highways Authority have requested 650mm x 2m crushed stone surfacing to footpath N47 between West Lane and Bardon Business Park as well as 90m x 3m length to footpath R31 at Stanton Lane as well as installation of a five kissing gates along the routes of N47, R9 and R33. Accordingly following consultation with Leicestershire County Council (Public Rights of Way) they have no objection to the proposed development and its impact upon the surrounding network, however the construction and surface specification would be subject to a separate consent from Leicestershire County Council.

#### Impact upon Trees

- 8.92. 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.
- 8.93. The application although in part is outline form, does provide full details of the proposed access points to serve the commercial element and full details of the farmstead. The larger portion of the development would provide two access points, one on West Lane for HGVs and a second along Staton Lane, which would serve unit 1 staff only. The proposed access points have been located to minimise tree loss and to retain the larger portion of higher quality trees. There is a tree preservation order (Ref: 83/00007/TPO) which is situated along the west boundary of the application site. The proposed development would not result in any loss to these trees covered by the order, and would be retained. Within the site it is predominately young trees and hedges that currently separate fields and are to be removed. Along the southern roadside boundary to the application site larger and

more prominent trees are to be retained to sustain the presence of maturing trees within the street scene.

- 8.94. Within the new proposed farmstead, although the quality of trees and hedgerow are low in quality there are no trees to be removed, and two sections of hedge are to be removed. The development would provide opportunities for the inclusion of a well designed landscaping scheme on site, therefore more than compensating for the loss. The proposed landscaping mitigation measures also provide woodland planting in accordance the National Forest Guide which would have 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.
- 8.95. 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.

#### Ecology

- 8.96. 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. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal. The application has been supported and accompanied with a protected species and ecology surveys for consideration.
- 8.97. The main habitats on site are improved pasture grasslands of low ecology value. None of the hedges affected by the development are 'important' and species-rich, as defined in the Hedgerow Regulations, and therefore their loss to the development could be adequately compensated for by replacement planting as part of any development. It is noted that there is some near veteran oaks along the perimeter of the application site to the north and west, however they are to be retained, with the exception of one good Oak T149, however its retention would not be possible, nor would direct compensation, however the proposed development would propose planting of woodland and scrub which would go some way in providing some compensatory habitat.
- 8.98. During the course of the application additional information concerning the habitat survey and consideration has been provided following consultation with Leicestershire County Council (Ecology). The proposed farmstead would be situated approximately 20 metres to a great crested newt population in the lagoons directly adjacent to the application site, and therefore consideration to mitigation and long term disturbance and loss of habitat quality is for consideration as part of this proposal. The proposed drainage strategy for the farm site, identifies that drainage from the farm site would be directed away from the adjacent ponds. The ponds to the north and west of the application have been found to support GCN and are therefore the most sensitive, however they are positioned uphill from the application site and as such it is considered unlikely that run off from the site would impact upon the water quality of these ponds. As part of the mitigation proposals accompanying the application it is proposed that the grasslands surrounding the

pond would be enhanced, as well as the creation of a buffer of suitable habitat along the northern edge of the site to provide mitigation.

- 8.99. The existing farmstead and its buildings provide for bat roosts, swallows and house sparrow nest sites, as well as a Local Wildlife site pond and toad colony. The existing farm buildings have several bat roosts, one of which, Brown Long-eared bat is of significance, as 13 bats were recorded emerging from the roof. Brown Long-eared bats require larger space in which to roost, and cannot be compensated through the use of usual bat boxes. The proposed employment buildings do not provide any suitable opportunities for roost creation, however it is proposed that a purpose built bat house within the site located away from lighting and connected to bat foraging habitats is considered acceptable, subject to detail and siting. The loss of roosts would also require full EPS licensing from Natural England.
- 8.100. The buildings also host a swallows, five nest cups have been recorded. Swallows are identified as a local Biodiversity Action Plan priority species. Given this compensation nest site large enough to accommodate the colony would be considered necessary in compensating for this.
- 8.101. The location of the proposed bat house, is subject to further consideration as part of the detailed design of any subsequent reserved matters application, however indicatively the proposed bat house and its siting is likely to be positioned to the south east corner within the woodland. The area would provide a dark spot, with the proposed woodland and waterbody providing good foraging habitat, with commuting routes along the existing hedgerows. It would also be positioned in close proximity to the waterbodies providing good foraging habitat. It is proposed that the purpose designed bat house would also provide alternative nesting spaces for swallows and house sparrows. As well as compensation for the house sparrow being provided within the new farm buildings. It is also proposed to create additional waterbodies that are not linked to the attenuation features that allow for a more constant water levels on site to be provided, which would provide additional habitat on site.
- 8.102. Pond 3 which is situated to the north east of the existing farmstead and is identified as a Local Wildlife Site. It is cited for its population of a pondweed, Potamgeton species, which indicates good aquatic habitats and water quality, however the survey recorded no Potamgeton pond weed species which had been heavily poached by cattle. As part of the GCN survey a medium sized population of toads was discovered. Toads are a declining species. As part of the GCN report, trapping of the onsite ponds prior to their removal has been identified to protect common amphibians recorded, which would allow for any toad which are found to be relocated, to a water body which would be designed to maximise value for toads and other amphibia.
- 8.103. The development would not adversely impact on protected species and subject to conditions would be in accordance with Policy DM6 of the SADMP DPD and the principles of the NPPF.

#### Impact upon Archaeology

- 8.104. 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.
- 8.105. The Leicestershire and Rutland Historic Environment Record (HER) identifies that the application site lies within an area of archaeological interest. The submitted archaeological desk based assessment statement notes the absence of archaeological sites on the Leicestershire HER dating from the prehistoric, Roman, Anglo-Saxon or Medieval periods recorded within the application area, but this is

due to the lack of previous archaeological investigations in the area. There are a number of recorded sites in the vicinity of the application area, including scatters of prehistoric flint scatters from north of White House Farm and Temple Farm (MLE 6356, MLE7059 and MLE7563), a Neolithic hand axe recorded from Cliffe Hull Battle Flat (MLE7241) and an Iron Age beehive quern found to the west of Manor Farm (MLE9144). There are a number of Roman roads crossing through the local landscape of the site, including the lime of the Via Devana (MLE2687) and the route of Beveridge Lane (MLE16545) which is thought to have linked the Via Devana with settlement at Coalville. Roman pottery has been found at White House Farm and Manor Farm and this is considered to be good evidence for associated occupation in the vicinity.

- 8.106. During the course of the application the applicant commissioned a geophysical survey of the western part of the application site. Prehistoric remains do not provide strongly magnetic responses however and prehistoric sites are rarely detected through geophysical survey alone, and the results should therefore be confirmed by a follow up. Whilst not being particularly conclusive, the survey has indicated the presence of a number of sub-surface anomalies which have been classified as being of uncertain, but possible archaeological origin, which would require further investigation. The most significant being located in field 3 towards the eastern area, where there is a scatter of pit like anomalies across the site, which would require further evaluation.
- 8.107. A large component of the western part of the application area has been considerably built up with made ground, to the depths of between 1 – 4 metres across the majority of the site, the made up ground consists of arisings derived from the Quarry situated to the north. The fields to the south of the site are undisturbed and to the east. Given the likely reduction of the potential archaeological impacts of the scheme, brought about by the extent and depth of the modern overburden that is present across the site, it is considered that the archaeological implications of the scheme could be managed by way of condition.
- 8.108. The traditional farm buildings is, or has the potential to constitute a non designated heritage asset (or assets) with an archaeological and heritage interest (National Planning Policy Framework (NPPF) Section 16, paragraph 189 and Annex 2). The proposal would involve the demolition of existing building on site for the redevelopment of the land for industrial uses. Historic mapping indicates that there have been buildings on the site of Wood Farm at least as far back as the Enclosures Act 1779, and the extent to which early buildings may still exist as part of the present farm complex is unknown. The application has been supported with a Historic Building Assessment, and confirms that the farmstead dates back to the mid-18<sup>th</sup> century, and that there is a complex of traditional farm buildings arranged around a central courtyard dating back to 18<sup>th</sup> and 19<sup>th</sup> centuries. It is understood that the farmhouse was demolished in the late 20<sup>th</sup> century and replaced with modern, brick-built bungalow of little intrinsic interest. The demolition of the farmhouse is considered detrimental to the integrity of the farmstead as a whole, the remainder of the courtyard plan and the early farmyard buildings have however survive in relatively intact complex. The traditional farm buildings such as these on Wood Farm are a diminishing resource within rural landscapes and retain value as an undesignated heritage asset.
- 8.109. Policy DM12 of the SADMP requires development proposals to make every effort to retain the significance of locally listed heritage assets and paragraph 197 of the NPPF states that in weighing applications that directly affect 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. The retention of what



would be redundant farm buildings within the development site is not considered practical or achievable given the scale and siting of the new units and associated servicing including car parks. Although the proposal would lead to the total loss of the farm buildings the significant level of public benefits provided by the proposal is considered to outweigh the harm caused by their total loss. Partial mitigation for their loss could be provided through a programme of historic building recording.

- 8.110. As such a condition is considered reasonable and necessary to require the applicant to complete an appropriate level of building recording prior to their loss, to record and advance the understanding of their significance in a manner proportionate to their importance in accordance with paragraph 199 of the NPPF. This will require provision by the applicant for a level of building recording, to equate with a Level 3 'Analytical Survey', as specified in Historic England's Understanding Historic Buildings. A Guide to Good Recording Practice, HE 2016). The record will comprise an introductory description followed by a systematic account of the building's origins, development and use. It will include an account of the evidence on which the analysis has been based, allowing the validity of the record to be re-examined in detail. It will also include all drawn and photographic records that may be required to illustrate the building's appearance and structure and to support an historical analysis. Consideration should be given to appropriate survey equipment to address the particular requirements of the structure or structures to be surveyed (e.g. conventional survey, photogrammetry, laser scanning, etc).
- 8.111. 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.

#### Drainage

- 8.112. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.113. The application site is located to the south east of the B585 West Lane. The site is bound to the north by woodland and Stanton Lane to the south. A Power Transmission and Distribution site is located to the south east of the application site. 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.
- 8.114. The Environment Agency (Surface Water) flood maps also shows that the site is very low risk of flooding. There have been no records of historic flooding on the site, the Lead Local Flood Authority does have records of an incident in close proximity to the site. This incident consisted of the flooding of a public right of way (R18) due to a blockage to the drainage system/watercourse within Horse pool Grange industrial estate.
- 8.115. The topographical survey identifies that the site slopes from north to south and west, with levels between 193.032 AOD and 160.36m AOD. There is an unnamed ordinary watercourse location to the south of the application site which flows in a southerly direction, with an outfall into the Rothley Brook. The existing site and much of the surrounding area to the south and south east of the site drains into the Rothley Brook. Having regard to the topographical survey and the risk from surface water flooding plans, the areas at risk are those which coincide with existing land drainage features across the site, which are low lying.
- 8.116. The application has been accompanied by a proposed drainage strategy that includes the use of SUDs which restrict the discharge to the equivalent current

greenfield run off rate, with 40% allowance for climate change. Discharge rate from the site would not exceed 12.8l/s for the equivalent 1 in 100 (+climate change) event. The low lying areas of the site which are shown to be low risk of flooding are proposed to be managed within the drainage design and recontouring of the site which would mitigate the chance of flooding on site and downstream. The submitted strategy demonstrates that the site would be feasible to be drained adequately without risk to surrounding area nor would it exacerbate flooding from the development.

- 8.117. The proposed foul water drainage would be discharged to the STW public foul sewer via existing connection to the rising main installed at the Battleflat development, which is situated on the opposite side of West Lane.
- 8.118. 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.
- 8.119. 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.

#### Noise and Pollution

- 8.120. 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
- 8.121. The application has been accompanied with a Soils and Agricultural Quality Study, Phase 1 Ground conditions report and Noise Impact Assessment.
- 8.122. Due to the nature of the application site, and the presence of overhead cables which run across the main site, a portion of the site has not been assessed in terms of land contamination and would therefore require further investigation. The submitted assessment details that further monitoring would be required into ground gas. Given the residential element of the proposed farmstead and associated curtilage with the proposed dwelling the proposed new farmstead would also require further investigation. Therefore Environmental Health (Pollution) have no objection in terms of land contamination subject to the imposition of condition relation to further investigation to ensure the safe development of the site.
- 8.123. In terms of noise, the full and detailed impact of the proposed development would not be comprehensively known until the reserved matters stage, given the outline nature of the proposed development. The application has been accompanied by a Noise Impact Assessment, which identifies that a potential adverse affect is likely at sensitive locations from operational noise; however it goes on to state that it would be deemed unlikely to result in intrusive at such location.
- 8.124. Consideration has been had in respect of further reducing noise through the formation of bunding being maximised for service yards of units 2 and 3, and ensuring service yards are facing away from the direction of residential properties. As the application is outline, the detailed layout is subject to further approval, the indicative layout which accompanies this application demonstrates that three units can be catered for on site, when having regard to the constraints of the site. In

terms of the bunding, although the scheme does include some mitigation bunding and is a matter which has been assessed by the Noise Impact Assessment. The assessment identifies that an additional screen to the south east of unit 3 had been investigated, and the results were found that it would only reduce the noise levels by less than 0.1db at the closest property receptors. Therefore the additional screening was concluded to not have enough effect in addition to the levels at R4 and R5 (Stanton Lane and Proposed Replacement Farmstead) which were around 32-35db and low already.

- 8.125. Therefore subject to conditions and detailed design at the reserved matters stage the proposed development would accord with Policy DM7 of the Site Allocations and Development Management DPD.

#### Planning Obligations

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

#### Highways and Transport

- 8.128. 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.
- 8.129. 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 employees 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. The applicant has been supported by an updated Framework Travel Plan, which details that the applicant would propose to provide employees with a six month bus pass as opposed to a three month bus passes. It also proposed that a STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £11,337.50 would also be sought and provided.
- 8.130. Consideration has been given to the provision of a bus service, in regards to the rerouting of a bus service past the application site, however the applicant would be required to contribute towards Coalville Transport Strategy, which would include for funding of new bus services. A financial contribution towards the Coalville Transportation Strategy would mitigate the wider impacts of the development upon and along the A511 corridor, specifically junctions at:
- A511 Bardon Road/Beveridge Lane roundabout  
A511 Shaw Lane/Copt Oak Road/ Stanton Lane roundabout  
A511 Bardon Road/ Regs Way/Grange Road  
A511 Stephenson Way/Bardon Road roundabout
- 8.131. The financial contribution towards the Coalville Transportation Strategy would be calculated having regard to the quantum of the development, and the final sum will be reported by way of late item. However the application would have direct impact

upon the A511 and therefore a contribution towards the transport strategy would mitigate the impact of the proposed development.

#### Planning Balance

- 8.132. The application site is situated outside any defined settlement boundary and therefore in the countryside. The proposed development has demonstrated that it would significantly contribute to the economic growth and job creation, however this would result in some harm to the countryside and therefore in conflict with Policy DM4 of the SADMP, and therefore weighs against the development.
- 8.133. The proposed development, due to its commercial floor space (approx. 144,200m<sup>2</sup>) would bring economic benefits, with the equivalent of 1500 FTE jobs forecasted across the application site, which is considered significant. On site employment would also support a range of job roles across a number of occupations, with 8% of roles likely to be managers and directors, and a further 14% in professional, associate and technical occupations. In addition to 12% HGV drivers and 11% drivers. Additional roles on site would also include 11% machine operatives, 17% elementary occupation and 15% distribution clerks and assistants and other occupations taking the remainder. Furthermore based on an assumed two year construction period it is estimated that the application would support approximately 575 construction jobs. The proposed development would have an estimated construction expenditure of approximately £80 million, a continued wage bill of approximately £47 million when completed and operational, with a higher than average yearly salary. When using the average rateable values for distribution uses within the Borough it is also estimated that the development would generate around £1.7 million annual business rate revenue.
- 8.134. The economic benefits of the proposed development could by virtue of the jobs created, also encourage new residents and employees to the Borough who would in turn support the local services and facilities which would also benefit the existing local economy. The proposed development is also located in close proximity to a strategic road network (A511 and the M1 Corridor) which offers accessibility to the regional and national supply chain and consumer markets.
- 8.135. The latest available census (2011) shows around 54% of all residents working in transport and storage nationally travelled up to 10km for work, and it is therefore considered that the proposed development is likely to be staffed by residents in the immediate locality. There is also identified existing businesses in the locality which require new premises to allow expansion, and are a known local employer. 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.
- 8.136. The proposed development, although is situated within the countryside, is not situated within the designated landscape and as such the harm identified is limited to a local level of harm, and the proposed development has been designed to respond to minimise these effects. It has been concluded that there would be minor moderate harm to the character of the area caused by the landscape and visual impact built development in this location. The proposal would include the demolition of the existing farmstead and its relocation; however the impact of this in terms of landscape harm would be limited to localised harm.
- 8.137. The proposed development also offers some environmental benefits such as additional planting through landscaping, National Forest Planting, proposed footpath network improvements, and biodiversity benefits. This includes

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. The proposed development provides mitigation against the impact of development upon Ecology. Where negative effects have been identified in terms of species and habitats, mitigation measures are proposed to minimise any potential impact. The proposal provides mitigation against flood risk, in particular surface water run off. It is considered that the proposed mitigation provided will offset any harm that may be caused. The proposed development would also bring forward solar PVs to be included within its design and charging points, responding to the current climate change in moving towards more sustainable types of harvested energy.

- 8.138. The proposed buildings although large in scale would take time to assimilate into the landscape from certain viewpoints, and would remain permanent features from others. However the proposed development would where possible use the typology of the site, combined with the design and layout of the proposed units with a robust and carefully design landscape strategy to mitigate and aid its assimilation. The most notable impact would be confined to its immediate context, however this would be seen against the backdrop of the wider commercial uses, and softened with the retention of existing boundary treatment and its reinforcement. The proposed farmstead, would be situated further east, and physically separated from the employment development, and are buildings you would expect in the countryside.
- 8.139. The existing farm buildings on site have the potential to constitute a non designated heritage asset (or assets) with an archaeological and heritage interest (National Planning Policy Framework (NPPF) Section 16, paragraph 189 and Annex 2). Policy DM12 of the SADMP requires development proposals to make every effort to retain the significance of locally listed heritage assets and paragraph 197 of the NPPF states that in weighing applications that directly affect 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. The retention of what would be redundant farm buildings within the development site is not considered practical or achievable given the scale and siting of the new units and associated servicing, including car parks. Although the proposal would lead to the total loss of the farm buildings the significant level of public benefits provided by the proposal is considered to outweigh the harm caused by their total loss. Partial mitigation for their loss could be provided through a programme of historic building recording.
- 8.140. Therefore when the harm of the proposed development and relocation of the existing farmstead is weighed against the significant economic benefits of the development, these benefits would outweigh this acknowledged harm to the countryside. As such whilst there is a degree of conflict with criterion i of Policy DM4 of the SADMP, other material considerations, including the economic benefits of the proposed development, as well as the landscaping mitigation, the biodiversity mitigation, National Forest Planting and improved footpath networks and the absence of harm when considered against other policies of the development plan, outweigh the harm to the open countryside and the loss of the existing farm buildings.

## **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. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The proposed development would provide significant economic benefits in the form of the development of an employment site, where there is an identified short term need to meet the market, and due to the scale and size of the proposed development the applicant has demonstrated there are no other suitable alternative sites. The application has demonstrated that it meets the requirements as set out by Policy DM20.
- 10.3. The development would result in harm to the character of this rural location and the loss of the existing farmstead which is a potential non designated heritage asset; however this is weighed against the significant economic benefits of the development. The economic benefits are considered to outweigh this acknowledged harm to the countryside. As such whilst there is a degree of conflict with criterion i of Policy DM4 of the SADMP, other material consideration, including the economic benefits of the proposed development, as well as the landscaping mitigation, the biodiversity mitigation, National Forest Planting and improved footpath networks and the absence of harm when considered against other policies of the development plan, outweigh the harm to the open countryside.
- 10.4. In relation to other matters subject to adequate mitigation against the adverse impacts upon the National and Charnwood Forest, the open countryside and noise pollution and the application of necessary conditions and obligations relating to Highways, Drainage, Ecology, Pollution and design all other material considerations have been found to be satisfactory and do not weigh against the development proposal.
- 10.5. Therefore, the proposal is in accordance with Policies 21 and 22 of the Core Strategy (2009), Policies DM1, DM3, DM6, DM7, DM9, DM10, DM13, DM17, DM18 and DM20 of the Site Allocations and Development Management Policies DPD as well as the overarching principles of the NPPF.
- 10.6. The application site is situated outside any defined settlement boundary and therefore in the countryside and would result in some harm to the countryside and therefore in conflict with Policy DM4 of the SADMP. The proposed development has

demonstrated that it would significantly contribute to the economic growth and job creation and provide environmental benefits in the absence of harm when considered against other policies of the development plan, these benefits are considered to outweigh the harm identified to the open countryside. , and therefore weighs against the development.

## **11. Recommendation**

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

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
  - Coalville transportation infrastructure strategy contribution
  - National Forest Off site planting
  - Provision of opportunities for apprenticeships and work experience and employment and skills related training during the construction of the development.
  - One travel pack per employee £52.85 per pack from first occupation
  - One six month bus pass per employee £350 per pass
  - Sustainable Travel Accreditation and Recognition Scheme monitoring fee of £11,337.50
  - Improvements to surrounding rights of way
- Planning conditions outlined at the end of this report

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

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

### **11.4 Conditions and Reasons**

#### Outline conditions

1. Application for the approval of reserved matters shall be made within three years from the date of this permission and the development shall be begun not later than two years 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 & Country Planning Act 1990 (as amended) and Policy DM1 of the SADMP.

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
- b) Landscaping
- c) Layout
- d) Scale

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

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:  
Site Location Plan. Dwg No 30865-PL-201C  
Primary and secondary access arrangements ADC 1984-DR-006 Rev P5  
Development Parameters Plan Dwg No. 30865-PL-202L  
  
**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
4. The first reserved matters application shall include a masterplan for the whole of the application site setting out indicative details of site layout, areas of open space, landscaping and National Forest planting, density parameters and scale, as well as details of any proposed phasing of development. The masterplan shall be in accordance with the approved masterplan. All development of the site shall thereafter be carried out in accordance with the agreed phasing and timetable details.  
  
**Reason:** To ensure that the development of the site takes place in a consistent and comprehensive manner to ensure a high quality scheme is developed in accordance with the design principles of the development to accord with Policy DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD.
5. The first reserved matters application shall be accompanied by full details of all measures proposed in respect of the enhancement of the biodiversity of the area in accordance with the ecology mitigation strategy by Lockhart and Garratt Ecology summary report V2 received on the 1 May 2020. This shall include proposals in respect to the siting of proposed bat and swallow house, and a future maintenance and a timetable for the implementation of the relevant measures. The development shall thereafter be undertaken and occupied in accordance with the agreed measures and timetable unless otherwise agreed in writing with the Local Planning Authority.  
  
**Reason:** To ensure the development contributes to the enhancement and management of biodiversity of the area to accord with Policy DM6 of the Site Allocations and Development Management Policies DPD.
6. Prior to any development above foundation level, on each phase, representative samples of the types and colours of materials to be used on the external elevations of the development in that phase hereby permitted have been 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 appearance in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
7. No development shall take place within each phase of development, until a Construction Environmental Management Plan (CEMP) for that phase has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall set out the overall strategies for:



- The means of access and routing for demolition/ ground work and construction traffic
- The parking of vehicles of site operatives and visitors
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- Location of Contractor compound(s)
- Hours of construction
- Wheel washing facilities
- Management of surface water run-off including details of any temporary localised flooding management system and a scheme to treat and remove suspended solids from surface water run-off during construction
- Temporary highway works
- Prevention of impact to existing and proposed residents from dust, odour, noise, smoke, light and land contamination during construction
- Details of protecting the air quality of the surrounding area
- Details of how the above will be monitored and a procedure for the investigation of complaints.
- The management of surface water during the construction of the development. Details should demonstrate how surface water will be managed to prevent flood risk during the various construction stages. This shall include any temporary attenuation and controls.

The approved CEMP shall be adhered to throughout the construction period for that phase of development to which it relates.

**Reason:** To ensure appropriate mitigation for the impacts caused by the construction phases of the development and to reflect the scale and nature of development in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD.

8. 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).

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 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).

10. No development shall commence until a scheme for the treatment of the public rights of ways have been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include provision of their management during construction, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Councils Guidance Notes for Development. The approved scheme shall be adhered to in strict accordance.

**Reason:** To protect and enhance the Public Rights of Way and access in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 98 of the National Planning Policy Framework (2019).

11. Development shall not begin until surface water drainage details and calculations, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the full details prior to the completion of development.

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

12. 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.

13. 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 between the buildings, and the wider countryside in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

14. No demolition/development shall take place/commence until a staged programme of archaeological work (to include Historic Building Survey and below-ground investigation, commencing with an initial phase of trial trenching) has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/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 & 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.

**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.

15. No part of the development hereby permitted shall be brought into use for any purposes falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 unless:

- i. As assessment of any associated odour impact on nearby dwellings and a scheme of mitigation
- ii. (If applicable) has been submitted to and agreed in writing by the Local Planning Authority; and
- iii. Any relevant scheme mitigation agreed under (i) above has been implemented in full in accordance with the agreed details.

**Reason:** To ensure development does not have an adverse impact on the amenities of surrounding properties terms odour to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD.

16. Any reserved matters application shall include details of any externally sited sprinklers, tanks, pump houses, bin storage areas, smoking shelters, electricity sub stations or other plant, equipment or structures. The details shall include the siting and appearance.

**Reason:** To ensure that the development has a satisfactory external appearance to accord with Policy DM4 and DM10 of the Site Allocations and Development Management Plan Policies DPD.

17. Details of any external lighting on site shall be submitted for each unit prior to first occupation of any unit hereby approved. This shall include a layout plan with beam orientation and schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installing, maintained and operated in accordance with the approved plans prior to first use of any unit hereby approved.

**Reason:** To protect the appearance of the area, the environment and local residents from nuisance from artificial light to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

18. Any reserved matters application shall include details and locations of charging points and solar panels.

**Reason:** In the interests of sustainable development, to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD.

19. 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 (2018).

20. Any reserved matters application submitted under this permission shall be accompanied by a noise assessment to confirm the need, for, and extent of further noise mitigation measures and any such measures shall be installed prior to the first use of the units covered by the reserved matters application.

**Reason:** To ensure development does not have adverse impact on the amenities of surrounding properties to accord with Policy DM7 and DM10 of the Site Allocations and Development Management DPD.

21. No part of the outline development hereby permitted shall be used until such time as the primary and secondary access arrangements shown on ADC drawing number ADC1984-DR-006 Rev P5 have been implemented in full. The visibility splays, once provided, shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in the interests of general highway safety and in accordance with Policy DM17 and DM10 of the Site Allocations and Development Management DPD.

22. The new vehicular access hereby permitted as part of this outline scheme shall not be used for a period of more than one month from first being brought into use unless all existing vehicular accesses on West Lane and Stanton Lane that become redundant as a result of this proposal have been closed permanently and reinstated

in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway and pedestrian safety in accordance with DM17 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

23. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 60 metres of the highway with West Lane and 20 metres of the highway boundary with Stanton Lane.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

24. No unit hereby permitted shall be occupied until a full Travel Plan in respect for each unit 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 for that unit 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 and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

25. No part of the development hereby approved shall be brought into use until such a time as the off site works being the pedestrian footway linking the site to the existing provisions is carried out and completed in accordance with Dwg No. ADC1984-DR-006 Rev P5.

**Reason:** To mitigate the impact of the development in the interests of highway safety to accord with Policy DM17 and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

#### Full Conditions

26. 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 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Site Location Plan. Dwg No 30865-PL-201C

General Arrangement Plan Dwg no. E19-29- 018 Rev A

Farm Relocation Site - Site Layout Drg No: E19-29-018 Rev: A

Bin Store Location Plan

Farm Buildings Cattle Shed 1 Dwg No.E19-29-071

Farm Buildings Cattle Shed 1 Floorplan Dwg No.E19-29-071.1

Farm Buildings Bullpen and Calving Units Building 2 Elevations & Floorplan Dwg  
No.E19-29-073

Farm Buildings Bullpen and Calving Units Building 2 Elevations & Floorplan Dwg  
No.E19-29-073

Farm Buildings Cattle Shed Building 3 Elevations & Floorplan Dwg No.E19-29-073

Farm Buildings Grain Store Building 4 Elevations & Floorplan Dwg No.E19-29-074

Farm Buildings Farm Workshop Building 5 Elevations & Floorplan Dwg No.E19-29-  
075 Rev A

Proposed Planning Drawing Replacement House Number One. Dwg No.19029/01

Proposed Planning Drawing Replacement House Number Two. Dwg No.19029/11a

Farm Building Layout and Sections E19-29-014

Michael W Conway Dwg No. E19-28-018 Rev A

Received by the Local Planning Authority 1 May 2020

**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).

28. The dwellings hereby permitted shall not be occupied until the agricultural Buildings and workshop, have been completed and is ready for occupation by livestock or grain in accord with Drawing Numbers:

Farm Buildings Cattle Shed 1 Floorplan Dwg No.E19-29-071.1

Farm Buildings Cattle Shed 1 Dwg No.E19-29-071

Farm Buildings Bullpen and Calving Units Building 2 Elevations & Floorplan Dwg  
No.E19-29-073

Farm Buildings Bullpen and Calving Units Building 2 Elevations & Floorplan Dwg  
No.E19-29-073

Farm Buildings Cattle Shed Building 3 Elevations & Floorplan Dwg No.E19-29-073

Farm Buildings Farm Workshop Building 5 Elevations & Floorplan Dwg No.E19-29-  
075 Rev A

Farm Buildings Grain Store Building 4 Elevations & Floorplan Dwg No.E19-29-074

Farm Building Layout and Sections E19-29-014

**Reason:** For the avoidance of doubt and to ensure the dwelling is used for residential purposes related to the efficient working of the rural economy in accordance with Policies DM4 and DM5 of the adopted Site Allocations and Development Management Policies DPD.

29. The occupation of the dwellings hereby permitted shall be limited to a person or persons solely or mainly working, or last working in the locality in agriculture as defined in Section 336 (1) of the Town and Country Planning Act 1990, or a widow or widower of such a person, and to any resident dependants.

**Reason:** For the avoidance of doubt and to ensure the dwelling is used for residential purposes related to the efficient working of the rural economy in accordance with

Policies DM4 and DM5 of the adopted Site Allocations and Development Management Policies DPD.

30. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A, B, C, D, E, F and G of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwelling hereby permitted shall be erected or carried out without the grant of planning permission for such extensions by the Local Planning Authority.

**Reason:** To ensure that the development preserves the intrinsic value and landscape of the countryside, in accordance with Policies DM4 and DM5 of the adopted Site Allocations and Development Management Policies DPD.

31. No development shall take place until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

32. The farmstead hereby permitted shall not be brought into use until such a time as the parking and turning facilities have been completed and made and available in accordance with Michael W Conway drawing number E19-29-011 and thereafter maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

33. The development hereby approved shall not be occupied until the access arrangements shown on Michael W Conway Dwg No. E19-28-018 Rev A has been completed.

**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 to accord with Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

34. No part of the full development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 x 120 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 to accord with Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

35. The development hereby permitted shall not be occupied until such time as the parking turning facilities have been implemented in accordance with Michael W Conway drawing number E19-29-011. Thereafter the onsite parking provision shall be maintained in perpetuity

**Reason:** To ensure that adequate off street parking provision is made to reduce the possibility of the proposed development leading to on street parking problems locally and to enable that vehicles to enter and leave in a forward gear in the interests Policy DM17 and 18 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

36. Within 6 months of the development hereby approved has been occupied the existing farmstead including associated dwellings and outbuildings shall be demolished, and the land cleared of any associated material.

**Reason:** To ensure that the development does not result in the development of unjustified buildings in the countryside to accord with Policies DM4, DM5 and DM10 Site Allocations and Development Management Policies DPD

37. Development shall not commence until a scheme for protecting existing dwellings from odour from the proposed development has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.

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

38. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, off street parking, 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 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).



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

40. 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).

41. 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).

42. Upon completion of the remediation works a verification report shall be submitted to and approved 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).

43. 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.

44. Development shall not begin until surface water drainage details and calculations, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with the full details prior to the completion of development.

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

45. 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.

46. 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.

47. No demolition/development shall take place/commence until a staged programme of archaeological work (to include Historic Building Survey and below-ground investigation, commencing with an initial phase of trial trenching) has been undertaken. Each stage will be completed in accordance with a written scheme of

investigation (WSI), which has been [submitted to and] approved by the local planning authority in writing. For land that is included within the WSI, no demolition/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 & 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.

**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

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Planning Committee 10 November 2020  
Report of the Planning Manager

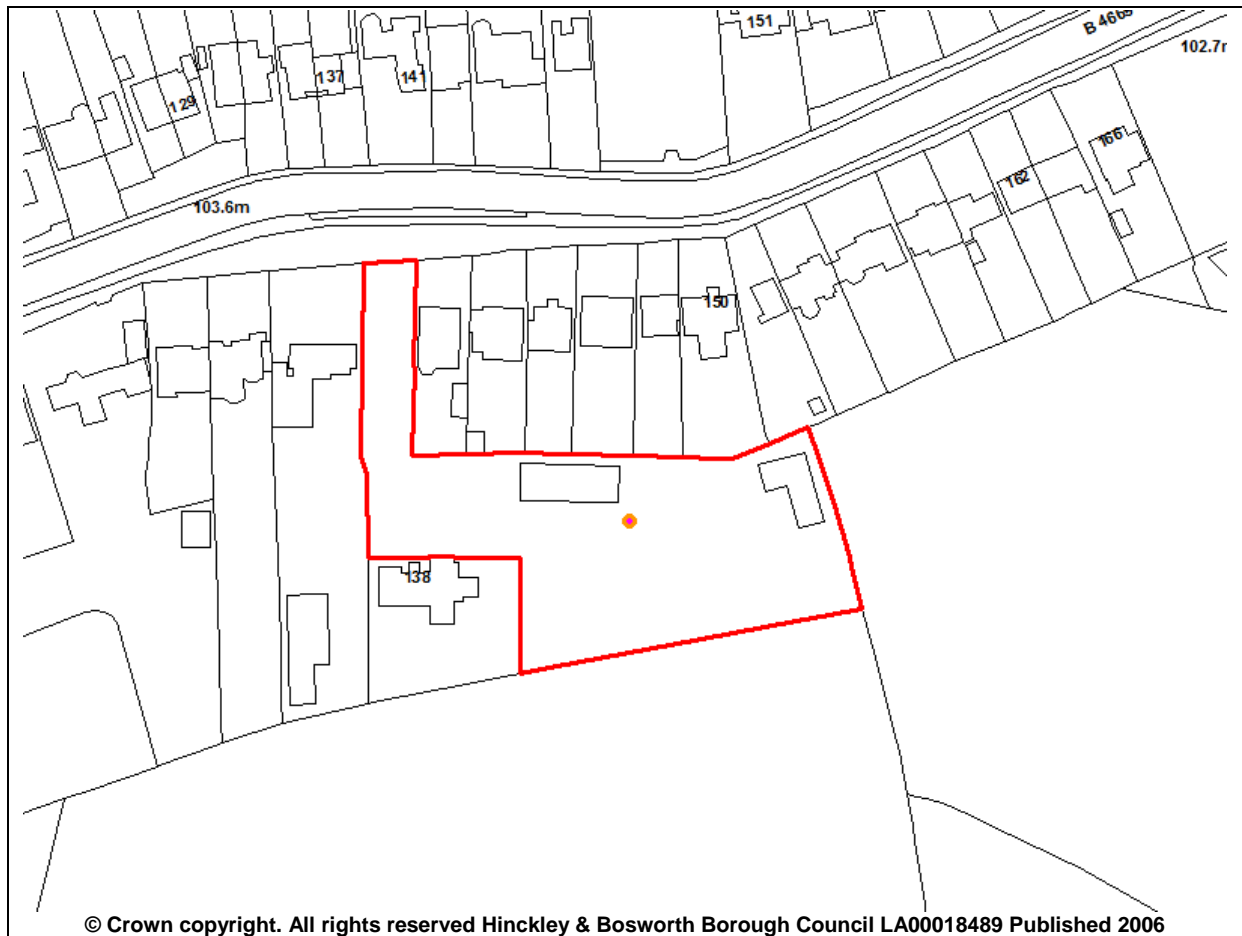
Planning Ref: 20/00286/OUT  
Applicant: Mr Sanders  
Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth  
Borough Council

Site: Michealmas Cottage 138 Sapcote Road Burbage

Proposal: Residential development of 5 dwellings and detached garages (Outline - with access and layout to be considered)



## 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 outline planning permission (with all matters reserved except for access and layout) for the construction of 4 detached dwellings and the conversion of an existing single storey garage block into a residential unit. The layout submitted shows that the properties would be grouped around a central courtyard with small front and rear gardens. Each property would have a detached

double garage with 2 car parking spaces with the exception of the conversion which would have 2 car parking spaces.

- 2.2. Located in the side garden of no. 138, the properties would be accessed off the existing vehicular access onto Sapcote Road. Amended plans have been submitted showing a reduction in the number of units proposed from six dwellings to five dwellings in response to the objections received by local residents.
- 2.3. The application is supported by the following technical documents:
  - Preliminary Ecological Appraisal
  - Site Access Visibility Plan
  - Tree Survey

### **3. Description of the site and surrounding area**

- 3.1. The application site relates to amenity land within the front and side garden of no. 138 Sapcote Road which is an imposing mock timber framed two-storey detached dwelling. Located to the rear of the properties on Sapcote Road, no. 138 benefits from a long front garden which contains a wide vehicular access drive onto Sapcote Road. Whilst having a rear garden limited to some 20 metres in length, the property has a substantial side garden with the application site measuring some 0.42 hectares.
- 3.2. The application site is located within the settlement boundary of Burbage. Bound by leylandii hedging along its eastern and southern boundaries and the gardens of properties along Sapcote Road on its northern and western boundaries, the site is detached from the open countryside which lies to the east and south of the site. The presence of domestic outbuildings such as the garages, the vehicle hardstanding and amenity grassland gives the site its residential character.

### **4. Relevant planning history**

#### **96/00928/GDO**

- Demolition of dwelling
- Permitted Development
- 03.01.1997

#### **97/00759/OUT**

- Erection of dwelling and garage
- Refused
- 15.10.1997

#### **15/00781/CLUP**

- Use of existing detached building for commercial dog grooming
- Certificate of Lawfulness (for proposed use) Approved
- 01.10.2015

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. 29 letters of objection from 8 residential addresses have been received raising the following issues:
  - 1) The intensification of the vehicular access would cause noise and disturbance to the occupiers of neighbouring properties
  - 2) There would be noise and disturbance during the construction phase
  - 3) The access onto Sapcote is not safe to use as vehicles exceed the 40mph speed limit

- 4) Building houses on this site would cause overlooking and loss of privacy to properties along Sapcote Road
- 5) Building houses on the site would cause loss of daylight into the rear gardens of Sapcote Road and the houses would have an overbearing impact
- 6) The removal of this green space and leylandii hedge would have a negative impact on the ecological value of the site especially bats
- 7) Building on this would expose the rear gardens on Sapcote Road to crime
- 8) The site is within an area classed as “high flood risk” and building on it would increase this flood risk. There are already issues with surface water flooding (photographs provided)
- 9) The sewers do not have the capacity to cope with additional housing and are often flooded
- 10) The land to the rear of this site has been refused housing for Jelson
- 11) The housing scheme would be out of character with the area
- 12) The highway would be blocked on bin collection day
- 13) There is not any affordable housing provided as part of the proposal
- 14) Sapcote Road is a busy main road and the rear gardens provide a place of peace and quiet which would be destroyed by the proposed housing scheme

## **6. Consultation**

6.1. Burbage Parish Council confirms that they have no objection to the principle of the original proposal for 4 houses. However, they do object to the amended proposals for 6 dwellings and now 5 dwellings for the following reasons:

- 1) The proposal would represent an overdevelopment of the site
- 2) Sapcote Road is a busy main road and there would be highway safety issues through the intensification of the use of this vehicular access
- 3) There is a history of flooding at and near the site
- 4) The bin storage area would be insufficient for the needs of the scheme
- 5) The Burbage Neighbourhood Plan identifies a need for more 2 bed houses and bungalows
- 6) The loss of this green space would impact on the ecological value of the site

6.2. Holding Objection received from LCC Ecology – a buffer of at least 5 metres should be maintained between the eastern and southern boundaries of the site and the proposed dwellings.

6.3. No objections have been received from:

- LCC Highway Authority – subject to conditions
- HBBC Environmental Services (Pollution) – subject to a condition
- Natural England
- HBBC Drainage – subject to a condition
- HBBC Waste Services – subject to a condition

6.4. No comments have been received from the Forestry Commission

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 4: Development in Burbage

- 7.2. Site Allocations and Development Management Policies DPD (2016) (SADMP)
  - Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM10: Development and Design
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
- 7.3. Emerging Burbage Neighbourhood Plan (Decision Statement May 2020) (BNP)
  - Policy 1: Settlement Boundary
  - Policy 2: Design and Layout
  - Policy 4: Parking
- 7.4. National Planning Policies and Guidance
  - National Planning Policy Framework (NPPF) (2019)
  - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
  - Good Design Guide SPD (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 neighbouring residential amenity
    - Impact upon highway safety
    - Flooding
    - Ecology
    - Other Matters

Assessment against strategic planning policies
  - 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states 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. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
  - 8.3 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.
  - 8.4 Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate five years of deliverable housing at 1<sup>st</sup> April 2020. Due to the change in the housing figures required for the borough, the housing policies in the plan are out of date and as such paragraph 11(d) of the NPPF is triggered. 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. This is



weighed in the balance of the merits of the application when 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. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

- 8.5 Policy 4 of the Core Strategy seeks to support development within the Burbage settlement boundary to deliver a minimum of 295 new dwellings. Policy DM1 of the SADMP which is in accordance with paragraph 11(d) of the NPPF, also seeks to support sustainable development. The site is in a sustainable location within the settlement boundary where there is generally a presumption in favour of residential development. In addition, the site has good access to services and facilities within Burbage and to good public transport links.
- 8.6 A Decision Statement under Regulation 18 has been issued for the Emerging Burbage Neighbourhood Plan (BNP) which means that the plan can now proceed to referendum. Therefore, the policies in the Plan have substantial weight in the determination of planning applications within its area. Policy 1 of the Emerging BNP states that residential development on land within or adjoining the settlement boundary of Burbage will be supported subject to complying with the other Development Plan policies. The application site is located within the settlement boundary.
- 8.7 Reference is made in some of the objection letters to planning permission being refused for a residential scheme to the south of the application site. The site referred to by objectors is located outside of the settlement boundary and so within open countryside whereas the application site is located within the settlement boundary. As such, the principle of residential development on the application site would be acceptable in terms of Policy 4 of the Core Strategy, Policy DM1 of the SADMP, Policy 1 of the Emerging BNP and guidance in the NPPF, subject to all other planning matters being satisfactorily addressed.

Design and impact upon the character of the area

- 8.8 Policy 4 (Development in Burbage) in the Core Strategy states that to ensure development contributes to Burbage's character and sense of place the Council will protect and preserve the open landscape to the east which provides an important setting for the village and seek to enhance the landscape structure which separates the village from the M69 corridor as supported by the Hinckley & Bosworth Landscape Character Assessment.
- 8.9 Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.10 Policy 2 in the emerging BNP states that any future residential development must respect its surroundings and where appropriate should follow the existing pattern of development.
- 8.11 The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.
- 8.12 Objections to the application have been received on the grounds that the proposal would be detrimental to the character of the area and would involve an intense form of development.
- 8.13 The application site lies within the settlement boundary for Burbage. The presence of the residential dwellings on the northern and western boundaries of the site along

with the physical barriers of the hedgerow to the east and south of the site gives the area its residential character.

- 8.14 The existing views into the site from Sapcote Road would remain unaltered in that the existing vehicular access would remain the same along with the existing view of no. 138 Sapcote Road. Being located some 55 metres from Sapcote Road behind existing housing then there would be very limited views of the proposed housing scheme from Sapcote Road. A condition could be imposed to ensure that the heights of the proposed properties do not exceed 8 metres in height. Based on this assessment the street scene from Sapcote Road would remain unaltered.
- 8.15 The character of the area around the application site is predominantly detached properties fronting onto Sapcote Road with rear gardens of varying lengths. The road does have variation in plot sizes and building patterns. The properties along Sapcote Road have a generally linear pattern of development with houses in generous plots fronting the road and parking and garages found predominantly to the side. However, the later addition of no 138, a substantial detached property located to the rear of these properties has altered the historical linear pattern of development. Indeed, this form of development is also repeated to the west of the application site where properties to the rear of Sapcote Road have been constructed with a vehicular access from Winchester Drive. As such, the development would be consistent with the established pattern of buildings along this side of Sapcote Road as required by Policy 2 in the Emerging BNP.
- 8.16 The built development would occupy part of the site where the width exceeds 75 metres. Although the depths of the proposed gardens would be smaller than those found on Sapcote Road, the widths of the proposed properties would be similar. Indeed, by virtue of the width of the site the development would also create a development with similar widths between properties. The layout of the scheme has been designed so that the minimum standards as laid out in the Good Design Guide are met.
- 8.17 Having a density of some 12 dwellings per hectare the proposal would also be comparable to the density of the surrounding built development and would not appear cramped on the site. Whilst much of the area at the front of the site would be taken up with parking and the vehicular access, there would be space for landscaping including the retention of the existing oak tree in the centre of the site. This would assist in softening the appearance of the development.
- 8.18 The proposed layout development of this land would not result in significant adverse harm given the surrounding built form, and its relationship with the settlement boundary. The positioning of the built features around the boundary of the site in this instance ensures that the perceived separation between the settlement and the wider countryside is observed and maintained.
- 8.19 The proposal to retain and convert the existing garage block would add to the character of this residential garden land. Whilst submitted in outline format, the design and appearance would be the subject of a later reserved matters application. As such there would be control over ensuring that the properties are designed to be in keeping with the character and appearance of the adjoining properties.
- 8.20 The proposal to construct properties on this land would comply with the requirements in the NPPF to make the most efficient use of land. The proposal is for a mix of one 2 bed bungalow, 2 x 4 bed houses and 2 x 4/5 bed houses. The properties along Sapcote Road reflect this mix with the properties adjoining the site being predominantly large detached properties or bungalows. As such, the proposal does reflect the character of this part of Burbage.

- 8.21 Therefore, the proposal would not cause unacceptable harm to the character and appearance of the area having regard to the wider pattern of development and would accord with Policy DM10 of the SADMP and Policy 2 of the Emerging BNP which are consistent with the design principles of the Framework.
- Impact upon neighbouring residential amenity
- 8.22 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.23 The proposed access to the development would be gained via an existing driveway which passes between nos 136 and 140 Sapcote Road. Objections have been received relating to the intensification of this access as it would cause unacceptable disturbance to the occupants of these neighbouring properties due to increase noise and light pollution.
- 8.24 The existing driveway would remain predominantly unaltered (with the exception of 2 metres its length being increased in width by 0.8metres next to Sapcote Road). The gap of more than 7 metres between the property of no. 136 and the access road would remain and a gap of at least 3 metres between the property of no. 140 and the access road would remain. The grass verges along this access road would remain and no additional lighting is proposed along this driveway. Whilst the access drive would be intensified in use, there is already a high level of background noise from Sapcote Road which is one of the main routes into Burbage. Against this background noise and with the intervening distances between the two properties to remain unaffected it is considered that the modest level of traffic movements generated by the development would not cause unacceptable harm to the living conditions of the occupants of the neighbouring dwelling. As such, there would be no conflict with Policy DM10 of the SADMP (2016) which seeks to avoid harm to the amenities of local residents.
- 8.25 The application site does form a boundary with 9 residential properties from Nos 136 – 152 Sapcote Road (all even numbers). The nearest proposed property (Plot 1) would be within 2.5 metres of the boundary of these properties. The proposal is for the conversion of the existing garage building into a bungalow. Any windows along the northern elevation would be set at ground floor level and would be some 28 metres from the habitable windows of the properties along Sapcote Road. This distance exceeds the minimum standard set out in the Council's Good Design Guide SPD of 21 metres. By virtue of the intervening distance and the limited height of the proposed windows it is considered that the proposal would not cause overlooking or loss of privacy to the properties along Sapcote Road.
- 8.26 The properties along Sapcote Road do face out onto open land. As such the proposal has the potential to cause overbearing impacts and overshadowing to these adjoining properties. Plot 2 would be sited some 32 metres away from the properties along Sapcote Road. Orientated to face into the site, the side elevation of the property would be sited within 3 metres of the boundary. The proposed layout plan states that there would be no habitable windows at first floor level on this elevation. The Good Design Guide includes a minimum requirement of 14 metres from a principal window to habitable rooms to a two storey blank side elevation to prevent loss of light and an overbearing impact. The proposed distance of some 32 metres would exceed this minimum requirement. A planning condition can be imposed to ensure that this property does not exceed 8 metres in height. As such, in view of the distances involved and the position of the property it is considered that the proposal would not result in any significant loss of light or have an overbearing impact on the neighbouring properties.

- 8.27 Plots 3, 4 and 5 would be constructed some 50 metres from the properties in Sapcote Road along the building line established by no. 138. In view of the distances involved and the position of the properties it is considered that the proposal would not result in any significant loss of light or have an overbearing impact on the neighbouring properties.
- 8.28 The amenity areas proposed for the properties would exceed 7 metres in length which is in accordance with advice in the Council's Good Design Guide SPD. Consideration of any reserved matters application would also ensure that the windows on the proposed properties are laid out so that they do not cause loss of privacy to these surrounding residential properties which includes the property of No. 138 to the west of the site. As such, in view of the distances involved and the requirement for consideration of the design and appearance of the properties at the reserved matters stage, it is not considered that the proposal would have a significant adverse impact on the residential amenity of the occupiers of the properties along Sapcote Road.
- 8.29 The construction of the development would be temporary and would not result in any long term impacts on amenity. However, by virtue of the scale of development, the proximity to existing residential properties and potential duration of the construction phase, as recommended by the Council's Environmental Health (Pollution) a condition can be included on any consent granted to secure the submission of a Construction Environmental Management Plan for approval by the local planning authority prior to any construction work taking place to protect the amenities of neighbouring properties and minimise any adverse impacts.
- 8.30 Therefore, the proposal would be in accordance with Policy DM10 of the SADMP in terms of residential amenity.
- Impact on Highway Safety
- 8.31 Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.32 The existing vehicular access from Sapcote Road would be used to serve the proposed development. Sapcote Road is a Class B road subject to a 40mph speed limit. In accordance with the Leicestershire Highway Design Guide (LHDG) an access serving 6-25 dwellings should be a minimum of 4.8m in width for the first 5m behind the highway boundary. The width of the existing vehicular access is at least 5 metres for the first 8 metres from the footpath along Sapcote Road and has a width of 4.8 metres for the first 3 metres into the application site. A condition would be imposed to ensure that the access road is at least 4.8m in width for the first 5 metres into the application site.
- 8.33 LCC as Highway Authority has confirmed that they have no objections to the proposal. With regards to the required visibility splays of 2.4m x 120m for a 40mph road, they note that the submitted access drawing demonstrates that 2.4m x 120m can be achieved if drawn to a point 2.5m offset from the nearside kerb line. The Highway Authority holds historical speed survey data at this location with recorded eastbound 85<sup>th</sup> percentile speeds of 34mph and 37mph which would require splays of 54m and 65m respectively. As the offset measurement is in the non-critical direction, the Highway Authority confirms that the proposed visibility splays are acceptable.
- 8.34 The Highway Authority confirms that there have been six recorded personal injury collisions (PICs) within 500m of the site within the last 5 years. Due to the lack of common causation factors and the fact that there have been no recorded PICs on this length of the B4669 since 2016, the Highway Authority does not consider that

the development proposal would exacerbate the likelihood of further such incidents occurring.

- 8.35 In accordance with the LHDG and Policy 4 of the Emerging BNP, at least 2 car parking spaces should be provided for the properties proposed. The layout of the proposed scheme does demonstrate that the site contains sufficient turning and parking to serve the development proposed. As such the Highway Authority recommend that planning conditions are imposed on any consent granted relating to the implementation of the proposed access in full, the provision of visibility splays, hard surfacing and site drainage and the removal of permitted development rights to construct any gates or barriers within 5 metres of the highway boundary.
- 8.36 It is considered that the residual cumulative impacts of development can be mitigated and would not be considered severe in accordance with Paragraph 109 of the NPPF and the proposal is in accordance with Policies DM17 and DM18 of the SADMP.

#### Flooding

- 8.37 Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding.
- 8.38 The Environment Agency flood maps identify the site as being located within Flood Zone 1. The Environment Agency Surface Water mapping indicates that there is some risk of surface water flooding towards the eastern boundary of the site. Some of the objection letters have indicated that the fields to the south of the site have experienced flooding from water draining off the site.
- 8.39 HBBC Drainage has raised no objections to the proposal. They have stated that at present the site is currently not positively drained and so the source of this flooding is likely to be surface water. As part of the proposed scheme there is a requirement for the development proposal to incorporate a sustainable drainage system to ensure that flood risk is not increased. This system has been recommended as part of a planning condition to ensure that surface water from the proposed development is intercepted by a sustainable drainage scheme. Attenuation storage would need to be provided on site and runoff would be released from the site at greenfield runoff rates. This slow release of water would ensure that flood risk downstream is not increased.
- 8.40 It is considered reasonable to require drainage details to be provided through a condition to ensure surface water is being discharged incorporating sustainable urban drainage. It is considered that the development would be in accordance with Policy DM7 of the SADMP.

#### Ecology

- 8.41 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation. The application is accompanied by a Preliminary Ecological Appraisal and a Tree Survey. The Preliminary Ecological Appraisal records that the majority of the site is of 'low ecological value' with the boundary native hedgerow to the north and the semi-mature trees being the most important. There are no on site trees or buildings with bat roost potential and no evidence of badger foraging on site or within 30m of the site boundary. There are no Statutory or Non-Statutory Designated Nature Conservation Sites either within the site or that would be impacted by this development. There are no protected species recorded within the site.
- 8.42 The proposal includes the retention of the boundary hedgerow to the north and the majority of the trees on site. The existing leylandii hedgerow would be removed along the eastern and southern boundaries of the site and replaced with native

hedgerow. Further details on landscaping would be required as part of any reserved matters approval.

- 8.43 LCC Ecology has been consulted on the proposal and they confirm that the development site is an area of amenity grass land with low ecological value. However, they have placed a holding objection on the proposed layout as the development would be within 5 metres of the proposed hedgerow along the eastern and southern boundaries of the site. There are two detached garages proposed within this 5 metre buffer strip. The agent has indicated that an amended layout plan is to be submitted before the date of the committee meeting which would remove these garages. With the removal of these garages, the proposed layout would provide a 5 metre buffer along the eastern and southern boundaries of the site.
- 8.44 Subject to the receipt of an amended layout of the proposed residential scheme to overcome the Ecology objections, it is considered that the proposal would conserve the ecology of the area and is therefore in accordance with Policy DM6 of the SADMP.

#### Other Matters

- 8.45 Policy DM3 of the 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.
- 8.46 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.
- 8.47 In this instance the proposed site area and number of dwellings do not exceed the thresholds for requiring the delivery of affordable housing or on site play and open space. Any requested infrastructure contribution for public play and open space facilities off site would need to be necessary to make the development acceptable in planning terms and therefore CIL compliant. The Council's s106 Monitoring Officer confirms that the proposal would not result in any significant impact on existing play and open space facilities space facilities within Burbage. As such the proposed development would not cause significant pressures on facilities that would warrant a contribution being sought.
- 8.48 Further to this, as the proposal is for 5 dwellings, it is not expected that the proposal would have an adverse impact on other infrastructure services and facilities within Burbage that would require mitigating, in line with LCC Planning Obligations Policy (2019). The development is considered to be acceptable in planning terms without any contributions and therefore any contribution would not be CIL compliant in this case. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued.

## **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 and Planning Balance**

- 10.1. In accordance with Policy 1 in the emerging BNP, as this application site is within the settlement boundary for Burbage, the proposal should be supported subject to its compliance with other development plan policy.
- 10.2. Paragraph 11 of the NPPF recites the presumption in favour of sustainable development. Whilst the Council can demonstrate a five year supply of housing land, the associated settlement boundaries are considered to be out-of-date. In such circumstances, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits.
- 10.3. The proposal seeks development of an existing side garden for the erection of 4 detached dwellings and the conversion of an existing garage block. The site is currently amenity grassland with two residential buildings located on it. Given the surrounding development and the character of the area, the land is residential in character and is not interpreted as countryside. The proposed layout development of this land would not result in significant adverse harm given the surrounding built form, and its relationship within the settlement boundary. The positioning of the built features around the boundary of the site in this instance ensures that the perceived separation between the settlement and the wider countryside is observed and maintained.
- 10.4. The NPPF does seek to significantly boost the supply of housing. However, the small scale of this proposal means that 5 additional units would attract limited weight in the planning balance. Indeed, the Council does not have a shortfall of housing. The proposal does not include any affordable housing provision or any provision towards public open space in Burbage. There would be some short-term economic benefit from the investment in construction but this would be small in scale and temporary.
- 10.5. The proposal would not have a significant impact on residential amenity, ecology (subject to amendments to the layout), and flooding or highway safety and is therefore in accordance with Policy 4 of the Core Strategy, Policies DM6, DM7, DM10, DM17 and DM18 of the SADMP (2016) and Policies 1, 2 and 4 of the Emerging Burbage Neighbourhood Plan (Decision Statement May 2020).
- 10.6. Having regard to Policy DM1 of the SADMP and the presumption in favour of sustainable development along with taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that

the proposed development constitutes sustainable development. Therefore, the proposal is recommended for approval subject to conditions.

**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. 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 two years 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) 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 development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:
  - a) Site Location Plan Drg No: 20/24 01a received by the local planning authority on 16 March 2020.
  - b) Proposed Site Access Visibility Drg No: 22187-01 received by the local planning authority on 29 May 2020
  - c) Proposed Layout Drg No: 20/24 02f received by the local planning authority on 4 September 2020.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the SADMP (2016) and Policy 2 of the Emerging BNP (2020).

4. 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 local planning authority. The approved scheme shall be implemented in full.

**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).

5. 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).

6. 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).

7. There shall be no commencement of development until surface water drainage details, incorporating sustainable drainage principles (SuDS) have been submitted to and approved in writing by the local planning authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

**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.

8. No part of the dwellings hereby approved shall exceed 8.0 metres in height to their ridge above the existing ground level.

**Reason:** To respect the character of the area in accordance with Policy DM10 of the SADMP (2016).

9. No development above foundation level of the dwelling hereby approved shall take place until samples of the materials to be used in the construction of the

external facing materials have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved sample details.

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

10. Works of site preparation and/or construction shall not take place in any phase other than between the hours of 07:30 hrs to 18:00 hrs Monday to Friday and 08:00 hrs to 13:00 hrs on Saturdays. There shall be no working on Sundays or on Bank or Public Holidays.

**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).

11. No part of the development hereby approved shall be occupied until the access road has been laid out with a minimum width of 4.8 metres, a gradient of no more than 1:30 for a distance of at least 5 metres behind the highway boundary and shall be surfaced in a bound material with a 9.2 metre dropped crossing. The access once provided shall be so maintained at all times.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway and in the interests of highway safety to accord with Policy DM17 in the SADMP.

12. No part of the development hereby approved shall be occupied until such time as vehicular visibility splays of 2.4 metres by 120 metres and 2.4 metres by 105 metres to the east and west of the site access respectively. 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:** In the interests of highway safety to accord with Policy DM17 in the SADMP.

13. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Drg No: 2024 02f. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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

14. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of five metres of the highway boundary, nor shall any be erected within a distance of five metres of the highway boundary.

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway to accord with Policy DM17 of the SADMP.

### 11.3 Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [buildingcontrol@hinckley-bosworth.gov.uk](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Planning permission does not give approval to work on the public highway. Therefore, prior to carrying out works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
4. Where soakaway drainage is initially proposed, the suitability of the ground strata for infiltration should be ascertained by means of the test described in BRE Digest 365, and the results submitted to the LPA and approved by the Building Control Surveyor before development is commenced. If the ground strata prove unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA before this condition can be discharged.
5. The collection point for domestic recycling, garden waste and refuse will be from the adopted highway boundary and so the provision on site for the storage of containers as shown on the approved site plan should be provided.

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## PLANNING APPEAL PROGRESS REPORT

Situation as at: 30.10.20

**WR – WRITTEN PRESENTATIONS**

**IN – INFORMAL HEARING**

**PI – PUBLIC INQUIRY**

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
	RH	20/00068/FUL (PINS Ref 3261704)	IH	Mr Jason McDonagh c/o Agent	Allotment Gardens Newtown Linford Lane Groby (Erection of replacement dwelling)	Awaiting Start Date	
	GS	20/00762/HOU (PINS Ref 3261668)	WR	Mrs Johnson 1 Salisbury Close Desford	1 Salisbury Close Desford (Two storey side extension)	Appeal Valid Awaiting Start Date	29.10.20
Page 107	RH	19/01243/OUT (PINS Ref 3261386)	IH	Davidsons Developments Ltd c/o Agent	Ashfield Farm Kirkby Road Desford (Residential development of up to 120 dwellings (Outline - access only))	Awaiting Start Date	
	RH	19/01405/OUT	PI	Davidsons Developments Ltd Wilson House 207 Leicester Rd Ibstock	Land North Of Deepdale Farm Lutterworth Road Burbage (Residential development of up to 135 dwellings (Outline- access only))	Notification of intention to submit an appeal (Likely submission date of the appeal November 2020) Expiry date for submission of appeal 30.03.21 Duration 3 days	

	OP	20/00525/OUT (PINS Ref 595681)	WR	Mr David Freer 104 Heath Lane Earl Shilton Leicester LE9 7PD	Land to the North of Bardon View High Tor East Earl Shilton (Erection of two dwellings (Outline – access and layout))	Awaiting Start Date	
	CG	20/00240/FUL (PINS Ref 3261112)	IH	Mr Gavin Ingrams Gnarley Farm Osbaston Hollow Osbaston Nuneaton CV13 0HP	Gnarley Farm Osbaston Hollow Osbaston Nuneaton CV13 0HP (Temporary siting of a prefabricated mobile home)	Awaiting Start Date	
	CG	20/00552/FUL (PINS Ref 3261114)	IH	Mr Gavin Ingrams Gnarley Farm Osbaston Hollow Osbaston Nuneaton CV13 0HP	Gnarley Farm Osbaston Hollow Osbaston Nuneaton CV13 0HP (Change of use of the land for the siting of two caravans for residential use(retrospective application))	Awaiting Start Date	
	SW	20/00611/OUT (PINS Ref 3260922)	WR	Ms Tina Powell 64 Lychgate Lane Burbage	64 Lychgate Lane Burbage (New detached dwelling (Outline - access to be considered))	Appeal Valid Awaiting Start Date	29.10.20
	HK	20/00503/OUT (PINS Ref 3259881)	WR	Mr & Mrs T Vellam (Jnr) Kendals Barn Ashby Road Osbaston	Kendals Barn Ashby Road Osbaston (Conversion of existing outbuildings and extensions to provide a detached dwelling - Outline (all matters reserved except access and layout))	Appeal Valid Awaiting Start Date	09.10.20
20/00031/PP	SW	20/00186/OUT (PINS Ref 3259615)	WR	Mr Bob Harvey Carlton Grange Carlton	Field Adjacent The Rectory Congerstone Lane Carlton (Four holiday units (Outline - all matters reserved))	Start Date Statement of Case Final Comments	22.10.20 26.11.20 10.12.20

20/00029/NONDET	EC	20/00702/OUT (PINS Ref 3259585)	WR	Mr Andy Armstrong 19 Shenton Lane Market Bosworth	Land Adjacent 73 Mill Lane Newbold Verdon (Erection of a single dwelling (outline - access only))	Start Date Statement of Case Final Comments	19.10.20 23.11.20 07.12.20
	OP	20/00519/FUL (PINS Ref 3259539)	WR	Mr R Dolman 36 Main Street Carlton	36 Main Street Carlton (Erection of storage building, hardstanding)	Awaiting Start Date	
	OP	20/00062/OUT (PINS Ref 3259380)	WR	Mrs A Kitching Home Farm Cottage 23 Barton Road Market Bosworth	Land South Of The Bungalow 1 Green Lane Barton In The Beans (Residential development for one dwelling (outline - access only))	Appeal Valid Awaiting Start Date	02.10.20
20/00030/PP	GS	20/00570/FUL (PINS Ref 3258978)	WR	Mr N Aponso 5 Queen Street Barwell	Land East of Higham Lane Stoke Golding (Erection of building and change of use of land to form a dog day care facility)	Start Date Statement of Case Final Comments	19.10.20 23.11.20 07.12.20
	CG	20/00321/FUL (PINS Ref 3256790)	IH	Mrs Rita Morley 5 White House Close Groby	5 White House Close Groby (Part demolition of existing dwelling and erection of a detached dwelling in side garden)	Appeal Valid Awaiting Start Date	14.08.20
20/00023/PP	OP	19/01404/OUT (PINS Ref 3256614)	WR	Mr David Coley 15 Elm Tree Drive Burbage	Land South Of Bonita Bullfurlong Lane Burbage (Residential Development of 5 dwellings with vehicular access (Outline- access, layout and scale only))	Start Date Awaiting Decision	10.08.20
20/00022/PP	OP	19/01035/FUL (PINS Ref 3256425)	WR	Mrs Judith Sturley C/o Agent Orpington Kent	Land Adjacent To 1 Back Lane Market Bosworth (Erection of 1 No. detached dwelling)	Start Date Awaiting Decision	07.08.20

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	JB	19/01324/OUT	PI	Davidsons Developments Ltd	Land At Wykin Lane Stoke Golding (Residential development of up to 55 dwellings (Outline - access only))	Notification of intention to submit an appeal (Likely submission date of the appeal July 2020) Expiry date for submission of appeal 17.12.20	
	JB	19/00947/OUT	PI	Barwood Development Securities Ltd	Land Off Sketchley Lane Burbage (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))	Awaiting Start Date Appeal form received Duration 6 days	
20/00028/PP	RW	19/01234/OUT (PINS Ref 3254458)	WR	Ms Jenny Longwill Ivy House Farm Hall Lane Odstone	Ivy House Farm Hall Lane Odstone (Erection of two dwellings (Outline - access only))	Start Date Awaiting Decision	07.08.20
20/00021/PP	OP	20/00300/OUT (PINS Ref 3253082)	WR	Mrs Barbara Denton Walsgrove House Sheepy Road Sibson	Village Farm House Sheepy Road Sibson (Demolition of buildings; Residential development for four dwellings (Outline- access and layout only))	Start Date Awaiting Decision	03.07.20



20/00019/PP	SW	19/00892/OUT (PINS Ref 3252017)	WR	Mr Gareth Xifaras Animal Pub Company Ltd 147 Station Lane Lapworth	The Prince Of Wales Inn 52 Coventry Road Hinckley (Demolition of public house and erection of 12 apartments (outline - access, layout and scale))	Start Date Awaiting Decision	04.06.20
20/00018/PP	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)	Start Date Awaiting Decision	04.06.20
20/00017/PP	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))	Start Date Awaiting Decision	04.06.20
20/00013/PP	SW	20/00004/FUL (PINS Ref 3250144)	WR	Mr Harjeeve Bath 14 Station Road Ratby	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)	Start Date Awaiting Decision	28.05.20
20/00027/CLD	HK	19/01164/CLUE (PINS Ref 3246256)	WR	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)	Start Date Awaiting Decision	17.08.20
20/00026/CLD	HK	19/00391/CLUE (PINS Ref 3238743)	WR	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)	Start Date Awaiting Decision	17.08.20

20/00025/CLD	HK	18/01255/CLUE (PINS Ref 3238520)	WR	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)	Start Date Awaiting Decision	17.08.20
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 Date	03.02.20 05.01.21

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#### Decisions Received

20/00024/PP	RW	19/01304/OUT (PINS Ref 3255456)	WR	Ms Caroline Dixie 18 Main Street Nailstone	Land off Veros Lane Nailstone (Erection of Two Dwellings (Outline all matters reserved))	<b>DISMISSED</b>	<b>22.10.20</b>
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Designation Period 1 April 2019 - 31 March 2021

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

#### Major Applications

No of Appeals Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
9	5	4	0	0	1	0	3	3	0	0	1	0	1

August - Total No of all Major decisions made 62/Total No of appeals allowed 3 = 4.83%

September - Total No of all Major decisions made 66/Total No of appeals allowed 3 = 4.54%

#### Minor/Other Applications

No of Appeals Decisions	Allowed	Dismissed	Split	Withdrawn	Officer Decision			Councillor Decision			Non Determination		
					Allow	Spt	Dis	Allow	Spt	Dis	Allow	Spt	Dis
45	14	31	0	0	11	0	28	3	0	2	0	0	1

August - Total No of Minor/Other decisions made 1063/Total No of appeals allowed 17 = 1.59%

September - Total No of Minor/Other decisions made 1310/Total No of appeals allowed 17 = 1.29%

#### Enforcement Appeal Decisions

No of Appeal Decisions	Allowed	Dismissed	Split	Withdrawn
6	0	6	0	0

Designation Period 1 April 2018 - 31 March 2020

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

#### Major Applications

No of Appeals 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

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

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

### Minor/Other Applications

No of Appeals 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

August - Total No of Minor/Other decisions made 1566/Total No of appeals allowed 15 = 0.95%

September - Total No of Minor/Other decisions made 1566/Total No of appeals allowed 15 = 0.95%

### Enforcement Appeal Decisions

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