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Hinckley & Bosworth
Borough Council

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

Date: 29 June 2020

To: Members of the Planning Committee

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

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **PLANNING COMMITTEE** via Zoom on **TUESDAY, 7 JULY 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 - 7 JULY 2020

A G E N D A

1. **APOLOGIES AND SUBSTITUTIONS**

2. **MINUTES** (Pages 1 - 4)

To confirm the minutes of the meeting held on 16 June 2020.

3. **ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES**

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting. Items to be taken at the end of the agenda.

4. **DECLARATIONS OF INTEREST**

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. **QUESTIONS**

To hear any questions in accordance with Council Procedure Rule 12.

6. **DECISIONS DELEGATED AT PREVIOUS MEETING**

To report progress on any decisions delegated at the previous meeting.

7. **19/01256/FUL - HANGMANS HALL FARM, TWENTY ACRE LANE, SUTTON CHENEY** (Pages 5 - 32)

Application for construction of a 62 hectare solar park to include the installation of solar photovoltaic panels to generate electricity with access from Wharf Lane and Stapleton Lane and associated substations, inverters, perimeter stock fencing, access tracks, CCTV and landscaping

8. **19/01112/OUT - LAND AT REAR OF 131 LUTTERWORTH ROAD, BURBAGE** (Pages 33 - 46)

Application for residential development (outline – access only)

9. **19/01060/S106 - FORMER HIGHWAY LAND, LEICESTER ROAD, GROBY** (Pages 47 - 74)

Application for deed of variation to amend the section 106 agreement relating to 15/00767/OUT to provide an all affordable housing scheme comprising of 10 affordable units and 20 shared ownership and removal of all other obligations

10. **18/01288/FUL - THE BULLS HEAD, 88 MAIN STREET, NAILSTONE** (Pages 75 - 90)

Application for erection of six dwellings and alterations to the existing public house

11. APPEALS PROGRESS (Pages 91 - 96)

To report on progress relating to various appeals

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

16 JUNE 2020 AT 5.30 PM

PRESENT: Mrs MJ Crooks - Chairman
Mr DJ Findlay – Vice-Chairman
Mrs CM Allen, Mr RG Allen, Mr CW Boothby, Mr SL Bray (for Mrs LJ Mullaney),
Mr MB Cartwright, Mr JMT Collett (for Mrs H Smith), Mr DS Cope, Mr WJ Crooks,
Mr REH Flemming, Mr A Furlong, Mr SM Gibbens, Mr E Hollick, Mr KWP Lynch,
Mr RB Roberts and Mr BR Walker

Also in attendance: Councillor DC Bill MBE and Councillor MC Sheppard-Bools

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

375 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors L Mullaney and Smith, with the following substitutions authorised in accordance with council procedure rule 10:

Councillor Bray for Councillor Mullaney
Councillor Collett for Councillor Smith.

376 MINUTES

It was noted that there had been an omission in the minutes of the previous meeting in relation to application 19/01437/FUL as a member had requested that any member that had concerns about the conditions imposed on the granting of permission contact the Planning Manager within 48 hours. There was, however, no change to the motion or resolution in relation to that item.

It was moved by Councillor Bray, seconded by Councillor W Crooks and

RESOLVED – the minutes of the meeting be approved subject to the abovementioned amendment.

377 DECLARATIONS OF INTEREST

Councillor R Allen reported that he had been approached by the applicant in relation to application 19/01324/OUT and had offered factual information but had not formed a view.

Councillor Collett stated that, whilst he had made comments in relation to application 19/01324/OUT, he had come to the meeting with an open mind and would listen to the debate before forming a view.

Councillor J Crooks stated that she was ward councillor for application 20/00143/FUL but had come to the meeting with an open mind.

Councillor W Crooks stated that he had spoken against the previous application on land south of Cunnery Close, Barlestone.

378 DECISIONS DELEGATED AT PREVIOUS MEETING

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

379 19/01324/OUT - LAND AT WYKIN LANE, STOKE GOLDING

Residential development of up to 55 dwellings (outline – access only)

Notwithstanding the officer recommendation that permission be granted, some members felt that the proposal would result in an unacceptable increase in traffic movement which would be detrimental to highway safety and would cause substantial harm to the intrinsic value, beauty and open character of the village which was not outweighed by the benefit of the provision of 55 homes. It was moved by Councillor Collett and seconded by Councillor R Allen that permission be refused for these reasons.

Councillor Collett, supported by two further councillors, requested that voting on the motion be recorded. The vote was taken as follows:

Councillors C Allen, R Allen, Boothby, Collett, Furlong, Gibbens, Hollick and Roberts voted FOR the motion (8);

Councillors Bray, Cartwright, J Crooks, Findlay, Flemming, Lynch and Walker voted AGAINST the motion (7);

Councillor Cope and W Crooks abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – permission be refused for the following reasons:

- (i) The proposed development would lead to an unacceptable increase in traffic movements, including commuter and deliver vehicles, especially in the evening, along Wykin Lane which is a single track road. This would result in a severe impact upon the safety of vehicular traffic as well as cyclists and pedestrians and is therefore contrary to policy DM17 of the Site Allocations and Development Management Policies DPD (2016);
- (ii) The application proposes development which would extend further to the south, beyond the historic settlement of Stoke Golding and into the countryside. This would be detrimental to the intrinsic value, beauty and open character of the countryside and the harm would therefore be demonstrable and the benefits of the proposal would not outweigh the harm identified. The development is therefore contrary to policy DM4 of the Site Allocations and Development Management Policies DPD (2016).

380 20/00102/OUT - LAND SOUTH OF CUNNERY CLOSE, BARLESTONE

Application for residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (outline – access only) resubmission of 19/01011/OUT

Notwithstanding the officer's recommendation that permission be granted, some members felt that the proposed development would be out of keeping with the character of the area and that it would be detrimental to highway safety due to access being via an unclassified road with on street parking and junctions operating above capacity. It was moved by Councillor W Crooks and seconded by Councillor R Allen that permission be refused for these reasons.

Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be refused for the following reasons:

- (i) The development would be out of keeping with the character of the area and therefore contrary to policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD (2016);
- (ii) Access to the site is via an unclassified road which has on-street parking and where the junctions operate above practical capacity. The development would therefore be detrimental to highway safety and contrary to policy DM17 of the Site Allocations and Development Management Policies DPD (2016).

381 20/00143/FUL - LAND SOUTH OF BOSWORTH LANE, NEWBOLD VERDON

Application for residential development of 116 dwellings

It was moved by Councillor Findlay and seconded by Councillor Bray that permission be granted with the final detail of the conditions to be delegated to the Planning Manager in consultation with the chairman and ward councillors.

Councillor Cartwright proposed an amendment that any application to vary the section 106 agreement be brought back to the Planning Committee and Councillor J Crooks proposed that a condition be added in relation to management of the grassed areas. The mover and seconder of the original motion accepted these amendments.

Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to:
 - a. The completion within three months of this resolution of a S106 agreement to secure the following obligations:
 - NHS West Leicestershire CCG: £58,790.82
 - Education: £925,038.07
 - Civic amenity: £5,745.00
 - Libraries: £3,380.00
 - Affordable housing: 40%
 - Play and open space: £248,203.28
 - Off-site highway improvements to Bosworth Lane / Barlestone Road junction;
 - b. The conditions contained in the officer's report;
- (ii) The Planning Manager be granted delegated powers to determine the final detail of the planning conditions in consultation with the ward members;

- (iii) The Planning Manager be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods;
- (iv) Any application to vary the S106 contributions be brought back to the Planning Committee.

The meeting adjourned at 7.52pm and reconvened at 8.03pm.

382 20/00020/FUL - LAND ADJACENT LODGE FARM, WOOD ROAD, NAILSTONE

Application for change of use of part of land for the siting of storage container units (use class B8) and a machinery and maintenance building, vehicular access, screen wall and screen planting

Notwithstanding the officer's recommendation that permission be refused, some members felt that the application should be approved as it would bring the land back into use.

At this juncture, it having reached almost 8.30pm, it was moved by Councillor J Crooks, seconded by Councillor Findlay and

RESOLVED – the meeting be permitted to continue past 8.30pm.

It was moved by Councillor W Crooks and seconded by Councillor Bray that permission be granted with final detail of the conditions delegated to the Planning Manager in consultation with ward councillors but to include conditions relating to time restrictions, plans, restriction to storage containers and landscaping.

It was subsequently moved by Councillor Cartwright and seconded by Councillor Roberts that permission be refused for the reasons outlined in the officer's report.

Being the first motion received, the vote was taken on Councillor W Crooks' motion. The motion was CARRIED and it was therefore

RESOLVED – permission be granted with the conditions delegated to the Planning Manager in consultation with ward councillors.

383 APPEALS PROGRESS

Consideration was given to a report which provided an update on appeals.

Councillor Bray left the meeting at 8.35pm.

It was moved by Councillor W Crooks, seconded by Councillor R Allen and

RESOLVED – the report be noted.

(The Meeting closed at 8.38 pm)

CHAIRMAN

Planning Committee 7 July 2020
Report of the Planning Manager

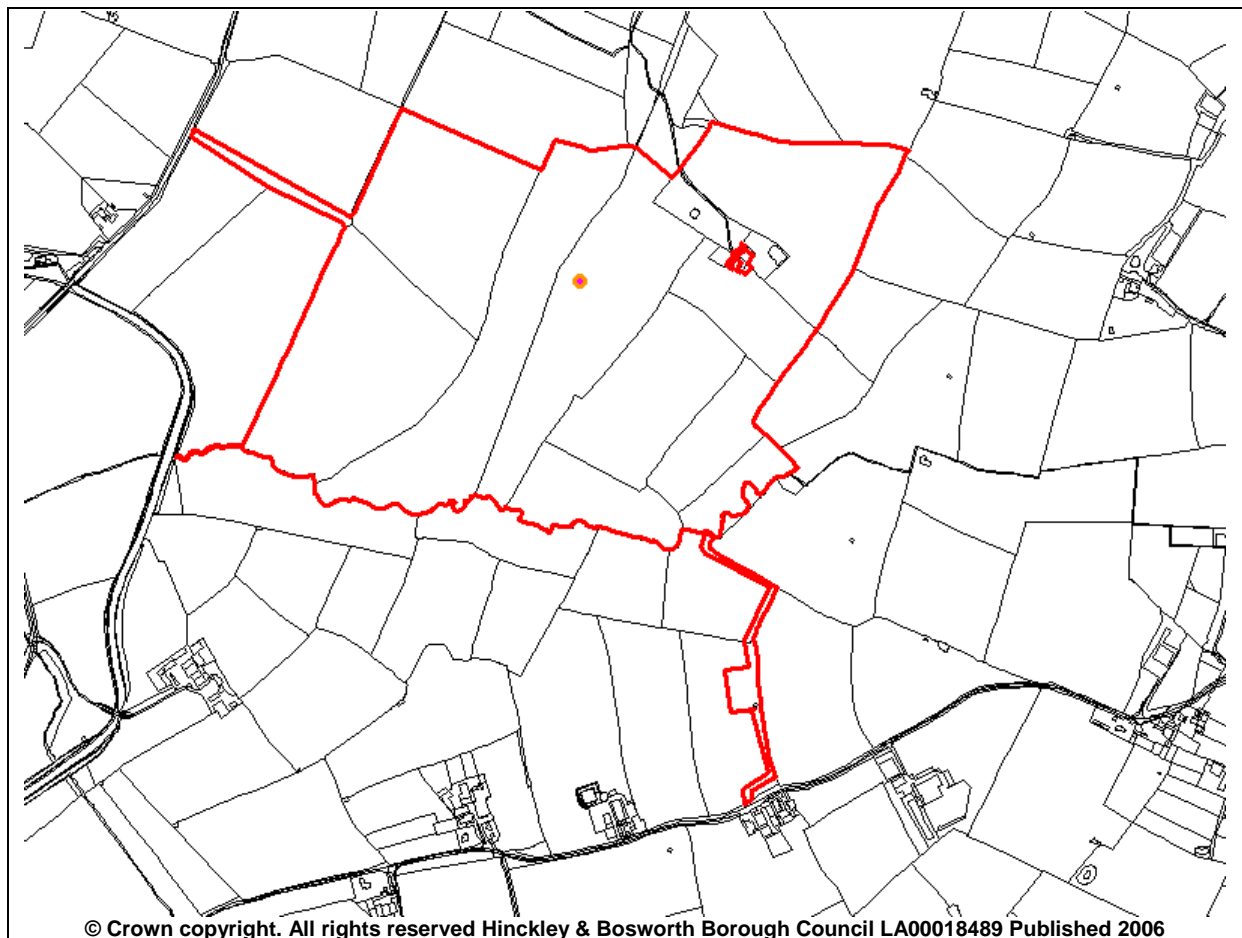
Planning Ref: 19/01256/FUL
Applicant: Mr David Meehan
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: Hangmans Hall Farm Twenty Acre Lane Sutton Cheney

Proposal: Construction of an 62 hectare solar park to include the installation of solar photovoltaic panels to generate electricity(35MW) with access from Wharf Lane and Stapleton Lane and associated substations, inverters, perimeter stock fencing, access tracks, CCTV and landscaping



1. Recommendations

1.1. **Refuse planning permission:** for the reasons at the end of this report.

2. Planning Application Description

- 2.1. This application seeks full permission for the construction of a solar park, to include the installation of solar photovoltaic panels to generate approximately 35MW of electricity, with DNO and Client substations, inverters, perimeter stock fencing, access tracks and CCTV. Landscaping and other associated works.
- 2.2. Planning Permission is sought for a temporary period of 30 years from the date of first exportation of electricity from the site. At the end of the operational lifespan of

the proposal the site would be restored back to agricultural use with all equipment and below ground connections removed.

- 2.3. The panels would be located in rows from east to west across the site, the spacing between the rows will be approximately 2m - 6m. Each row will be mounted on a metal framework which will be driven into the soil. The height of the installation will be approximately 1m above ground level from the bottom of the panel and reaching a maximum height of 3m to the top of the panels. The solar panels will be installed at approximately 25 degrees from the horizontal, oriented due south. The layout takes into account the existing tree and hedgerow vegetation and their root zone, hence they are offset from the vegetation.
- 2.4. It is proposed that the site would be enclosed by deer fencing for security, with large aperture galvanised mesh stretched on wire and supported by wooded posts of approx. 2.0m in height. CCTV is also proposed, installed around the site boundary, mounted on 3m poles.
- 2.5. Control buildings (inverters) no more than 3m in height are required to allow the DC electricity produced by the PV panels to be converted to AC electricity. A Substation compound will also be necessary, which is to be located within the site boundary to the south of the site. The infrastructure within the substation area is a maximum 4.8m in height and would be enclosed by fencing of approx. 2.5m height. In addition a POC mast, of approx. 23.5m height, is proposed to connect with the adjacent pylon.
- 2.6. The Site access would be to the west, from Wharf Lane and would utilise the existing farm access. The access road would follow the northern side of a field hedgerow and enter the Site through the existing breaks in the hedgerows, having a length of c.315m. This access includes a wider temporary access point for construction, which is proposed to be reinstated after construction of the arrays. There is an additional access to the south from Dadlington Lane, allowing access to the DNO substation which is located outside of the main area of the proposed solar arrays adjacent to an existing electricity pylon. This access is for maintenance purposes only. Internal access tracks are proposed within the site connecting the inverters and Substation compound.
- 2.7. The application also proposed the diversion of public footpath T65/2 which currently crosses the site, it is proposed to divert this around the edge of the western and southern boundary. A small change is also proposed to the routing of a public footpath to the north.
- 2.8. Existing hedgerows and trees are proposed to be retained with a proposed landscape scheme which includes a new hedgerow along the western boundary of the site (adjacent to the PRoW diversion proposed) with a number of new trees along this boundary, as well as additional planting along the existing hedge line to the north and east.
- 2.9. During the process of the application, amended plans were received resulted in the reduction of areas of solar panels to the north east of the site, around Hangman's Hall, which is the most elevated area of the site. As well as the re-routing of the footpath to the western side of the western hedgerow boundary.

3. Description of the Site and Surrounding Area

- 3.1. The application site occupies approximately 61.87 hectares of agricultural land and is located approximately 0.5km to the south east of the village of Sutton Cheney. It comprises a number of adjacent agricultural fields, varying from large to small in scale. The field boundaries are delineated by hedgerows and trees. The southern

boundary of the Site coincides with a watercourse this is also marked by trees. To the immediate west lies the Registered Battlefield 'Battle of Bosworth 1485'.

- 3.2. A property known as Hangman's Hall falls within the northern part of the Site and is accessed via Twenty Acre Lane which links with Wharf Lane in Sutton Cheney. Hangman's Hall is a previous farm house; with associated agricultural buildings within its curtilage, the property is unoccupied.
- 3.3. The Site slopes from the north, near Sutton Cheney, with the watercourses lining its low lying areas. The eastern part of the Site rises slightly towards Manor Lodge Farm with the north eastern most field sitting slightly higher than the rest of the Site.
- 3.4. Presently a public footpath traverses the site, there are a number of other public footpaths within the vicinity of the site. However, only footpath T65/2 crosses the site itself. There are blocks of woodland to the north of the Site.
- 3.5. The site itself is not subject to any statutory designations, it is not located within a Conservation Area and nor are there any Listed Buildings or environmental designations within or immediately adjacent to the site. The site is immediately surrounded by agricultural land.

4. Relevant Planning History

| | | | |
|----------------|---|-------|------------|
| 19/00523/SCOPE | Screening Opinion for a ground mounted solar farm | OPISS | 31.05.2019 |
|----------------|---|-------|------------|

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. As a result of consultation 10 objections have been received from 8 addresses raising the following points:
 - 1) The development would result on a negative impact upon the landscape and effect upon nearby heritage assets
 - 2) The Solar panels would be visible from Dadlington and are in the vicinity of the historic site of Bosworth Battlefield
 - 3) The huge area covered will suffer from environmental destruction from an ecological habitat perspective
 - 4) Project will hinder any future archaeological investigation.
 - 5) Would spoil views of the landscape of Bosworth Battlefield
 - 6) The councils own tourism department identifies that the landscape as an important feature to our tourism with new inspiring Bosworth project in its infancy
 - 7) Would result in a reduction in value of house price
 - 8) There are far better options for siting solar panels than on valuable productive agricultural land
 - 9) Should seek to include panels on brownfield sites, on less favourable land, huge roofs of industrial and distribution developments
 - 10) Development would be on mostly grade 2 and some grade 3 farmland
 - 11) Solar panels would be visible particularly in winter, from various view points including Ambion Hill at the Battlefield visitor centre
 - 12) Could cause flash flooding from rainwater run off
 - 13) Security fencing with hard access road will inevitably lead to fly tipping
 - 14) History and Heritage are what define us as people
 - 15) This is a profit exercise not a altruistic renewable energy project

- 16) Won't bring any jobs to the area, improve any amenities or even be of value in terms of education or research in the field of renewables
- 17) Although temporary the site would be an eyesore
- 18) There is a historical importance for the whole area, which attracts thousands of visitors each year, which in turn provides a positive impact upon the local economy. This development will deter people who visit to walk and cycle
- 19) The walk which covers Richard III's approach to the battle passes within clear view of the proposed development
- 20) The scale would dominate the area
- 21) The solar farm would be close to King Richard III campsite
- 22) The proposed sculpture trail between key points in the Bosworth Battlefield story would inevitably cross this area, linking Sutton Cheney with Stapleton Lane, and then on to Dadlington. The solar panels would affect the development of tourist trails
- 23) There is evidence of nearby Neolithic flint working and polished stone axes
- 24) There is a confirmed Roman road which runs through the site and villa, and may cover part of the Royal camp on the eve of the battle
- 25) There will be associated noise and light pollution created in the first instance through its construction and thereafter from maintenance
- 26) Wharf Lane is subject to accidents
- 27) The proposed development would stop us visiting the area for organised walks
- 28) Plans should be amended to include a living screen along the south border, to soften the scheme
- 29) There are a number of listed buildings to the north in Sutton Cheney as well as Stapleton, which this development would be counter to the spirit of
- 30) S.106 contributions should be sought to give back to the local community
- 31) Will this development turn agricultural land into brownfield due to its scale
- 32) Development would be on an area of valued landscape in which the harm would outweigh the benefits
- 33) English Heritage have done a considerable amount of work within the area to form a conservation plan for the area, and any new development should not have an adverse visual or landscape impact
- 34) Access to the development on a dangerous bend, where there is already a problem with speeding traffic
- 35) Historic England consider that there is a high degree of probability that finds would be recovered if the survey was extended, and on this evidence the Registered Battlefield includes a buffer zone of at least one field, however a number of other finds have been found along the old Roman Road
- 36) A Townhall meeting was held with the developer where local residents could ask questions about the project, however the answers from the company were not transparent

6. Consultation

- 6.1. No objection subject to conditions and or obligations have been received from the following:

HBBC Environmental Health (Pollution)
 LCC Drainage
 LCC Ecology
 Ashby Canal Association

- 6.2. CTC has objected due to the nature of the lane not being heavily used, which lacks passing places.

- 6.3. Sutton Cheney Parish Council - support the principle of the development, and provide the following comments:
- 1) The principle of this development is recognised as a need to develop sources of sustainable renewable energy, a viewpoint that is reflected in the developing Neighbourhood plan for Dadlington
 - 2) Where possible screening should be enhanced to minimise impact on the local landscape and neighbouring residents
 - 3) Although there will inevitably be an impact on the community and the Parish would also like to formally enquire as to a financial contribution or community contribution the developers can make to offset this impact
- 6.4. Historic England has objected - they have identified that the proposal would have harm to the significance of the registered battlefield. It has been highlighted that clear and convincing justification needs to be identified by the local planning authority to ensure the level of harm that would be caused is outweighed by the public benefits. Historic England recognises the substantial public benefits of the development proposal.
- 6.5. Battlefields Trust has objected on the following grounds:
- 1) The trust accepts that the proposed development would cause less than substantial harm to the Battlefield and as such the Local Authority needs to weigh the public benefits of development against the harm that it causes to the heritage
 - 2) Given the proposed developments close proximity to the battlefield, the challenge to define precisely the extent of such heritage asset, the possibility of troop movement or encampment upon the site and the moderate-high likelihood of finding battle related artefacts highlighted by the developer Heritage Impact Assessment, the trust would like to see an archaeological survey of the site
 - 3) Any ground works may disrupt and relocate archaeological resource. Any survey should therefore use the best practice methodology using at a minimum 2.5m transects to metal detect
 - 4) Archaeological investigation should separately examine the likely Roman road, highlighted in the HIA that passed through the site as this could better determine its significance in relation to the battle
 - 5) Would be insufficient evidence base to balance the public benefits arising from the development with the harm to the heritage as required by para.189-190 of the NPPF. Any decision should be postponed until work has been completed and an adequate assessment made
 - 6) Should permission be granted, the Trust agrees with the HIA that further screening mitigation should be implemented. It would also like to see a buffer zone established on the proposed site around the registered battlefield
- 6.6. King Richard the III Society have objected on the following grounds:
- 1) Whilst the proposed solar farm will cause less damage than, for instance, the Horiba Mira development, the proposal would could cause harm to the battlefield site, including possible loss of artefacts
 - 2) If development is to go ahead, archaeological surveys of the site be made prior to any work beginning
 - 3) Adequate screening should also be sought around the site in order to have as little impact upon the environment as possible

6.7. The Rambles Associate commented and raised the following points:

- 1) I am concerned above this application and two rights of way cross the area where this solar farm is planned. Both of these rights of way are important part of the local footpath network and due consideration should be given to them.

6.8. Inland Waterways Association commented and raised the following points;

- 1) The Ashby Canal is a historic waterway and valuable amenity and recreational corridor and is a designated conservation area for its historic interest. The open and attractive countryside setting along the canal is part of its heritage value and a major factor in its present day amenity value which helps sustain its visitor economy
- 2) The proposal would introduce an incongruous visual element into the rural landscape and will be partly visible from the canal conservation area. Therefore it is important that any consent conditions reinforcement of the hedgerow planting to preserve the setting of the canal

6.9. Councillor Collett has commented and raised the following points:-

- 1) The construction of one of the largest solar panels site in the country is inappropriate for our local area. It is located in an area that the Council are trying to promote for the 'Inspiring Bosworth' Project
- 2) Work carried out by English Heritage, stated that the registered Battlefield and its landscape setting also contain a wider range of other cultural and national heritage designations, demonstrating that the area is of considerable significance and not just important as the site of the Battle
Public consultation clearly shows the area is highly valued for its unspoilt landscape and views
"In a region that can be busy and urbanised, this area is a tranquil piece of English Countryside that provides a sense of identity and belonging for locals"
Views are often open and of long distance. This landscape has historic interest associated with its hilltops
- 3) The report from English Heritage stressed that any new development within the area and its setting should not have an adverse visual or landscape impact on the special qualities of the area, to ensure that topographic views across the battlefield and its setting are conserved
- 4) The report also referred to the need to avoid the creation of new field boundaries including hedges, post and rail/wire fencing where they may detract from the appreciation of the open space and uncluttered appearance of the area
- 5) The HBBC Tourism Blueprint, the areas distinctive qualities were summarised as "world class attractions, where history continues to be made, sit as comfortable neighbours with charming villages and breath taking rural views"
- 6) The proposed development would run counter to all that is located on good quality agricultural land
- 7) It is outside the development limits, and would have a negative impact on an important area of our Borough

7. Policy

7.1. Core Strategy (2009)

- Spatial Objective 12: Climate Change and Resource

- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM2: Delivering Renewable Energy and Low Carbon Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Ashby Canal Conservation Area Appraisal
 - Renewable Energy Capacity Study (2014)
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Study (2017)
 - The Setting of Heritage Assets (2nd Edition) (Historic England) - December 2017
 - Managing Significance in Decision Taking in the Historic Environment (Historic England) - March 2015
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies
 - Impact upon the character of the area
 - Impact upon the Historic Environment
 - Agricultural Land Classification
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety and Public Rights of Way
 - Flooding and Drainage
 - Archaeology
 - Ecology
 - Pollution
- 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 NPPF and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (2016) (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. Spatial Objective 12 of the Core Strategy Climate Change and Resource Efficiency seeks to minimise the impacts of climate change by promoting the prudent use of resources through increasing the use of renewable energy technologies.
- 8.5. Policy DM2 of the Site Allocations and Development Management Policies DPD (SADMP) sets out that the Council will support appropriately designed and sited renewable energy developments.
- 8.6. No land is specifically allocated for the generation of renewable energy. The application site is therefore located outside of any settlement boundaries, and is therefore within the countryside. Policy DM4 seeks to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development. Development considered to be sustainable in the countryside as identified by Policy DM4 includes proposals for stand-alone renewable energy developments that are provided in line with Policy DM2 when development is also consistent with part i)-v) of policy DM4.
- 8.7. Policy DM4 is therefore one of the most important policies in the determination of this application. This Policy is considered to be out-of-date given that the settlement boundaries drawn to determine the distinction between the urban area and countryside have been based on out-of-date housing requirements. Therefore, the application should be determined against Paragraph 11(d) of the NPPF whereby permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 8.8. Paragraph 148 of the NPPF states that the planning system should support the transition to a low carbon future in a changing climate and support renewable and low carbon energy and associated infrastructure. It goes on to state (Para. 154) that when determining planning applications for renewable and low carbon development, planning authorities should not require applicants to demonstrate the overall need for renewable energy and approve the application if its impact are (or can be made) acceptable.
- 8.9. HBBC's Renewable Energy Capacity Study (2014) provides additional information in regards to potential renewable energy capacity of the borough and identifies key areas of opportunity. The site is not identified as being within an opportunity area for solar arrays, notwithstanding this, every site is judged on its own merits. In addition, there is an opportunity area to the east of the proposed site, between Sutton Cheney and Stapleton. Therefore, the Strategic Objective seek to achieve, highlight the importance of renewable energy and importantly a need to increase the use of renewable technologies, such as for the generation of electricity from renewable sources. With Policy DM2 providing support to renewable energy schemes.
- 8.10. In addition to this, in July 2019 HBBC declared a 'climate emergency' whereby Councillors pledged to take local action to contribute to national carbon neutral targets through the development of practices and policies, with an aim to being carbon neutral in the borough of Hinckley and Bosworth by 2030. However, the Council is yet to publish its Action Plan designed to outline how the council will address this emergency.

- 8.11. There is a clear presumption in favour of renewable energy proposals supported by local policies of the development plan and commitment by the Council to be carbon neutral. Therefore the principle of the proposed development is considered to be acceptable, subject to other material considerations being appropriately assessed.
- 8.12. The PPG provides guidance in regards to specific renewable and low carbon energy developments and provides guidance upon key issues to assess when determining an application for large scale ground-mounted solar photovoltaic farms. This provides detailed guidance on particular factors to consider which includes encouraging effective use of land, the quality of agricultural land, the temporary nature of the proposals, visual impact of the proposal, potential impacts if the proposal includes arrays which follow the sun, the need and impact of security measures, impact upon heritage assets, potential to mitigate landscape and visual impacts, energy generating potential, cumulative landscape and visual impact. These potential impacts are considered further below.

Impact upon the character of the area

- 8.13. 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.
- 8.14. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.15. The site does not fall within any national or local protected landscape designations, such as Areas of Outstanding Natural Beauty. The site is however in an area of significant archaeological and historic landscape interest, notably on the eastern edge of the Registered Battlefield which is a designated Country Park; Bosworth Battlefield. Sutton Cheney and Ashby Canal Conservation Areas are also within close proximity.

Landscape Character

- 8.16. The Landscape Character Assessment LCA (2017) highlights that the Borough has a “high quality, varied and distinctive landscape of great historic importance which needs to be conserved, enhanced and managed” the site falls within the northern part of the Landscape Character Area (LCA) E Stoke Golding Rolling Farmland. The key characteristics of this landscape are:
- 1) Undulating arable and pasture farmland with gentle valleys sloping down to the Ashby Canal, Tweed River and associated tributaries.
 - 2) Small to medium scale rectilinear field pattern divided by low hedgerows and mature hedgerow trees typical of parliamentary enclosure, with smaller pasture fields around settlements, creating a largely unified field pattern and providing continuity with the agricultural past.
 - 3) Rural settlement pattern with former agricultural villages typically demonstrating a historic core, modern outskirts and sporadic farmsteads on the outer edges, within a strong rural setting.
 - 4) Historic villages occupying higher ground with attractive red brick cottages fronting onto the road and connected by rural lanes with grass verges and well-maintained hedgerows
 - 5) Church spires and towers within villages in and around the character area form distinctive landmarks on the skyline.

- 6) Associations with the Battle of Bosworth, particularly at Crown Hill in Stoke Golding.
 - 7) Ashby Canal has affiliations with coal mining that has influenced the landscape over the years and is designated as a conservation area. It is now important for biodiversity and tourism.”
- 8.17. The study sets out a number of key sensitivities for this landscape character area as:
- 1) The rural character of the landscape, despite its proximity to urban areas, and areas with little light pollution – particularly in the north of the area which create a relative sense of tranquillity compared to some other parts of the borough.
 - 2) Low hedgerows and mature trees are important elements because of the relatively low level of woodland in the landscape and their role in defining historic field patterns.
 - 3) Distinctive character and local vernacular of the villages, including red brick and traditional buildings with links to the agricultural history of the settlements. Former farmhouses and landmark buildings contribute to the sense of place and provide historic time depth.
 - 4) Historic value and associations with the nearby Bosworth Battlefield.
 - 5) The Ashby Canal is a valued landscape asset, particularly as a recreation and biodiversity resource as well as a reminder of the areas industrial heritage
 - 6) Footpaths including popular recreational routes provide connections with the wider landscape.
 - 7) Uncluttered rural views of church spires are sensitive to change and are valued for the sense of local distinctiveness they provide.”
- 8.18. It is evident from the above that the application site is typical of this landscape character area, sharing many of the key characteristics, particularly the undulating landform of the agricultural fields, sloping down to a tributary and Ashby Canal, hedge and tree lined field pattern, surrounding historic villages. This particular site is also within close proximity and visible from both the registered Bosworth Battlefield and Ashby Canal Conservation Area.
- 8.19. The Landscape Sensitivity Study (2017) considers potential impacts of development upon Bosworth Battlefield. In general it is considered that the area has high sensitivity to all types of development due to the national historic significance and cultural associations of the battlefield, as well as the rural character of the area and its role in the setting of surrounding villages. However, the report specifically refers to residential and commercial developments and is not explicit about the impact of renewable energy schemes on the landscape. In addition, the proposed site is adjacent to the Battlefield and not within it, however it is considered to form part of its rural setting and within the key sensitivities of the landscape character area, outlined above. Therefore, it is evident that in this instance that the intrinsic value, open character and landscape character of this particular area of the countryside is intrinsically linked to the role it has in the rural setting of the Bosworth Battlefield
- 8.20. The application is supported by the submission of a Landscape and Visual Impact Assessment, which has been updated following amended plans received as a result of consultation.
- 8.21. The LVIA considered the landscape topography to be of low value, with a low susceptibility to solar panels due to their light footprint and ease of reinstating following the completion or decommissioning of the proposed development. The

report also considered that the proposed solar arrays would follow the existing topography of the site which has also influenced the layout. The panels would follow the changes in the contours thus reflecting the topography of the Site.

- 8.22. There are no isolated trees within the fields and none of the trees within the site boundaries are protected by TPOs. The hedgerows vegetation is traditional by typical field boundary treatment. The LVIA considers the value of the hedgerow vegetation to be medium with a medium susceptibility to the proposed development and the tree vegetation to be high. However, all of the peripheral and internal hedgerows and trees are proposed to be retained with the panels offset from the boundary vegetation to provide maintenance and an access route and to protect the root protection zone. This also helps reduce shadowing to the proposed panels. The proposal also includes improvements to the existing hedgerow network with gaps planted up with native species retaining the field pattern and additional tree planting. The LVIA concludes this to be a major beneficial effect.
- 8.23. The assessment considers the change from arable to pasture and improved grassland to be of major benefit to this element of the landscape.
- 8.24. Landscape sensitivity is determined by various factors, including such factors as landform, land cover, land use, scale, pattern, enclosure, quality and condition but also perceptual qualities of the landscape and movement. The LVIA considers the site to represent a typical managed agricultural landscape and is therefore is considered by the LVIA to have a medium susceptibility to solar energy developments.
- 8.25. Landscape value should be assessed against Guidelines for Landscape and Visual Impact Assessment (GLVIA3), the amended LVIA makes an assessment of the landscape value against these guidelines. As established the site is not covered by any statutory landscape designations and is therefore considered with the LVIA not of high value in terms of landscape character. Considering the other factors that make up landscape value the overall value is considered by the LVIA to be medium.
- 8.26. The existing boundary hedgerows would not be affected, and the field pattern would remain as existing. The proposed solar panels, due to their low lying profile would not break the sky line or compete with the existing landscape features. The lower lying ground is well screened by the existing landscape features.
- 8.27. The location of the substation, although being separate from the area of solar arrays is adjacent to an existing electricity pylon. The proposed infrastructure would be up to 4m in height, visible above the boundary hedgerows. The proposed POC mast would be approx. 23.5m in height it would be positioned in close proximity to a taller electricity pylon. Limited commentary is given with the LVIA regarding impact of the access to the substation or from Wharf Lane by way of surfacing and its impact upon the landscape, as well as a result of widening of access and the removal of hedgerows. The presence of this development is partially justified by the presence of the existing pylon, however, just because a pylon currently exists it
- 8.28. does not necessarily make it acceptable to add additional masts in its locations. It will have some impact on landscape character.
- 8.29. Overall the LVIA concluded that the impact of the proposed development upon landscape character would be minor adverse. Although the character of the Site would change as a result of the proposal, the overall landscape character of the wider area is considered by the assessment to remain largely unchanged. The introduction of the proposed development has been assessed as resulting in minor adverse effects.
- 8.30. However it is Officers view that the covering of 61.78 hectares with solar panels will change the open character of open natural countryside, to a significant change in

character by the introduction of arrays of solar panels constructed on man-made materials which are alien to a natural open landscape along with the enclosure by 2m high fencing and 3m high CCTV cameras. In terms of landscape pattern, solar farms are not present in the near vicinity of the site and it is a new type of development within open countryside in this location. It is Officers view that the magnitude of change is likely to be medium and overall the effects on the landscape would be at least moderate adverse.

- 8.31. The sensitivity of the Historic landscape is defined with HBBCs Landscape Character Assessment to be;
- 1) Medium sensitivity of historic character the Council's Assessment (2017) states: "Eg A landscape with some visible historic features of importance to character, and a variety of time depths."
 - 2) High sensitivity for historic character: "Eq A landscape with a high density of historic features important to the character of the area and great time depth (i.e. piecemeal enclosure with irregular boundaries, ridge and furrow).
- 8.32. The LVIA does make an assessment of the landscape value, including Conservation Interests, Recreational Value and Perceptual Aspects and Associations. The LVIA considers that "The presence of the Bosworth Battlefield is particularly relevant when considering historic aspect of the landscape and its time depth. The analysis of available historic OS maps suggests that in the past the field pattern was of finer scale. It is evident that a number of fields have been amalgamated and boundaries had been lost. The field pattern within the Site appears to remain relatively stable. The LVIA concludes that the "visibility of heritage assets, however, is limited".
- 8.33. However the assessment made by the LVIA is limited with regards to an assessment of conservation interest, perceptual aspects and associations of the landscape in relation to the Battlefield.
- 8.34. The impact upon the significance of Bosworth Battlefield as a designated heritage asset is discussed later in the report.

Visual Impact

- 8.35. The effects on visual amenity consider the changes in views arising from the proposals in relation to visual receptors including residential properties, highways, Public Rights Of Way, and recreational areas; and the effect on representative viewpoints or specific locations within a specified study area.
- 8.36. The LVIA considers the general visibility of the site, it determines that visibility of the site is restricted by changes in landform and hedgerows and vegetation with woodland blocks to the north and south. Views can be gained from further away and viewed as part of a wider panorama. This is considered by the LVIA to be the same for the location of the proposed substation. It does acknowledge therefore that views of the site are achievable.
- 8.37. It is the Officers view that long distant views can be seen of Ambion Wood from the site and the site is clearly viewed in context with the Battlefield Site, visible from the Battlefield itself. However, acknowledges that there are other more prominent long distant views from elsewhere for example along Dadlington Lane and T65/2 from the south of the site.
- 8.38. Sensitive visual receptors are identified in the LVIA and discussed. There is a number of surrounding residential properties that may be able to gain views of the proposed development. Hangman's Hall sits within the application site and is

unoccupied; a visit to this property confirms it has been vacant from some time. Therefore, this has not been considered as a sensitive receptor.

- 8.39. To the south are a number of farmsteads along Stapleton/Dadlington Lane these properties generally have restricted views due to screening from hedgerows, trees and farm buildings. Winfrey Farm is in close proximity to the substation location, however, other than the POC mast which would be viewed against the pylon, the substation would be screened by hedgerow from the residential property.
- 8.40. Views from public highways have been considered, however the sensitivity of these roads is of medium value with a medium susceptibility to change. The LVIA states that from Wharf Lane views are screened, less restricted views are achievable from the Wharf Bridge, however the site remains screened by intervening hedgerow, views of the panels would be glimpsed. However, proposed mitigation measures over time would screen these. Views from Dadlington Lane would be more easily gained in parts, due to the topography of the site sloping south towards this highway. Where the road is elevated close to Dadlington views may be achieved, however this would be glimpsed when travelling along here. Views are most apparent from here within proximity to Winfrey Farm.
- 8.41. Overall, visibility of the site is considered by the LVIA to bring about a negligible magnitude of change. On that basis, the effects are considered to be neutral upon the road receptors within the study area.
- 8.42. There are several public rights of way around the site, forming a network of footpaths that also link to the Bosworth Battlefield. The report considers view from the wider network to west linking to the Battlefield to be restricted largely due to topography and vegetation screening the application site. Footpaths to the south and western areas are considered to have greater opportunity of achieving views of the site which are less restricted. Where major adverse impacts occur on these footpaths it is where they are within closer proximity to the site, this is with particular reference to footpath T65/2 and T68/3. .
- 8.43. However, footpath T65/2 is proposed to be diverted to the western side of the boundary hedgerow becoming visually and physically separated from the proposed solar farm along the length of this boundary, becoming enclosed to the southern section of the site, it is at this section where the magnitude of change would be greatest. This is considered by the Council to be an improvement from its previously proposed route which would have been channelled between hedgerow and panels.
- 8.44. Of the view points assessed by the LVIA only one has been found to have major adverse effects. Overall it has been found that the proposed development would be relatively well screened, by changes in levels, vegetative screening and blocks of woodlands and trees near to the Site.
- 8.45. However, as discussed it is the Officers view that long distant views can be seen of Ambion Wood from the site and the site is clearly viewed in context with the Battlefield Site and is visible from the Battlefield itself in long distance. However, acknowledges that there are other more prominent long distant views from elsewhere for example along Dadlington Lane and T65/2 from the south of the site.
- 8.46. Further consideration is given to the visual impacts of the proposed development upon the historic environment later in the report.

Impact upon the Historic Environment

- 8.47. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of

special architectural and historic interest which it possesses. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.48. Section 72 of the same Act requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 8.49. Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193).
- 8.50. These statutory duties need to be considered alongside the contents of the National Planning Policy Framework (NPPF) and accompanying National Planning Practice Guidance. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designation heritage asset, great weight should be given to the asset's conservation. The more important the asset the greater the weight should be. The NPPF (paragraph 195) requires planning permission to be refused if there is substantial harm to or the total loss of a designated heritage asset unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh the harm or loss, or all of the criteria listed in Paragraph 195 apply. Paragraph 196 states that where a proposal will lead to less than substantial harm to the significance of the heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 8.51. A key document in assessing the impact on historic assets is 'Historic England's The Setting of Heritage Assets' (Historic Environment Good Practice Advice in Planning Note 3: 22 December 2017). The guidance sets out 5 key steps which this document will use to inform the approach for the assessment of the proposed development. The five steps are:
- 1) Identify which heritage assets and their settings are affected;
 - 2) Assess the degree to which these settings make a contribution to the significance of the heritage asset(s) or allow significance to be appreciated
 - 3) Assess the effects the proposed development, whether beneficial or harmful, on that significance or on the ability to appreciate it
 - 4) Explore ways to maximise enhancement and avoid or minimise harm
 - 5) Mark and document the decision and monitor outcomes
- 8.52. In relation to each of the relevant heritage assets an assessment has been undertaken of the extent of the harm which the proposal will cause to the relevant asset. In carrying out each assessment full regard has been given to the statutory duties referred to above and to relevant policy and guidance. In particular, full regard has been had to the considerable importance and weight to be given to the preservation of the relevant heritage assets. Accordingly, in line with the NPPF, the harm should then be weighed against the public benefits of the proposal.
- 8.53. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should also ensure the significance of a conservation area is preserved and enhanced.

- 8.54. Specific mention is given within Policy DM12 to Bosworth Battlefield and states 'Development proposals within or adjacent to the historic landscape of Bosworth Battlefield should seek to better reveal the historic significance of the area. Proposals which adversely affect the Bosworth Battlefield or its setting should be wholly exceptional and accompanied by clear and convincing justification. Such proposals will be assessed against their public benefits. Particular regard will be had to maintaining topographical features, archaeological remains or to the potential expansion of the Battlefield.
- 8.55. The proposed solar park is on a site immediately adjacent to the registered battlefield and forms part of the landscape of the battle. Any harm to Registered Battlefields should be considered against the policy given in paragraphs 194 to 196 of the NPPF. Historic England objects to the application and comment that "The battlefield retains an undeveloped and rural character, which allows the observer to immerse themselves in the history of the battle. The solar park will be a large modern development in the rural setting of the battlefield. It will cause a high degree of harm to the significance of the battlefield because of its visual impact in that undeveloped rural landscape" Historic England do not consider that the proposal can provide clear and convincing justification to support the proposal in this location, contrary to the guidance within the Framework set out above.
- 8.56. Historic England identify the impact heritage assets as registered battlefield, Battle of Bosworth (Field) 1485 (National Heritage List for England 1000004) and the related scheduled monument, Ambion deserted medieval village (NHLE 1008549). Advice is sought from LCC Archaeology and HCC Conservation Officer for other assets of heritage value, discussed later.
- 8.57. Historic England sets out the significance of the asset and conclude that the application site makes a positive contribution to the significance to the battlefield drawn from its setting.
- 8.58. The site of the battle is of national importance. Part of the recognised significance of the battlefield is that while agricultural land management has changed, it remains largely undeveloped. This means the site of encampments and the course of the battle can be appreciated. The registered battlefield and its surroundings have high archaeological potential, as shown by recent investigations, to retain information that will greatly add to our understanding of the battle. Although just outside the registered battlefield, the application site formed part of the landscape through which the battle took place.
- 8.59. On the 20 August 1485, Richard III and his army gathered at Leicester. The army is then believed to have followed the route of the Leicester to Mancetter Roman road to the battlefield site. The course of this road passes through the application site.
- 8.60. The Royalist army spent the night of 21 August under canvas in the vicinity of Sutton Cheney. Archaeological evidence indicates that there were a series of camps occupying the higher ground to the north and north-east of the battlefield and that these may have extended as far as the village of Stapleton. The higher ground along the northern edge of the application site has potential to have been a site of Royalist encampment on the night before the battle and may retain archaeological remains to confirm this.
- 8.61. On the 22 August, the Royalist army moved through this landscape towards the focus of the battle around Fenn Lanes. It is also possible that the route of the Royalist army would have returned across this landscape as Stanley, who observed the battle from near Dadlington and entered the battle late in support of Henry Tudor, had his forces to the south.

- 8.62. The fields on the higher ground, surrounding Hangmans Hall Farm contain surviving areas of medieval ridge and furrow that illustrate the character of the farmed landscape during the medieval period.
- 8.63. The application site retains the same undeveloped rural character as the registered battlefield. Views to and from the battlefield and surrounding landscape allow the observer to immerse themselves in and understand the history of the battle. For these reasons Historic England consider the application site makes a positive contribution to the significance that the battlefield drawn from its setting.
- 8.64. Historic England sets out how the proposed development impacts upon the registered battlefield;
- 1) The Heritage Impact Assessment (HIA) submitted to support the application recognises the potential of the application site to contribute to the understanding of the battle by the survival of archaeological remains associated with the course of the Roman road, the Royalist camps and the movement of troops. It recommends that a programme of archaeological investigation be carried out to assess this potential.
 - 2) Notwithstanding any need for further archaeological investigation of the proposal site, the location also makes a positive contribution to the setting of the battlefield. The impact of the proposed development on this is recognised in the HIA; the 'visual change will harm the significance, as it has the potential to change the historic landscape context of the battlefield, almost entirely through visual impact'.
 - 3) Historic England considers the impact is greater, and the effects of mitigation less than stated in the information provided in the application. There are glimpsed views of the proposal site from the west in the area around Fenn Lanes where the main battle took place, the higher ground is prominent in views from high ground to the north and east of Dadlington where Stanley was positioned, and views of the west facing slope by Hangman's Hall Farm were visible from the high ground at Ambion Hill where the public learn about the battle.
 - 4) Views into the battlefield from the southeast on the road between Dadlington and Stapleton would be affected. These views show the relationship between the high ground of the Royal encampments and the lower ground of the main battle. The solar panels and their associated infrastructure would be dominant in this view.
 - 5) In addition the location of the proposal directly adjacent to the registered battlefield immediately south of Sutton Cheney means that views in this area will be dominated by the solar park.
 - 6) The visual impact of the development described above will cause a high level of harm to the significance that the battlefield draws from its undeveloped rural setting, a key component of its significance and character that allows the battlefield to be experienced by the public.
 - 7) Notwithstanding the amendments made to the scheme by way of reduction in the solar panel footprint Historic England maintain the proposal would have a high degree of harm to the significance of the asset. The applicant also submitted an environmental enhancement strategy which includes a new location of the diverted footpath and additional footpath alterations, permissive footpaths, interpretation boards are considered by Historic England to represent compensation for, rather than mitigation of, harm to its significance and therefore offer limited heritage benefit.
 - 8) An additional Historical Note was submitted by the applicant in support of the application. Historic England does not agree with its conclusions in terms of the physical and visual impacts of the solar panels, and one's ability to

understand the site's topography and agricultural context. On the basis of their understanding of the historic landscape relationship of the application area to the battle Historic England cannot agree with the applicant's assessment that the site makes 'minor contribution' to Registered Battlefield's significance. The amended proposals would not result in 'a very minor harm' to that significance, nor therefore is the level of harm (in terms of the National Planning Policy Framework) at the low end of 'less than substantial'. An intended initial lifespan of 30 years does not mitigate the level of harm that would be constant for that generation and, potentially, beyond.

- 9) Historic England considers that the proposal would "introduce the solar panels, as well as related infrastructure (tall security fencing, CCTV poles, inverters, substations etc.) into multiple views across, out of and towards the Battlefield. This would be both in static views as well as the dynamic experience as one moves through the Registered area and its surrounding landscape".
- 8.65. Historic England conclude that there is an appreciation of the public benefits of solar production, but these benefits are not reliant on this location and therefore do not regard that there is clear and convincing justification for the harm contrary to Paragraph 194 or 196 of the NPPF.
- 8.66. The applicant addresses many of the concerns raised by Historic England in a Heritage Note, as mentioned above. This states that the significance of the battle site largely lies within the bounds of the Registered Battlefield, as extended following the reinterpretation of the landscape. However, there are elements of the landscape that contribute to the heritage significance of the asset which lie outside of the Registered Area. The applicant considers the application site to be some distances from these areas of significance and acknowledges that there are ways in which the site makes modest contributions to the heritage significance of the designated asset of the battlefield. However they note that these are not considered to be the views in which the significance of the asset as a whole can best be understood. Overall, the applicant argues that, the site is considered to make a minor contribution to the heritage significance of the Registered Battlefield through setting. There are views from and across the site which make a modest contribution to the heritage significance of the battle site through an understanding of relative elements and events. The site is also visible in views from the battlefield and co-visible with the battlefield in other views which give an appreciation of the overall rural character and relief of the surrounds of the asset and that following the revision to the proposed scheme the proposed development is anticipated to result in very minor harm to the heritage significance of the Registered Battlefield through changes to setting.
- 8.67. The designated Ashby Canal Conservation Area (ACCA) lies immediately to the south west of the application site. The application site is therefore considered to be located within the immediate setting of the ACCA.
- 8.68. Consultation responses received raise concerns in respect of the adverse impacts of the scheme on the rural character and appearance of the Ashby Canal Conservation Area.
- 8.69. General guidance and an assessment of the character and significance of the Ashby Canal are contained within the Ashby Canal Conservation Area Appraisal (ACCAA) (2009). Most stretches of the canal have a predominantly rural character as it gently meanders its way through open countryside. Even when it passes through centres of population it maintains the impression of a semi-rural navigation with green fields and hedgerows on either side. A near continuous and dense hedgerow screen (which also includes a number of trees) runs along the length of

the canal along, this natural feature makes a positive contribution to the character of the site and the conservation area. Beyond this are open agricultural fields and field boundaries which add to the character of the area as they can be appreciated through and over the hedgerow screen when walking along the Ashby Canal towpath.

- 8.70. Although the canal boundary hedgerow would provide a level of visual screening, this will be seasonal, and due to the siting and scale of the development, where there are gaps in the vegetation some views of the application site and surrounding fields are achieved albeit the hedgerow boundary to the site would screen the panels themselves, fencing and CCTV cameras would be visible. The development will be visible from the canal towpath and wider countryside having an urbanising effect. Similar concerns have been submitted by the Inland Waterways Association, the Canal and River Trust and the Ashby Canal Association.
- 8.71. The applicant comments that “The visibility of the proposed development from the Conservation Area would cause no harm to its significance. Canals were industrial features that connected settlements and industrial areas. By their nature as linear transport routes they run through many areas of different character type. As an area of agricultural land to which there are glimpsed views from the canal, the site does not make any contribution to its heritage significance through any heritage interests (architectural, artistic, historic or archaeological). As such, change to the character of the site will not affect the heritage significance of the asset and there is no need for a condition requiring total screening of the development”.
- 8.72. The view of the applicant differs to that of the Council with regards to contribution the site makes to the setting of the ACCA, notwithstanding that it acknowledges that glimpsed views would be available. It is therefore considered that the proposal would cause a level of harm to the significance of the Ashby Canal Conservation Area and in this case the level of harm is considered to be less than substantial. In accordance with Policy DM11 of the SADMP and paragraph 196 of the NPPF the harm caused by the proposal should be weighed against the public benefits.
- 8.73. Overall, it is considered that by virtue of the scale of the development and the visual intrusion upon the rural landscape which forms the setting of the registered Bosworth Battlefield the proposal is contrary to Policies DM2, DM4, DM10, DM11 and DM12 of the Site Allocations and Development Management Policies DPD (2016) and paragraphs 193, 194 and 196 of the NPPF. This conflict must therefore be carefully weighed against the benefits of the propose scheme.

Agricultural Land Classification

- 8.74. An Agricultural Land Classification has been undertaken The Agricultural Land Classification identified the land to be Grade 2 (Type 3 soils– 0.6 ha), Grade 3a (Type 2 soils – 18 ha) and Grade 3b (Type 1 soils 41.85 ha and Flood Risk Area – 0.75 ha). Grade 2/Type 3 soils are limited by droughtiness, whereas Grade 3a/Type 2 soils and Grade 3b/Type 1 soils are limited by wetness. Overall the site is mapped as having 1% Grade 2, 30% Grade 3a and 69% Grade 3b.
- 8.75. Therefore the use of this land would not prejudice the use of Best and Most Versatile agricultural land. In addition to the above, the site is proposed to be put in to use for grazing of sheep between the installed panels.

Impact upon neighbouring residential amenity

- 8.76. Policy DM10 criterion (a) of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings. Policy DM7 of the SADMP seeks to ensure that

adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.

- 8.77. Due to the positioning and location of the proposed solar farm, the development would be situated approximately 400 metres from any nearest residential property. The application has been accompanied by a glint and glare study, which considers the impact from the solar array upon a number of receptors, one of which are residential receptors. These are selected having taken into account the location, topography and building types which surround the area and there are considered to represent the potential for glint effects at the surrounding properties. The study identifies that of the 332 residential receptors points which have been analysed 66 could experience glint effects. However once the intervening vegetation, topography and buildings are taken into account, the potential for glint effects at 38 of these points are eliminated, and the remaining 28 point significantly reduced from that predicted.
- 8.78. Predicted glint effects at 5 of these receptors are predicted to occur in the early morning between 5:52 AM and 6:12 AM. These effects have the potential to last up to 5 minutes on any one day although, topography and panels close to receptors will provide significant screening. At 3 of these properties glint effects are only potentially visible from first floor windows. Taking into consideration the short duration of these predicted glint effects, would occur, and having regard to the time of day in which they may occur it is not considered to be adverse.
- 8.79. Predicted glint effects at 22 of the residential receptors are predicted to occur in the early evening between 5:55 PM and 6:19 PM. These effects have the potential to last up to 3 minutes on any one day, although as noted within the analysis vegetation and building would provide significant screening. At 7 of these 22 receptors glint effects are only potentially visible from first floor windows. Again taking into consideration of the short duration of these predicted glint effect and limited visibility it is not considered that it would result in a significant adverse impact.
- 8.80. The remaining residential receptor is located within the proposed site boundary and is predicted to experience glint effects both in the early morning between 5:57 AM and 6:12 AM and early evening between 5:49 PM and 6:14 PM. These effects have the potential to last up to 1 minute in the morning and up to 8 minutes in the evening on any one day. Significant screening by the buildings to the east of the property would reduce the predicted morning glint effects. Topographical screening, along with panels closer to the receptor screening panels further away would also reduce the predicted evening glint effects.
- 8.81. Given the site is separated from any existing dwellings, with the exception of Hangman's Hall Farm, by at least 400 metres, with intervening field boundaries present, whilst views of the site from residential dwellings would be limited, and restricted predominately to upper floor windows. However loss of views is not a material consideration. The development in terms of its scale, is not considered to have a detrimental impact in terms of overbearing nor would the development result in any overshadowing to individual properties. Therefore the proposal would not result in significant harm to the amenity of any surrounding residential dwellings and is considered to be acceptable in accordance with Policy DM7 and DM10 of the SADMP.

Impact upon highway safety and public rights of way

- 8.82. 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 NPPF 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.

- 8.83. Given the scale of the development the proposal has been accompanied with a Transport Assessment (and addendum) and a Stage 1 Road Safety Audit.
- 8.84. Access to the site for construction and ongoing maintenance/ operation of the solar farm is proposed via an existing field access off Wharf Lane, which is a C class road with a 50mph speed limit.
- 8.85. The Applicant has undertaken speed surveys both to the north and the south of the site access. The surveys indicate that all the recorded 85%ile speeds are within the 45-53mph speed range in both directions, therefore based on Part 3, Table DG4 of the Leicestershire Highway Design Guide visibility splays of 2.4 x 160 metres would be required at the site access and are achieved.
- 8.86. All construction traffic is proposed to exit the site to the south of the access in order to avoid larger vehicles travelling through Sutton Cheney and the radii is therefore wider on this side. The LHA advised that the Applicant should demonstrate through vehicle tracking that the access to the site is of sufficient width to allow for a HGV to enter the site, while another is waiting to exit. The LHA advised that a Stage 1 Road Safety Audit of the site access proposal is undertaken with Designer's response and updated drawing if required.
- 8.87. The RSA identified concerns with visibility of drivers approaching the access with regards to turning vehicles. Notwithstanding this minimum visibility splays are achieved, non the less the applicant proposes signage during construction, along with an advisory 30mph limit.
- 8.88. The RSA also identified turning HGVs would cross the carriage way, notwithstanding the signage a construction access has been proposed to design out these issues, by providing a wider radii. This results in the loss of a large section of hedgerow that would have to be re-instated following construction.
- 8.89. The Applicant has also advised that access to the sub-station for ongoing maintenance/ operation will be from an existing field access from Stapleton Lane. The Applicant has advised that operational traffic movements will be negligible; the LHA required further detail of this including volume and frequency of traffic, visibility, surfacing and radii. Following these comments the additional information was provided and given the site specific circumstances, the LHA has no objection to the access proposals on to Stapleton Lane.
- 8.90. Based on available records to the LHA, there have been no Personal Injury Collisions within 500 metres either side of the site access on to Wharf Lane. There has been one Personal Injury Collision recorded close to the proposed farm access on to Stapleton Lane. This involved a single vehicle and was classified as slight in severity.
- 8.91. The Applicant has advised that construction of the solar farm is anticipated to last for approximately 16 weeks. Staff trips would mainly be made in cars, vans or minibuses, whilst delivery of construction materials and equipment will be mainly made by HGVs. Overall there would be approximately 705 HGV trips (1410 two way trips) to the site over the 16 weeks, with approximately 10 deliveries (20 two way trips) per day during the most intensive part of the construction period.
- 8.92. There is a weight restricted bridge on Wharf Lane, therefore the LHA required clarification of the type of HGVs and maximum weights as that could impact upon routing and its suitability. the LHA have also raised concerns that two HGVs could

- meet at the Sutton Wharf Bridge and, given the 40 tonne weight limit it may not be possible for the two HGVs to pass. Given the 'hump back' nature of the bridge, drivers are effectively approaching this blind. The LHA therefore requests further information as to any measures which will be put in place to alleviate this issue. The LHA has clarified this and can confirm the bridge has sufficient capacity to carry 40
- 8.93. tonne vehicles in both directions. It is noted however that given the 5.8 metre wide carriageway, based on the submitted tracking drawing that two HGV's including wing mirrors (3metres wide) would not be able to pass, given the 5.8 metre wide carriageway. Therefore measures to prevent two HGV's coming into conflict over the bridge should be provided via condition (eg. Temporary traffic lights).
- 8.94. The Applicant has advised there would be sufficient parking space on-site to cater for both the unloading of HGVs and light vehicles during construction.
- 8.95. The Applicant has advised that trips associated with the site during the operation of the solar farm would be low, approximately 10 - 20 trips per year and would mainly be associated with the monitoring, upkeep and cleaning of the site. Trips would typically be undertaken in small vans. vehicle trips per year would be split roughly 50/50 between each access. This is accepted by the LHA.
- 8.96. The Applicant proposes to divert footpath T65 round the west of the solar farm. While this is accepted, details for the new footpath will need to be agreed before an Order is made. It is considered this could be conditioned.
- 8.97. The LHA still require information in relation to measures the prevent HGV coming in to conflict at the A446/Fen Lanes junction. This update will be provided via a late item.

Flooding and Drainage

- 8.98. Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.99. The site is located within Flood Zone 1 being at low risk of fluvial flooding and therefore passes the Sequential Test and does not require the Exception Test to be undertaken. The topography of the land varies across the site. The land slopes from a high point of approximately 111.25m AOD in the north-eastern border of the site, to around 90.68m AOD along the existing track where the main central ditch flows towards the south of the site and turns westwards at the southern boundary. The site slopes with typical gradients of between 1:11 and 1:60.
- 8.100. The Environment Agency pluvial (Surface Water) flood maps show the route of surface water runoff across the ground. The majority of the site is located within an area with Very Low risk of surface water flooding. Areas around ditches flowing from north to south, are shown to lie in an area with a High (more than 1 in 30 (3.3%) chance of surface water flooding. The high risk depth map indicates that for the high risk scenario there would be flooding along those areas to a depth of over 900mm. This flooding is only likely to occur if the existing drainage systems become blocked or overwhelmed.
- 8.101. The proposed development would have very limited extent of impermeable ground cover, with the area beneath the solar panels remaining grassed, and the post development site infiltration rate would not change. Rainwater falling onto each panel would drain freely onto the ground below the panel and infiltrate into the ground at the same rate as it does in the sites existing greenfield state, and as such the total surface area of the photovoltaic array would not be considered impermeable in the assessment, with only the panel supports and created impermeable areas such as the invertors and distribution substation kiosks.

- 8.102. The existing drainage features of the site would be retained and the site would maintain vegetated through the course of construction and during its operation, preventing soil erosion. The extent of impermeable cover as a result of the Solar Farm amounts to only 0.058% of the total site area. It has been therefore considered and demonstrated through the accompanying Flood Risk Assessment that a formal drainage scheme for the development is unnecessary as the overall existing drainage characteristics of the site would not be materially changed as a consequence of the introduction of the proposed Solar Farm.
- 8.103. The LLFA and HBBC (Drainage) have considered the proposal and have confirmed that the proposed development would not have a meaningful impact on surface water drainage, however they do consider that a condition is necessary to ensure that existing and proposed drainage element are adequately maintained for the lifetime of the proposed development. This is considered reasonable when having regard to the pluvial flood maps. Therefore subject to conditions, 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.

Archaeology

- 8.104. Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers will be required to provide appropriate desk-based assessment and, where applicable, field evaluation detailing the significance of any affected asset. Where preservation of archaeological remains in situ is not feasible and /or justified the local planning authority will require full archaeological investigation and recording by an approved archaeological organisation before development commences.
- 8.105. Bosworth Battlefield is registered for its historical importance, topographic integrity and archaeological potential, recent investigation has highlighted that the area still retains material that can further understanding of the battle. Considering the proximity of the site to this area, archaeological assessment will be of high importance in the acceptability of such a proposal. LCC Archaeology highlight that the site encompasses the anticipated course of the Roman road between Leicester and Mancetter (Leics. HER ref.: MLE3019) and the find spot of Romano-British pottery, near the SE edge of the proposed development (MLE20500).
- 8.106. It is noted that the proposed site, and its wider local landscape contains relatively few recorded remains, and the absence of this information is at least in part due to the lack of structured archaeological assessment of the development area. The application has been supported by a desk-based Heritage Impact Assessment, which has identified the need for additional pre-determination archaeological evaluation of the site, to assess the below-ground archaeological potential of the development area and to understand the impacts of the development upon that archaeological resource.
- 8.107. Although Hangman's Hall and its associated farm complex are undesignated buildings, they are included as part of the Leicestershire and Rutland Historic Environment Record (HER MLE24528), and due to their historic interest, which has not been given due consideration within the submitted Heritage Impact Assessment. Although the site would be excluded from the development, it would be completely enveloped by the arrays and the resulting impacts must therefore be taken into account.
- 8.108. The present farmhouse appears to be depicted on the Sutton Cheney Enclosure Map 1797, with associated buildings depicted around a central farmyard by 1886. The HIA identifies a number of earthwork abnormalities through LiDAR and aerial

photography that may be associated with Hangman's Hall that would be directly affected by the development proposals.

- 8.109. During the course of the application, additional information Geophysical Survey has been carried out and submitted as part of the application, to provide a greater consideration to the non designated resource of Hangman's Hall and to the buried archaeological resource. The additional submitted Geophysical survey shows no positive evidence for a Roman Road crossing the site, and what is clear from the Geophysical survey is that ridge and furrow was present across the site, and give no positive evidence for a Roman or medieval route way within the site. The additional information is being considered further by Leicestershire County Council (Archaeology) and will be updated by way of a late item.

Ecology

- 8.110. 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.
- 8.111. Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.112. The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.113. The application has been supported by an Ecological Assessment Report, a Biodiversity Management Plan, Arboricultural Survey and a Great Crested Newt mitigation scheme.
- 8.114. The Arboricultural Survey, identifies a number of mature trees around the site. Of these Ash tree (T21) and Crack Willow (T30) both meet the criteria for designations as Local Wildlife Sites, and the proposal seeks to retain these. However root protection measures should be observed and conditioned. Beneath the solar panels the use of wildflower grassland is welcomed, however LCC request that the land is grazed by sheep rather than mowed, to accord with the management plan. This has been confirmed by the applicant in the Environmental enhancement Strategy.
- 8.115. The survey contains an assessment of ponds for their suitability to support Great Crested Newts (GCN) with eDNA surveys completed of three ponds. The GCN strategy mitigation strategy follows that Pond 4 being positive for GCN with Ponds 2 and 3 negative, Pond 5 dry and Pond 1 and 2 negative. The GCN mitigation strategy recommends the use of flexible working rather than traditional fencing and trapping for this proposed development. However given the proximity of the pond and the proposed layout, a method of works which has been suggested within 50m of the known GCN pond, which provides very little buffer to the pond. The GCN pond is situated off site, as such the beyond the control of the applicant, resulting in no long term security of this buffer. Given this it is considered that a much larger buffer is needed around the pond, providing optimal habitat for GCN that can be managed appropriately long term. As such it would be recommended that rather than solar panels being situated in the optimal area marked pink, with habitat creation and management in this area for GCN.

- 8.116. However, since the amendments to the proposed layout removing the solar panels to the north east this removes the greatest concerns for GNC Habitat. A revised GCN strategy was submitted in support of the application (Avian Ecology, May 2020). This was found to be satisfactory by LCC and is proportional to the revised development layout. Compliance with the recommendations in the report, including the Method Statement in section 6.3 should be required as a condition of the development.
- 8.117. Badger setts were recorded in existing hedgerows, and the proposal seeks to buffer setts, with additional consideration being had for adding badger gates into the appropriate places in the perimeter fence, to ensure that badgers do not become trapped within the development. As such it would be necessary to impose a condition that prior to commencement a badger survey is carried out to inform any gates needed in the boundary fence.
- 8.118. Whilst the plan indicates that existing hedgerows would be buffered from the development, the proposal does not detail nor make clear to what extent this buffer would be, and it is expected that a 5metre buffer should be observed to allow the hedgerows room to grow and to be managed appropriately.

Pollution

- 8.119. Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.120. No ground investigation report has been submitted nor a noise report in support of the application. Environmental Health (Pollution) have no objection to the principle of development, subject to a condition being imposed that the details are proposed of any noise generating machinery and associated enclosure is agreed prior to first being brought onto site. This condition is considered necessary to ensure that the proposed development does not have any adverse harm in terms of noise impacts upon the tranquillity of the wider area in accordance with Policy DM7 of the SADMP.

Planning Balance

- 8.121. 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.
- 8.122. Policy DM2 of the Site Allocations and Development Management Policies DPD (SADMP) sets out that the Council will support appropriately designed and sited renewable energy developments. This policy has full weight and for the reasons given within the report and set out below, conflict with this policy is found and should be afforded significant weight.
- 8.123. Policy DM4 is considered to be out of date as the settlement boundary is drawn using a focus on delivery of a lower housing requirement than required by the up-to-date figure. Notwithstanding this, this policy is afforded significant weight as it is found to be consistent with the overarching principles of the Framework. Therefore, for the reasons set out above the conflict with this policy should be afforded significant weight.
- 8.124. The 'tilted' balance in paragraph 11(d) of the Framework applies where permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

- 8.125. Paragraph 8 of the NPPF identifies the three strands of sustainable development broken down into social, economic and environmental benefits.
- 8.126. The proposal would result in limited economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period, therefore this has limited weight. The economic benefit to the land owner is not of public benefit and can not be considered to have weight in the planning balance.
- 8.127. The proposal has an electricity generating capacity of 35MW produced by renewable sources, enough low carbon electricity sufficient to power 10,500 homes per year. This is a significant environmental benefit of the scheme. The proposal also proposes other environmental benefits including enhancements to existing vegetation, additional planting and the subsequent ecological and biodiversity benefits, these benefits have moderate weight.
- 8.128. However, weighing against these benefits is the environmental harm identified to the Bosworth Battlefield and ACCA by virtue of the visual intrusion on the rural character of the landscape.
- 8.129. With reference to the ACCA, the less than substantial harm found is considered to be outweighed by the public benefits of the scheme considered above.
- 8.130. However, by virtue of the harm identified to the Bosworth Battlefield as a designated heritage asset, it is considered that paragraph 11 d) i of the NPPF provides a clear reason for refusing the development proposed and in respect of paragraph 11 d) ii the adverse impacts of granting planning permission would significantly and demonstrably outweigh the identified social, economic and environmental benefits in this case when assessed against the Framework as a whole.

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 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.3. The proposed development has been found to accord with Policies DM6, DM7 DM17 and DM18 of the SADMP.
- 10.4. However, by virtue of the harm identified to the Bosworth Battlefield as a designated heritage asset, it is considered that paragraph 11 d) i of the NPPF provides a clear reason for refusing the development proposed and in respect of paragraph 11 d) ii the adverse impacts of granting planning permission would significantly and demonstrably outweigh the identified social, economic and environmental benefits in this case when assessed against the Framework as a whole.
- 10.5. There are no other material considerations that would justify making a decision other than in accordance with the development plan. The application is therefore recommended for refusal for the reasons at the end of this report.
- 10.6. Therefore the proposed development is contrary to Policies DM2, DM4, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2019) with particular reference to Section 16 and paragraphs 193, 194 and 196.

11. Recommendation

11.1. Refuse planning permission for the reason below

1. By virtue of its location the proposed development would have a significant adverse impact upon the undeveloped and rural character of the countryside which forms the rural setting of Bosworth Battlefield. It would result in less than substantial harm to Bosworth Battlefield a nationally significant designated heritage asset, by way of its visual intrusion; and that harm would not be outweighed by the public benefits of the scheme which are not reliant on this location. The proposal is not appropriately sited and is in conflict with Policies DM2, DM4, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2019) with particular reference to Section 16 and paragraphs 193, 194 and 196.

11.2. Notes to Applicant

The above decision has been made using the below plans and documents;

- Site Access Arrangements E197/03 Rev C received 22 June 2020
- Layout Plan P18-0089_03 Rev J received 3 June 2020
- Ecological Assessment Report Pegas-075-2073 received 6 May 2020
- Heritage Note P18-0089HT received 6 May 2020
- Landscape and Visual Impact Assessment received 6 May 2020
- Environmental Enhancement Strategy P18-0089_23A received 6 May 2020
- Transport Statement Addendum received 17 March 2020
- Geophysical Survey received 11 February 2020

- Heritage Impact Assessment received 7 November 2019
- Planning Statement received 7 November 2019
- Glint and Glare Assessment Report received 7 November 2019
- Transport Statement received 7 November 2019
- Arboricultural Survey received 7 November 2019
- Agricultural Land Classification received 7 November 2019
- Flood Risk Assessment received 7 November 2019
- Biodiversity Management Plan received 7 November 2019
- DNO Substation Plan P18-0089_18 Rev. A 7 November 2019
- Inverter Cabinet P18-0089_18 Rev A 7 November 2019
- Typical Sections Through Modules P18-0089_18 Rev A 7 November 2019
- Applicant Substation P18-0089_18 Rev B 7 November 2019

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2.2. Access to the site from Lutterworth Road is to the side of 135 Lutterworth Road. Amended plans have been received removing the secondary access to the north west of the site. Amended plans also show the footway extended at the front of the site. The proposed access width is 4.8 metres.

2.3. The application is accompanied by a Design and Access Statement.

3. Description of the Site and Surrounding Area

3.1. The application site consists of a parcel of relatively flat land located to the rear of numbers 125 to 135 Lutterworth Road. Three new dwellings have been constructed on Lutterworth Road to the south west of the site. A large majority of the site is located adjacent to, but outside of the settlement boundary of, Burbage and as such, within land designated as countryside. To the north of the site is a single storey building recently approved for conversion to residential (19/00573/FUL). To the north west of the site is a single track private road serving a number of dwellings and accessed off Lutterworth Road. This track is no longer part of this application. To the rear of the site and to the south and east beyond mature hedgerows is open countryside. The site area is 0.28 hectares.

4. Relevant Planning History

| | | | |
|--------------|--|-----------|------------|
| 18/00300/FUL | Demolition of existing workshop and erection of a new dwelling | Withdrawn | 01.06.2018 |
| 18/00643/FUL | Change of use of building to light industrial (B1c) and raising of roof and extension to existing building | Withdrawn | 16.11.2018 |
| 19/00573/FUL | Conversion of existing building to residential (C3) use and single storey extension to side | Permitted | 21.08.2019 |

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. As a result of the public consultation for both the original and amended plans, responses from 7 different addresses have been received on the following grounds:

- 1) If the application were to be approved it would represent another nail in the coffin of the little remaining green space in Burbage
- 2) Additional traffic using the privately owned access
- 3) There is no need for an additional access
- 4) Located outside the settlement boundary and part of Burbage's highly valuable countryside
- 5) No indication of the scale of the development
- 6) It will set a precedent for building in the open countryside

6. Consultation

6.1. No objection has been received from:
LCC Highways
LCC Archaeology

LCC Ecology
Environmental Health (Drainage)
Waste Street Scene Services

- 6.2. Burbage Parish Council objects to the application as it is outside of the settlement boundary.

7. Policy

- 7.1. Emerging Burbage Parish Neighbourhood Plan (BNP)

- Policy 1: Settlement Boundary
- Policy 3: Design and Layout
- Policy 4: Parking
- Policy 9: Biodiversity

- 7.2. Core Strategy (2009)

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

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

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

- 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 (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide
- Landscape Character Assessment (2017)
- Open Space and Recreation Study (2016)

8. Appraisal

- 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon highway safety and parking
- Drainage
- Infrastructure Contributions
- Planning Balance

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework February 2019 (NPPF) states that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. 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 a planning application conflicts with up-to-date development plan permission should not usually be granted unless other material considerations indicate otherwise. The development plan in this instance consists of the Core Strategy (2009) and Site Allocations and Development Management Policies (SADMP).
- 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. Core Strategy Policy 4 provides the policy framework for development in Burbage, which seeks the provision of a minimum of 295 new homes. It identifies Burbage as a key urban centre which supports growth.
- 8.5. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure and the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by MHCLG. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of any application and considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework.
- 8.6. The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages. Currently the Burbage Neighbourhood Plan (BNP) has been published Under Regulation 18, and although it is not fully adopted it can be now afforded substantial weight.
- 8.7. Policy 1 of the Burbage Neighbourhood Plan (BNP) sets out a presumption in favour of residential development adjacent to the defined settlement boundary within the BNP as long as it accords with other plan policies. The development lies adjacent to the settlement boundary and therefore is acceptable in principle subject to it complying with other policies within the plan.
- 8.8. Paragraph 14 of the NPPF, states that in situations where the presumption at 11d applies, the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits. However, in this instance the proposal does not conflict with the BNP Policies.
- 8.9. This site lies outside of the settlement boundary of Burbage and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:

- a) It is for outdoor sport of recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
- b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
- c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
- d) It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
- e) It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.

and

- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - ii) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii) It does not create or exacerbate ribbon development;
- 8.10. The site does not fall under any of the categories identified in DM4 as sustainable development and so there conflict between the proposed development and the policy. The harm arising from this conflict must be weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.
- 8.11. The proposed development accords with Policy 1 of the BNP, being adjacent to the settlement boundary. Therefore, notwithstanding the above conflict with Policy DM4 of the SADMP, Policy 1 of the BNP is the more recently examined policy whereby the examiners intention is clear that residential development adjacent to the settlement boundary is acceptable in principle. This has substantial weight in the planning balance.

Design and impact upon the character of the area

- 8.12. Policy DM4 of the SADMP requires that development in the countryside does not have a significant adverse effect on the open character or appearance of the surrounding landscape and countryside.
- 8.13. 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 the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.
- 8.14. Policy 3 of the emerging Burbage Neighbourhood Plan advocates residential development which respects its surroundings in terms of design and layout.
- 8.15. The Good Design Guide SPD outlines that building plots should be a similar size, footprint and position to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built form should be of a similar scale, mass and roof form. The proposal will be required to demonstrate that it would not result in the over densification of the land, leading to a loss of character. The use of existing accesses to serve new development is encouraged to avoid unnecessarily puncturing the character of the street scene and allowing highways to dominate.
- 8.16. The site falls within Landscape Character Area (LCA) F; Burbage Common Rolling Farmland identified by the Borough Council's Landscape Character Assessment (2017) although it is situated very close to Urban Character Area 1 (Burbage). The

key characteristics of this LCA are large scale, gently rolling arable and pasture farmland and medium to large scale rectilinear field pattern bounded by low hedgerows and post and wire fencing.

- 8.17. The key sensitivities of this landscape area are a generally rural character with undeveloped landscape, low hedgerows & trees reflecting the parliamentary enclosure field pattern and isolated farmsteads scattered through the farmland landscape. The area to the south and east of Burbage provides a rural setting.
- 8.18. The LCA links into the Landscape Sensitivity Study Area 8 (Burbage South and East). The separate criteria predominantly scored a low to medium rating in terms of sensitivity for the area in the study. The study recommends retaining the pattern of trees and hedgerows and incorporating a further buffer planting to major transport corridors. It also recommends promoting opportunities to maintain and promote an integrated green infrastructure network around the Burbage, Earl Shilton, Hinckley and Barwell urban edge.
- 8.19. The site is surrounded on two sides by open countryside and bound from these fields by mature hedgerows, subdividing it from the agricultural fields beyond. The site is currently rough grass enclosed by mature hedgerows. The proposed development will therefore introduce built form into an otherwise semi-rural edge of settlement location. The proposed access and part of the site are already hardstanding along the side of existing residential development. The site is situated to the rear of a row of houses forming a ribbon development along Lutterworth Road. The site is not clearly visible from Lutterworth Road, although it would be partly viewed when approaching Burbage from the south east beyond the boundary hedge. Nonetheless the site would retain a strong sense of enclosure through the retention of hedgerow planting. Landscaping details at reserved matters stage can ensure an appropriate landscape boundary with the open countryside beyond the site. Given the contained nature of the site provided by the existing boundaries and dwellings to the front, the impact on the wider countryside is limited and can be further mitigated by consideration of the landscaping treatments, scale and appearance of the proposed dwellings at the reserved matters stage. Therefore, notwithstanding the introduction of built development, that harm arising from this is localised with minimum impacts upon the wider landscape character.
- 8.20. The properties along this part of Lutterworth Road are generally characterised as relatively large detached properties on generous plots. There are some instances of development at depth in the area for example the properties to the north east of the site. However, these properties front out on to an historic public right of way and have a distinctive character which is different from the surrounding dwellings.
- 8.21. Initial concerns were raised that the size of the site was constrained and that it was not large enough to accommodate a development that creates a strong sense of place or character or one that is connected to the wider area. The indicative layout provides a density and size of plot that is similar to the surrounding properties, and providing evidence that the site could accommodate a development that would not be detrimental to the character of the area. The layout would provide suitable amenity space and areas for parking within the curtilage which is acceptable.
- 8.22. Core Strategy Policy 16 recommends a density of 40 dwellings per hectare in and adjoining Burbage. The likely density of the development although lower than this, provides for a scheme compatible with the surrounding properties and its edge of settlement location. The lower density is therefore considered appropriate. In accordance with Policy 16 lower densities may be acceptable where site context requires it. This is considered relevant in this instance.

- 8.23. It is considered that the proposal would not have a detrimental impact on the character of the street scene or the edge of settlement location. Neither would the proposal have a significant adverse impact upon the character of the countryside and would therefore be in accordance with policies DM4 and DM10 of the SADMP, policy 3 of the BNP and the Good Design Guide SPD.

Impact upon residential amenity

- 8.24. Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.25. The Good Design Guide SPD outlines that backland development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise. Habitable rooms within a rear elevation should ideally not be less than 8 metres from the blank side of a single storey neighbouring property, rising to 12 metres for a two storey property. Habitable rooms within rear elevations of neighbouring properties should never be less than 21 metres apart.
- 8.26. As this is an outline application with only means of access for approval now the adherence of the layout with the Good Design Guide will be dealt with at Reserved Matters Stage.
- 8.27. The separation distance from the rear of the dwellings at 133 and 135 Lutterworth Road to properties within the development could be achieved in line with the Good Design Guide.
- 8.28. The removal of the secondary access to the north east of the site would reduce the noise and disturbance from vehicular movements to those properties that are served by that access. The site is approximately 45 metres from the closest of these neighbouring properties which is considered a reasonable separation distance to not impact upon their residential amenity.
- 8.29. The impact of the access drive on the currently unoccupied property has also been assessed. There are no principle window, located at ground floor level adjacent to the access road. It is also considered that boundary treatment which can be secured via condition along the access road can mitigate any noise or disturbance from vehicles travelling along the private drive.
- 8.30. The plot sizes on the indicative layout are reasonable and would provide in excess of the minimum 80 square metres of amenity space for each dwelling which is considered acceptable and in compliance with the Good Design Guide SPD.
- 8.31. The proposal is not considered to adversely affect the amenities of surrounding residents and provides acceptable residential amenity for future occupiers subject to acceptable details at the reserved matters stage. The proposal would therefore be in accordance with Policy DM10 of the SADMP and the Good Design Guide SPD.

Impact upon highway safety and parking

- 8.32. Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.33. Policy 4 of the emerging Burbage Neighbourhood Plan outlines that at least two off-street car parking spaces shall be provided within the curtilage for each new dwelling developed.

- 8.34. Access is a matter for consideration. Some of the objections raised relate to the suitability of the access. The Local Highway Authority has been consulted on the application. They initially raised concern over the secondary point of access to the north of the site as it is undesirable in highway terms for a development proposal of this scale to be served by two points of access onto the highway network. In addition this access is poorly surfaced and would not have been best served by additional vehicles. An amended plan has been received removing the red line around the access to the north of the site thereby now only providing one point of access, which is an improvement in highway terms.
- 8.35. The revised access plan includes an extension of the adjacent footway to the northwest of the access to tie in with the existing provision along Lutterworth Road.
- 8.36. The Local Highway Authority is satisfied with the revised access arrangements subject to conditions with the access providing suitable visibility splays to serve the site. They consider that the impacts of the development on highway safety would not be unacceptable.
- 8.37. Overall the revised proposal would not have a significant impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP and policy 4 of the emerging Burbage Neighbourhood Plan.

Drainage

- 8.38. Policy DM7 of the adopted SADMP requires that development does not create or exacerbate flooding.
- 8.39. The site is located within flood zone 1 indicating therefore is a low risk of surface water flooding. The Borough Councils Drainage Officer has no objection to the proposal subject to a condition for surface water drainage details incorporating sustainable drainage principles (SUDS). It is considered this condition is reasonable to reduced flood risk on the site in compliance with policy DM7 of the SADMP.

Infrastructure Contributions

- 8.40. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. However, the PPG is clear that obligations for affordable housing should not be sought from applications of 10 or less residential units or where a site area does not exceed 0.5ha. The site could not accommodate 10 dwellings and is less than 0.5ha and therefore no contributions can be sought.
- 8.41. 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.
- 8.42. The site is not within 400 metres of any play or open space provision. Notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the Core Strategy no contribution has been pursued in this case due to the scale of the development and that the development is not within close proximity to any play or open space. It is not therefore considered that any obligations are required to make the development acceptable in planning terms.

Planning Balance

- 8.43. 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.
- 8.44. The site is predominantly located outside the settlement boundary for Burbage and is therefore within the countryside where Policy DM4 applies. The proposal would be in conflict with Policy DM4 as residential development is not considered to be sustainable in the countryside. This policy is in accordance with the Framework and has significant weight.
- 8.45. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any benefits.
- 8.46. Burbage is an identified Neighbourhood Plan Area, which has reached Regulation 18 stage and can now be afforded substantial weight in the planning balance. Policy 1 of the Burbage Neighbourhood Plan identifies that residential development on land within or adjacent to the settlement boundary, will be supported, subject to complying with other development plan policy.
- 8.47. The proposal, whilst involving development on open land, has not been found to have substantial harm to the landscape character, as such there is limited conflict with Policy DM4 and DM10 of the SADMP. Notwithstanding the above conflict with Policy DM4 of the SADMP Policy 1 is the more recently examined policy whereby the examiners' intention is clear that residential development adjacent to the settlement boundary is acceptable in principle. This has substantial weight.
- 8.48. Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of market housing which weighs in favour of the application. However, the number of units is unknown at this stage and therefore, this has some weight in the planning balance as the scheme would provide only a small contribution to the overall housing supply within the Borough.
- 8.49. The proposal would result in economic benefits through the construction of the scheme, creation of jobs and construction spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services. However, given the scale of the proposal this benefit has limited weight.
- 8.50. There are no known environmental benefits from the proposed development.
- 8.51. Whilst there is conflict with the strategic policies of the Development Plan no significant landscape harm has been identified, it is considered on balance that the limited 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.

Other matters

- 8.52. The collection point for domestic refuse, recycling and garden waste is from the adopted highway boundary. Provision needs to be made to provide a suitable and adequate collection point at the highway boundary. It will be the responsibility of the occupiers to bring the containers to the collection point.
- 8.53. The County Council Ecologist has been consulted on the application. They do not raise any objections to the proposal and they consider that it does not meet the trigger for an Ecology Survey.
- 8.54. The County Council Archaeologist has been consulted on the application. Given the location of the application area outside the historic settlement core of Burbage, the relatively small scale of the development site and the extent of previous ground disturbance, as shown through aerial photographs, the proposal will not result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. They therefore advise that the application warrants no further archaeological action.

9. Equality Implications

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

10. Conclusion

- 10.1. The proposal, whilst involving development on open land, has not been found to have substantial harm to the landscape character, as such there is limited conflict with Policy DM4 and DM10 of the SADMP. Notwithstanding this identified conflict with Policy DM4 of the SADMP Policy 1 of the Burbage Neighbourhood Development Plan is the more recently examined policy whereby the examiners intention is clear that residential development adjacent to the settlement boundary is acceptable in principle. This has substantial weight and is a material

consideration in the determination of the application. The conflict with Policy DM4 from new residential development in the countryside would not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations do justify making a decision other than in accordance with the development plan.

- 10.2. The indicative layout of the scheme is acceptable, and the development is of a scale and density that is appropriate for the area. The proposal would therefore maintain the character of the area and would not significantly harm the intrinsic value, beauty and open character of the countryside in accordance with policies DM4 and DM10 of the SADMP.
- 10.3. The indicative layout demonstrates that the development would not have an adverse impact on the residential amenity of neighbouring properties whilst providing a suitable living environment for future residents. A suitable access from the highway is provided which has satisfactory visibility. Suitable parking and turning facilities are provided within the site. The proposal is therefore considered to comply with Core Strategy policy 4 and Site Allocations Management and Development DPD policies DM1, DM4, DM6, DM7, DM10, DM13, DM17 and DM18.

11. Recommendation

11.1. Grant outline planning permission subject to:

- Planning conditions outlined at the end of this report.

11.2. Conditions and Reasons

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 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 and retain the existing landscaping at the site edges
 - c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.
 - d) Scale of each building proposed in relation to its surroundings

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

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the 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 ref no. 4626/01 Rev A received 12 November 2020
Proposed access layout ref no. 4626/02 Rev A received 12 November 2020

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

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

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on 4626/02 Rev. A have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

6. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 43 metres have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

7. No part of the development hereby permitted shall be occupied until such time as 2.0metre by 2.0 metre pedestrian visibility splays have 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 adopted Site Allocations and Development Management Policies

DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

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

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

9. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2019).

10. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

11. Prior to the first occupation of any dwelling on the site details of the boundary treatment along the access road and turning areas and the surrounding existing properties shall be submitted to and approved in writing. Once approved the boundary treatment shall be constructed prior to the first occupation of any dwelling and retained in perpetuity.

Reason: In the interests of residential amenity and to ensure a satisfactory form of development in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the

12.1. Notes to Applicant

1. This application has been determined in accordance with the following submitted details;

Indicative layout plan 4626/02 Rev B received 14 April 2020.
2. 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 or call 01455 238141.
3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any 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 proves 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 provision needs to be made on site for the storage of containers.

Planning Committee: 7 July 2020
Report of the Planning Manager

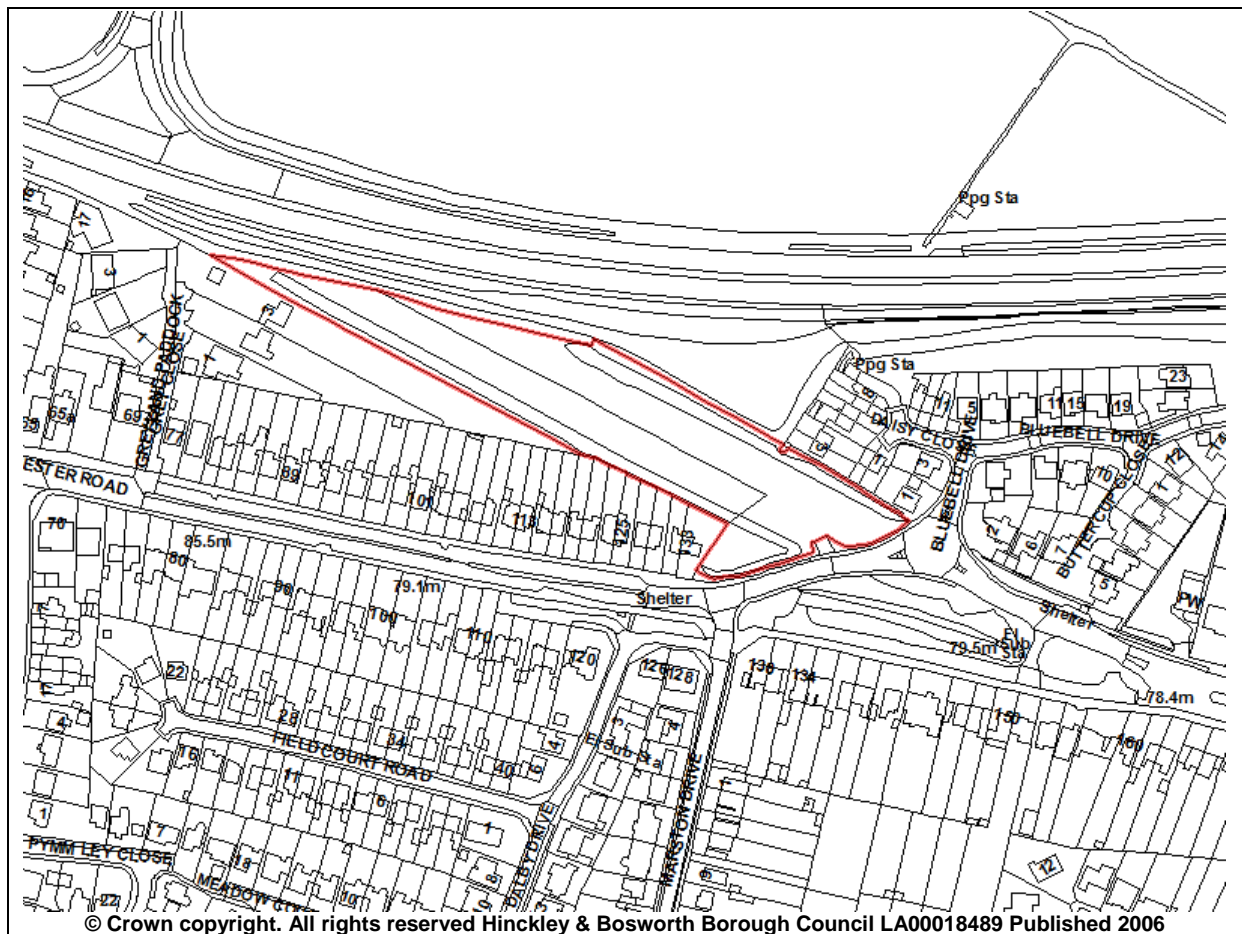
Planning Ref: 19/01060/S106
Applicant: E.M.H Group
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: Former Highway Land Leicester Road Groby

Proposal: Deed of variation to amend the Section 106 agreement relating to 15/00767/OUT to provide an all affordable housing scheme comprising of 10 affordable units and 20 shared ownership and removal of all other obligations



This application was taken to a previous Planning Committee on the 13 September 2016. The previous report and accompanying late items are attached to this report as Appendix A and B

1. Recommendations

- 1.1. Approve modification to S106 agreement relating to planning permission 15/00767/OUT for the reason given at the end of this report.

2. Planning Application Description

- 2.1. Outline planning permission was granted in 2018 for residential development, and in 2018 a subsequent reserved matters application followed for the approval of

reserved matters for 30 dwellings. A Section 106 agreement accompanied the outline permission, which required the provision of:-

- Affordable Housing - 40% on site and local connections
- Education – Based on the DFE cost multiplier as follows:-
 - Primary School £12,099.01 per pupil at a pupil ratio of 0.24 per dwelling.
 - Secondary £17,876.17 per pupil at a ratio of 0.1 per dwelling.
- Highways – Travel Packs - £52.82 per pack, 6 months bus passes, two per dwelling (average £350.00 per pass), new/improvements to 2 nearest bus stops (including raised and dropped kerbs to support modern bus fleets with low floor capabilities £3263.00 per stop, information display case at £120.00 per display, and Real Time Information system at the nearest bus stop £4500.
- Library - £910
- Health – £16,661.52 towards the refurbishment of existing building and consulting rooms to create multifunctioning treatment rooms to cater for the increased number of patients.
- Public Open space –
 - Equipped Children's Play Space 3.6m² per dwelling, off site provision per square metre £145.08 and Maintenance £70.70
 - Casual/informal Play spaces 16.8m² per dwelling, off site provision per square metre £6.16 and £5.30
 - Outdoor sports provision 38.4m² per dwelling, off site provision per square metre £13.76 and maintenance £13.20
 - Accessibility and natural green space 40m² per dwelling, off site provision per square metre £6.16 and maintenance £5.30

- 2.2. The current application seeks to amend the S.106 agreement to provide 100% affordable housing on site, which would comprise 10 affordable rent and 20 shared ownership. The application has also been accompanied with a viability report to demonstrate that the site with 100% affordable housing could not viably pay all of the S106 monies requested, and therefore the application seeks to modify and remove all other contribution requests in lieu of the affordable housing provision.

3. Description of the Site and Surrounding Area

- 3.1. Development has been carried out on the site, which was previously an overgrown enclosed area of land, which formed part of the alignment of the A50, prior to its diversion and therefore considered previously developed land.
- 3.2. The A50 is situated to the north of the application site. To the south, the land is bordered by the rear of dwellings which front Leicester Road and Greys Close, with dwellings at Daisy Close to the east. To the north there is a belt of trees situated between the application site and the A50. Levels within the application site generally rise to the north west, with levels within the site raised in the central area. The application site is situated within the settlement boundary of Groby as defined on the proposals Map contained within the Site Allocations and Development Management Policies DPD (adopted July 2016).
- 3.3. The development is under construction and at an advanced stage.

4. Relevant Planning History

| | | | |
|-----------------|--|------------------------------|------------|
| 15/00767/OUT | Residential Development (outline - access only) | Outline approval | 18.01.2018 |
| 18/01038/REM | Approval of reserved matters (layout, scale, appearance and landscaping) of outline planning permission 15/00767/OUT for residential development of 30 dwellings | Approval of reserved matters | 21.02.2019 |
| 19/00562/CONDIT | Variation of conditions 1 and 3 of approval 18/01038/REM to amend the parking layout serving plots 29 and 30 | Approved | 10.09.2019 |

5. Publicity

5.1. The application has been publicised by sending out letters to local residents and a notice was displayed in the local press and 20 representations have been received which raise the following matters:-

- 1) It is inappropriate development and now it wishes to remove any funding for local schools and doctors
- 2) The type of development it is, it is likely to appeal to families with children and therefore to remove any contributions would further burden existing infrastructure
- 3) Business is trying to maximise profits at the expense of local councils
- 4) The cost of new services required will fall upon other residents either directly or indirectly
- 5) Funding through S.106 is essential to maintain and reasonable quality of life in Groby
- 6) If the development was originally profitable at the time of the planning applications when the agreement was made then what has changed
- 7) Would set a precedent
- 8) More not less community services are required
- 9) The application is not made by the party who is legal bound to the agreement and as such should not be considered
- 10) There is no transparency and discussions have been held behind closed doors with a total lack of consultation

6. Consultation

- 6.1. West Leicestershire Clinical Commissioning Group reiterate the request for S.106 healthcare contributions to support the Local GP Practice
- 6.2. Leicestershire County Council (Developer Contributions) reiterate the request for S.106 contributions to support education, libraries and highways contributions.
- 6.3. Groby Parish Council objects to the proposed amendment and makes the following comments.

- 1) This should be a committee decision and not delegated
- 2) Raise concerns over the prospective purchaser, as the applicants name and address is the current builder, under the marketing arm 'Hello Homes'

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres relating to Leicester
- Policy 15: Affordable Housing

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Affordable housing SPD

8. Appraisal

8.1. Under section 106A of the Town and Country Planning Act 1990 a planning agreement may be modified by agreement between the local planning authority and the person against whom the planning obligations are enforceable. National Planning Practice Guidance provides that planning obligations can be renegotiated at any point, where the Council and the Developer agree to do so.

8.2. 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 40% affordable housing on all sites in rural areas of 4 dwellings or more or 0.5 hectares or more with a tenure split of 75% for social rent and 25% for intermediate tenure

8.3. The 2018 permission and its original section 106 agreement (dated 9 November 2017) secured affordable housing units at 40% of the total number of dwellings to be constructed as part of the development with the split between Social Rented and Intermediate Housing to be agreed at a later date. The proposed amendment seeks to provide 100% affordable housing scheme.

8.4. It has been identified that there are currently 105 individuals on the housing waiting list, who have an interest in Groby. The Annual Monitoring Report 2019-2020 identifies that 1,155 affordable dwellings were delivered since 2006. This is roughly over half of the required affordable housing units; however the council is well into the current plan period. Therefore, the requirement to provide 2090 dwelling by 2026 is not on track to being met and the proposed development of 30 affordable dwellings with no market dwelling provision should be given significant weight as it would make a significant contribution towards meeting this identified under provision and identified need.

8.5. The proposed tenure would not be consistent with Policy 15 of the Core Strategy with 75% proposed 10 affordable rent 20 shared ownership which equates to 25% social rented and 75% intermediate housing types, which is not consistent with the housing split as set out in Policy 15 of the Core Strategy. However the policy does allow for these figures to be negotiated on a site by site basis taking into account identified local need.

- 8.6. The proposal has been considered by the Housing Enabling Officer who has no objection to the proposed tenure split and is it therefore considered acceptable in this instance. Since the site is in a rural area of the Borough, a cascade mechanism should be included within the Section 106 agreement to give preference in the first instance to applicants with a connection to the Parish of Groby. If there are surplus applicants from the parish the properties can be offered to people with a connection to Hinckley and Bosworth Borough Council.
- 8.7. The proposed amendment to the Section 106 in so far as providing a 100% affordable housing scheme would result in the increased delivery of affordable housing stock within the borough of Hinckley and Bosworth, for which there is considered to be significant pressures to provide. The proposed revised housing tenure would make a significant contribution towards the identified affordable housing needs of the Borough over the plan period in accordance with Policy 15 of the Core Strategy.
- 8.8. The applicant has submitted a development Viability Appraisal to be considered as part of the deed of variation, which would affect the overall contributions being sought. Policy DM3 of the SADMP states that where, because of the physical circumstances of the site and/or prevailing and anticipated market conditions, a developer can demonstrate that the viability of a development proposal affects the provision of affordable housing and/or infrastructure provision, the Borough Council will balance the adverse impact of permitted the scheme on the delivery of such provision, with any appropriate evidence to support this justification.
- 8.9. A viability scheme has been submitted by the applicant to demonstrate that the scheme is would be unable to provide contributions in lieu of the proposed affordable housing tenure. The Viability Assessment prepared by Intali, has been considered independently by Lambert Smith Hampton instructed by the Local Planning Authority. This demonstrated that the proposed scheme when taking into consideration the value and cost assumptions produced a residual land value of £261,371. When taking into consideration the individual characteristics of the site Lambert Smith Hampton considers a benchmark land value of £316, 800. This benchmark land value results in a deficit of £55,429 based on 100% affordable housing on site it is demonstrated and agreed that an obligation can still be maintained to pay full section 106 contributions but with a shortfall of £55,429 from the total obligations being deducted.
- 8.10. The total obligations agreed under outline permission 15/00767/OUT secured £265,511 for the following suite of obligations:-
- Education – Based on the DFE cost multiplier as follows:-
Primary School £87,112.87
Secondary £53,628.51
 - Highways – £33,581.60
 - Health – £16,661.52
 - Public Open space contribution towards Marina Park
Provision - £42,016.82
Maintenance - £31,603.20
 - Library - £910
- 8.11. When having regard to the proposed development and considering the justifications for the differing contributions that are most important to provide and to mitigate the impacts of this development, it is considered that Education, Highways, Health and libraries are the most important. The play and open space contribution was agreed

to contribute towards Marina Drive Recreation Ground (GRO32). The recreation ground, although has a quality score below the target quality score of 80% as contained within the Open Space and Recreation Study (2016), the recreation grounds quality score within the study is identified as 76%, and therefore offers and provides a good quality open space serving the community. The total contribution for play and open space equates to £73,890 for both provision and maintenance. It is therefore considered that a reduced amount of £18,191.02 towards provision and maintenance of Marina Park, which would still afford some improvements to the play space to be carried out and maintain its current quality.

- 8.12. The benefit of this proposal in the delivery of affordable housing is a significant material consideration, and the proposal would still provide full Section 106 obligations of £210,082 albeit with a reduction of £55,429 from the original Play and Open Space obligation. As such the proposed amendment is considered to comply with Policy 15 of the Core Strategy and Affordable Housing SPD and Policy DM3 of the SADMP.

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. It is considered that the proposed amendment to the existing Section 106 agreement accompanying planning permission 15/00767/OUT to secure a 100% affordable housing scheme, with a reduced contribution towards Play and Open Space provision would support the council's targets and policies relating to affordable housing provision. The applicant has demonstrated that the proposal of 100% affordable housing would affect the provision of Section 106 obligations attached to 15/00767/OUT. The application has been subject to the submission and independent review of a viability assessment and the reduction of the obligations to the amount of £55,429 is agreed by the Council's Independent Viability Assessor.

- 10.2. When considering the significant and identified need for affordable housing provision and the substantial obligations still provided by the scheme, to mitigate the impact of the development the changes remain in accordance with Policy DM3 of the SADMP, Policy 15 of the Core Strategy and the Affordable Housing SPD. As such it is considered that the modification is recommended for approval.

11. Recommendation

11.1. Approved modification to S106 agreement relating to planning permission 15/00767/OUT with the following obligations

- Affordable Housing - 100% on site and local connections
- Education – Education – Based on the DFE cost multiplier as follows:-
 - Primary School £87,112.87
 - Secondary £53,628.51
- Highways – Travel Packs - £52.82 per pack, 6 months bus passes, two per dwelling (average £350.00 per pass), new/improvements to 2 nearest bus stops (including raised and dropped kerbs to support modern bus fleets with low floor capabilities £3263.00 per stop, information display case at £120.00 per display, and Real Time Information system at the nearest bus stop £4500.
- Health – £16,661.52 towards the refurbishment of existing building and consulting rooms to create multifunctioning treatment rooms to cater for the increased number of patients.
- Library - £910
- Public Open space provision and maintenance contribution – £18,191.02

APPENDIX A

Planning Committee 13 September 2016
Report of the Chief Planning and Development Officer

Planning Ref: 15/00767/OUT
Applicant: Leicestershire County Council
Ward: Groby

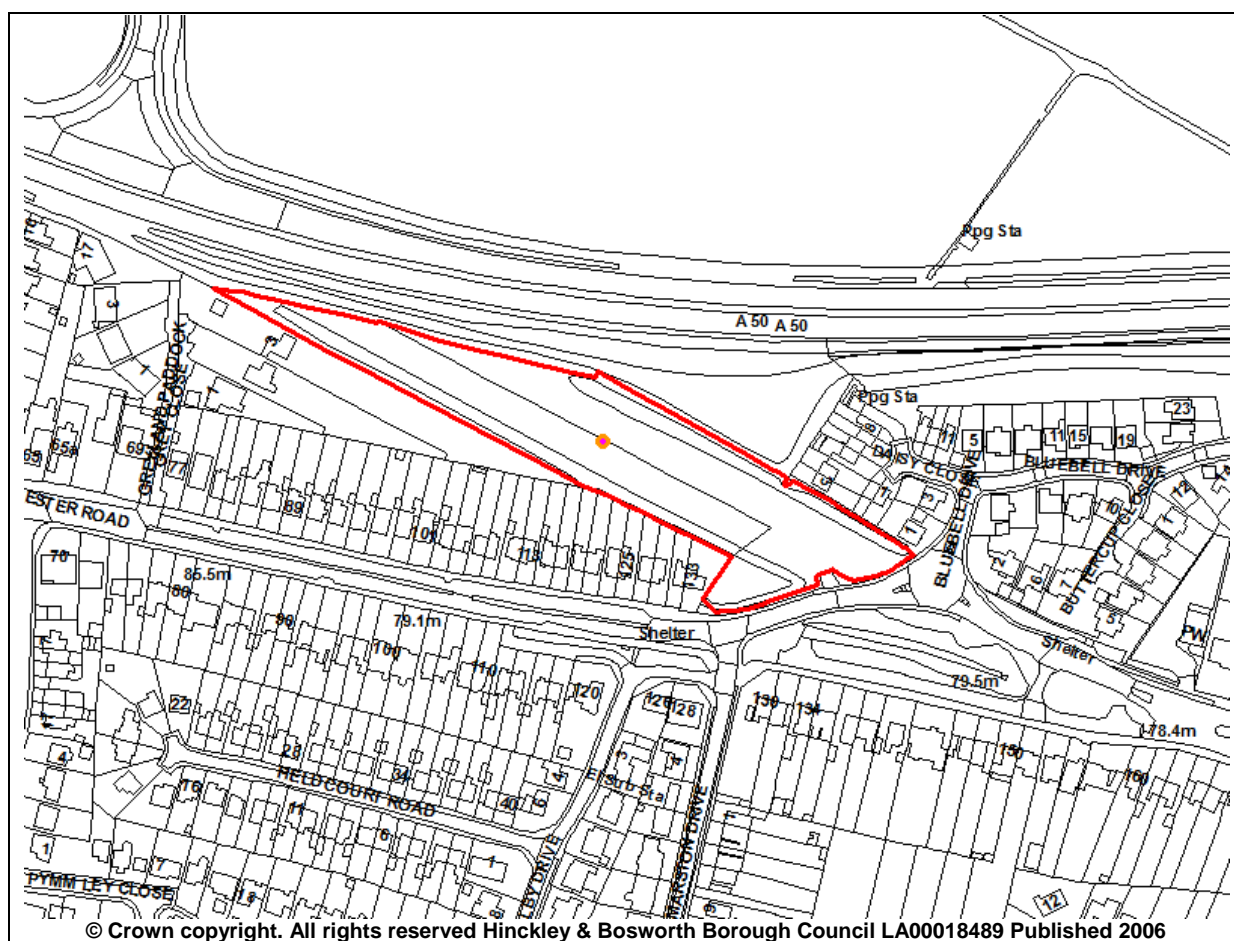


Hinckley & Bosworth
Borough Council

A Borough to be proud of

Site: Former Highway Land Leicester Road Groby

Proposal: Residential Development (outline - access only)



1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Affordable Housing - 40% on site and local connections
 - Education – Based on the DFE cost multiplier as follows:-
 - Primary School £12,099.01 per pupil at a pupil ratio of 0.24 per dwelling.
 - Secondary £17,876.17 per pupil at a ration of 0.1 per dwelling.

- Highways – Travel Packs - £52.82 per pack, 6 months bus passes, two per dwelling (average £350.00 per pass), new/improvements to 2 nearest bus stops (including raised and dropped kerbs to support modern bus fleets with low floor capabilities £3263.00 per stop, information display case at £120.00 per display, and Real Time Information system at the nearest bus stop £4500.
- Health – £16,661.52 towards the refurbishment of existing building and consulting rooms to create multifunctioning treatment rooms to cater for the increased number of patients.
- Public Open space –
 - Equipped Children's Play Space 3.6m² per dwelling, Off site provision per square metre £145.08 and Maintenance £70.70
 - Casual/informal Play spaces 16.8m² per dwelling, Off site provision per square metre £6.16 and £5.30
 - Outdoor sports provision 38.4m² per dwelling, Off site provision per square metre £13.76 and maintenance £13.20
 - Accessibility and natural green space 40m² per dwelling, off site provision per square metre £6.16 and maintenance £5.30
- Planning conditions outlined at the end of this report.

2. Reasons for bringing report back to committee

- 2.1 At its meeting on 16 August 2016, in respect of this application, an initial motion was moved and seconded to refuse the application, against officers' recommendation, on highway safety grounds. On being put to the vote, the committee voted against the motion and it was lost.
- 2.2 A further motion was moved and seconded to approve the application on the basis of the officers' recommendation. Upon being put to the vote, the motion was lost.
- 2.3 The committee then discussed deferring the item to enable the legal position to be checked on what steps could be taken to try to move the matter forward.
- 2.4 The result of that voting process meant that the committee did not determine the application in accordance with s 70(1) of the TCPA 1990 which provides that a LPA may grant permission or refuse permission.
- 2.5 It is considered therefore that it is appropriate to return the application to committee to seek a determination in accordance with s 70(1).
- 2.6 The applicant has agreed an extension of the time for determining the application.
- 2.7 Should there again be no determination upon expiry of the extension of time agreement, the applicant would have the right to appeal to the Secretary of State against that non-determination pursuant to s 78 TCPA 1990.
- 2.8 In those circumstances, officers would need to know from members, for the purposes of the appeal, whether the committee was minded to grant or refuse the application.

2.9 The committee therefore has to come to a view on the application and it is prudent to determine the application prior to any appeal against non-determination. Members are therefore strongly recommended to come to a view and to determine the application at the meeting on 13 September 2016.

2.10 Following concerns expressed by some members of the committee at its 16 August 2016 meeting, the planning merits of the case have been reviewed. This process has re-affirmed that officers' recommendation to grant permission is robust and fully takes account of development plan policies and the site's allocation in the SADMP as a residential development site. The recommendation has regard to other material considerations, including the views put forward by local residents. Taking all of this into account, the original recommendation to grant planning permission, subject to planning obligations and planning conditions, remains appropriate.

3. Planning Application Description

3.1. This application is to be considered at Planning Committee as it is an application that has attracted community interest and Councillor Cartwright has requested in writing that the application be referred to the committee for determination.

3.2. This is an outline application with access the only detail for approval at this stage. The application was amended following submission, with layout removed from consideration. A full 10 day re-consultation has been carried out following this amendment to the description. All other matters, apart from access, are reserved for subsequent approval. The proposal is for a residential development with the indicative plan illustrating a development of 30 dwellings.

3.3. Access to the site is to be taken directly from Leicester Road, utilising an existing access into the site. The indicative plan illustrates a mix of residential units served by a main access drive through the centre of the site with some informal space provided to the south adjacent to the proposed access. Provision is shown for a Suds (Sustainable urban drainage system) including a balancing pond.

3.4. The application proposes 40% affordable housing.

4. Description of the Site and Surrounding Area

4.1. The site is currently overgrown and formed part of the alignment of the A50, prior to its diversion. The application site is therefore previously developed land. The A50 is situated to the north of the application site. To the south, the land is bordered by the rear of dwellings which front Leicester Road and Greys Close, with dwellings at Daisy Close to the east. To the north there is a belt of trees situated between the application site and the A50. Levels within the application site generally rise to the north west, with levels within the site raised in the central area. The application site is situated within the settlement boundary of Groby as defined on the proposals Map contained within the Site Allocations and Development Management Policies DPD (adopted July 2016).

5. Relevant Planning History

None relevant.

6. Publicity

- 6.1. 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.
- 6.2. 38 letters of objection have been received from neighbouring properties raising the following issues:-
- 1) More congestion in the village
 - 2) Loss of wildlife and ecology on site
 - 3) The local primary schools are all at capacity and can not accommodate any further pupils
 - 4) Number of proposed houses is too many on this small constrained site
 - 5) Already flooding problems which exist within Leicester Road and Daisy Road, and this is likely to increase with this development
 - 6) Removal of trees and increase in hardstanding will increase the risk of flooding
 - 7) Leicester Road already has traffic flow problems, this will be exacerbated
 - 8) Application lacks detail and therefore prevents detail examination of likely problems and denies the right of proper objection
 - 9) Additional dwellings will add pressure on existing services, such as dentists and doctors
 - 10) Will remove the small amount of greenbelt left on the north side of the village
 - 11) Trees were planted to protect the existing surrounding properties from noise and pollution, taking the trees away would result in an increase in noise
 - 12) Would result in the loss of a leisure area
 - 13) Access is inadequate, and would create a pedestrian and highway danger
 - 14) Better located sites within Groby
 - 15) Land is full of concrete and to development would be enormous work and stress to the local area
 - 16) Likely to result in subsidence issues
 - 17) Development would not fulfil the needs of the village
 - 18) Would result in a loss of light, overshadowing and overlooking as the land is higher than the surrounding residential dwellings
 - 19) Proposed layout is poor and plots are small
 - 20) Removal of trees would result in poor air quality
 - 21) All existing surface water is piped into the watercourse, the proposal would add additional quantities of water will increase the chances of further flooding incident in the future
 - 22) Watercourse situated to the rear of Daisy Close is an open ditch and is not adequately maintained
 - 23) Inaccuracies within the Flood Risk Assessment
 - 24) Visibility along Leicester Road is inadequate and car travels at high speeds.

7. Consultation

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

Environment Agency
Severn Trent Water Limited
Leicestershire County Council (Ecology)
Leicestershire County Council (Archaeology)
Leicestershire County Council (Highways)
Leicestershire County Council (Flooding) (Lead Local Flood Authority)
Leicestershire County Council (Rights of Way)
HBBC Environmental Health (Pollution)

HBBC Environmental Health (Drainage)
HBBC Waste Services
Groby Parish Council

An objection has been raised by the Tree Officer.

Groby Village Society has objected on the following grounds:-

- 1) The land provides a vital barrier between the very busy A50 and the village
- 2) The village contends with 3 major roads which enclose the village and therefore needs to be shielded
- 3) The development would put considerable strain on the public services such as schools and medical services
- 4) The proposal would add to traffic problems.

Councillor Cartwright has expressed concerns over drainage issues and the need to ensure they are fully considered.

8. Policy

8.1. Local Plan 2006 – 2026: 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 19: Green Space and Play Provision

8.2. Site Allocations and Development Management Policies DPD Submission Version (Dec 2014)

- Policy SA1: Safeguarding Site Allocations
- Policy DM1: Presumption in favour of development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and design
- Policy DM17: Highway design
- Policy DM18: Vehicle parking standards

8.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2012)
 - The presumption in favour of sustainable development
 - Paragraph 11-14
 - Promoting sustainable transport
 - Paragraph 34, 37 and 38
 - Requiring good design
 - Paragraph 56
 - Conserving and enhancing the natural environment
 - Paragraph 109 – 111 and paragraph 120
- Planning Practice Guidance (PPG)

9. Appraisal

9.1. Key Issues

- Assessment against strategic planning policies
- Impact upon the character of the area
- Affordable Housing
- Impact upon neighbouring residential amenity
- Impact upon the highway
- Infrastructure obligations
- Impact upon Drainage and Flood Risk
- Impact upon Ecology
- Land Contamination and Pollution
- Impact upon trees
- Other matter

Assessment against strategic planning policies

- 9.2. Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009), and the Site Allocations and Development Management Policies Development Plan Document DPD (SADMP).
- 9.3. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless materials consideration indicate otherwise.
- 9.4. Groby is identified as a Key Rural Centre which relates to Leicester, being a settlement located on the edge of the Leicester Principal Urban Area. The focus of such settlements is on maintaining existing services, with the scale and type of development in these areas based on supporting local needs. The application site is located within the settlement boundary of Groby as defined within the SADMP, as such the site is considered to be situated within a sustainable location. Policy 7 of the Core Strategy also supports housing development in Key Rural Centres.
- 9.5. Core Strategy Policy 8 seeks to allocate land for the development of a minimum of 110 new homes in Groby. The site is allocated within the Site Allocations and Development Management Policies DPD (SADMP) for residential development up to 38 dwellings (allocation reference GRO03). Policy SA1 of the SADMP seeks to safeguard allocated sites for the same land uses, in this case this is safeguarding for residential use.
- 9.6. Policy 16 of the Core Strategy seeks to ensure that new build residential development to meet a minimum net density of 30 dwellings per hectare within and adjoining the Key Rural Areas. Policy 6 of the Core Strategy also requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings. As this application is at the outline stage this detail is not provided and would therefore be assessed at any subsequent reserve matters stage.
- 9.7. Policy 15 of the Core Strategy seeks to secure 40% on site affordable housing the rural areas with a tenure split of 75% social rented and 25% intermediate housing. This mix would be secured by a Section 106 agreement and is discussed further within this report.
- 9.8. The allocation of the site in the recently adopted SADMP for residential development (allocation reference GRO03 – Land to the Rear of Daisy Close) is a

consideration that carries significant weight in the assessment of the application. Policy SA1 of the adopted SADMP seeks to safeguard allocated sites for the allocated uses. The application site is situated within the Settlement Boundary of Groby and in close proximity to existing services within the village and existing residential development. Given this policy context, the application site is considered to be in a sustainable location and that residential development is acceptable in principle, subject to all other planning matters being appropriately address.

Impact upon the Character of the Area

- 9.9. Policy DM10 of the adopted SADMP requires developments to complement and enhance the character of the surrounding area. Paragraph 56 of the NPPF states good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people.
- 9.10. The site is bound by the A50 dual carriageway to the north of the application, linear residential development to the south and further dwellings situated to the north east of the application site. The proposal would involve the redevelopment of a former highway alignment associated with the redevelopment of the A50, within the settlement boundary of Groby as identified within the SADMP.
- 9.11. The site comprises of a strip of land which has been allowed to overgrow with vegetation and trees. There is evidence that the site is accessed for informal recreational use by local residents. To the north of the site there is a belt of tree planting to which screens the A50 from Leicester Road. The indicative layout seeks to retain the existing trees situated to the south of the site which border the entrance to the site, and the planting buffer along the southern facing boundary of the application site. The latter would assist in screening the development from the rear of properties in Leicester Road and Greys Close. The indicative layout suggests that the development would be largely inward-facing with rear gardens acting as a further buffer to the wider surrounding dwellings along Daisy Close.
- 9.12. The surrounding residential properties vary in terms of their siting, scale and design, with plots along Leicester Road and Greys Close occupying modest sized plots.
- 9.13. Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings requires at least 30 dwellings per hectare to be achieved within rural areas unless individual site characteristics indicate otherwise. Given the existing physical characteristics of the application site, as set out above, it is considered that there will be the opportunity to bring forward an acceptable detailed scheme and layout taking account of the flexibility that Policy 16 and Policy DM10 provide with regard to design and density issues.
- 9.14. Further detailed work on layout issues will be required on the siting and layout of dwellings; parking arrangements; how properties address internal roads; the mix of houses and appropriate levels of amenity space. As the layout of the proposal is not for consideration at this stage as part of this amended application, these layout issues can be addressed in detail at the reserved matters stage.
- 9.15. Given the above, it is considered that the site has the potential to accommodate a high quality and sustainable residential development to take account of the site characteristics and the character of the local area in accordance with Policy DM1 and DM10 of the adopted SADMP.

Affordable Housing

- 9.16. In rural areas, Policy 15 of Core Strategy requires that 40% of the dwelling should be for affordable housing. Of these properties, 75% should be for social rent and 25% for intermediate tenure. The applicant is proposing to meet this requirement through its indicative scheme.
- 9.17. There is a recognised need for affordable housing in this area. Such provision would need to be secured by way of a S106 agreement, with a clause to ensure that applicants for affordable housing have a local connection to the parish of Groby in the first instance and in the second instance the borough of Hinckley and Bosworth.
- 9.18. It is anticipated that the affordable housing would be spread across the site to ensure a balanced and appropriate mix of market and affordable housing to accord with relevant planning policy.

Impact upon Residential Amenity

- 9.19. Policy 10 of the adopted SAMP seeks to ensure that development does not adversely affect the privacy and amenity of neighbouring properties.
- 9.20. The nearest dwellings adjoining the site are located to the south and north east along Leicester Road, Grey Close and Daisy Close. The rear gardens of the dwellings situated along Leicester Road, Daisy Close and Greys Close are of considerable length, approximately 17metres on average, and generally back onto the application site. As appearance, layout and scale are not for consideration at this stage; privacy, overshadowing and overbearing impacts resulting from the development cannot be assessed in detail. However, given the significant separation distances between the site and existing properties, it is considered that the development proposal would not have any significant impacts on residential amenity that could not be addressed at the reserved matters stage, when relevant detail designs will be subject to local consultation and planning assessment.
- 9.21. Subject to further details, it is considered that the development would be in accordance with Policy DM10 of the adopted SADMP with regard to impacts on neighbouring residential amenity.

Highway Considerations

- 9.22. Policies DM17 and DM18 of the emerging SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 9.23. The application has been accompanied by a Transport Assessment. This has taken account of existing traffic conditions, accessibility, sustainable modes of transport, accidents and vehicular impacts.
- 9.24. Vehicular access would be provided from a priority junction with Leicester Road. This is the same location as the existing site access point. Leicester Road is an adopted road, approximately 7 metre wide, with residential development and pedestrian footpaths on both sides. The speed limit is 30mph. The existing access into the application site would be improved and widened to approximately 6.75 metres with footway provision on both sides.
- 9.25. The submitted transport assessment concludes that given the scale of the development proposed on the indicative plan there would be minimal effect upon

the local highway network. Leicestershire County Council (Highways) has no objection subject to the imposition of planning conditions. Given this context, the scheme is considered to be in accordance with adopted Policies DM17 and DM18 of the SADMP.

Infrastructure Obligations

- 9.26. The requirement for developer contributions must be considered against statutory requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). CIL (regulation 122) requires that where developer contribution are requested they need to be necessary to make the development acceptable in planning terms, directly related to the development and fairly reasonably related in scale and kind of the development proposed. The following requests have been received:-

Education

- 9.27. Leicestershire County Council considers the proposed development is of a scale and size which would have an impact on local school provision. The site is within the catchment of Martinshaw Primary School, which would have a deficit of 10 pupil places generated by this development. There is currently 1 pupil place at this particular school being funded from S106, this reduced the deficit to 9 pupil places, of which 8 is created by this development and 1 is existing. There are three other primary schools within a two mile walking distance of the development. Overall, the deficit including all schools within a two mile walking distance of the development is 83 pupil places. Therefore the 8 pupil places generated by this proposal cannot be accommodated at nearby schools. A contribution has therefore been requested for £87,112.87 based on Department for Education cost multipliers on a formula basis. The contribution would be used to address existing capacity issues created by the proposed development. The request is considered to be directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 year of receipt of the final payment.
- 9.28. A Secondary School contribution request of £53,628.51 has been made for Brookvale High School. The school has a net capacity of 720 and 744 pupils are projected on roll should this development proceed; a deficit of 24 pupil places, 1 pupil place is included in the forecast for this school being funded from 106 agreements for other development in this area this reduces the deficit to 23 (of which 20 are existing and 3 are created by this development). There are no other high schools within a three mile walking distance of the site. This contribution would be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at Brookvale High School.
- 9.29. No contribution has been requested for the Upper School Sector or Post 16 section.
- 9.30. Having assessed the above request, it is considered that the education contribution, based on the relevant cost multipliers, is directly, fairly and reasonably related in scale and kind to the development proposed and would be spent within 5 years of the final payment. However, given that further design work is required at the reserved matters stage, the final sums to be requested will need to be revisited. The S106 legal agreement at this stage should include an appropriate mechanism to calculate the final level of the contribution based on the detailed scheme that comes forward.

Transport

- 9.31. A request has been made from Leicestershire County Council (Highways) for Travel Packs (£52.85 per pack) to inform new residents from first occupation what sustainable travel choices are available in the surrounding area. Bus passes at two per dwelling for a six month period are required to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. The Travel Packs are to be funded by the developer with two application forms for bus passes at £350.00 per pass.
- 9.32. Improvement are sought for the nearest bus stops on Leicester Road, Groby including raised and dropped kerbs to allow level access, supporting modern bus fleets with low floor capabilities, at £3263.00 per stop. A contribution of £120.00 for information display cases at the 2 nearest bus stops to inform new residents of nearest bus services in the area. A contribution of £4500 towards equipping the nearest bus stop with Real Time Information system to assist in improving and providing attractive public transport choices. It is considered that the request is directly, fairly and reasonable related in scale and kind to the development proposed.

Library

- 9.33. Leicestershire County Council considered the proposed is of a scale and size which would have an impact on the delivery of library facilities within the local area. The nearest local library facility is Groby Library on Leicester Road, Groby under 400 metres away from the site. The library facilities contributions request is £910. Leicestershire County Council considers that the proposed development will impact on local library services in respect of additional pressures on the availability of local library facilities. The contribution is sought for materials, such as books, audio books, newspapers and periodicals for loan and reference use to account for additional use the proposed development.
- 9.34. Groby Library has an active borrower base of 1,317 people. Active users of Groby Library currently borrow on average 23 items a year. Leicestershire County Council consider that the proposed development is likely to generate an additional 44 plus users and would requires an additional 104 items of lending stock plus reference, audio visual and homework support material to mitigate the impacts of the proposed development on the local library service. It is considered that the library contribution request has not clearly demonstrated that the contribution is necessary and how increasing lending stock would mitigate any impact of the development on the library facility. The request is therefore not considered to be reasonable in this case.

Health

- 9.35. It is considered that the development could result in an additional 73 patients to the local health centre. The local health centre is Groby Surgery located on Rookery Lane, Groby. The surgery is limited in terms of capacity, space and resources. It is considered that 73 patients would result in 1.92 hours per week for consulting rooms and 0.51 hours per week in treatment rooms. Contributions are requested towards refurbishment of the existing building and consulting rooms to create multifunctioning treatment rooms, which would increase in the number of services which can be offered to patients in each of the consulting rooms. A contribution request of £16,661.52 is requested.

- 9.36. It is considered that this contribution is necessary, fairly and reasonably related in scale and kind to the development proposed using Department for Health cost multipliers and was essential to relieve the impact of the development on health provision locally and provide for capacity to deal with the increased population that would arise as a result of this development.

Play and Open Space

- 9.37. Core Strategy Policy 8 states that new development should address the existing deficiencies in the quality, quantity and accessibility of green space and play provision in Groby. New green space should meet the standards in Policy 19 of the Core Strategy. Policy 19 sets out standards to be used to determine what improvements are required to existing facilities, and what new provision is required for new development.
- 9.38. The proposal will need to provide green space and play provision using the quantity standards outlined in Core Strategy 19. The overall provision is dependant upon the number of dwellings to be provided on site. As this application does not definitively specify the number of dwellings the exact provision of green space and play provision necessary for this development cannot be given at this stage.
- 9.39. In the first instance, the green space and play provision should be provided on site. However this is not always practical due to other factors, such as minimum sizes of types of green space/play provision, levels issues, awkward site shapes. To ensure that the development is in accordance with Policy 19 of the Core Strategy if the full on-site green space and play provision is not provided contributions towards the off-site provision and maintenance of open space will be requested through a Section 106 legal agreement. For clarity, the quantity required is broken down per dwelling and the provision and maintenance figures per square metre. The contributions sought will therefore be based upon the table below:

| | Provision per dwelling (based upon 2011 census - 2.4 people per dwelling) | Off site provision per square metre | Maintenance contribution per square metre |
|-----------------------------------|---|-------------------------------------|---|
| Equipped Children's Play Space | 3.6 m ² | £145.08 | £70.70 |
| Casual/Informal Play Spaces | 16.8 m ² | £6.16 | £5.30 |
| Outdoor Sports Provision | 38.4 m ² | £13.76 | £13.20 |
| Accessibility Natural Green Space | 40 m ² | £6.16 | £5.30 |

- 9.40. These contributions are considered reasonable in mitigating the impact of the proposed development upon the existing facilities and/or maintaining the green space and play provision provided on site. Subject to the signing of a Section 106 legal agreement which includes the prevailing contributions, as currently indicated above, the application is considered in accordance with Policy 19 of the Core Strategy.

Civic Amenity

- 9.41. No contribution request has been made for the local civic amenity facilities.

Impact upon Drainage and Flood Risk

- 9.42. Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated. The application has been accompanied by a Flood Risk Assessment (FRA) and the scheme has been considered by Leicestershire County Council (Drainage), Environmental Health (Drainage) and Seven Trent.
- 9.43. The applicant has submitted a Flood Risk Assessment (FRA). The site is located in Flood Zone 1 (low less than 1 in 1,000 annual probability of flooding). Flood mapping indicated a medium to high risk of surface water flooding at the east of the south boundary of the site and a low risk of surface water flooding at the east boundary, on Bluebell Drive. The historic surfacing flooding is largely related to the maintenance of the highway culvert. The site itself is raised and not subject to significant surface water flooding. However levels within the site would be required to be addressed.
- 9.44. A surface water management system will be designed to accommodate a 5 year storm without surcharge and a 30 year storm without surface flooding. The surface water would be discharged into the watercourse to the north with outflow limited to 5l/s. The existing (adopted) surface water sewer which runs under the site from south west to north east will remain the responsibility of the Severn Trent Water, and will be monitored to ensure no damage is caused during construction. Given the south east corner of the site is an area of high risk for surface water flooding, site levels within the site are proposed to be managed. This would ensure that no additional run-off is channelled to that area.
- 9.45. Leicestershire County Council (Drainage) initially objected to the application as the site adjoins land that is susceptible to surface water flooding and the FRA had not adequately assessed the impact of the proposed development works on neighbouring properties to the site. Within its consultation response, Leicestershire County Council (Drainage) provided methods to overcome the objections raised. In response to this, an updated Flood Risk Assessment has been provided to overcome the objection.
- 9.46. The further information submitted identifies that the proposed development would not contribute to the historic flooding issues experienced to the south of the site and that surface water will be appropriately managed on site. Leicestershire County Council (Drainage) has assessed this information and now has no objections to the proposed development subject to the imposition of conditions relating to the scheme. These include the utilisation of using balancing ponds for holding surface water and drainage techniques in the form of treatment trains, which would limit the surface water run off, in addition to setting a minimum floor level. Planning

conditions to secure appropriate related provisions are considered necessary and reasonable.

- 9.47. Severn Trent Water have confirmed that it has no objections to the proposals subject to the inclusion of a condition for drainage details for surface and foul sewerage to be submitted to and approved in writing.
- 9.48. Given the above updated position, although it is identified that there have been some historic flood issues in the local area, it is not considered that the proposal would lead to harm to the quality of groundwater from surface or foul water, and would not cause or aggravate flooding in accordance with Policy DM7 of the SADMP.

Impact upon Ecology

- 9.49. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 9.50. The application has been accompanied by an Ecology Report. The content of this has been considered by Leicester County Council (Ecology). Leicestershire County Council (Ecology) has raised no objections to the proposed, and although the grassland and scrubland habitats have local value, the value is not significant in the context of the county and would not meet the Local Wildlife Site criteria. The site is flanked by the A50, a busy trunk road, to the north, and residential development to the south and east, unconnected to any good wildlife sites.
- 9.51. It is acknowledged that there will be a loss of habitat resulting from the development, especially for birds. However it is not considered that this development would significantly impact on local bird populations, and there is a considerable amount of similar habitat available along the trunk road to the east and west, and to the north of the application site, on the opposite side of the A50. Given there are suitable habitats on site, it is recommended that any site clearance should take place outside the bird nesting season (March – July inclusive) and an updated Badger survey be provided. It is also suggested that the open space and sustainable drainage features should be designed to optimise wildlife value to mitigate any loss of bird habitats, with appropriate planting of native trees and shrubs of value as bird-nesting and feeding habitats. Accordingly, subject to the imposition of appropriate planning conditions, the development would be in accordance with Policy DM6 of the adopted SADMP with regard to considering biodiversity and ecological issues.

Land Contamination and Pollution

- 9.52. Policy DM7 of the adopted SADMP seeks to prevent the risk of pollution resulting from development. The application was submitted with a noise report and, given the close proximity of the site to the A50, it is identified that mitigation measures would be required, in the form of enhanced glazing, mechanical ventilation, acoustic fencing or brick walling across the site. It is identified that careful consideration at the detailed design stage is required to locate living rooms and bedrooms appropriately. Given the proposed layout is indicative, it is necessary that a condition is imposed for a scheme of proposed noise mitigation to be submitted for

protecting proposed dwellings from road noise and that the scheme be completed prior to first occupation of the development.

- 9.53. Environmental Health (Pollution) has raised no objection to the proposal subject to the imposition of conditions relating to a scheme of investigation for any possible land contamination on site being carried out prior to the commencement of development.
- 9.54. Subject to those conditions is not considered that the proposed development would lead to an issue with contaminated land and would be in accordance with Policy DM7.

Impact upon Trees

- 9.55. Concerns have been raised by the tree officer concerning the loss of the trees on site which provide screening between the A50 and Leicester Road and Grey Close. It is acknowledged that the scheme would result in a loss of trees which were planted on the old carriageway to provide natural screening. However it is noted that the existing belt of tree planting would be retained to the north of the application site, thereby maintaining a natural buffer between the residential dwellings and the A50. It is also accepted that the development would provide an opportunity for the inclusion of a well designed landscaping scheme and, given the loss of trees, any subsequent application should seek to mitigate this loss through the incorporation of a high quality and sympathetically designed landscaping proposal. It is therefore not considered that the loss of trees would provide a reason not to support the proposal given the substantial retained planting and the mitigation that could be provided.

Other Matters

- 9.56. Street Scene Services (Waste) has raised no objections to the application, subject to a requested condition to secure the provision of waste recycling, storage and collection for the scheme. It is considered that this matter can be satisfactorily addressed through the detailed consideration of reserved matters submissions. Therefore a separate condition is not required for this outline proposal.
- 9.57. Concerns have been raised in respect of any subsequent development likely to result in subsidence and damage to neighbouring properties. Any damage which may be caused is not a material planning consideration and is deemed to be a civil matter between any affected parties.

10. Equality Implications

- 10.1. Section 149 of the Equalities Act 2010 created the public sector equality duty. Section 149 states:-
(1) A public authority must, in the exercise of its functions, have due regard to the need to:
(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 10.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same

when determining this planning application. There are no known equality implications arising directly from this development.

11. Conclusion

- 11.1. This application site is allocated for residential development in the adopted SADMP. Given the above assessment, it is considered that the revised outline application is in accordance with the provisions of the allocation. The proposal therefore accords with this important provision within the Development Plan. It is also considered that with appropriate mitigation the proposal would not have a detrimental impact upon the highway network, ecology, neighbouring residential amenity, flood risk, land contamination and pollution, and would accord with other policies within the Development Plan. Relevant detailed matters can be further considered at the reserved matters stage. This outline application is therefore recommended for approval subject to conditions and appropriate contributions being secure through a S106 legal agreement.

12. Recommendation

- 12.1. **Grant planning permission** subject to:

- The prior completion of a S106 agreement to secure the following obligations:
 - Affordable Housing - 40% on site and local connections
 - Education – Based on the DFE cost multiplier as follows:-
 - Primary School £12,099.01 per pupil at a pupil ratio of 0.24 per dwelling.
 - Secondary £17,876.17 per pupil at a ratio of 0.1 per dwelling.
 - Highways – Travel Packs - £52.82 per pack, 6 months bus passes, two per dwelling (average £350.00 per pass), new/improvements to 2 nearest bus stops (including raised and dropped kerbs to support modern bus fleets with low floor capabilities £3263.00 per stop, information display case at £120.00 per display, and Real Time Information system at the nearest bus stop £4500.
 - Health – To be confirmed through the late items on the committee agenda.
 - Public Open space – Based on number of dwellings and square meterage as set out in the section 8 of this report.
- Planning conditions outlined at the end of this report.

- 12.2. That the Chief Planning and Development Officer be given delegated powers to determine the final detail of planning conditions.

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

12.4. Conditions and Reasons

1. An 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 51 of the Planning and Compulsory Purchase Act 2004.

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

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

3. No development shall commence until a Construction Transport Management Plan (TMP) is submitted to and approved in writing by the local planning authority. The plan shall set out details and schedule of works and measures to secure:-
 - a) cleaning of site entrance, facilities for wheel washing, vehicle parking and turning facilities;
 - b) the construction of the accesses into the site, the erection of any entrance gates, barriers, bollards, chains or other such obstructions; and
 - c) details of the route to be used to access the site, including measures to ensure a highway condition inspection prior to commencement and any required repair works upon completion of construction.

Reason: To ensure the protection of neighbouring residential amenity during construction to accord with Policy DM7 of the Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

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

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

5. No development shall commence until such time as the proposed ground levels of the site, and proposed finished floor levels have first been submitted to and approved in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details.

Reason: In the interests of visual amenity, to accord with Policy DM10 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

6. No development shall commence until drainage details for the disposal of surface water and foul sewage have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full before the development is first brought into use.

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

7. No development shall commence until such time as a surface water drainage scheme has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of two treatment trains to help improve 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 event plus an appropriate allowance for climate change, based upon the submission of drainage calculations; and the responsibility for the future maintenance of drainage features. The approved scheme shall be fully implemented and subsequently maintained, in accordance with the timing and phasing arrangements embodied within the scheme or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water the site in accordance with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

8. Residential properties should have a minimum floor level of 300mm above the level for the 1 in 100 year surface water flood depth and ground levels within or adjacent to surface water flood risk should be in compliance with Section 8.3 the submitted Flood Risk Assessment received October 2015. .

Reason: To prevent the flooding of new properties from surface water flooding and not increase flood risk elsewhere in accordance with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and Development Management Policies Development Plan Document.

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 to and approved in writing by the local planning authority which shall include details of how the unsuspected contamination shall be dealt with. Any

remediation works so approved shall be carried out prior to the site first being occupied.

Reason: In the interests of protecting the amenity of future occupiers from possible contamination to accord with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and development Management Policies Development Plan Document.

10. A validation report shall be submitted to and agreed in writing by the Local Planning Authority. The report shall detail the source of any soil to be imported on to site and shall include such details required to demonstrate that the soil will not lead to contaminated soil being brought on to site. Any works so approved shall be carried out prior to the site first being occupied.

Reason: In the interests of protecting the amenity of future occupiers from possible contamination to accord with Policy DM7 of the adopted Hinckley and Bosworth Site Allocations and development Management Policies Development Plan Document.

11. No site clearance shall commence until such time as an updated Badger Survey has been carried out on site and has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved survey and any mitigation measures.

Reason: To ensure the impact upon protected species on site are identified and mitigated accordingly in accordance with DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document and Paragraph 109 of the NPPF.

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

Reason: To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document and Paragraph 109 of the NPPF.

13. The gradient(s) of the access drive(s) shall not exceed 1:12 for the first 5 metres behind the highway boundary.

Reason: To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document.

14. Before first occupation of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway including private access drives, and thereafter shall be so maintained.

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to highway users in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

15. Before first occupation of any dwelling hereby permitted, turning facilities shall be provided, hard surfaced and made available for use within the site in order to allow vehicles to enter and leave in a forward direction. The turning area so provided shall not be obstructed and shall thereafter be permanently so maintained.

Reason: To enable vehicles to enter and leave the site in a forward direction in the interests of the safety of road users in accordance with Policy DM17 and DM18 of the Site Allocations and Development Management Plan Policies Development Plan Document.

16. Before the development commences, details of satisfactory pedestrian visibility splays at the junction of each private access with the main access road shall be submitted to the LPA for approval in writing. Before the first occupation of each dwelling, the approved pedestrian visibility splays in connection with the access serving that dwelling shall be provided with nothing within those splays higher than 0.6 metres above ground level, in accordance with the current standards of the Highway Authority and shall be so maintained in perpetuity.

Reason: In the interests of pedestrian safety to accord with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Plan Policies Development Plan Document.

17. Before first use of the development hereby permitted, visibility splays of 2.4 metres by 47 metres shall be provided at the junction of the access with Leicester Road. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.

Reason: To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety to accord with Policies DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

18. Any shared private drive serving more than 25 dwellings shall be a minimum of 5.5 metres wide for at least the first 5 metres behind the highway boundary and have 6 metres kerbed radii at its junction with the adopted road carriageway. The access drive shall be provided before any dwelling hereby permitted is first occupied and shall thereafter be permanently so maintained. NOTE: If the access is bounded immediately on one side by a wall, fence or other structure, an additional 0.5 metre strip will be required on that side. If it is so bounded on both sides, additional 0.5 metre strips will be required on both sides.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause problems or dangers within the highway to accord with Policy DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document.

19. Notwithstanding the conclusions of the noise report submitted with the application, development shall not begin until a scheme for protecting the proposed dwelling from road noise has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of first occupations of any of the dwellings.

Reason: To ensure the development does not have an adverse impact on the amenities of the proposed properties in terms of noise to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document.

12.5. 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 or call 01455 238141.

APPENDIX B

ITEM 01

15/00767/OUT

Leicestershire County Council

Site:- Former Highway Land, Leicester Road, Groby

Consultations:-

Severn Trent Water has confirmed they have no objection to the proposal subject to the inclusion of condition 6 as proposed within the officer report.

Groby Parish Council has submitted comments to request that the re-consideration of the application is scheduled for after December 2016 to allow for Severn Trent Water to complete the flood survey. Groby Parish Council have also raised that there is an incidence of higher than average accident levels along Leicester Road, Groby and therefore request a reassessment of the vehicle usage and the actual speed of vehicles travelling within the area which are believed to be in excess of the 30mph speed limit.

Appraisal:-

Highway Considerations

The submitted Transport Assessment takes into account existing traffic conditions and is deemed to adequately address highway matters.

Impact upon Drainage and Flood Risk

The submitted Flood Risk Assessment adequately demonstrates that the proposed development would not contribute to the historic flooding issues and therefore there is no reason to delay the application further.

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**Planning Committee 7 July 2020
Report of the Planning Manager**

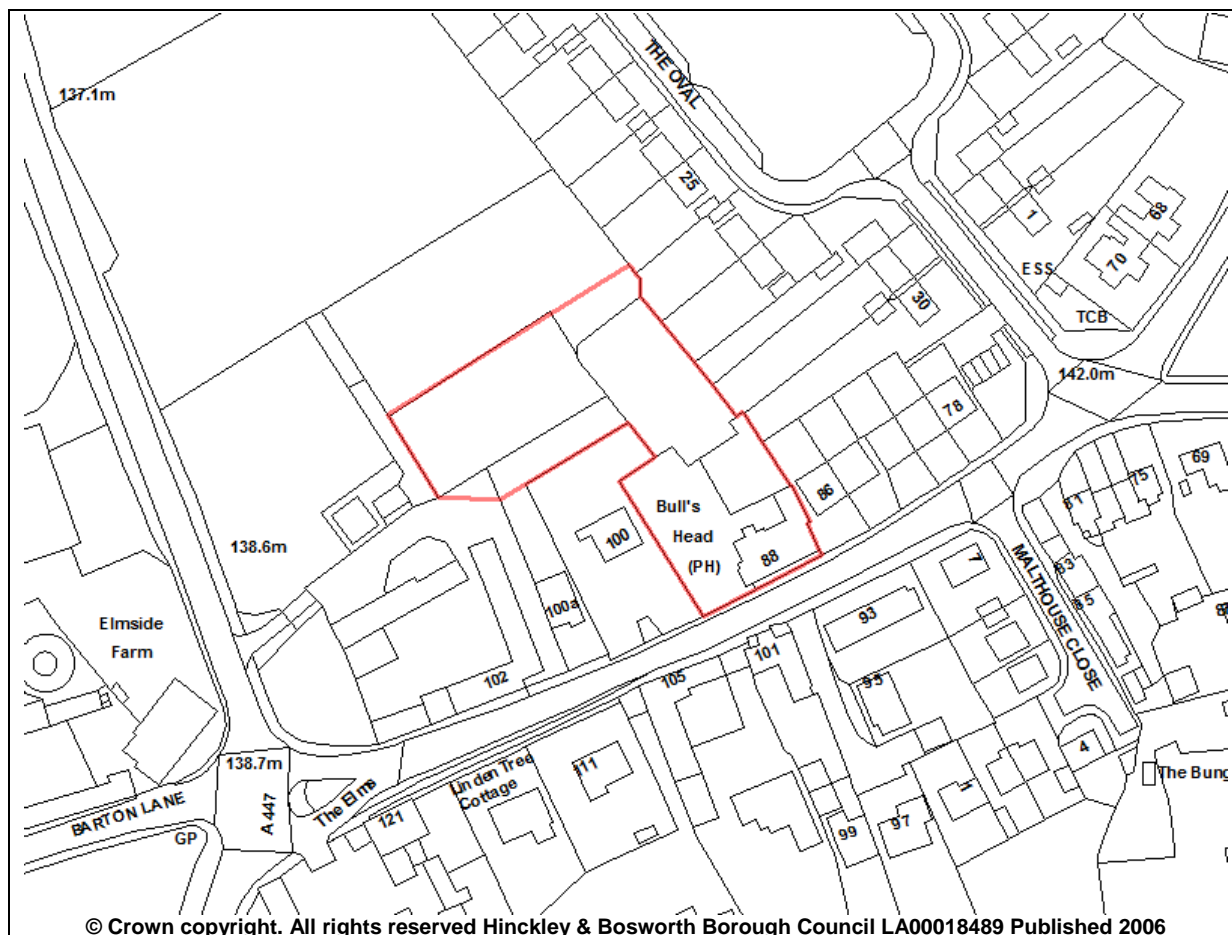
Planning Ref: 18/01288/FUL
Applicant: Mr Andrew Lloyd
Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: The Bulls Head 88 Main Street Nailstone

Proposal: Erection of six dwellings and alterations to the existing Public House



1. This application was taken to a previous Planning Committee on the 20 August 2019. The previous report is attached to this report as Appendix A.
2. At that Committee it was resolved to grant planning permission in accordance with the Officer Recommendation to Committee, subject to conditions and a s.106 legal agreement.
3. The s.106 agreement required traffic calming measures to be delivered to the entrance to the site, within the adopted highway. It contained no other obligations of the developer.
4. During negotiations regarding the wording of the appropriate section 106 agreement LCC Highways informed the Council that they no longer sought any highway mitigation from this development and therefore the obligation in the legal agreement was not required. LCC Highways do not wish to enter into any legal agreement requiring these works. LCC as the Highway Authority have confirmed that the traffic

calming measures are not necessary or justified the reasons given for this are as follows;

- a) The additional vehicle movements by 4 dwellings is insignificant compared to those of the public house
 - b) The speed readings are not significantly high
 - c) The location of the cushions is likely to be objected as they clash with private accesses
 - d) The highest speed reading is in the SW direction and the cushions are SW of the site, which doesn't mitigate the impact of the site
- 5. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
 - 6. 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.
 - 7. The Local Highway Authority have stated that the contributions sought are not necessary to make the development acceptable in highway terms and are not fairly and reasonably related in scale to the development proposed. The contributions sought therefore no longer meet the requirements of the CIL Regulations and should be removed.
 - 8. The application proposal has not been altered, given the comments above, the recommendations to Planning Committee do not alter from those identified in the previous report and the proposal is considered acceptable in planning terms and recommended for approval subject to the conditions contained in the previous report attached at appendix A.

APPENDIX A

Planning Committee 20 August 2019
Report of the Planning Manager

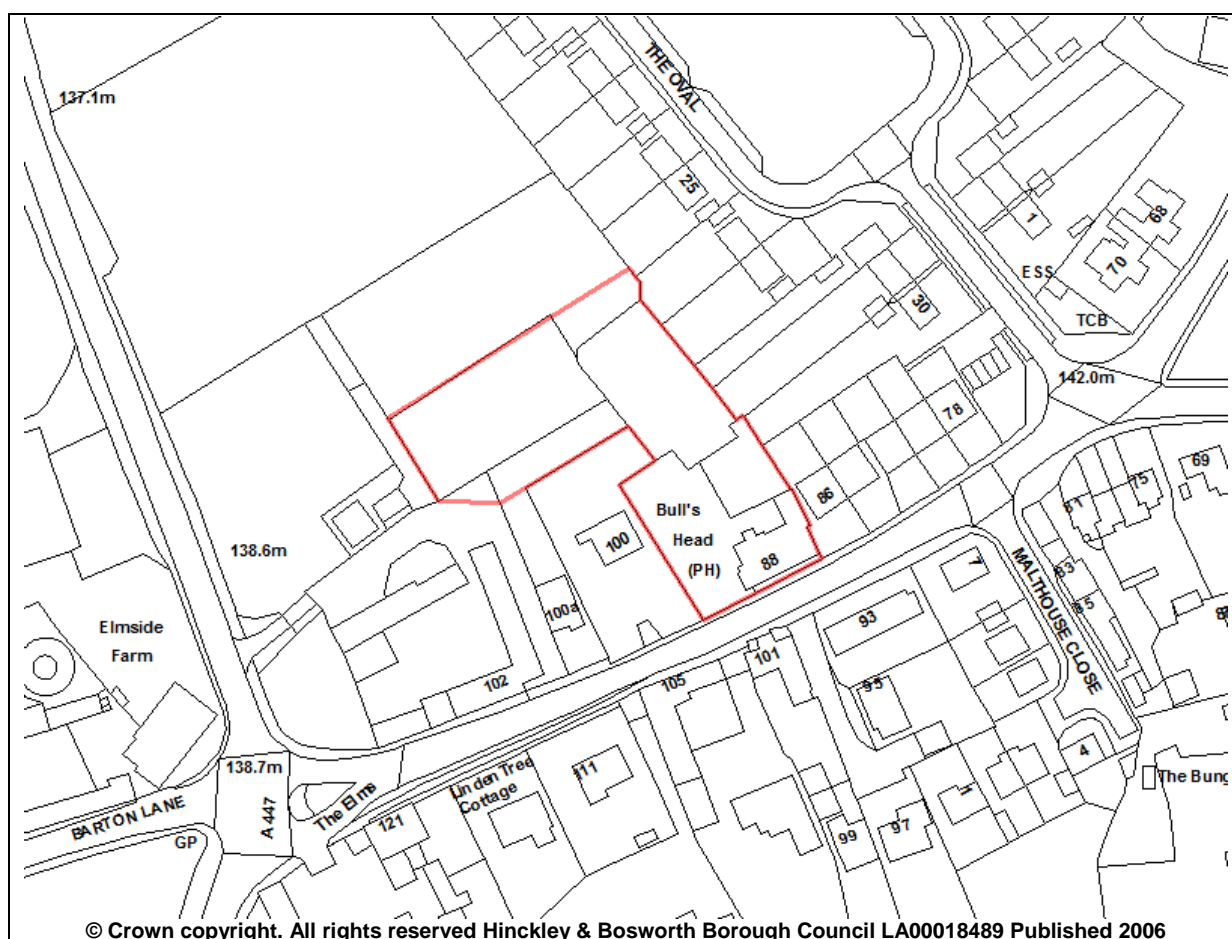
Planning Ref: 18/01288/FUL
Applicant: Mr Andrew Lloyd
Ward: Barlestone Nailstone And Osbaston



Hinckley & Bosworth
Borough Council

Site: The Bulls Head 88 Main Street Nailstone

Proposal: Erection of six dwellings and alterations to the existing Public House



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1. Recommendations

1.1. Grant planning permission subject to:

- The prior completion of a S106 agreement to secure the following obligations
 - Highways – to deliver a traffic calming scheme
- 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 is a full planning application for alterations to the public house and the construction of 6 no. dwellings (a block of 4 x four bed barn style dwellings and a pair of two bed semi-detached cottage style) with associated parking, landscaping and amenity space.
- 2.2. The proposed barn style dwellings have been amended in scale and design to replicate a former farmstead, with the semi-detached dwellings comprising a pair of cottage style dwellings incorporating eyebrow dormers.
- 2.3. The external alterations to the public house would follow a schedule of works that has been discussed and agreed with the Conservation Officer. These works include the removal of a side extension, replacement first floor windows, repainting and the replacement of the front porch.
- 2.4. Access to the site is to be taken from Main Street, utilising the existing access to the site.
- 2.5. This application covers a slightly larger, more squared off area than that approved under 15/01202/FUL, considered by this committee on 11 October 2016 and subsequently granted planning permission on 22 May 2018 following completion of the s.106 agreement. The site area has been amended during the course of the application to show a blue line area around the paddock to the rear of Plots 1 – 4 and the red line reduced to the rear of their immediate patio and garden areas.

3. Description of the Site and Surrounding Area

- 3.1. The Bulls Head is an early 19th century public house, located on the north side of Main Street near the junction with the A447 Ibstock Road. To the rear of the pub is a car park and a grassed amenity area. The pub itself is modest in scale. To the east of the site are 1960's semi detached bungalows; immediately to the west the site is being developed with 2no. two-storey dwellings approved under 17/00730/FUL. To the north of the site the remainder of the application site comprises a former manege and a grassed paddock.
- 3.2. The public house and car park is within the Nailstone Conservation Area whilst the remainder of the site lies outside. The majority of the site, with the exception of the whole rear garden to plot 4, and part of the rear garden of Plot 3, is located within the settlement boundary of Nailstone which was amended following the adoption of the Site Allocations and Development Management Policies Development Plan Document (SADMP) in July 2016.
- 3.3. Access to the site is via the existing pub car park access.

4. Relevant Planning History

| | | | |
|--------------|--|----------------------------|------------|
| 13/00030/PP | Demolition of existing public house and erection of three detached dwellings | Refused & Appeal dismissed | 28.02.2014 |
| 12/00304/FUL | Demolition of existing public house and the erection of three new dwellings with associated access and parking | Withdrawn | 31.05.2012 |

| | | | |
|--------------|--|-----------|------------|
| 13/00458/FUL | Demolition of existing public house and erection of three detached dwellings | Refused | 20.09.2013 |
| 15/01202/FUL | Alterations to public house and erection 4 no dwellings | Permitted | 22.05.2018 |

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. Three letters of representation have been received from 2 different households raising the following comments:
- 1) Poor access visibility as whilst hedge has been removed from front of 100 Main Street, a new dwelling has been constructed at the back of the pavement. Also, no parking restrictions on this part of Main Street so anyone could park there and block visibility
 - 2) Proposal should incorporate preventative measures to address severe risk to Highway safety
 - 3) Close proximity of plots 5/6 to the Bulls Head PH will fail to preserve its setting
 - 4) Concern over highway safety, impact upon known and unknown heritage assets and refuse collection – need to ensure the same conditions are imposed as for 15/01202/FUL
 - 5) Site is clearly visible from the A447 which is not referenced at Q22 of the application form
 - 6) Would the boundary treatment to the rear of plots 5/6 prevent overlooking into 28 and 30 The Oval?
 - 7) The Bulls Head PH is a designated Community Asset but no apparent regard has been paid to ensuring that it is not negatively impacted upon by the development

6. Consultation

- 6.1. Nailstone Parish Council have commented as follows:
- 1) Concerns about highway safety and exiting the proposed development because the visibility splay has been reduced since the previous application, this has been caused by the building of a new house right on the road side
 - 2) Concerns about the increase from 4 to 6 properties and the obvious increase in vehicles that goes with this
 - 3) The new planning application refers to the removal of some of the existing outbuildings, it was a condition of the previous planning application that the current site of the Bulls Head should be preserved
 - 4) That agreed is reached that all of the conditions confirmed in the previous application are included in the new planning application
- 6.2. No objection, some subject to conditions have been received from:
- Leicestershire County Council (Highways)
HBBC Conservation Officer
Severn Trent Water Limited
HBBC Waste Services
HBBC Environmental Services (Pollution)

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2019)
- Planning Practice Guidance (PPG)
- Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

7.4. Other guidance

- Nailstone Conservation Area Appraisal and Management Plan (2015)

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
- Drainage

Assessment against strategic planning policies

8.2. Paragraph 11-12 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking. The NPPF is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations and Development Management Policies Development Plan Document (SADMP).

8.3. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless material considerations indicate otherwise.

8.4. Nailstone is identified as a Rural Village within Policy 12 of the Core Strategy. The focus of such settlements is to support the existing services within these villages by supporting housing development within settlement boundaries that provides a mix of housing types and tenures as detailed in Policy 15 and 16. The application site is located predominantly within the settlement boundary of Nailstone as defined within the SADMP, as such the site is considered to be situated within a sustainable location.

- 8.5. Policy 12 of the Core Strategy seeks to allocate land for the development of a minimum of 20 new homes in Nailstone. The site is allocated within the SADMP for residential development up to 4 dwellings (allocation reference NAI09). This carries significant weight in the assessment of the application. Policy SA1 of the SADMP seeks to safeguard allocated sites for the same land uses, in this case this is safeguarding for residential use.
- 8.6. This application proposes to refurbish and retain The Bulls Head public house. Policy DM25 of the SADMP and the wider overarching policy within the NPPF supports the retention of community facilities in villages such as public houses and in order to stem their loss, they have been designated as community facilities within the SADMP.
- 8.7. Given the above policy context, the application site is considered to be in a sustainable location and the refurbishment and retention of the public house and new residential development is acceptable in principle subject to all other planning matters being appropriately addressed.

Design and impact upon the character of the area

- 8.8. Policy DM10 of the SADMP requires development to complement and enhance the character of the surrounding area. Paragraph 124 of the NPPF states that 'good design is a key aspect of sustainable development', with Paragraph 127 going on to state that 'decisions should ensure that developments: are visually attractive as a result of good architecture, layout and appropriate and effective landscaping'.
- 8.9. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty, open character and landscape character of the open countryside.
- 8.10. Policy DM11 of the SADMP requires development proposals which have the potential to affect a heritage asset or its setting to demonstrate an understanding of the significance of the asset and its setting; the impact of the proposal on the asset including measures to minimise or avoid these impacts and how the benefits of the proposal will outweigh any harm caused and consider any impact on archaeology in line with Policy DM13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 provides that, when determining applications for development which affects any buildings or other land in a conservation area, a local planning authority shall pay special attention to the desirability of preserving or enhancing the character and appearance of that area.
- 8.11. Policy DM12 of the SADMP provides that development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features including appropriate boundary treatments which reflect the local style, and materials which are characteristic of the conservation area.
- 8.12. Policy DM13 of the SADMP requires that where a proposal has the potential to impact a site of archaeological interest, developers to set out in their application an appropriate desk based assessment and, where applicable, results of a field evaluation detailing the significance of any affected asset. Conditions in this regard were imposed on the previous approval on the site (15/01202/FUL) and have been discharged. It is not therefore considered necessary or reasonable to impose them again on any further planning permission as the findings have been recorded recently.
- 8.13. The Leicestershire and Rutland Historic Environment Record (HER) notes that the Bulls Head and associated outbuildings appear on early Ordnance Survey maps of the 19th century. The Bulls Head is constructed from red brick in an unusual bond, it features a clay tiled roof, eyebrow dormer windows, gable end stacks and metal rise

and fall gutter brackets. These architectural characteristics indicate that the building was constructed as part of the Gopsall Estate. The building is therefore considered to be a heritage asset in its own right, of local, if not regional significance which makes a positive contribution to the special character and appearance, and thus significance of the Nailstone Conservation Area.

- 8.14. With regard to the proposed alterations to the Bulls Head itself, the Conservation Officer met with the applicant on site in September 2018 and is satisfied that the works set out in Appendix 1 of the submitted Design, Access & Heritage Statement will restore some of the building's local interest and enhance the character of the conservation area. Further details of the external finishes to the Bulls Head as part of the works will also be conditioned.
- 8.15. The proposed development is located off one of the main roads into Nailstone and is characterised by traditional properties located on the back edge of the highway, with more modern properties set further back, resulting in no definitive building line. Traditional properties incorporate eyebrow dormers above first floor windows, a feature which has been replicated on some modern infill developments, most notably that which is immediately neighbouring the site and nearing completion.
- 8.16. The layout of the proposal is two semi-detached dwellings (plots 5 & 6) located to the rear of the pub garden which are at 90 degrees to Main Street and facing the private access drive. The layout and orientation of these dwellings is very similar to that approved on plot 1 of a current permission on the site (15/01202/FUL); the dwellings are considered to appropriately reflect the varied front building line found on historical plots located elsewhere in the conservation area. Plots 1-4 are proposed to be barn style dwellings with the orientation turned back 90 degrees so the principal elevations face south. This orientation again is similar to that approved for plots 3 and 4 of the current permission. These four dwellings would be attached following the submission of amended plans which successfully give the illusion of a complex of connected agricultural buildings. The use of garages to either end and a car port to the central plots perpendicular to the dwellings overall provides an E-shaped plan form for the development, which although is not prevalent in the area (like an L or U shape) it is not wholly out of keeping and would provide an appropriate layout of linear ranges.
- 8.17. Plots 5 and 6 will be two storeys in height which reflects the prevalent building scale in the area for this type of dwelling. They have a simple design which includes the use of eyebrow dormer windows which reflects the local vernacular. They are to be constructed of red brick and a blue clay tile which are traditional materials that respect those used in the local area.
- 8.18. Plots 2 & 3 are full two storey in height seeking to provide the appearance and scale of a former threshing barn that would be the dominant building within an agricultural complex. Plots 1 and 4 would be one and a half storeys in height, with Plot 1 appearing lower than Plot 4 due to site levels, this would result in them being subservient to the more dominant central plots. Overall it is considered that the proposal reflects the ranges of heights and scales of buildings located within agricultural complexes within the village and elsewhere. Agricultural style openings are proposed for the fenestration which provides each dwelling with an appropriate organic appearance that can be appreciated in both direct views of the front elevations from the access drive and the rear elevations when viewed from the wider countryside to the north. A number of conservation style roof lights are proposed to provide natural light to the upper floors, these are not considered to have any adverse visual impact on any elevations. The dwellings are to be constructed of red brick and a blue clay tile with timber windows and doors, all of which are appropriate traditional materials that respect those used in the local area.

- 8.19. The site plan indicates that there will be short rear gardens to serve plots 1-4. This would provide a tight rather than extended curtilage which is closely related to the existing built form and ensures that the current open and rural character of the northern paddock. As a result it is considered that this arrangement has no adverse impact on the setting of the conservation area.
- 8.20. Overall it is considered that the design, form, scale and materials of the proposed new dwellings reflect the local vernacular and are appropriate for a site located within the setting of the conservation area and preserve its special character.
- 8.21. Details of boundary treatments have not been submitted with the application. A condition would therefore be imposed on any planning permission granted to require the submission of a detailed hard and soft landscaping scheme to be approved by the Local Planning Authority. It is considered necessary and reasonable to suggest that a low post and rail fence be used to the north western boundary of Plots 1 – 4 in order to maintain the rural character.
- 8.22. Given the above, it is considered that the site has the potential to accommodate a high quality and sustainable residential development to take account of the site characteristics and the character of the local area in accordance with Policy DM1, DM4, DM10, DM11 and DM12 of the SADMP. In making the above assessment, special attention has been had to the provisions of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.23. Policy DM10 of the SADMP seeks to ensure that development does not adversely affect the privacy or amenity of neighbouring properties.
- 8.24. To the west of the site planning permission under 17/00730/FUL has been granted for the erection of 2 dwellings on the site of the former modern bungalow at 100 Main Street. The dwellings are both nearing completion and have been designed so as to respect the extant planning permission on the application site. There would be sufficient distance between the proposed dwellings and the newly completed ones on the site of the former 100 Main Street to prevent loss of amenity through either overlooking or loss of light.
- 8.25. To the east of the site No 86 Main Street, is a semi detached bungalow, there are no windows or openings on the western elevation facing the site. The rear garden to no 86 will be adjacent to the pub garden. This is the current relationship and so it is not considered that there will be any additional significant adverse impact on the residential amenity of this property as a result of this proposal.
- 8.26. Windows are proposed in the east facing elevations to plots 5 and 6. Separation distances to neighbouring properties located on The Oval, which share a rear boundary with the application site, would be around 25 metres. This is considered adequate to avoid any significant overlooking of neighbouring gardens. Separation distances with the properties to the west are similarly considered adequate. All windows to the gable walls of the proposed new dwellings which face onto neighbouring properties would be obscurely glazed.
- 8.27. The internal layouts of plots 1 – 4 have been designed with very few first floor windows on either the front or rear elevations. This is to be in keeping with the style of agricultural conversions where the large openings were at ground floor. This design reduces any potential impact from the development through overlooking or loss of privacy. Plots 1 – 4 would also be a sufficient distance away from neighbouring properties to prevent overbearing impact.

- 8.28. Policy DM10 provides that development will be permitted providing that the amenity of the occupiers of the proposed development would not be adversely affected by activities in the vicinity of the site. Plot 6 would be the closest property to the Bulls Head, sharing a boundary with the public house garden. The property has been designed with a single garage adjacent to the boundary and no windows within this elevation to reduce any impact through noise and disturbance. The previous planning permission on the site included a dense landscaped barrier between the pub garden and the nearest property and it is considered reasonable to impose a condition requiring such a boundary treatment in this instance. No objections to the proposed development have been received from the Environmental Health Officer.
- 8.29. Taking the above context into account, it is considered that the development will be in accordance with Policy DM10 of the SADMP with regard to impacts on neighbouring residential amenity and the amenity of occupiers of the proposed development.

Impact upon highway safety

- 8.30. Policies DM17 and DM18 of the SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.31. The Local Highway Authority is of the view that the provision of an additional six dwellings is unlikely to lead to any significant intensification of vehicles utilising this existing access, nor will the additional trips have a material impact on the capacity of the local road network. Given the above, the Local Highway Authority considers that the residual cumulative impacts of the development can be mitigated and are not considered severe in accordance with paragraph 109 of the NPPF.
- 8.32. Vehicular and pedestrian access to the public house and new dwellings would be from the existing access to the Public House car park from Main Street. Whilst Leicestershire County Council (Highways) are not concerned that the proposal would have a material impact upon the capacity of the local road network it is considered that in line with the previous approval on the site, an off-site traffic calming scheme is required with the costs to be met by the applicant. This needs to be secured through a new s.106 agreement as the red line of the application site has changed, and would need to consist of the provision of speed cushions which would assist in reducing speeds on the approach to the site access from the west.
- 8.33. 19 off-street parking spaces are to be provided to serve the public house as per the previous approval on the site, and the dwellings would have two parking spaces for the 2-bed properties with the larger 4-bed dwellings having either three or four off-street parking spaces which is in line with LCC Highways guidance.
- 8.34. The appropriateness of access to the residential properties being provided through the pub car park has been raised by an objector to the scheme. However, neither Leicestershire County Council (Highways) nor the Environmental Health Officer has any objection to the arrangement submitted subject to the imposition of planning conditions. Given this context, the scheme is considered to be in accordance with Policies DM17 and DM18.

Planning Obligations

- 8.35. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.36. 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.

- 8.37. In this instance the development is not 'major' development, as such contributions towards affordable housing can not be sought in accordance with the Planning Practice Guidance.
- 8.38. LCC (Highways) have requested that the proposal provides off site traffic calming measures to ensure that the use of the access is safe in highways terms. Therefore, it is considered that this request would make the development acceptable in planning terms, directly relates to the proposal and is fairly and reasonably related in scale and kind.
- 8.39. There are no other obligations being sought from the proposal, which is considered to be acceptable in planning terms without any further obligations.

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. Overall, it is considered that this proposal will preserve and enhance the special character, and thus significance of the conservation area. The retention and improvement of the pub; which is a community facility as defined within the SADMP will contribute to the social well being of the village, and the provision of four new dwellings is in line with the allocation within the SADMP. The proposals accords with Policy 12 of the Core Strategy and Policies DM1, DM10, DM11, DM12, DM13, DM17, DM18, DM25 of the SADMP.

11. Recommendation

- 11.1. **Grant planning permission** subject to:
- The prior completion of a S106 agreement to secure the following obligations:
 - Highways – to deliver a traffic calming scheme

- Planning conditions outlined at the end of this report.

11.2. 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 51 of 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:

Site Location Plan, Block Plan and Streetscene Drg No 933 - LB - 02 - Rev C
Received by the Local Planning Authority on 2 August 2019.

Proposed Floorplans Drg No 933 - LB - 03 - Rev C
Proposed Elevations Drg No 933 - LB - 04 - Rev C
Received by the Local Planning Authority on 12 July 2019.

Detailed Access Plan (scale 1:200)
Received by the Local Planning Authority on 3 April 2019.

Reason: To ensure a satisfactory appearance and impact of the development and to accord with Policies DM1, DM10 and DM12 of the Site Allocations and Development Management Development Plan Document (2016).

3. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings and for the renovation of the Bulls Head public house shall be made available to view on site and on acceptance 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 to accord with Policy DM10 and Policy DM12 of the Site Allocations and Development Management Policies Development Plan Document.

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

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

5. No development beyond foundation level shall commence until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping works for the site, including boundary treatments. All hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of 5 years of being planted die are removed or seriously damaged or

seriously diseased shall be replaced in the next planting season with others of a similar size and species.

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

6. No part of the development hereby permitted shall be occupied until such time as off-street car parking and turning facilities has been provided and hard surfaced with permeable surfacing in accordance with 933-LB Drg No: 02 Rev C. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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

7. The development hereby permitted shall not commence until drainage plans for the disposal of surface water, incorporating sustainable drainage principles (SuDS) and foul sewage have been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details 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 and 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.

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

Reason: In the interests of protecting the visual amenity of the area, in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document.

9. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation submitted 22 May 20188 and approved under condition 9 of 15/01202/FUL.

Reason: To ensure satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss and to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Development Plan Document.

10. The development shall not be occupied until the site investigation and post investigation assessment have been completed in accordance with the programme set out in the Written Schemes of Investigation approved under c.

9 of 15/01202/FUL and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To ensure satisfactory historic building survey and archaeological investigation to record and advance understanding of the significance of the affected resource prior to its loss and to accord with Policies DM11 and DM12 of the Site Allocations and Development Management Development Plan Document (2016).

11. Notwithstanding the submitted plans prior to the first occupation of either the dwellings or the refurbished public house the site access shall be a minimum of 4.8 metres wide for at least the first 5 metres behind the highway boundary and have have a drop crossing of a minimum size as shown in Figure DG20 of the Leicestershire Highway Design Guide at its junction with the adopted road carriageway. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays. The access drive 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, in a slow and controlled manner, in the interests of general highway safety and in the interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

12. There shall be no occupation of the sixth dwelling authorised to be constructed pursuant to the planning permission unless and until the works of alteration and refurbishment to the Bulls Head public house have been completed in accordance with Appendix 1 of the Design, Access and Heritage Statement received 3 January 2019.

Reason: To secure the enhancement of the conservation area and the community facility in accordance with Policies DM11, DM12 and DM25 of the Site Allocations and Development Management Policies Development Management Plan.

13. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A to H (inclusive); 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 shall be carried out unless planning permission for such development has been granted by the Local Planning Authority.

Reason: To safeguard the character and openness of the countryside in accordance with Policy DM4 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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 or call 01455 238141.
2. This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.

3. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
4. Where a soakaway 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 approved by the Building Control Surveyor before development is commenced. If the ground strata proves unsuitable for infiltration, alternative SuDS proposals will require the further approval of the LPA.
5. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. The Applicant is advised that 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. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> or telephone 0116 305 0001.

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PLANNING APPEAL PROGRESS REPORT

SITUATION AS AT: 26.06.20

WR - WRITTEN REPRESENTATIONS

IH - INFORMAL HEARING

PI - PUBLIC INQUIRY

| FILE REF | CASE OFFICER | APPLICATION NO | TYPE | APPELLANT | DEVELOPMENT | Appeal Valid | DATES |
|-------------|--------------|------------------------------------|------|--|---|---|----------------------------------|
| | 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)) | Awaiting Start Date | |
| | OP | 20/00208/ADV (PINS Ref 3253543) | WR | Mr Andrew Foster Space Outdoor Ltd Swan House Main Street Hickling Melton Mowbray | The Holywell Inn 56A London Road Hinckley (Installation of one freestanding internally illuminated advertising sign Installation of one freestanding internally illuminated advertising sign) | Appeal Valid Awaiting Start Date | 05.06.20 |
| | 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)) | Appeal Valid Awaiting Start Date | 23.06.20 |
| 20/00019/PP | SW | 19/00892/OUT (PINS Ref 3252017) | WR | Mr Gareth Xifaras Animal Pub Compamny Ltd 147 Station Lane Lapworth Warwickshire | 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 Statement of Case Final Comments | 04.06.20 09.07.20 23.07.20 |
| 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 Statement of Case Final Comments | 04.06.20 09.07.20 23.07.20 |

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|---------------|----|---------------------------------------|----|--|--|---|----------------------------------|
| 20/00015/FTPP | JF | 20/00041/HHGDO (PINS Ref 3251699) | WR | Ms Joanne Haddon Fairway Cottage Leicester Road Hinckley | Fairways Cottage Leicester Road Hinckley (Rear extension measuring 8 metres in depth; 4 metres in height to the ridge; and 4 metres to the eaves) | Start Date Awaiting Decision | 29.05.20 |
| 20/00014/FTPP | CG | 19/01414/HOU (PINS Ref 3251309) | WR | Mr Ryan Jones 3 Grey Close Groby | 3 Grey Close Groby (Re-modelling of existing dwelling including partial demolition, construction of a first floor to create an additional storey with rear dormer and rear single storey extension. Extension to existing garage to create a quadruple garage including the raising of the roof with 1 dormer windows to create a first floor to be used as an office/ annexe) | Start Date Awaiting Decision | 29.05.20 |
| 20/00016/PP | OP | 20/00140/OUT (PINS Ref 3250796) | WR | Mr Steve Walters 129 Leicester Road Glen Parva | 2 Preston Drive Newbold Verdon Leicester (Residential development for one dwelling (Outline- all matters reserved)) | Start Date Statement of Case Final Comments | 03.06.20 08.07.20 22.07.20 |
| 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 Statement of Case Final Comments | 04.06.20 09.07.20 23.07.20 |
| 20/00013/PP | SW | 20/00004/FUL (PINS Ref 3250144) | WR | Mr Harjeeve Bath 14 Station Road Ratby LE6 0JN | 14 Station Road Ratby (Demolition of an existing garage and installation of 2 new residential dwellings in the rear garden of 14 Station Road, Ratby) | Start Date Final Comments | 28.05.20 16.07.20 |
| 20/00012/ENF | WH | 19/00004/UNBLDS (PINS Ref 3247752) | WR | Mr & Mrs Marcus & Gill O'Sullivan 122 Ashby Road Hinckley | 122 Ashby Road Hinckley (Erection of a car port) | Start Date Final Comments | 13.05.20 15.07.20 |

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|---------------|----|---------------------------------------|----|---|---|---|----------|
| 20/00011/FTPP | HW | 19/01374/HOU (PINS Ref 3247571) | WR | Mr Paul Hodgson 24 Winchester Drive Burbage | 24 Winchester Drive Burbage (Pitched roof to flat roof side extension) | Start Date Awaiting Decision | 07.05.20 |
| 20/00010/PP | GS | 19/00833/OUT (PINS Ref 3246720) | WR | Mr Christie Glenn 18a Coventry Road Burbage | 20 Coventry Road Burbage (Erection of one dwelling (outline - access and layout only)) | Start Date Awaiting Decision | 11.03.20 |
| 20/00009/PP | EC | 19/01145/HOU (PINS Ref 3245403) | WR | Mr York 14 Almond Way Earl Shilton LE9 7HZ | Thirlmere 42 Far Lash Burbage (Raising of ridge height and loft conversion to create a 1.5 storey dwelling, side extension and external alterations to the dwelling) | Start Date Awaiting Decision | 09.03.20 |
| | RH | 19/01011/OUT | PI | Gladman Developments Ltd Gladman House Alexandria Way | Land South Of Cunnery Close Barlestone (Residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (SuDS) (Outline - access only)) | Notification of intention to submit the appeal (Likely submission date of appeal 31.01.20) | 17.01.20 |
| 20/00004/PP | SW | 19/00934/OUT (PINS Ref 3244630) | WR | Ms J Cookes 2A Drayton Lane Fenny Drayton | 2A Drayton Lane Fenny Drayton Nuneaton (Erection of one dwelling (Outline with layout to be considered)) | Start Date Awaiting Decision | 07.02.20 |
| 20/00007/VCON | OP | 19/01079/CONDIT (PINS Ref 3244583) | WR | Mr Ricky Child 89 Hinckley Road Burbage | 339 Hinckley Road Burbage (Removal of condition 9 (removal of permitted development rights) of planning permission 19/00413/FUL) | Start Date Awaiting Decision | 18.02.20 |
| 20/00002/PP | GS | 19/01049/FUL (PINS ref 3243667) | WR | Mrs Susan Birch Wrask Farm Desford Road Newbold Verdon | Land West Of Wrask Farm Desford Road (Erection of one dwelling) | Start Date Awaiting Decision | 21.01.20 |
| | CG | 19/01164/CLUE (PINS Ref 3246256) | IH | George Denny Old House Farm Sutton Lane Cadeby | The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage) | Appeal Valid Awaiting Start Date | 05.02.20 |

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|-----------------|----|---------------------------------------|----|--|---|-------------------------------------|---------------------------------|
| | CG | 19/00391/CLUE (PINS Ref 3238743) | IH | George Denny Old House Farm Sutton Lane Cadeby | The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage) | Appeal Valid Awaiting Start Date | 29.10.19 |
| | CG | 18/01255/CLUE (PINS Ref 3238520) | IH | George Denny Old House Farm Sutton Lane Cadeby | The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage) | Appeal Valid Awaiting Start Date | 29.10.19 |
| 20/00003/NONDET | RW | 19/00253/CONDIT (PINS Ref 3236523) | IH | Mr Gerry Loughran Poundstretcher Limited c/o Landmark Planning Ltd | Crown Crest PLC Desford Lane Kirby Muxloe Leicester (Variation of Condition 11 of planning permission 10/00332/FUL and planning permission 12/00313/CONDIT to extend the permitted days and hours during which deliveries can be taken at, or dispatched from, the site to: Mondays to Fridays (including Bank Holidays) 06.00 to 23.00; Saturdays 08.00 to 18.00 and Sundays 09.00 to 13.00.) | Start Date Hearing | 03.02.20 Date to be arranged |

Decisions Received

Designation Period 1 April 2019 - 31 March 2021

Appeal Decisions - 1 April 2019 - 31 May 2020 (Rolling)

Major Applications

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

April - Total No of all Major decisions made 43/Total No of appeals allowed 3 = 6.97%

May - Total No of all Major decision made 47/Total No of appeals allowed 3 = 6.38%

Minor/Other Applications

| No of Appeal Decisions | Allowed | Dismissed | Split | Withdrawn | Officer Decision | | | Councillor Decision | | | Non Determination | | |
|------------------------|---------|-----------|-------|-----------|------------------|-----|-----|---------------------|-----|-----|-------------------|-----|-----|
| | | | | | Allow | Spt | Dis | Allow | Spt | Dis | Allow | Spt | Dis |
| 34 | 8 | 26 | 0 | 0 | 6 | 0 | 23 | 2 | 0 | 2 | 0 | 0 | 1 |

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

May - Total No of Minor/Other decisions made 910/Total No of appeals allowed 13 = 1.42%

Enforcement Appeal Decisions

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

Designation Period 1 April 2018 - 31 March 2020**Appeal Decisions - 1 April 2018 - 31 March 2020 (Rolling)****Major Applications**

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

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

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

Minor/Other Applications

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

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

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

Enforcement Appeal Decisions

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

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