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Hinckley & Bosworth
Borough Council

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

Date: 12 October 2020

To: Members of the Planning Committee

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

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **PLANNING COMMITTEE** as a virtual meeting via Zoom on **TUESDAY, 20 OCTOBER 2020** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 20 OCTOBER 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 29 September 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. 19/01379/FUL - LAND WEST OF KIRKBY ROAD, BARWELL (Pages 5 - 26)

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

8. 20/00711/REM - SPRINGFIELD RIDING SCHOOL, GROBY ROAD, RATBY, LE6 OBS (Pages 27 - 40)

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

9. 20/00481/FUL - LAND ADJACENT STANTON-UNDER-BARDON PRIMARY SCHOOL, MAIN STREET, STANTON UNDER BARDON (Pages 41 - 52)

Application for erection of 4 two storey dwellings including access and parking arrangements to be built on land associated with 12/01052/OUT.

10. APPEALS PROGRESS (Pages 53 - 60)

To report on progress relating to various appeals.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

29 SEPTEMBER 2020 AT 6.30 PM

PRESENT: Cllr DJ Findlay (Vice-Chairman, in the Chair)
Cllr DJ Findlay (Vice-Chair, in the Chair), Cllr CW Boothby, Cllr SL Bray,
Cllr MB Cartwright (for Cllr MJ Crooks), Cllr MA Cook (for Cllr H Smith),
Cllr REH Flemming, Cllr A Furlong, Cllr DT Glenville (for Cllr WJ Crooks),
Cllr E Hollick, Cllr KWP Lynch, Cllr LJ Mullaney, Cllr RB Roberts,
Cllr MC Sheppard-Bools (for Cllr SM Gibbens), Cllr BR Walker and
Cllr HG Williams (for Cllr RG Allen)

Also in attendance: Councillor DC Bill MBE and Councillor P Williams

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

476 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors C Allen, R Allen,
Cope, J Crooks, W Crooks, Gibbens and Smith, with the following substitutions
authorised in accordance with council procedure rule 10:

Councillor H Williams for Councillor R Allen
Councillor Cartwright for Councillor J Crooks
Councillor Glenville for Councillor W Crooks
Councillor Sheppard-Bools for Councillor Gibbens
Councillor Cook for Councillor Smith.

477 MINUTES

It was acknowledged that Councillor Boothby's apologies were not recorded in
the minutes of the previous meeting yet had been reported to that meeting. It was
moved by Councillor Findlay, seconded by Councillor Cartwright and

RESOLVED – the minutes of the meeting held on 8 September be
approved as a correct record subject to the abovementioned
amendment.

478 DECLARATIONS OF INTEREST

Councillor Cook declared a pecuniary interest in item 10 as the applicant and
confirmed that she would leave the meeting during consideration of the item.

Councillors Boothby, Roberts and H Williams declared personal interests in item
10 as the applicant was a fellow councillor.

Councillors Glenville stated that, in relation to item 7, she had voted at Burbage
Parish Council but had come to this meeting with an open mind.

In relation to item 7, Councillors Flemming, Lynch and Walker stated that they had not voted when the item was considered by Burbage Parish Council.

Councillor Cartwright stated that he had been involved in discussions on previous applications on land to the east of Wallace Drive, Groby, but he did not have an interest to declare in the application under consideration at this meeting.

479 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions delegated at the previous meeting had been issued with the exception of application 20/00444/FUL which was subject to a S106 agreement.

480 19/01405/OUT - LAND NORTH OF DEEPPDALE FARM, LUTTERWORTH ROAD, BURBAGE

Application for residential development of up to 135 dwellings (outline – access only)

Notwithstanding the officer's recommendation that permission be granted, some members felt that the development was located in open countryside where built development would have an adverse impact on the intrinsic value, beauty and open character contrary to policy DM4 of the Site Allocations and Development Management Policies DPD. They felt that the harm to the countryside outweighed the benefit that housing would deliver. It was moved by Councillor Walker and seconded by Councillor Flemming that permission be refused for this reason. Councillor Walker, supported by four further councillors, requested that voting on this motion be recorded.

The vote was taken as follows:

Councillors Boothby, Bray, Cartwright, Cook, Findlay, Flemming, Furlong, Glenville, Hollick, Lynch, Mullaney, Roberts, Sheppard-Bools, Walker and Williams voted FOR the motion (15).

There were no votes against the motion and no abstentions.

The motion was therefore declared CARRIED and it was unanimously

RESOLVED – permission be refused due to the proposal having an adverse impact on the intrinsic value, beauty and open character of the countryside contrary to policy DM4 of the Site Allocations and Development Management Policies DPD.

At this juncture, due to the chairman experiencing connection issues, it was moved by Councillor Cartwright, seconded by Councillor Sheppard-Bools and

RESOLVED – Councillor Bray be appointed Vice-Chairman for this meeting only and be permitted to take the chair should the chairman leave the meeting.

481 19/01407/FUL - LAND TO THE EAST, WALLACE DRIVE, GROBY

Application for change of use of land to two gypsy/traveller pitches comprising of two static caravans, one day room and two touring caravans and associated infrastructure.

It was moved by Councillor Cartwright and seconded by Councillor Findlay that permission be refused in accordance with the officer's recommendation. Following further discussion, Councillor Cartwright, seconded by Councillor Findlay, proposed an amendment that the first sentence of reason for refusal 2 be amended to read "the proposal would result in an unacceptable increase in traffic using access tracks which have inadequate width and geometry and are also public rights of way or intersected by public rights of way". Upon being put to the vote, the motion as amended was CARRIED and it was unanimously

RESOLVED – permission be refused for the following reasons:

- (i) The access as proposed via Wallace Drive does not provide an access track of sufficient width and geometry to allow a touring caravan and car to access the site. In the absence of a suitable access track width from Wallace Drive it is likely that the occupiers would utilise the established access track via the A50. The proposed development would therefore result in an unacceptable increase in traffic using the A50 access that also has inadequate width and geometry. This would lead to vehicles giving way within or reversing onto an A classified road subject to a 40mph speed limit which would have a severe impact on highway safety. This would be contrary to policy DM17 of the Site Allocations and Development Management Policies DPD, policy 18 of the Core Strategy and paragraph 109 of the NPPF;
- (ii) The proposal would result in an unacceptable increase in traffic using access tracks which have inadequate width and geometry and are also public rights of way or intersected by public rights of way. This would lead to a conflict between pedestrians and motorists using the track and ultimately pedestrian safety issues. This would be contrary to policy DM17 of the Site Allocations and Development Management Policies DPD and policy 18 of the Core Strategy.

482 20/00353/FUL - RESERVOIR INN, MAIN STREET, THORNTON

Application for change of use of public house (class A4) to five self contained flats (class C3), alterations.

Notwithstanding the officer's recommendation that permission be granted, members felt that the change of use of the building to a residential use would result in the total loss of its historic and purposeful community use, harming its historic value. As a result, the proposal would have an adverse effect upon the significance of this local heritage asset. The proposal would therefore be contrary to policies DM11 and DM12 of the Site Allocations and Development

Management Policies DPD. It was therefore moved by Councillor Boothby and seconded by Councillor Cartwright that permission be refused for these reasons.

Councillor Cartwright, supported by Councillor Boothby, proposed an amendment that a reason for refusal be added in relation to the loss of employment use. Following advice, this amendment was withdrawn.

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

RESOLVED – permission be refused as the change of use would have an adverse effect upon the significance of the local heritage asset contrary to policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD.

483 20/00411/FUL - 23 MASEFIELD DRIVE, EARL SHILTON, LE9 7GS

Application for two storey side and single storey rear extension and creation of new vehicular access to front.

It was moved by Councillor Bray, seconded by Councillor Cartwright and unanimously

RESOLVED – permission be granted subject to the conditions contained in the officer's report.

484 20/00692/HOU - 12 FOX'S COVERT, FENNY DRAYTON, CV13 6BG

Application for front extension to existing garage and erection of front porch.

Having declared a pecuniary interest in this item, Councillor Cook left the meeting at 8.29pm.

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

RESOLVED – permission be granted subject to the conditions contained in the officer's report.

485 APPEALS PROGRESS

Members received an update on progress in relation to various appeals. The report was noted.

(The Meeting closed at 8.37 pm)

CHAIRMAN

Planning Committee 20 October 2020
Report of the Planning Manager

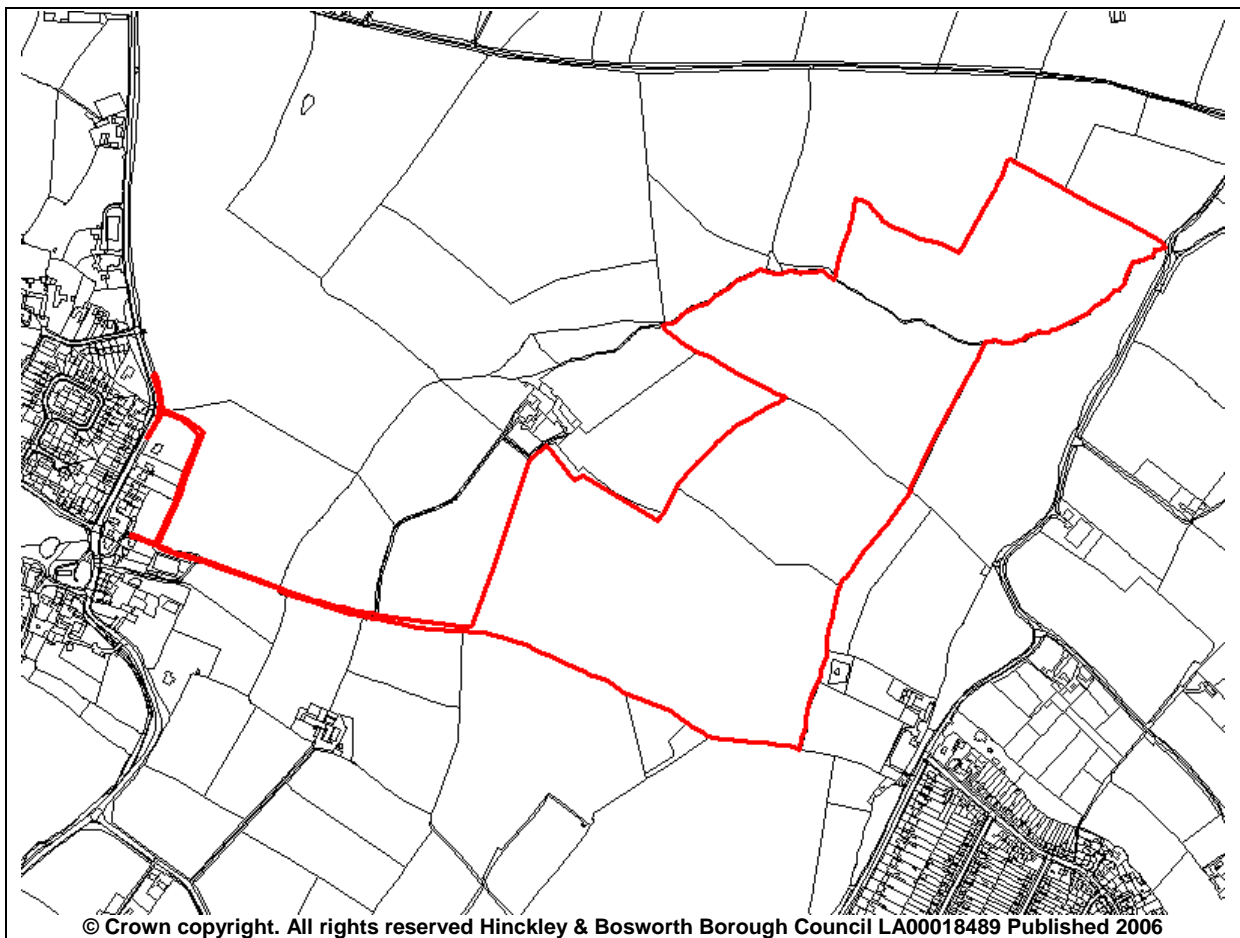
Planning Ref: 19/01379/FUL
Applicant: NextPower SPV 7 Limited
Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: Land West Of Kirkby Road Barwell

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



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

2. Planning application description

2.1. This application seeks full permission for the construction of a solar park, to include the installation of solar photovoltaic panels to generate approximately 23.4MW 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 40 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 across the site; the spacing between the rows will be approximately 3m, depending on site context, to avoid shadowing and allow for maintenance. Each row will be mounted on a metal framework which will be driven into the soil, avoiding the need for concrete foundations. The height of the installation will reach around 80cm from ground to the bottom of the panel to facilitate sheep grazing around the panels and a maximum of approximately 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, of approx. 2.0m in height. CCTV is also proposed, installed around the site boundary, mounted on 3m poles.
- 2.5. Control buildings (inverters) are required to allow the DC electricity produced by the PV panels to be converted to AC electricity. These cabins are proposed to match the colour of other buildings proposed and be approximately 12.2, long, 3.1m wide and 3.2m high, there will be up to 10 of these buildings on site. The switchgear buildings are proposed to be moss green or light grey, 3.1m in height, 4m long and 2.5m wide. A Substation compound will also be necessary, which is to be located within the site boundary to the south of the site, it proposed for this to be moss green or light grey. It is proposed that this building would be 5.7m in height, 7.2m long and 6.6m wide. Communication buildings are also required adjacent to these proposed buildings described and would be approximately 7m long, 1.9m wide and 3m in height. Battery container buildings are proposed, which are shipping containers approximately 12.2m long, 2.4m wide and 2.6m high, painted moss green of light grey.
- 2.6. In addition a telecoms tower, of approx. 15m height, is proposed to the south east of the site. However, the report notes that this mast falls within Permitted Development Rights, requiring prior notification.
- 2.7. The proposed access tracks are approximately 4m wide consisting of crushed stone, enclosed by 2m high wooden deer fencing and some occasional metal gates, situated to the north-east and to the south-west to access the sub-station.

3. Description of the site and surrounding area

- 3.1. The proposed development site is approximately 32ha in size located approximately 700 metres (m) to the east of Stapleton. The Site is situated to the west of Kirkby Road and the A447/Ashby Road, Barwell. The proposed Barwell SUE lies immediately to the south of the application site.
- 3.2. The proposal is situated on four regular largely rectangular fields, broadly sloping down gently from the west to the east, to form the sides of a gentle valley which broadly rises further to the east (beyond the proposed development boundary). The fields are currently in pastoral use and are lined and separated by a network of mature hedgerows, scattered trees and linear tree belts. Power lines also cross the field.

- 3.3. Two footpaths pass through the proposed solar farm area, following the field boundaries. There is also a bridleway along Chapel Street, from the Church along the private track towards Barwell Fields Farm.
- 3.4. The wider landscape around the proposed development consists of gently sloping farmland, focussed along the sides of a shallow valley landscape, of medium to large regular fields surrounded by mature hedgerows, linear tree belts and mature trees. There are scattered residential properties, farms and small towns and villages connected by a network of transport corridors including major and minor roads, railway lines and public rights of way.

4. Relevant planning history

19/00334/SCOPE

- EIA Screening Opinion in relation to the proposed development of a solar farm of up to 19 MW and associated development
- Opinion Issued
- 08.04.2019

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. There have been 15 letters of objection raising the following points:

- 1) Loss of views
- 2) Damage to the land
- 3) Volume of traffic using access
- 4) Ashby Road already too busy
- 5) Dispute the speed survey undertaken
- 6) Motorised traffic will use a bridleway, this is not lawful
- 7) Access for maintenance should be from Kirkby Road, Barwell
- 8) Chapel Street access too dangerous
- 9) Wheel washing should take place before entering Chapel Street
- 10) Access floods
- 11) Noise will increase from traffic
- 12) Properties will become overlooked
- 13) Reduction in hedgerow for wildlife
- 14) Solar panels will have detrimental impact upon wildlife
- 15) Further development following this one
- 16) No unsociable working hours should be allowed

5.3. Two letters neither objecting or supporting the development was submitted stating the following:

- 1) Stapleton already has a traffic issue, however, we do support the development of sustainable, environmentally friendly energy sources
- 2) Weight restricted bridges in wider highway network, within shown route

6. Consultation

6.1. No objection some subject to condition, received from:

Ramblers Association
Historic England
HBBC Environmental Services- Pollution
LCC Ecology
LCC Lead Local Flood Authority

Western Power
HBBC Compliance and Monitoring Officer
HBBC Planning Policy
HBBC Conservation Officer

6.2. Barwell Parish Council have no objections to the proposal

6.3. Peckleton Parish Council make the following observations:

- 1) Whilst the parish do not object to the application they bring the following matters to attention
- 2) There is concern about the traffic plan and vehicles passing through Peckleton, Kirby Mallory and Stapleton where there are weight restrictions.
- 3) There are pinch points in the highway that an articulated lorry can-not pass, visibility is poor on Ashby Road at the access and there is danger for pedestrians using the same access points. Where footpaths cross the access safety measures should be put in place
- 4) Concerns are raised with noise levels, especially on Saturdays and Sundays
- 5) There is little mention on the number of vehicles to use the access track
- 6) The traffic survey appears to have been done in half term
- 7) What if tow lorries meet at the Nags Head in Stapleton, they will not be able to pass.
- 8) Has the re-opening of the children's home on Ashby Road been taken in to account
- 9) Transport Plan shows lorries existing the site crossing the road in to on-coming traffic

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

- Renewable Energy Capacity Study (2014)
- Landscape Character Assessment (2017)
- Landscape Sensitivity Study (2017)

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 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
- 8.8 HBBC's Renewable Energy Capacity Study (2014) assesses the technical and deployable potential for renewable energy and low carbon energy within the

Borough up to 2026 and identifies key areas of opportunity and constraint. The planning application site is identified partly as an opportunity area for solar arrays but also within an area of constraint due to the topography. However, the Strategic Objectives of the Core Strategy 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.

- 8.9 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.
- 8.10 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
- 8.11 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.
- 8.12 The site is adjacent to but falls outside of the Earl Shilton and Barwell Area Action Plan boundary, therefore, the policies within it are not triggered. The principle of this proposed development would not prejudice the delivery of the Barwell SUE, which lies adjacent to the development boundary. However, consideration to this should be given through the assessment of potential impact of the proposed development.
- 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.
- 8.16 The application is supported by the submission of a Landscape and Visual Impact Assessment, covering a 5km study area as this is where the most noticeable effects may occur.

Landscape Character

- 8.17 The site falls within the north eastern part of Landscape Character Area (LCA) E Stoke Golding Rolling Farmland, as identified by the Landscape Character Assessment (2017). 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”
- 8.18 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”
- 8.19 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, hedge and tree lined

field pattern, surrounding historic villages. This site is not too distant from the registered Bosworth Battlefield.

- 8.20 The site also falls within Landscape Sensitivity Area 10: as set described in the Landscape Sensitivity Assessment (2017). This states “*The area is considered to have overall medium-high sensitivity to residential and commercial development and high sensitivity to larger commercial development, due to the rural and relatively tranquil character and the great intervisibility with the wider countryside from local highpoints. The settlement edge is relatively open with some small urbanising land uses located adjacent however, the simple pattern of agricultural fields provides an attractive setting to the settlement with great views experienced from the many public footpaths that extend from the built edge and connect with neighbouring towns and villages*” However, it is acknowledged the report specifically refers to residential and commercial developments and is not explicit about the impact of renewable energy schemes on the landscape.
- 8.21 The proposed development, which will be located within a series of relatively contained fields, the retention of hedgerow field boundaries and trees will mean that the proposal will not significantly disrupt the established landscape pattern. The retention of the public footpaths through the site and the use of existing access points, including gateways, will be used, minimising disruption to landscape character. Existing hedgerows, trees and linear tree belts will be retained on the boundaries and within the proposed development and retained and enhanced during operation.
- 8.22 The LVIA considers that the proposed mitigation planting leads to beneficial effects to the landscape character through the improvement of existing hedgerow planting. It acknowledges that the proposal will introduce a new built element within the landscape which will impact upon landscape character, this would need to be weighed within the planning balance. However, it considers that the low level nature of the proposal, limited interruption to the topography and field patterns means the impact upon landscape character is limited. Furthermore, it is considered that the proposed development would not significantly influence the wider landscape character.

Visual Impact

- 8.23 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.
- 8.24 The closest settlement to the proposed development site is Barwell, approximately 200m to the east of the application site, at its closest point. The LVIA sets out that from the residential fringes of Barwell, many views are restricted, even from the immediate residential properties, by the mature vegetation lining the roads. The LVIA also describes how variations in landform and lines of mature vegetation, contain views of the proposed development site. Including from Stapleton, approximately 500m to the west at its closest point. The application site is bordered by the enclosed A447, wider views across the adjacent fields are restricted. The LVIA considered that it is only from the upper stories of the residential properties lining the settlement fringes and the adjacent busy road that views across the adjacent regular farmland are intermittently possible. It will only be from the scattered properties in close proximity to the proposed development site, including Barwell Fields Farm, immediately to the west that has the potential to perceive the proposed development. In addition, the scattered farms and properties on the adjacent valley sides including; The Brockey, Brockey Farm Cottages and Brockey

Farm broadly to the east also have the potential to perceive the proposed development site across the valley.

- 8.25 From surrounding public rights of way, open views over the immediate sloping fields within the site are possible. Views from the public rights of way in close proximity to the proposed development site boundary are also possible. Open views over the adjacent and immediate solar panels will be possible from the footpaths within the site. Therefore, visual harm arises as a result of the proposal with regards to users of these footpaths.
- 8.26 To minimise visual impacts upon the above mentioned visual receptors the proposal includes a number of mitigation strategies.
- 8.27 Buildings and structures associated with the proposed development have been situated in locations to restrict their wider visibility and are proposed to be coloured dark green or light grey to minimise their influence. The proposed sub-station and ancillary buildings including the lattice tower have also been located in one of the lowest areas of the site, to the south-east and are well-enclosed by existing mature vegetation.
- 8.28 Further mitigation measures include new species rich hedgerow which will be planted on the south-western boundary of the proposed development, lining the public right of way. This will connect to the existing linear field boundaries enclosing the proposed development and provide screening from the adjacent public right of way. Proposed native tree planting to the west, in the vicinity of Barwell Fields Farm and the crossroads of public rights of way and in-fill hedgerow planting, will help to provide screening of views from these receptors as well as along the southern boundary lining the access road. All surrounding hedgerows retained and enhanced will be maintained at a minimum of 3m high.
- 8.29 The LVIA considered 7 key viewpoints, evaluating their sensitivity, the magnitude of impact and the overall level of effect. All 7 viewpoints are considered to have no more than minor to moderate adverse harm 5 years post development (with mitigation).
- 8.30 However, even with the above the solar panels will be prominent and dominate in the immediate view, from short stretches of public rights of way that pass through the proposed development having an adverse visual effect. Views will also be possible towards the site from public rights of way in very close proximity to the proposal, also having some adverse visual impact.
- 8.31 With regards to cumulative landscape and visual impacts, there are two operational solar farms within the 5km study area. However, it is considered that the landscape is unlikely to become dominated in view by solar farm developments.
- 8.32 The landscape and visual effects of the proposal are temporary with the proposed operation period being 40 years. Following which, a de-commissioning would be required by condition.
- 8.33 The impact upon residential properties is discussed later in the report.
- 8.34 Overall, it is considered that views of the proposal from the wider context will be limited and only views from close proximity will be achieved. The proposed mitigation measures reduce the impact, particularly through landscaping and landscape management. However there would be adverse harm to the visual environment of public footpaths within and close to the application site, this harm must be weighed in the balance of the scheme.

Historic Environment

- 8.35 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.
- 8.36 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).
- 8.37 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
- 8.38 The proposal is supported by the submission of a Historic Environment Desk Based Assessment and has identified that there are four listed buildings and a scheduled monument within 1km of the application site and 14 further listed buildings and all or part of three conservation areas within 2km of the application site. The Registered Battle of Bosworth (field) is located 2.3km to the north west of the application site.
- 8.39 Due to the distance between these designated assets and the application site there is no inter-visibility, nor are there any other know relationships between the application site and these heritage assets. It is therefore considered that the application site does not fall within the setting of these heritage assets and it does not make any contribution to their significance. Due to its siting and form of development the proposal does not have the capacity to affect the setting of any of the designated heritage assets identified above. It is therefore considered that this proposal will have no adverse impact on any designated heritage assets.
- 8.40 Overall, it is considered that by virtue of the siting and form of the development the proposal is in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD (2016) and paragraphs 193, 194 and 196 of the NPPF.

Agricultural Land Classification

- 8.41 An Agricultural Land Classification has been undertaken The Agricultural Land Classification identified the land to be Grade 3b, which is considered moderate quality agricultural land. The site is made up of two soil types, both of which were classified as Grade 3b.

8.42 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.

Flooding and Drainage

8.43 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding

8.44 The Environment Agency (EA) indicative flood map shows that the development site is located within Flood Zone 1 and is therefore at low risk of flooding. However, as the development site is over 1 hectare (ha) in area, the proposal must be accompanied by a Flood Risk Assessment (FRA) to assess the surface water runoff produced by the development and if necessary outline measures to ensure flood risk is not increased downstream of the site considering Sustainable Drainage Systems (SuDS) best practise principles, in order to mitigate any potential issues relating to runoff rates and flow routes.

8.45 The FRA submitted in support of this application details that existing run off rates of the site have been considered plus 40% increase to account for climate change. There are existing watercourses adjacent and through the site and a number of existing field ditches that the site currently drains to.

8.46 For a development such as a solar PV site the proposed infrastructure only introduces a small area of impermeable surfaces through the steel pile system used for the tables/racking system and the transformers and substations concrete bases. The remainder of the site will comprise grassed spacing between rows, field margins, and retained hedgerows. Therefore, the nature of the photovoltaic panels means that the area represented by the panel themselves is not considered impermeable, as the ground beneath all panels will be grassed and as such remains permeable.

8.47 The access and maintenance roads are proposed to be permeable materials (crushed stone) and therefore will not contribute to increasing run off rates from the site. The total increase in impermeable areas is small. The drainage system only needs to deal with run off from new impermeable areas to ensure flood risk is not increased however, additional storage should be provided to allow for betterment. The change in use from farming is also of benefit and ploughed or bare land increases run off therefore run off rates from the site are likely to be reduced.

8.48 The introduction of run off storage involves the installation of swale features running parallel to the site contours within downslope areas of the site. These features will intercept and distribute flows, create storage, attenuate runoff and promote infiltration across the site. Maintenance of the swales will be required to ensure there effectiveness. As such, there will be no impact on neighbouring sites as a result of the proposed development.

8.49 The SuDS scheme proposed will effectively reduce the runoff rate to less than the undeveloped (current) runoff rates, because storage and infiltration on site will be improved. The LLFA do no object to the proposal subject to conditions securing the drainage strategy and maintenance details discussed.

Impact upon neighbouring residential amenity

8.50 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

- 8.51 The LVIA gives consideration to the impact upon nearby residential dwellings, considered to be sensitive receptors of visual impact. Barwell Farm Fields is the closest residential property, immediately to the west of the proposed development. Views from this property may be achieved of the proposed development although separated by garden and vegetation. The landscape mitigation measure will reduce the impact of the proposed development overtime. Furthermore, this change does not amount to harm to residential amenity as the proposed development would not lead to a loss of light, overshadowing or impact upon the enjoyment of this dwelling by way of noise or disturbance. The proposal is not intended to be illuminated. The Brockey, Brockey Farm Cottages and Brockey Farm may also be able to view the application site, however, the separation distances intervening vegetation and topography of the land mean that the proposal would have limited adverse impact upon the residential amenity of these properties.
- 8.52 In addition to the above, the field immediately to the south of the application site is allocated as the northern most section of the proposed Barwell SUE. Policy 12 of The Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014) requires the SUE to be delivered in general accordance with the Development Framework within the ESBAAP. This would mean that when the SUE is delivered there would be residential development and public open space adjacent to the proposed solar farm if granted. However, the landscape mitigation plan details that the boundary hedgerow surrounding the site would be maintained and gaps infilled where necessary and then maintained at a height on 3m. Further to this, the solar panels are set off from this boundary by approximately 20-25m although this does narrow in areas where there is more dense existing tree coverage. The area in the south east corner containing much of the infrastructure and buildings is also set in from the boundary and contained with existing tree cover but also additional tree planting is proposed to this corner. Therefore, it is considered that the proposal would not adversely impact the delivery of residential properties to this area of the SUE.
- Impact upon highway safety and public rights of way
- 8.53 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.
- 8.54 Given the scale of the development the proposal has been accompanied with a Transport Assessment.
- 8.55 The Applicant has proposed a new construction access to the site from the A447 Ashby Road. Ashby Road is subject to a 30mph speed limit at the location of the proposed access, however as this is a class I road the Local Highway Authority (LHA) required this proposal to be supported by a Stage 1 Road Safety Audit. Although this is described as construction access, it is also proposed that the access remain in place for access to the site by larger vehicles, if necessary. The submitted Stage 1 Road Safety Audit was found to be satisfactory with the proposed access design taking into account the points raised. Visibility splays have been shown on updated access drawings which accord with LCC Highways Design Guidance. One speed chevron to the north west of the access will require re-location in accordance with the RSA and plans provided. The submitted plans detail a holding area controlled by banksmen and radio control with deliver vehicles to control the access should more than one HGV be present, this is acceptable to the LHA.

- 8.56 Notwithstanding the above, some concern remained with HGVs turning left from the access, without crossing the central line of the carriageway. However amended plans were received updating the swept path and access design to allow for a HGV to turn without encroaching on to surrounding verges. This is now acceptable to the LHA.
- 8.57 The Applicant has proposed smaller vehicles up to the size of transit vans could access the site via Chapel Street. Chapel Street is a 30mph road, which forms part of the adopted public highway up to the eastern boundary line of Stapleton Methodist Church before continuing as a private farm access. At its junction with Ashby Road it measures approximately 3.1 metres wide, which is not sufficient width for two vehicles to pass. The Applicant has advised approximately two vehicles per month would access the site via Chapel Street in order to undertake maintenance once the site is in operation. The LHA would not have concerns with this level of maintenance traffic, using this access. However, concern was raised with use of this access for larger construction vehicles. The applicant confirmed all construction/decommissioning traffic would use the Ashby Road access and would not use Chapel Street.
- 8.58 There is an existing access to the site from Kirkby Road, which is an existing field gate access. It has been confirmed that this access will not be used.
- 8.59 A speed survey was conducted by the applicant, undertaken in February 2020 (prior to national lockdown). The speed survey was found to be acceptable by the LHA with traffic travelling in the 85%iles speeds of 33.1 northbound and 33.3 southbound.
- 8.60 A Traffic Management Plan was submitted in support of the application, this detailed a construction traffic route was initially proposed, which used rural roads with 7.5 tonne weight restrictions. This was not considered acceptable by the LHA and the applicant was asked to re-consider the construction traffic route. The Applicant now proposes to route all construction vehicles along the A447 towards the direction of Hinckley. Given this is an A class road which is not subject to weight or width restrictions, this is considered to be acceptable route to the LHA. Notwithstanding this, the Council are not in a position to restrict or control the route of traffic as it is not within the jurisdiction of the LPA to control the highway. In addition to TMP also detailed measures during construction/decommissioning such as wheel washing, compound and parking, temporary signage these were considered acceptable measures by the LHA which are necessary to secure by condition.
- 8.61 Trip generation was provided in support of the scheme which the LHA are satisfied represents the likely trips associated with the proposed development. Although additional information was provided to confirm the distribution of trips between the two proposed access points, however it was confirmed only the Ashby Road access would be used by construction traffic. The applicant also confirmed 75% of traffic associated with the site would be cars and smaller vans.
- 8.62 Public Footpath numbers T79 and T97 run through the proposed development as shown on the applicant`s plans. It is noted that it is intended that the Public Rights of Way will run through buffer zones and will not need closing during construction or operation of the site.
- 8.63 Therefore, The Local Highway Authority advice is that, in its view, the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with paragraph 109 of the National Planning Policy Framework (2019) and

Policy DM17 and DM18 of the SADMP, subject to the conditions outlined in this report.

Archaeology

- 8.64 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.
- 8.65 The Leicestershire and Rutland Historic Environment Record (HER) notes that the application site has high potential for the presence of significant Archaeological remains. The application was supported by the submission of a Desk Based Assessment but LCC Archaeology considered that this in itself was not sufficient to understand the potential of the site or the impacts of the development proposals upon the significance of any buried heritage assets. Therefore LCC Archaeology require pre-determination fieldwork to be carried out (trial trenching metal detecting).
- 8.66 The applicant conducted a geophysical survey of the site, which did not present any conclusive evidence of significant archaeological remains. However, anomalies were shown which LCC Archaeology stated should be investigated via target trail trenching. Suggesting 3% 30m trenching (plus 1% for contingency) of anomalies and 'blank areas'.
- 8.67 As a result of the above the applicant prepared and submitted a Written Scheme of Investigation, which was agreed with LCC Archaeology as a methodology for trail trenching of the site. Trail trenching commenced in March 2020, some of these trenches were inspected however, the work was halted due to Covid-19 restrictions and a final report could not be produced. An addendum to the WSI was produced and agreed by LCC following the lifting of restrictions and the site investigations and further trial trenching was carried out in September 2020.
- 8.68 No development shall take place until the results of the trial trenching including a post investigation assessment have been submitted to the Council to be considered by LCC Archaeology, required by condition. LCC Archaeology no longer object to the proposal, subject to the conditions.

Ecology

- 8.69 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.
- 8.70 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.71 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.

- 8.72 The application has been supported by a Preliminary Ecological Appraisal, Great Crested Newt Report, Badger Report, Biodiversity Enhancements document and an Ecological Impact Assessment.
- 8.73 The Preliminary Survey identified that the site composed arable fields, surrounded by improved grassland field margins and hedgerows. A potential badger set was recorded which was assessed further and found not to be active. However, they can become active and therefore LCC Ecology require a condition to secure a pre-commencement badger survey so that if badgers are recorded on site mitigation can be put in place. Given the lapse in time since the submitted badger survey and the determination of the application, this condition is considered necessary and reasonable.
- 8.74 A population of Great Crested Newts was identified in a pond near the site, however LCC Ecology are in agreement that with reasonable avoidance measures as suggested the risk to Great Crested Newts can be minimised. These measures should be secured by condition.
- 8.75 The Ecological Impact assessment makes recommendations that LCC Ecology require to be followed to minimise impacts upon bat and bird species, including bat and bird boxes, along with the retention and buffering of hedgerows on site. The proposed development does also provide opportunities for Ecological Enhancement, this is discussed in the Biodiversity Enhancement document, however further information of the planting and species mix is required and can be secured via condition.
- 8.76 Overall, it is considered that the proposal is acceptable subject to conditions in accordance with policy DM6 of the SADMP.

Pollution

- 8.77 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.78 HBBC Environmental Services-Pollution have no comments to make on the proposals. Objections have been received with regards to working hours, noise and disturbance. However, the operation of the solar farm once constructed would generate very limited noise and disturbance with infrequent trips for maintenance purposes. However, it is considered reasonable and necessary to require an Environmental Construction Plan for the construction and decommissioning phases of the development to ensure any disruption is limited as much as possible.

Planning Balance

- 8.79 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.
- 8.80 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, no conflict with this policy has been identified.
- 8.81 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. The proposal has found to have limited conflict with policy DM4 though moderate localised visual harm found to public footpaths that cross the site and within close

proximity and limited harm to the character of the countryside through the interlocation of development in to currently open fields.

- 8.82 Paragraph 8 of the NPPF identifies the three strands of sustainable development broken down into social, economic and environmental benefits.
- 8.83 The proposal would result in economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period, therefore having limited weight.
- 8.84 The proposed solar farm will generate enough renewable energy each year to power approximately 7,120 homes in the local area. This is a significant environmental benefit of the scheme with substantial weight in the planning balance. The proposal also introduces other environmental benefits including enhancements to existing vegetation, additional planting, proposed bird boxes and bat boxes, wildlife habitats and wildflower margins, these benefits have moderate weight.
- 8.85 However, weighing against these benefits is the environmental harm identified by virtue of the visual intrusion upon the public footpath network that runs through and within close proximity of the site. Given that the footpaths are maintained in their current route there is limited harm to the landscape character. However there is moderate visual harm to sections of these footpaths that cross the site and in the immediate vicinity. However, this harm is limited to the near environment, with the proposal having limited visual harm from the wider countryside.
- 8.86 Therefore, in this instance the adverse impacts of the proposal would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF and Development Plan when taken 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 proposed development has been found to accord with Policies DM1, DM2, DM6, DM7, DM10, DM13 and DM17 and DM18 of the SADMP.
- 10.3. The proposal would have a neutral impact upon the historic environment and therefore accords with DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.4. The proposal has found to have limited conflict with policy DM4 though moderate localised visual harm found to public footpaths that cross the site and within close proximity and limited harm to the character of the countryside through the interlocation of development in to currently open fields. Weighed against this harm are the significant environmental benefits associated with the generation of sustainable renewable energy and other more limited economic and environmental benefits.
- 10.5. It is therefore considered on balance that the harm identified to the character and appearance of the countryside and visual harm to sensitive receptors, as a result of the proposed development would not significantly and demonstrably outweigh the identified benefits of the scheme. Therefore, the presumption in favour of sustainable development does apply and the application is therefore recommended for approval subject to the conditions listed below.

11. Recommendation

- 11.1 **Grant planning permission** subject to:
 - Planning conditions outlined at the end of this report
- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.
- 11.3 **Conditions and Reasons**
 1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
 2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Landscape Masterplan DWG P0357 rev. C received 10 December 2019
Switchgear Housing Rev A1 received 10 December 2019
33kV Substation Housing Rev A1 received 10 December 20
Racking Detail Rev A1 received 10 December 2019
Inverter/ Transformer Detail Rev A1 received 10 December 2019
Fence Detail Rev A1 received 10 December 2019
Container Battery Drawing Rev A1 received 10 December 2019
Communication Building Rev A1 received 10 December 2019
CCTV Detail Rev A1 received 10th December 2019
Proposed Site Layout DWG 234-02-PV Rev D2 received 15 May 2020
Swept Path Analysis DWG 234-02-PV Rev B5 received 12 August 2020

Site Location Plan received 15 May 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).

3. Written confirmation of the date of the first export of electricity to the National Grid from the solar farm hereby approved shall be provided to the local planning authority within one month of the date of this taking place.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

4. The planning permission hereby granted is temporary for a period of 40 years from the date of the first export of electricity to the National Grid from the solar farm hereby approved. After such time the use shall cease and the solar farm and associated equipment shall be removed from site in accordance with Condition 5.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

5. Not less than 12 months prior to the expiry of this permission a decommissioning Method Statement & Site Restoration Scheme shall be submitted to and in agreed in writing by the local planning authority. This shall include details of:

- 1) The works for the removal of the solar panels, ancillary equipment and structures
- 2) works for the restoration of the site
- 3) the management and timing of any works
- 4) a Traffic Management Plan
- 5) an Environmental Management Plan to include measures to be taking during decommissioning to protect wildlife and habitats
- 6) identification of access routes and
- 7) a programme of implementation

The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement & Site Restoration Scheme during the 12 months of the expiry of this permission.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

6. Should the solar farm hereby approved no longer be required for the purposes of electricity generation or cease to operate for a continuous period of 6 months, a Decommissioning Method Statement & Site Restoration Scheme as per the requirements of Condition 5 shall be submitted to and agreed in writing by the local planning authority within 3 months after the end

of the 6 months cessation period. The statement must also include the date the site first ceased to operate. The decommissioning works shall then be carried out in accordance with the agreed Decommissioning Method Statement & Site Restoration Scheme.

Reason: The development is granted for a temporary period from the first export of electricity, in the interests of protecting the intrinsic beauty open character and landscape character of the countryside in accordance with Policy DM4 of the Development Management Policies Development Plan Document (2016).

7. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the addendum to the Written Scheme of Investigation AH1031 dated September 2020; and provision has been made for analysis, publication and dissemination of results and archive deposition has been secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policies DM11, 12 and 13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats including SUDs and all landscaping should be comprised of native species wildflower grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

The submitted Management Plans shall generally accord with the Next Energy Biodiversity Enhancements document received 10th December 2019.

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

9. No development shall commence until a survey to confirm (or otherwise) the presence of Badgers on the site has been submitted to and approved in writing by the Local Planning Authority. If Badgers are present the survey shall be accompanied by a scheme of appropriate mitigation measures (including precise details of the timing and method of protection). No development shall be undertaken except in accordance with the approved scheme of mitigation.

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

10. The development shall be carried out in accordance with the submitted Reasonable Avoidance Measures for Great Crested Newts document dated June 2019 received by the Council on 10th December 2019.

Reason: In order to protect the protected wildlife species and their habitats that are known to exist on site to accord with in accordance with Policy DM6

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

11. The development shall be carried out in full accordance with the mitigation strategies specified in the Midland Ecology; Ecological Impact Assessment received 10th December 2019.

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

12. Prior to first use of the development approved by this planning permission a surface water drainage scheme in line with the principles discussed within the flood risk assessment received by the Council 10th December 2019, has been submitted to, and approved in writing by the Local Planning Authority.

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

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

Reason: To establish a suitable maintenance regime that may be monitored over time; that will ensure the long term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies DPD.

14. 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).

15. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Intelligent Alternatives drawing number 234-02-PV Rev B5 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).

16. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 4.5 metres x 75 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).

17. 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 15 metres behind the highway boundary on Ashby Road 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).

18. No development shall take place until a scheme for the treatment of the Public Right(s) of Way T76 and T79 has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with Paragraph 98 of the National Planning Policy Framework (2019).

11.4 Notes to applicant

1. With reference to condition 12 the scheme shall include the utilisation of holding sustainable drainage techniques to provide sufficient on-site surface water storage for any additional surface water volume generated by the proposed hard standings while also accounting for a climate change allowance.
2. With reference to condition 13 details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system. It is noted that the proposals do not include formal surface water drainage features, however existing surface water features need to be considered in full. Where relevant, details should also include procedures that must be implemented in the event of pollution incidents within the development site.
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve

the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.

4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. A Public Right of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
6. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the local Highway Authority (telephone 0116 305 0001).
7. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Local Highway Authority.
8. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Local Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and Leicestershire County Council as Local Highway Authority may be obliged to require its immediate removal.

Planning Committee 20 October 2020
Report of the Planning Manager

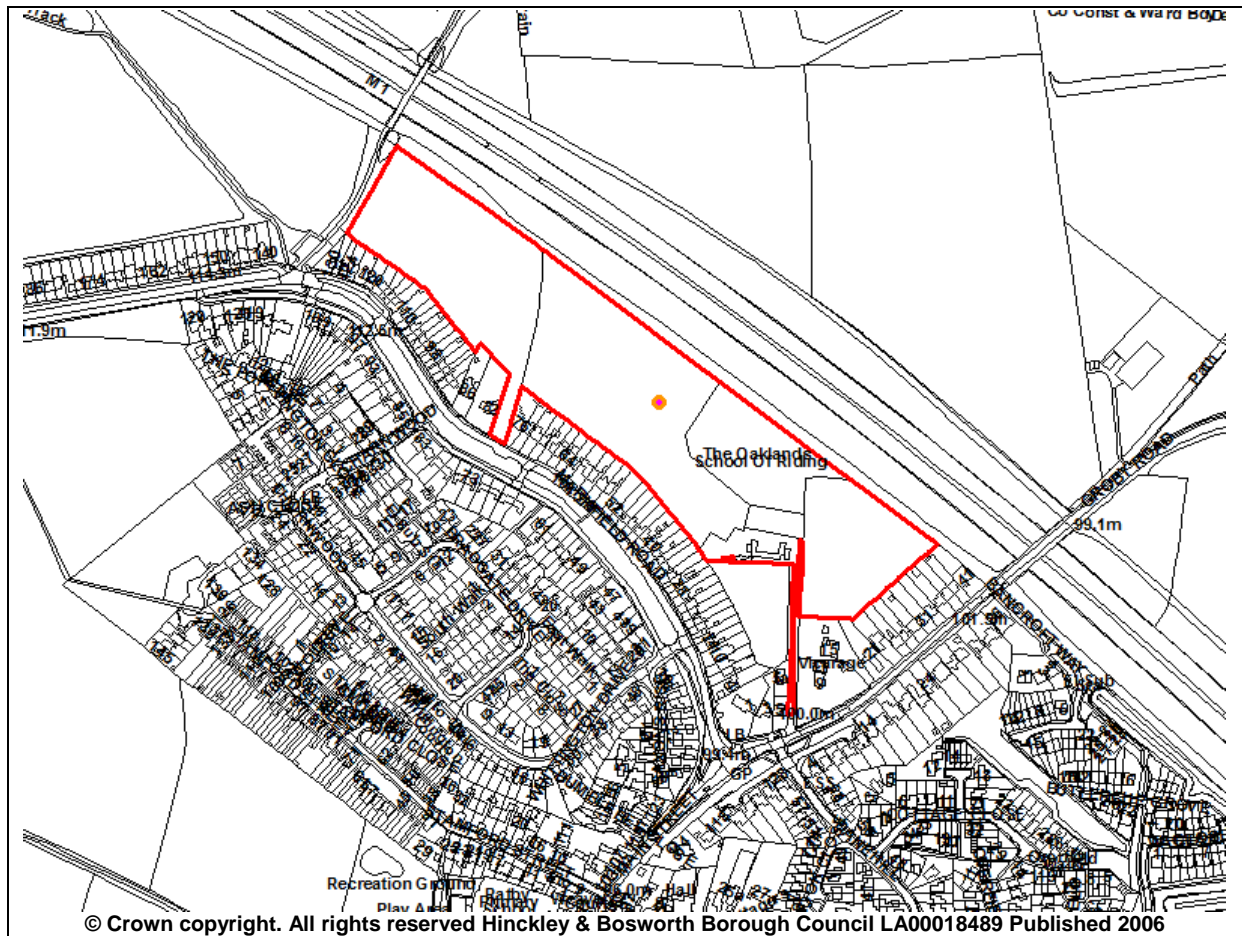
Planning Ref: 20/00711/REM
Applicant: Miller Homes Limited and Platform Housing Limited
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth
Borough Council

Site: Springfield Riding School Groby Road Ratby

Proposal: Approval of Reserved Matters (appearance, landscaping, layout and scale) of application 19/00680/OUT for erection of 168 dwellings



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

2. Planning application description

- ### 2.1.
- The proposal relates to the approval of reserved matters following outline planning permission granted under ref: 19/00680/OUT for a residential development of up to 168 dwellings. A detailed access plan showing a new road off Markfield Road has already been considered and approved under this outline permission.

- 2.2. The housing mix proposed comprises 72 shared ownership properties and 96 affordable rented properties. The properties proposed are a mix of 8 x one bed houses, 60 x 2 bed houses, 10 x 2 bed bungalows, 70 x 3 bed houses and 20 x 4 bed houses. The properties proposed are of traditional construction comprising predominantly facing bricks with roofing tiles. All of the properties would be built to a height of two-storeys with the exception of the 10 adaptable bungalows.
- 2.3. The site layout plan shows the development of 168 properties would be predominantly arranged into six perimeter blocks along with ribbon development along the main access road which would back onto the existing properties along Markfield Road. All of the properties would either face onto roads or parking forecourts. Some of the properties would have small front gardens whereas others would have parking along the frontage. All of the properties would have rear gardens of at least 9 metres in length.
- 2.4. Areas of open space are proposed across the site but predominantly to the north east of the site where a large area of land would remain undeveloped. Two attenuation ponds are proposed in this area of open land along with an equipped play area some 506m² and the retention of the emergency access and footpath onto Groby Road. A further equipped play area some 210m² would be provided within the centre of the site along with a third attenuation area. All the proposed development would be at least 3 metres away from the boundary edge of the site which would allow the retention of the existing field hedgerows. An acoustic fence some 3 metres high would replace the existing post and rail fencing along the boundary with the motorway along with planting along this boundary.
- 2.5. The proposal includes the construction of a footpath link into the western boundary of the site near Martinshaw Woods which would link the proposed development to the existing footpath R38/1. There would also be an internal pedestrian/cycle access constructed towards the southern boundary of the site to link in to Groby Road.

3. Description of the site and surrounding area

- 3.1. The application site is delineated by the M1 motorway at its northern boundary. This northern site boundary is defined by mature tree cover which lines the southern edge of the M1 embankment which falls steeply from the site boundary by circa. 8m to the Motorway. The rear gardens of residential properties which front onto Markfield Road form the southern boundary of the application site with the rear gardens of properties along Groby Road forming the eastern boundary. The western boundary is defined by the public footpath alongside Martinshaw Wood. The Oaklands School of Riding occupies the southern portion of the site and this riding school is accessed via a private access road onto Groby Road. The built development and major infrastructure links give the area its semi-rural character.
- 3.2. The site slopes gently from west to east falling from a height of circa. 109m AOD on the western site boundary to circa. 103m on the eastern site boundary. The site also falls from the northern boundary with the M1 Motorway corridor from circa. 108m AOD to circa. 105m AOD within the central Site area. The site is not currently publicly accessible and there are no Public Rights of Way running through the site. However, there are a number of public rights of way within close proximity to the site including footpath R38/1 which lies to the immediate west of the Site on the edge of Martinshaw Wood.
- 3.3. The majority of the site lies within the National Forest. The site is also located within Landscape Character Area A – Charnwood Forest Settled Forest Hills (LCA – A) in the Landscape Character Assessment (2017) and lies immediately adjacent to Urban Character Area 8 – Ratby. The key characteristics of LCA – A in relation to

the site are the small to medium scale field patterns interspersed with large areas of woodland cover and large clustered villages.

4. Relevant planning history

19/00680/OUT

- Residential development up to 168 dwellings (Outline - access only) with associated means of access onto Markfield Road and Groby Road, car parking, new footpath links, amenity space and landscaping
- Outline Planning Permission
- 26.06.2020

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. Objection letters have been submitted from four households raising the following issues:

- 1) The road network cannot cope with this additional traffic
- 2) The local services including the schools and doctors are already operating above capacity and cannot cope with any additional residents
- 3) Development on this site would reduce the amount of green space in the area
- 4) The ecological value of the site has not been considered correctly
- 5) There is false information on the movement of slow worms and their habitat
- 6) The landscaping proposed is poor quality and existing vegetation needs to be retained
- 7) There is flooding on the site which needs to be addressed

5.3. One letter of support has been received from a local resident supporting the creation of play area facilities and open space on the site.

6. Consultation

6.1. LCC Lead Flood Authority has been consulted on the amended plans submitted in response to their concerns about the ground levels for the proposed location of Plots 138 – 141 which may be at risk of flooding. These comments will be reported to the planning committee as a late item.

6.2. LCC Ecology has requested amendments to the wildflower planting areas and the CEMP (which is the subject of a separate discharge of conditions application).

6.3. No objections have been received from:

HBBC Affordable Housing Officer
LCC as Highway Authority
Highways England
HBBC Compliance and Monitoring Officer
HBBC Waste Services
HBBC Environmental Services (Pollution) – subject to conditions
HBBC Drainage Services
National Forest Company

6.4. No comments have been received from:

Ratby Parish Council
LCC Archaeology
Woodland Trust

HBBC Arboricultural Officer
Severn Trent Water Ltd

6.5. University Hospitals of Leicester NHS has requested a contribution of £45,124.00 towards healthcare provision.

7. Policy

7.1. Core Strategy (2009)

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

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

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

8. Appraisal

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Ecology
- Highway Safety
- Open Space Provision
- Other Matters

Design and impact upon the character of the area

- 8.2. 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.
- 8.3. Policy DM10 of the adopted SADMP seeks to ensure that proposals complement or enhance surrounding development through materials, design and architectural features.
- 8.4. The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design in new residential development.
- 8.5. The application site lies within the Charnwood Forest Landscape Character Area (LCA – A). This is characterised by a prominent elevated landform, diverse land uses, woodland cover of varying age including mature ancient woodland, small to medium scale field pattern interspersed with large areas of woodland cover. LCA – A is further characterised by its large clustered villages with strong suburban influences and distinct views to the urban edges of Leicester and its proximity to Leicester City and major transport infrastructure. The site is not a 'valued landscape' for the purposes of Paragraph 170 of the NPPF, does not have any national or local designations and is not unique or remarkable for any landscape purposes.
- 8.6. The landscape strategies for this area are to ensure extensions are well integrated within this wooded landscape, to support the National Forest Strategy and to conserve the distinct and separate identity of Groby and Ratby, including the rural gap that separate the villages.
- 8.7. The application site also lies immediately adjacent to the urban area of Ratby which is identified as Urban Character Area 8 (UCA-8) within the Landscape Character Assessment. The key characteristics of Ratby as relating to the application site are that it is a historic hilltop settlement with open countryside setting to the west and south, its compact streetscene of narrow lands within the historic core which contrast sharply with the expansive design of later roads such as Markfield Road and the M1 as a strong urban influence.
- 8.8. The application proposal would replace open pasture land and an equestrian use with residential built form which would cause harm to the landscape setting of the site. Mitigation measures have been incorporated into the proposed layout of the scheme to minimise this harm. The mitigation measures include the retention and enhancement of all of the existing boundary vegetation with the exception of the removal of the hedgerow and some trees along Markfield Road to facilitate the construction of the access road into the site.
- 8.9. A width of at least 5 metres around the northern, eastern and north-western boundaries of the site would remain free of development to allow the planting of new native mixed hedgerows in areas of the site without hedgerows along with species-rich grassland and tree planting to soften the boundaries of the site. The tree planting proposed along the western boundary with Martinshaw Wood and the motorway boundary to the north along with the setting back of the built development would also shield some views of the housing development from the surrounding land.
- 8.10. The land to the east of the site behind Groby Road would remain undeveloped with the existing hawthorn mixed hedgerow remaining. A large area of land to the west

of this hedgerow would also remain free from built development with species rich grassland planted around the equipped play area proposed. Therefore, with the existing hedgerows and trees being retained and reinforced and new planting providing high quality landscaping which would also incorporate increased connectivity through the creation of footpath networks and links through the site to the wider area, the layout of the development has taken in to account the key sensitivities of the LCA.

- 8.11. The application site does have a varied topography and the outline planning permission required that the details of all finished floor levels were submitted and agreed in writing by the Council as part of a pre-commencement condition. Nine cross sections have been provided across the site which includes several of the existing properties along Markfield Road. The proposed finished floor levels for the plots backing onto the existing properties from numbers 98-130 Markfield Road would have a similar finished floor levels as the existing properties. Other plots backing onto the properties along Markfield Road would have a finished floor level between 1-2 metres higher than these existing properties. To ensure that the proposal would not have an overbearing impact on these existing properties, the proposed layout includes either bungalows, an area of open space or orientating the proposed properties at an angle where the finished floor levels would be approximately 2 metres higher. In these areas the existing gardens on Markfield Road are in excess of 20 metres in length and in some cases up to 32 metres in length. Coupled with the depths of the rear gardens proposed for the new plots being a minimum of 9 metres in length and the mitigation measures explained above, it is considered that this intervening distance with a landscaped buffer would result in the proposed layout not having an overbearing impact on the street scene and the outlook from these properties. The pre-commencement condition attached to the outline scheme does require that the housing scheme is implemented in accordance with the finished floor level plans to ensure that this satisfactory relationship with the buildings along Markfield Road is achieved.
- 8.12. The existing residential dwellings surrounding the site comprise a mix of detached dwellings, semi-detached and terraced dwellings and detached bungalows sited with front gardens, many of which are used as parking areas. The proposal is to retain the vegetation around the majority of the site along with setting any development back from these boundaries. Additional planting and landscape buffers are also proposed and form part of the landscape plan submitted. These mitigation measures would maintain the site's existing mature and open character which contributes to the semi-rural character of the area.
- 8.13. The properties proposed are of a traditional design comprising predominantly facing brickwork with roofing tiles to reflect the design of the adjoining residential properties. Plots 64 and 65 are proposed to be focal buildings as these plots would be visible through the gap created by the access road onto Markfield Road. These plots would have a rendered finish with brick headers, pitched roof canopy over front door and brickwork above the foundations with feature header.
- 8.14. A plan showing 3 indicative street scenes has been submitted with the proposal. This shows the variation in roof styles including hipped roofs, front facing pitch and side facing pitched roofs. Corner properties have been designed to have dual-frontages as required by the Council's Good Design Guide SPD to create variety and rhythm within the street scene. Where possible, parking areas are set between dwellings in order to reduce the visual impact of cars on the street scene. Landscaping is proposed along parts of the internal roads to soften the built development. Dwellings are orientated to maximise views over the landscaped buffer and the public open space to improve natural surveillance of these areas.

- 8.15. The housing mix proposed comprises 72 shared ownership properties and 96 affordable rented properties. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of a minimum of 40% affordable housing on all sites in rural areas and this was included in the signed Section 106 Agreement for the outline planning permission which stated that a minimum of 40% of the housing should be affordable housing.
- 8.16. This proposal is for 100% of the housing to be affordable housing units including 1-bed, 2-bed, 3-bed and 4-bed properties. Whilst the development would exceed the requirement for a minimum of 40% of the housing to be affordable housing, the proposal would involve the construction of a high percentage of shared ownership properties being 43% of the housing proposed which would allow buyers to enter the housing market. The mix and tenure has been agreed with HBBC's Affordable Housing Officer. Therefore, this mix of housing types and tenures would comply with the requirements of Policy 16 of the Core Strategy.
- 8.17. It is therefore considered that the design, layout, design and landscaping details as submitted along with the improvements to landscaping and ecological enhancements would result in the development not being unduly intrusive to the wider countryside. This is the same conclusion which was reached when the outline planning proposal was determined where a residential scheme was found to have limited harm on the countryside. Whilst there would be some conflict with Policy DM4 of the SADMP (2016), the mitigation measures submitted with this reserved matters scheme would ensure that the development complemented the character of the surrounding area as required by Policy DM10 of the SADMP (2016) and advice in the Council's Good Design Guide SPD.
- Impact upon neighbouring residential amenity
- 8.18. Policy DM10 of the adopted SADMP seeks to ensure that development does not adversely affect the amenity of occupiers of neighbouring properties.
- 8.19. Whilst there are existing dwellings adjoining the site boundary and there is a variation in ground levels on parts of the site, as explained in paragraph 8.11, the proposed layout ensures that the finished floor levels would either be similar to the properties along Markfield Road or where this is not achievable, no more than 2 metres higher than these properties. In locations where the finished floor levels are 2 metres higher than the existing properties, the scheme has been designed to ensure that these properties are either bungalows or orientated so that they are at an angle to these properties. An area of open space is also proposed in this area. The existing properties in Markfield Road in these locations have gardens in excess of 20 metres in length. Coupled with the depths of the rear gardens proposed for the new plots being a minimum of 9 metres in length, it is considered that this intervening distance with a landscaped buffer along with the mitigation measures mentioned above would result in the proposed layout not having an overbearing impact on the outlook from these properties.
- 8.20. In addition to the above, all of the minimum distances between habitable windows on the new properties and the existing properties along Markfield Road, as laid out in the Council's Good Design Guide SPD, would be exceeded. Ten of the properties along this boundary would also be single storey properties. As such, any impact of overlooking onto these properties would be minimal.
- 8.21. The majority of the internal layout of the proposal has been designed to comply with the minimum standards laid out in the Council's Good Design Guide SPD. This includes rear garden with a minimum depth of 9 metres which exceeds the guide's

recommendation of 7 metres. The distances between first floor principal windows are also in accordance with the standards set in the guide of 21 metres with the exception of the distance between Plots 45-47 and Plots 52-53 where the distance would be 20 metres between first floor principal windows. To compensate for this reduction in distance of 1 metre, Plots 52 and 53 have been orientated so that they are angled away from the principal windows of Plots 45-47. It is considered that whilst the measurement does not meet the standard as laid out in the Council's Good Design Guide SPD, in this instance, the layout would not result in loss of privacy to the future occupiers of these plots.

- 8.22. The use of perimeter blocks ensures that each plot has been designed to minimise the impact of overlooking whilst providing some surveillance over rear gardens, parking forecourts and areas of open space. Indeed, the layout proposed would assist in providing security and so designing out crime in these areas in accordance with the advice in the Good Design Guide SPD.
- 8.23. In order to protect future occupants of the site from noise pollution arising from the proximity of the site to a motorway, the proposed housing layout has been designed in consultation with the applicant's Noise Consultant and with the Council's Environmental Services (Pollution) Officer. The proposed layout showing car parking areas between the housing and the motorway does assist in reducing noise levels at the houses in addition to the internal noise mitigation measures proposed within the properties and the construction of the acoustic fencing alongside the motorway boundary.
- 8.24. The construction of the development would be temporary and would not result in any long term impacts on amenity. However, by virtue of the scale of development, the proximity to existing residential properties and potential duration of the construction phase, as recommended by the Council's Environmental Health (Pollution) a condition was included on the outline consent to secure the submission of a Construction Environmental Management Plan for approval by the local planning authority prior to any construction work taking place to protect the amenities of neighbouring properties and minimise any adverse impacts. A condition was also imposed on the outline permission for the submission and approval of a construction traffic management plan to protect the amenity of neighbouring properties.
- 8.25. Based on the above, the proposal would not have a significant adverse impact on the residential amenity of either nearby residential properties or on the future occupiers of the site. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

Ecology

- 8.26. Policy DM6 of the SADMP (2016) states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including proposals for their long term future management. Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.
- 8.27. Policy 21 of the Core Strategy requires that to support the implementation of the National Forest, proposals that contribute to the delivery of the National Forest Strategy will be supported.
- 8.28. As a result of public consultation, objections have been received on the grounds of potential loss of existing trees and hedgerows within the site and that the protected habitat/species interest of the site has not been adequately considered.

- 8.29. An Ecological Impact Assessment, a Biodiversity Impact Assessment and a Arboricultural Impact Assessment have already been submitted to support the outline application. As part of the outline scheme a parameters plan was approved which required a total of 21,848m² of open space on the site which included 5,498m² of reptile mitigation space and 11,062m² of natural green space in order to maintain and enhance the biodiversity of the site.
- 8.30. The layout submitted with the reserved matters application exceeds the total amount of open space to be provided on the site and proposes to provide an additional 280m² of natural green space. Indeed, the net residential development area of the reserved matters layout is 37,600m² which would be less than the 40,234m² of net residential development area as approved under the parameters plan. Therefore, the layout proposed would involve less built development on the site.
- 8.31. The outline planning permission included a condition requiring that the development is carried out in full accordance with the working methodology in the approved Biodiversity Impact Assessment. Accompanying this reserved matters proposal is a Landscape and Ecological Management Plan, a Badger Survey, a Reptile Method Statement and an Arboricultural Method Statement.
- 8.32. Leicestershire County Council (Ecology) has assessed the submitted information under this reserved matters application and they raise no objections to the proposal provided amendments are made to the Soft Landscaping Scheme submitted to ensure that the areas for wildflower grassland planting should be created from low fertility clean subsoil. This amendment has been made in the revised Soft Landscape Plans submitted.
- 8.33. Further comments made by LCC Ecology relate to amendments required to the Construction Environmental Management Plan (CEMP) and the need for a Badger Survey. The CEMP has been submitted as part of a discharge of condition application which is separate from this reserved matters application. Additional information required for approval as part of planning conditions 28 and 32 on the need for a badger survey and a Slow-worm mitigation strategy respectively have also been submitted and approved (in consultation with LCC Ecology) as part of a separate discharge of condition application.
- 8.34. The reptile mitigation scheme for the site would provide a mitigation area and a corridor of movement for slow-worms at the northern boundary to provide connectivity to Martinshaw Wood. The reptile method statement does not assert that slow-worms are sedentary species but instead mentions the “limited movement between habitats” in reference to the importance of retaining the population on site within suitable existing habitat.
- 8.35. The Landscaping Scheme submitted provides native planting particularly within the non residential areas such as the wildlife corridor and mitigation areas. Non-native species have been included for areas where high levels of maintenance are required (such as for visibility or access) or where the non-native species has wildlife value. The National Forest has confirmed that the mix of tree species is considered appropriate. Following on from their recommendation for further tree planting particularly along the northern and western boundaries of the site, amended landscaping plans have been submitted showing this additional tree planting in these areas as well as within the central area of open space. The National Forest has confirmed that the revisions made to the proposed landscaping scheme would mitigate against the loss of trees from the site and the absence of dedicated National Forest planting.

- 8.36. The outline consent did approve the removal of the internal hedgerow which did not meet the criteria for a species rich hedge. The Landscaping Scheme includes the planting of several areas of new native species rich hedgerow. Wildlife corridors are also provided within the northern, eastern and western boundaries of the site along with wildflower mixes for several of the open space areas.
- 8.37. As previously stated by LCC Ecology, the proposal provides opportunities for ecological enhancement which have been incorporated into the Landscape Strategy Plan, boundary planting mix and biodiversity management plan already required to be produced as part of the outline permission. Therefore, the development would conserve the ecology of the surrounding area and is therefore in accordance with Policy DM6 of the SADMP and Policy 21 of the Core Strategy.

Highway Safety

- 8.38. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.39. A detailed access plan showing a new road off Markfield Road and an emergency access road in the location of the existing vehicular access has already been considered and approved under the outline planning permission. The decision notice issued for the outline approval also included conditions to ensure that the access was constructed in accordance with the approved plans prior to the occupation of any of the dwellings approved.
- 8.40. LCC as highway authority has been consulted on the internal layout of the road network proposed and the parking plan proposed. They confirm that the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe.
- 8.41. However, the Highway Authority has stated that the internal layout of the road network would not be suitable for adoption and as such would need to remain in private ownership. In particular, the initial stretch of access road is too wide in that its width is shown as 6.75m whereas the Leicestershire Highways Design Guide (LHDG) requires that the access should be 5.5 metres. There is also a requirement for the footpaths to be 2 metres in width and the turning areas to have a 7.5m radius. The Highway Authority has recommended that conditions are imposed on any consent granted based on the internal road network remaining private.
- 8.42. The applicant has confirmed that their preference is for the internal highway network to be adopted. Amended plans have been submitted with the application. These plans show minor alterations to the road network to address the issues raised by the Highway Authority. The applicant has also confirmed that all properties would be set back at least 0.5 metres from the rear of the footway. The Highway Authority has been consulted on these amended plans and any further comments made by them on the reserved matters application will be reported to the planning committee as a late item.
- 8.43. The parking plan shows that the 8 x 1 bed houses would have one car parking space, the 2 and 3 bed properties would have 2 car parking spaces and the 4 bed properties would have 3 car parking spaces. The Highway Authority has commented that visitor parking spaces should be allocated for the one bed units and that the tandem parking of 3 vehicles for the 4-bed units should be reduced.
- 8.44. There would be opportunities for on-street parking to take place without causing any highway safety issues. Overall, it is considered that the level of car parking proposed would be in general accordance with the requirements in Policy DM18 of

the SADMP. The Highway Authority has suggested planning conditions to ensure that the parking and turning areas proposed within the site are laid out and available for use prior to the occupation of each dwelling.

Open Space Provision

- 8.45. The Section 106 Agreement signed as part of the outline permission included a requirement for 168 dwellings to provide 605m² of equipped children's play space along with the provision of play equipment, 2822m² of casual/informal play spaces, 6720m² of natural green space and the maintenance of these areas for a 20 year period.
- 8.46. The layout scheme submitted shows that the open space provision specified above has been exceeded. The applicant has provided information that the open space provision would be managed by a Management Company and that these areas of land would be maintained in accordance with the wording in the Unilateral Undertaking. Full details have been submitted of the play equipment to be installed on the site as required by the Undertaking. As such, it is considered that the layout plan as submitted complies with the requirements as laid out in the Council's Open Space and Recreation Study (2016).

Other Matters

- 8.47. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding. As part of the outline planning permission and in accordance with the comments made by Severn Trent Water Ltd and LCC as the Local Lead Flood Authority, drainage details are required to be provided through a condition to ensure that surface water disposal incorporates sustainable urban drainage. These drainage details have been submitted and are being assessed as part of a separate discharge of condition application to ensure that the proposal complies with Policy DM7 of the SADMP.
- 8.48. The University Hospitals of Leicester NHS has requested a contribution of £45,124.00 towards hospital health care. This request was considered at the outline planning application stage where it was concluded that insufficient evidence had been submitted to support the contributions being sought and that the request did not meet the tests of the CIL Regulations. A Section 106 Agreement has already been signed for the outline permission which includes a contribution towards local healthcare in Ratby. Therefore, such a request has already been considered at the outline application stage. This request from the University Hospitals for additional monies is not related to the reserved matters submission.

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 reserved matters submission is for the comprehensive residential development of the site. Outline planning permission has been approved for this residential scheme which included the detailed consideration of the vehicle access and the number of housing units to be provided. The proposal seeks permission for the outstanding reserved matters. The detail of the proposed properties would not have a significant and demonstrable adverse impact when assessed against Policy DM4 and DM10 of the SADMP. Through the design and scale of the proposal, the landscaping proposed, the large undeveloped areas and the ecological mitigation measures proposed, these would reduce the harm of this residential scheme on the character and appearance of the area.
- 10.2. In addition, the proposal would not have any significant adverse impact on residential amenity, on ecology or on highway safety. It is considered that the reserved matters are also in accordance with Policies DM6, DM7, DM10, DM17 and DM18 of the SADMP. Therefore, the reserved matters are recommended for approval subject to additional conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

11.3 Conditions and Reasons

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

Site Location Plan Drw No: MRR received by the local planning authority on 20 July 2020.

House Type Pack received by the local planning authority on 28 July 2020.

Detailed Planning Layout Drg No: MRR/PL01 Rev A; Proposed Road Layout Drg No: 20830 200 Rev F; Boundary Treatments Plan Drg No: MRR/BTP/01 Rev A; Soft Landscaping Plans Drgs No: BG18_266_8_1_1 Rev D; 2 Rev D and _3 Rev A; Hard Landscaping Plans Drgs No: BG18_266_8_2_1 Rev B and 2 Rev B; LEAP Drg No: BG18_266_9_2_Rev A; and, LAP Drw No: BG18_266_9_1_1 Rev A all received by the local planning authority on 16 September 2020.

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

2. The approved hard and soft landscaping schemes shall be completed prior to the occupation of the plot to which it relates. The non-residential landscaping areas shall be completed upon occupation of the 130th dwelling with the exception of the area of land occupied by the construction compound (opposite Plot 134) which shall be completed upon occupation of the 168th dwelling. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

3. Each dwelling hereby permitted shall not be occupied until such time as the parking and turning facilities for that dwelling have been implemented in accordance with Drw No: MRR/PL01 Rev A. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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

4. Any dwellings that are served by private access drives including any turning spaces shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Drw No: MRR/PL01 Rev A. The private access drives shall be surfaced with hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and once provided shall be so maintained in perpetuity.

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

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

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

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

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

7. The approved boundary treatment and fencing details as shown on Drw No: MRR/BTP/01 Rev A shall be completed prior to the occupation of the plot to which it relates

Reason: To ensure that an adequate boundary treatment is provided to safeguard the visual amenities of the area, the amenities of the future occupiers of the dwelling and the occupiers of adjoining properties and in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

11.4. **Notes to Applicant**

1. The approved development will 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. Severn Trent Water advise that although the statutory sewer records do not show any public sewers within the area, 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 the applicant is advised to contact Severn Trent Water to discuss the proposal. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the buildings.
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. To erect temporary directional signage you must seek prior approval from the local Highway Authority in the first instance (telephone 0116 305 0001).

Planning Committee 20 October 2020
Report of the Planning Manager

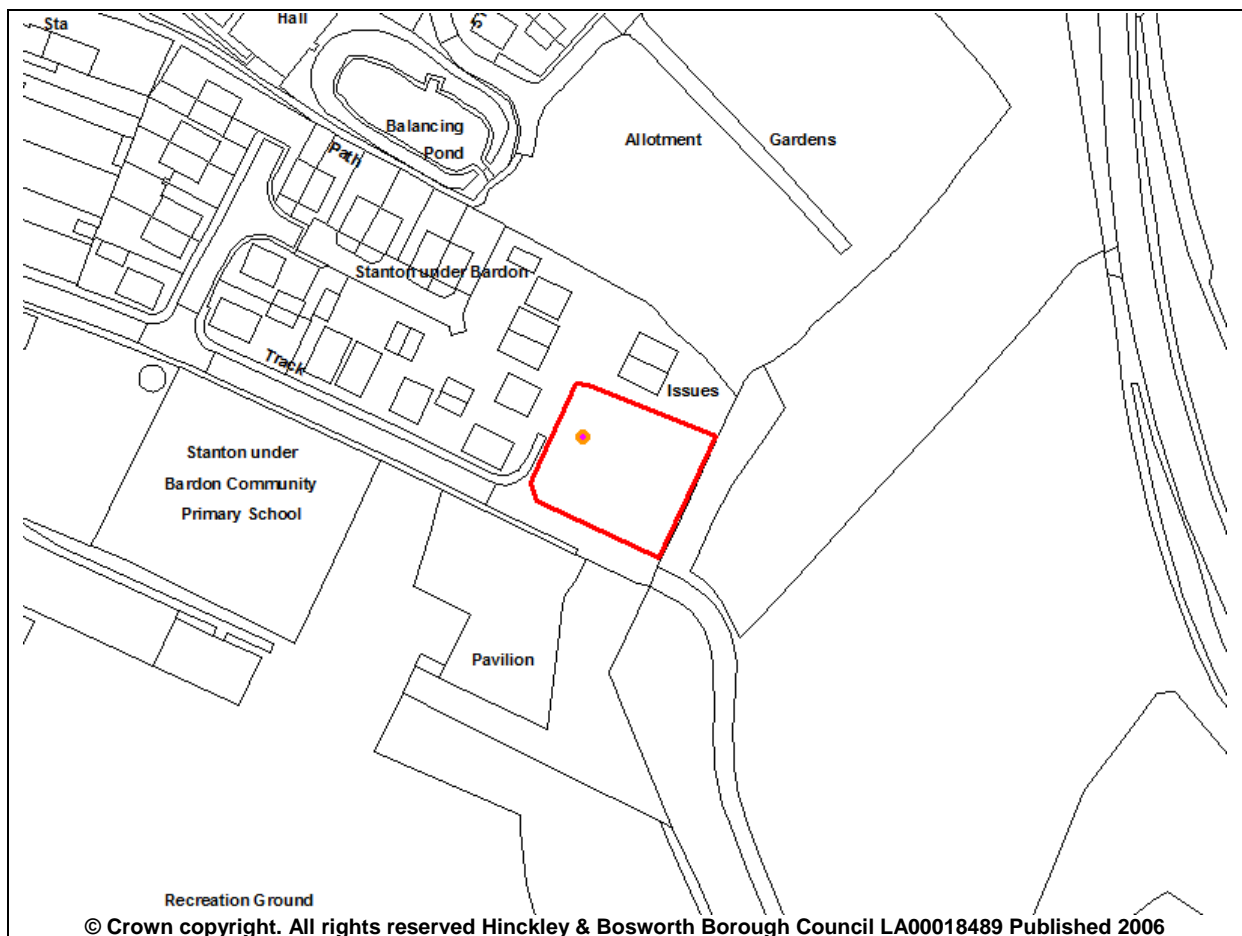
Planning Ref: 20/00481/FUL
Applicant: Milner Arable
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth
Borough Council

Site: Land Adjacent Stanton-Under-Bardon Primary School Main Street Stanton Under Bardon

Proposal: Erection of 4 two storey dwellings including access and parking arrangements to be built on land associated with 12/01052/OUT



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

2. Planning application description

- 2.1. This application seeks planning permission for the erection of 4 dwellings and associated infrastructure. The dwellings are comprised of two pairs of two storey 3 bedroomed dwellings.

2.2. This scheme forms part of a larger (Implemented) scheme for 25 dwellings approved under of 12/01052/OUT.

3. Description of the site and surrounding area

3.1. The application site is located in the settlement boundary of Stanton Under Bardon, and forms part of a parcel of overgrown land situated within a wider development, which has been recently constructed and is not occupied.

3.2. The application site is situated upon the corner of Horsepool Avenue and is bound by two storey residential dwelling to the north east and north west. To the south east (rear) the site is bound by a pumping station with woodland beyond. A public road of way runs to the south of the site, following the recently constructed highway serving the development, and extends into the woodland which is located beyond to the south.

4. Relevant planning history

12/01052/OUT

- Erection of up to 25 dwellings with associated parking, vehicular access and surface water balancing pond (outline application - access only)
- Appeal Allowed
- 31.03.2014

16/01042/REM

- Approval of reserved matters (appearance, landscaping, layout and scale) of planning permission 12/01052/OUT - erection of up to 25 dwellings with associated parking, vehicular access and surface water balancing pond
- Approval of reserved matters
- 23.03.2018

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 seven letters of objection have been received raising the following objections:

- 1) Stanton Under Bardon does not require more houses
- 2) Extra cars results additional traffic along Main Street
- 3) The development would result in a loss of view
- 4) Occupies pay to maintain the grassed area this development is proposed upon
- 5) Would result in over development
- 6) Result in increase of on street parking from visitors
- 7) Bought the house with the assurance that the land would not be built upon
- 8) Development would result in a loss of light to the front of the properties on the opposite side of the road
- 9) Will cause noise and disturbance to the quiet village
- 10) There are two windows which overlook this site, and could result in the loss of privacy.
- 11) Will result in loss of sunlight.
- 12) Building work during construction would be disruptive

6. Consultation

6.1. The following consultees have no objections, some subject to conditions:

Leicestershire County Council (Highways)
Leicestershire County Council (Archaeology)
Leicestershire County Council (Ecology)

Environmental Health (Pollution)
Environmental Health (Drainage)
National Forest

6.2. Stanton Under Bardon Parish Council have not responded to the consultation

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3. National Planning Policies and Guidance

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

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)

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
- Land Contamination
- Infrastructure contributions

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).

- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Policy 12 of the Core Strategy identifies Stanton under Bardon as a rural village which supports local services. Policy 12 seeks to allocate land for the development of a minimum of 30 new homes within the settlement boundary, taking into account the housing needs.
- 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. 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.
- 8.6 Notwithstanding the application of paragraph 11d and the tilted balance, using the Standard Methodology set by MHCLG, as of the 1st April 2020, the Council is able to demonstrate 5.15 years of deliverable housing supply. The most-up-to-date position therefore demonstrates that the Council is planning for its most recently calculated housing need.
- 8.7 This is weighed in the balance of the merits of the application and considered alongside 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.
- 8.8 The application site is located within the settlement boundary of Stanton Under Bardon and is identified as a residential allocation with planning permission within the SADMP. As such there is generally a presumption in favour of such development. In addition given its position within the settlement boundary of Stanton under Bardon the site has reasonable access to a range of services and facilities within the village centre accessible by sustainable transport means. As such, the principle of residential development on site would be acceptable in terms of the adopted strategic planning policies, subject to all other planning matters being satisfactorily addressed.
- Design and impact upon the character of the area
- 8.9 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. Policy 16 of the Core Strategy requires a mix of housing types and tenures to be provided taking into account the type of provision that is likely to be required.
- 8.10 The proposed development would be situated on a parcel of land situated to the north west on an area, which was initially identified as a possible drainage attenuation, however the attenuation for drainage was approved and provided further south of the application site, and as such the application site remains as a rough grassed area, which occupies a corner location in the wider development. The application site is bound by two storey dwellings to the north and west, and a pumping station to east.
- 8.11 The proposal relates to the erection of four dwellings, which would be two storeys in height and semi-detached. The proposed dwellings would be constructed of brick and roof tile, and would include details within the proposed elevations in the form of header and cills as well as chimneys. The proposed dwellings have been designed to reflect the scale and mass of the immediately neighbouring dwellings ensuring the dwellings are integrated into the wider development. The proposed parking would be incorporated into the frontage and within the curtilage of the dwellings.

- 8.12 Plots 3 and 4 occupies a prominent location due to being sited on a corner, at the end of the cul-de-sac serving Horsepool Avenue. Given its position regard has been had to ensure that both the north west facing and south west elevations are provided with active frontages, incorporating ground floor bay window and entrances. The proposed dwellings would be positioned to the south of No.51 albeit with a slight stagger within the proposed streetscene, however this is a relationship which can be observed on the opposing side of the road and wider development. The proposal includes a landscaping scheme and boundary treatment, which is reflective of the wider site. The use of planting proposed would ensure that parking spaces within the curtilage are softened and broken up, avoiding large expanses of hard surfacing.
- 8.13 By virtue of the proposed layout, scale, levels and design, and subject to the use of appropriate external materials which can be secured through conditions, the proposed scheme would complement the character of the surrounding area. The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.14 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.15 The closest neighbour to the application site is no.51 Horsepool Avenue, situated to the north east. This property is a two storey semi detached dwelling, the side elevation of which would face towards the application site. No.51 would be positioned forward of plots 1 and 2, set away from the application site due to the intervening off street parking serving this existing dwelling, the proposal would provide approximately 4.2 metres between the existing and proposed side elevation of the dwellings. There is an existing first floor side facing window within the gable end of No.51 which faces towards the application. However this window serves a non habitable room, the bathroom, and at ground floor there is also a small secondary window serving the living room, however although secondary the proposed dwelling would be set back from No.51 to an extent that these windows would be obscured by the proposed development. Given the set back of the dwelling, the rear elevation of plot 1 would extend beyond the rear wall of No.51 by approximately 4.8 metres. However having regard to the separation distance and the orientation of the sun, although there would be some overshadowing the rear amenity in the mid to latter half the day, it would not be detrimentally adverse given the continued orientation of the sun. Plot 1 would have a first floor bathroom window facing No.51 however this would be obscurely glazed, and should permission be granted would be reasonable to condition to retain as such thereafter to protect the privacy of the neighbouring properties.
- 8.16 By virtue of the location of the site, the next nearest neighbouring properties reside on the opposite side of the Horsepool Avenue, No.39 and 41. The proposed dwellings would have a separation distance of 18 metres across an existing road and driveway. Therefore having regard to this relationship along with the separation distances the proposed scheme would not result in any significant adverse impact impacts upon privacy or residential amenities to No.39 and 41.
- 8.17 The proposed dwellings would be served by private rear amenity spaces, however they would fall below the recommended garden size of 80sqm for a three bedroomed dwelling as prescribed within the Good Design Guide. However the dwellings occupy a corner location on the edge of the settlement, in close proximity to Play and Open space provision and woodland walks and would not be overlooked. Therefore

although the garden sizes do not achieved the guideline for garden size in this instance it would not be considered to be adverse. Nevertheless the level of amenity space would be compromised should extensions and additions be carried out. Therefore in this instance it is considered reasonable and necessary to remove Permitted Development rights from occupiers to safeguard the amenity.

- 8.18 The proposal subject to conditions, would therefore be in accordance with Policy DM10 of the adopted SADMP.

Impact upon highway safety

- 8.19 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.
- 8.20 The application site would be served from a currently unadopted road off Main Street, which is subject to a S38 agreement to be adopted by the Highway Authority. Horsepool Avenue was built as part of planning permission 12/01502/OUT for the erection of up to 25 dwellings and has been surfaced with adequate width, radii and visibility splays in accordance with Leicestershire Highways Authority standard. In the last five years there are no recorded personal injury collisions within 500 metre of the application site and therefore Leicestershire Highways Authority have no objection to the use of the existing access.
- 8.21 The proposed dwellings would be provided with 2 car parking spaces to serve each three bedroomed property, which is in accordance with Highway parking standards. Leicestershire County Council (Highways) has assessed the application and the submitted information and subject to the imposition of conditions to ensure the parking and turning facilities have been implemented in accordance with the submitted plan have no objection to the proposed development. Therefore subject to the imposition of conditions the proposed development would be in accordance with Policies DM17 and DM18 of the adopted SADMP.

Drainage

- 8.22 Policy DM7 of the SADMP seeks to ensure that surface water and groundwater quality are not adversely impacted by new development and that it does not exacerbate flood risks.
- 8.23 The wider development site approved under 12/01052/OUT indicated that the ground is not suitable for drainage by infiltration. HBBC (Drainage) has assessed the application and, as no drainage details have been submitted, recommends a condition to require surface water drainage details, incorporating sustainable drainage principles, to be submitted for the prior approval and for any agreed scheme to be implemented prior to the construction of the foundations. The condition would be reasonable and necessary to demonstrate that the development would not create or exacerbate flooding in accordance with Policy DM7 of the adopted SADMP.

Land Contamination

- 8.24 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.25 The application site was investigated for land contamination from the previous approval of the wider site (Ref: 12/01052/OUT) and subsequent remedial actions from that investigation were carried out as part of the development. However details of the remedial actions have not been provided as part of the application, and therefore it is considered necessary to impose conditions relating to contamination of the site to protect future occupants. Therefore the proposed development is considered to accord with Policy DM7 of the SADMP.

Infrastructure contributions

- 8.26 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.
- 8.27 The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (as Amended) (CIL) and paragraph 56 of the NPPF (2019). 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.
- 8.28 Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. The application site is within close proximity to Stanton Under Bardon Recreation Ground, which is identified as formal park with a quality score of 73%. The quality target score as for all typologies is 80%. Although the quality score falls below the 80% target score, the wider development provided a monetary contribution towards the improvements of the play provision within Stanton Under Bardon. Therefore when having regard to the relatively high quality score and the existing contribution paid from the wider development of 25 dwellings, the addition of four dwellings would not have a significant impact upon the quality of the existing play and open space, therefore it is not considered reasonable nor necessary to require a contribution and would be considered to be acceptable, and therefore any request would not be CIL compliant. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued in this case.

Other matters

- 8.29 Objections have been raised in respect to the sale of the surrounding houses based upon the land not coming forward to development. However the land formed part of an area for possible drainage attenuation which was not required and therefore reverted to an unused parcel of land within a wider development. Any misleading sales is a matter between interested parties at the time of sale and not a material consideration of the planning application.
- 8.30 With regard to comments relating to dust and dirt, such issues would normally be expected during the construction phase of any development. The mitigation of such would be likely to be included within a construction management plan should levels be expected to need to be appropriately managed.

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 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. However the Council can 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.
- 10.3. The application site is within the settlement boundary of Stanton Under Bardon where residential development is generally acceptable in principle subject to all other planning matters being satisfactorily addressed. By virtue of the layout, scale, design and subject to satisfactory external materials and boundary treatments the proposed scheme would complement the character and appearance of the surrounding area and would not result in any significant adverse impacts on the privacy or amenity of any neighbouring properties or highway safety. The proposed scheme would be in accordance with Policy 12 of the adopted Core Strategy and Policies DM1, DM10, DM17 and DM18 of the adopted SADMP and the overarching principles of the NPPF (2019).
- 10.4. Paragraph 11 of the NPPF states that that any harm identified should be significant and demonstrably out weigh the benefits of the scheme. Given that no harm has been identified, the proposal is found to be sustainable development and is therefore recommended for full planning permission subject to conditions.

11. Recommendation

- 11.1 **Grant planning permission** subject to:
- Planning conditions outlined at the end of this report
- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.

11.3 Conditions and Reasons

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

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

Site Location Plan

Detailed Planning Proposals Dwg No. 19.3786.06

Detailed Planning Proposals Dwg No. 19.3786.07

Detailed Planning Proposals Dwg No. 19.3786.08

Detailed Planning Proposals Dwg No. 19.3786.09

Detailed Planning Proposals Dwg No. 19.3786.10

Received by the Local Planning Authority on the 19 May 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).

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 dwelling hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

4. The dwelling hereby permitted shall be constructed in accordance with the approved finished floor level on Proposed Site Plan Drawing No. Detailed Planning Proposals Dwg No. 19.3786.06 received by the Local Planning Authority on the 19 May 2020.

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

5. Notwithstanding the submitted details prior to first occupation of Plot 1 hereby permitted, the first floor bathroom window on the north east side elevation of the dwelling hereby permitted facing No.51 Horsepool Avenue shall be top-opening and fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and once so provided shall be permanently maintained as such at all times thereafter.

Reason: To safeguard the privacy and amenity of the neighbouring dwelling from potential overlooking in accordance with Policy DM10 (criterion a) of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development hereby permitted shall not be occupied until such time as off street car parking provision with turning facilities has been provided and hard surfaced in accordance with Drawing No. 19.3786.06 received by the

Local Planning Authority on the 19 May 2020. Thereafter the on-site parking and turning provision shall be permanently so maintained at all times thereafter.

Reason: To ensure that adequate off-street parking and turning 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 Policy DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2019).

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

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD and to ensure that surface water from the site is not deposited in the highway causing dangers to road users in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2018).

8. The hard and soft landscaping scheme as detailed within Detailed Planning Proposal (Site Plan) Drawing No.19.3786.06 shall be completed prior to first occupation of any dwelling hereby approved. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

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

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

10. If during development, contamination not previously identified is found to be present at the site, no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is submitted in writing to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be

dealt with. Any remediation works so approved shall be carried out prior to the first dwelling being occupied.

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

11. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A-C 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 amenities of the future occupants, to ensure adequate private amenity space is retained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored.

The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

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

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

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

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

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

11.4 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. 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.
3. 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 Local Planning Authority 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 Local Planning Authority before this condition can be discharged.

PLANNING APPEAL PROGRESS REPORT

Situation as at: 09.10.20

WR – WRITTEN PRESENTATIONS

IN – INFORMAL HEARING

PI – PUBLIC INQUIRY

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
	HK	20/00503/OUT (PINS Ref 3259881)	WR	Mr & Mrs T Vellam (Jnr) Kendals Barn Ashby Road Osbaston	Kendals Barn Ashby Road Osbaston (Conversion of existing outbuildings and extensions to provide a detached dwelling - Outline (all matters reserved except access and layout))	Awaiting Start Date	
	SW	20/00186/OUT (PINS Ref 3259615)	WR	Mr Bob Harvey Carlton Grange Carlton	Field Adjacent The Rectory Congerstone Lane Carlton (Four holiday units (Outline - all matters reserved))	Awaiting Start Date	
	EC	20/00702/OUT (PINS Ref 3259585)	WR	Mr Andy Armstrong 19 Shenton Lane Market Bosworth	Land Adjacent 73 Mill Lane Newbold Verdon (Erection of a single dwelling (outline - access only))	Awaiting Start Date	
	OP	20/00519/FUL (PINS Ref 3259539)	WR	Mr R Dolman 36 Main Street Carlton	36 Main Street Carlton (Erection of storage building, hardstanding)	Awaiting Start Date	

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Agenda Item 10

	OP	20/00062/OUT (PINS Ref 3259380)	WR	Mrs A Kitching Home Farm Cottage 23 Barton Road Market Bosworth	Land South Of The Bungalow 1 Green Lane Barton In The Beans (Residential development for one dwelling (outline - access only))	Appeal Valid Awaiting Start Date	02.10.20
	GS	20/00570/FUL (PINS Ref 3258978)	WR	Mr N Aponso 5 Queen Street Barwell	Land East of Higham Lane Stoke Golding (Erection of building and change of use of land to form a dog day care facility)	Appeal Valid Awaiting Start Date	30.09.20
	CG	20/00321/FUL (PINS Ref 3256790)	IH	Mrs Rita Morley 5 White House Close Groby	5 White House Close Groby (Part demolition of existing dwelling and erection of a detached dwelling in side garden)	Appeal Valid Awaiting Start Date	14.08.20
20/00023/PP	OP	19/01404/OUT (PINS Ref 3256614)	WR	Mr David Coley 15 Elm Tree Drive Burbage	Land South Of Bonita Bullfurlong Lane Burbage (Residential Development of 5 dwellings with vehicular access (Outline- access, layout and scale only))	Start Date Awaiting Decision	10.08.20
20/00022/PP	OP	19/01035/FUL (PINS Ref 3256425)	WR	Mrs Judith Sturley C/o Agent Orpington Kent	Land Adjacent To 1 Back Lane Market Bosworth (Erection of 1 No. detached dwelling)	Start Date Awaiting Decision	07.08.20
20/00024/PP	RW	19/01304/OUT (PINS Ref 3255456)	WR	Ms Caroline Dixie 18 Main Street Nailstone	Land off Veros Lane Nailstone (Erection of Two Dwellings (Outline all matters reserved))	Start Date Awaiting Decision	13.08.20

	JB	19/01324/OUT	PI	Davidsons Developments Ltd	Land At Wykin Lane Stoke Golding (Residential development of up to 55 dwellings (Outline - access only))	Notification of intention to submit an appeal (Likely submission date of the appeal July 2020) Expiry date for submission of appeal 17.12.20	
	JB	19/00947/OUT	PI	Barwood Development Securities Ltd	Land Off Sketchley Lane Burbage (Development comprising of up to 140 dwellings and extension of Sketchley Meadows Business Park for up to 30,000 sq m (322,920 sq ft) gross external floor space for Class B2 General Industrial/Class B8 Warehousing and Distribution use with associated means of access from Watling Drive and Sketchley Lane, associated internal estate roads, parking, landscaping, open space and sustainable drainage (Outline - including access))	Awaiting Start Date Appeal form received Duration 6 days	
20/00028/PP	RW	19/01234/OUT (PINS Ref 3254458)	WR	Ms Jenny Longwill Ivy House Farm Hall Lane Odstone	Ivy House Farm Hall Lane Odstone (Erection of two dwellings (Outline - access only))	Start Date Awaiting Decision	07.08.20
20/00021/PP	OP	20/00300/OUT (PINS Ref 3253082)	WR	Mrs Barbara Denton Walsgrove House Sheepy Road Sibson	Village Farm House Sheepy Road Sibson (Demolition of buildings; Residential development for four dwellings (Outline- access and layout only))	Start Date Awaiting Decision	03.07.20

20/00019/PP	SW	19/00892/OUT (PINS Ref 3252017)	WR	Mr Gareth Xifaras Animal Pub Company Ltd 147 Station Lane Lapworth	The Prince Of Wales Inn 52 Coventry Road Hinckley (Demolition of public house and erection of 12 apartments (outline - access, layout and scale))	Start Date Awaiting Decision	04.06.20
20/00018/PP	GS	19/01411/FUL (PINS Ref 3251812)	WR	Mr G & S Warren Invicta Universal Ltd Engine Block Unit 1 The Sidings, Merrylees Desford	39 Station Road Desford (Sub-division of and extensions to existing dwellinghouse to form 5 apartments, erection of 4 dwellinghouses and alterations to existing access)	Start Date Awaiting Decision	04.06.20
20/00017/PP	OP	19/01438/OUT (PINS Ref 3250575)	WR	Mr Stephen Hill 159 Coventry Road Burbage	159 Coventry Road Burbage (Residential development for one dwelling (Outline- access, layout and scale only))	Start Date Awaiting Decision	04.06.20
20/00013/PP	SW	20/00004/FUL (PINS Ref 3250144)	WR	Mr Harjeeve Bath 14 Station Road Ratby	14 Station Road Ratby (Demolition of an existing garage and installation of 2 new residential dwellings in the rear garden of 14 Station Road, Ratby)	Start Date Awaiting Decision	28.05.20
20/00027/CLD	HK	19/01164/CLUE (PINS Ref 3246256)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Final Comments	17.08.20 19.10.20
20/00026/CLD	HK	19/00391/CLUE (PINS Ref 3238743)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Final Comments	17.08.20 19.10.20

20/00025/CLD	HK	18/01255/CLUE (PINS Ref 3238520)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Final Comments	17.08.20 19.10.20
20/00003/NONDET	RW	19/00253/CONDIT (PINS Ref 3236523)	IH	Mr Gerry Loughran Poundstretcher Limited c/o Landmark Planning Ltd	Crown Crest PLC Desford Lane Kirby Muxloe Leicester (Variation of Condition 11 of planning permission 10/00332/FUL and planning permission 12/00313/CONDIT to extend the permitted days and hours during which deliveries can be taken at, or dispatched from, the site to: Mondays to Fridays (including Bank Holidays) 06.00 to 23.00; Saturdays 08.00 to 18.00 and Sundays 09.00 to 13.00.)	Start Date Hearing Date	03.02.20 Date to be arranged

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Decisions Received

20/00020/FTCO	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)	DISMISSED	25.09.20
	EC	20/00152/FUL (PINS Ref 3257591)	WR	Mr William Sutton 2 Brodick Close Hinckley	2 Brodick Close Hinckley (Erection of a boundary fence and change of use of land to residential curtilage (retrospective))	WITHDRAWN	08.10.20

Designation Period 1 April 2019 - 31 March 2021

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

Major Applications

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

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

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

Minor/Other Applications

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

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

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

Enforcement Appeal Decisions

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

Designation Period 1 April 2018 - 31 March 2020

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

Major Applications

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

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

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

Minor/Other Applications

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

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

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

Enforcement Appeal Decisions

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

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