

Public Document Pack



Hinckley & Bosworth
Borough Council

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

Date: 04 January 2021

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** on **TUESDAY, 12 JANUARY 2021 at 6.30 pm** and your attendance is required. This will be a virtual meeting.

The agenda for the meeting is set out overleaf.

Yours sincerely

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 12 JANUARY 2021

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 8 December 2020.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

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

4. DECLARATIONS OF INTEREST

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

5. QUESTIONS

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

6. DECISIONS DELEGATED AT PREVIOUS MEETING

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

7. 20/00400/FUL - LAND ADJACENT STARTIN TRACTORS, MAIN ROAD, TWYCROSS (Pages 5 - 20)

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

8. 20/00937/FUL - LAND EAST OF PECKLETON LANE, DESFORD (Pages 21 - 32)

Application for erection of five dwellings.

9. MAJOR PROJECTS UPDATE (Pages 33 - 40)

To provide an update on a number of major schemes in the borough.

10. APPEALS PROGRESS (Pages 41 - 48)

To report on progress relating to various appeals.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

8 DECEMBER 2020 AT 6.30 PM

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

Also in attendance: Councillor DC Bill MBE and Councillor R Webber-Jones

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

572 APOLOGIES AND SUBSTITUTIONS

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

Councillor Sheppard-Bools for Councillor Gibbens
Councillor Collett for Councillor Smith.

573 MINUTES

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

RESOLVED – the minutes of the previous meeting be confirmed as a correct record.

574 DECLARATIONS OF INTEREST

Councillor R Allen on behalf of himself and Councillors C Allen, Boothby, Collett and Roberts declared a personal interest which might lead to bias in application 20/00919/OUT as a fellow councillor had an interest in the site. He stated that they would leave the meeting during consideration of the item.

Councillor Collett declared that he had previously objected to application 20/00779/OUT but stated that he was attending the meeting with an open mind.

Councillor Sheppard-Bools stated that he had spoken on a previous application for Ashfield Farm, Kirkby Road, Desford but had come to this meeting with an open mind.

575 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that the decision in relation to application 20/00407/HYB had been issued. Application 20/00462/FUL was subject to a S106 agreement.

576 19/00464/OUT - FACTORY UNITS, 23 WOOD STREET, HINCKLEY

Application for residential development of existing industrial site (outline – access, layout and scale only).

Notwithstanding the officer recommendation that permission be granted, some members felt that the issues raised about overlooking required more investigation and the positioning of block A should be reconsidered. It was moved by Councillor Bray and seconded by Councillor Hollick that the application be deferred for up to two months to look into these matters. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred for up to two months to discuss the abovementioned concerns with the applicant.

577 20/00779/OUT - LAND EAST OF ROSEWAY, STOKE GOLDING

Application for residential development of up to 65 dwellings including public open space, landscaping and associated infrastructure (outline – access only).

It was moved by Councillor Findlay and seconded by Councillor Flemming that permission be granted.

It was subsequently moved by Councillor Collett and seconded by Councillor R Allen that permission be refused and that voting on this motion be recorded.

Being the first valid motion, the motion by Councillor Findlay and seconded by Councillor Flemming was put to the vote and CARRIED. It was therefore

RESOLVED –

- (i) Permission be granted subject to:
 - a. The completion within three months of this resolution of a S106 agreement to secure the following obligations:
 - Provision of 40% affordable housing with a tenure mix of 75% affordable rented and 25% intermediate housing
 - £1,890 towards Hinckley library
 - £3,219 towards Barwell Household Waste and Recycling Centres
 - Off-site open space provision contribution of £22,588.80 and maintenance contribution of £10,732.80
 - On-site open space maintenance contribution of £160,916.80
 - £262,656.00 towards improving, remodelling or enhancing existing facilities at St Margaret's Church of England Primary School, Stoke Golding, or any other school within the locality of the development
 - Bus passes at £360 per pass
 - £100 towards improvement to local bus stops
 - £32,910.31 towards Castle Mead Medical Practice to Stoke Golding Surgery
 - b. The conditions contained in the officer's report.

- (ii) The Planning Manager be granted powers to determine the final detail of planning conditions;
- (iii) The Planning Manager be granted delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

Councillor Boothby left the meeting at 7.45pm.

578 20/00984/OUT - ASHFIELD FARM, KIRKBY ROAD, DESFORD, LE9 9JX

Application for residential development of up to 120 dwellings (outline – access only).

Notwithstanding the officer's recommendation that permission be granted, it was moved by Councillor J Crooks and seconded by Councillor Sheppard-Bools that permission be refused due to proposing development in the countryside, not protecting the intrinsic value, beauty and open character of the countryside location and creating an increase in vehicular movements and therefore creating an impact on highway safety. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – Permission be refused for the following reasons:

- (i) The application proposes development in the countryside, where its built form would be at odds with the site's current open character. The development does not protect the intrinsic value, beauty and open character of this countryside location and is therefore contrary to policy DM4 of the Site Allocations and Development Management Policies DPD 2016;
- (ii) The development would create an increase in vehicular movements in a location which is adjacent to a school and recreation ground which, along with the residual cumulative impacts on Kirkby Road which is a narrow approach road where on street car parking is prevalent, would result in the development having a severe impact on highway safety and is contrary to policy DM17 of the Site Allocations and Development Management Policies DPD 2016.

Having declared a personal interest which might lead to bias in application 20/00919/OUT, Councillors R Allen, C Allen left the meeting at 8.02pm.

579 APPEALS PROGRESS

A report which updated on progress in relation to appeals was presented. It was moved by Councillor Findlay, seconded by Councillor J Crooks and

RESOLVED – the report be noted.

580 20/00919/OUT - 14 CHESTERFIELD WAY, BARWELL, LE9 8BH

Application for residential development for five dwellings (outline – access and scale).

Having declared a personal interest which might lead to bias in this application, Councillors Collett and Roberts left the meeting at 8.03pm. Councillors C Allen and R Allen had already left the meeting prior to the previous item.

Notwithstanding the officer's recommendation that permission be granted, it was moved by Councillor W Crooks and seconded by Councillor Sheppard-Bools that permission be refused. Following further debate, Councillor W Crooks, with Councillor Sheppard-Bools' support, withdrew his motion.

It was subsequently moved by Councillor Crooks and seconded by Councillor Sheppard-Bools that the application be deferred to discuss reducing the number of proposed dwellings on the site with the applicant. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred.

(The Meeting closed at 8.31 pm)

CHAIRMAN

Planning Committee 12 January 2021
Report of the Planning Manager

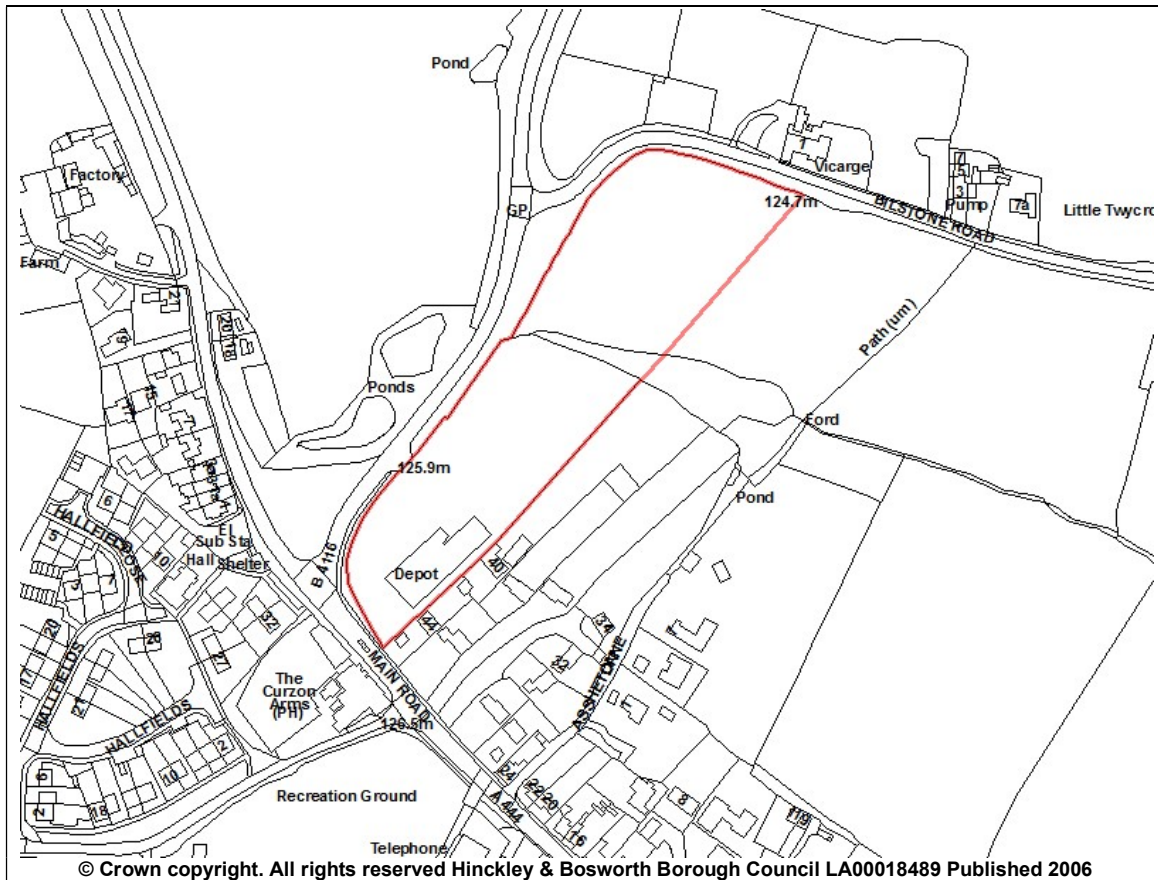
Planning Ref: 20/00400/FUL
Applicant: Mr Startin
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Land Adjacent Startin Tractors Main Road Twycross

Proposal: Erection of a new workshop and ancillary services building, new wash bay building and change of use of land to create an agricultural machinery display area



1. Recommendations

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

2. Planning application description

2.1. The proposal seeks to construct a new workshop/sales and office building comprising of a single span portal framed building finished in a mixture of red facing brickwork, glazed wall curtain walling and composite sheet cladding. A further detached portal framed structure finished in profile sheet cladding would be used to wash and prepare vehicles. Both buildings would be sited to the north-east of the existing workshop within the area currently used as a display area.

2.2. Part of the field to the north of the site would be used as an agricultural machinery display area and storage area for the business known as "Startin Tractors Limited."

The land would be surrounded by a landscaped bund and security fence beyond. Native trees and shrubs would be planted within the site.

- 2.3. Vehicular access to the site would continue from the existing access onto Ashby Road which is subject to the national speed limit.

3. Description of the site and surrounding area

- 3.1. The application site comprises two distinct areas. Area A is an area adjoining Main Road, which is an allocated employment site, includes an existing agricultural vehicle yard, workshop and showroom occupying the corner of the A444 and the B4116 Ashby Road, this part of the site occupies a prominent location and is currently bound by a steel palisade fence along with coniferous hedging for the majority of its boundary. There is a native hedgerow with mature trees to its north eastern boundary and this defines the boundary of Area A from the open countryside beyond.
- 3.2. The remainder of the application site (Area B) lies outside of the settlement boundary of Twycross and forms the western section of a larger field which is located within a rural area surrounded by gently undulating countryside. This field is bound by native hedgerows. The land slopes gently downwards from Area B to the remainder of the field. Extensive views of the site are provided from Bilstone Road, Ashby Road, and the public footpath to the east and the settlement of Twycross to the south east.
- 3.3. There are a network of historic footpaths within the vicinity of the application site including two from Twycross that converge at Little Twycross with both crossing the field within which the application site lies. Whilst there are no designated or non-designated heritage assets within the site boundary there are a number within the vicinity of the application site.

4. Relevant planning history

78/01187/4

- Sale of Agricultural Machinery and Plant and Agricultural Products with ancillary servicing
Planning Permission
22.08.1978

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. Five letters of support have been received for the following reasons:
- 1) This company is a valuable source of help and support to the local farming community. The next closest dealer is near Uttoxeter
 - 2) It is located in a rural agricultural community and would result in additional employment
 - 3) The proposal would move the present noisy activities away from the residential properties
 - 4) The proposal would improve the working conditions of the staff employed on the site
- 5.3. 30 letters of objection from 26 residential addresses have been received raising the following issues:

- 1) The Planning Supporting Statement confirms (para 3.2) that large machinery is no longer the preferred option within agriculture so why is this proposal making adjustments to the existing workshop just for short to mid-term issues
- 2) The Supporting Statement (para 4.5) refers to significant economic growth, job creation and/or diversification. However para 5.1 confirms that there is no immediate plan to increase staffing and there is no mention of diversification. The only economic benefit is to the applicant. Their company accounts show that their turnover has increased by 48% since 2014 but they have not increased their workforce
- 3) The majority of the existing workforce on site drive to work
- 4) Commercial 4x4 vehicles are sold from the site and not just agricultural machinery
- 5) The proposal will have a detrimental impact on the residential amenity of neighbouring properties through noise and disturbance, vibration, light pollution, visual intrusion and affecting local air quality. The existing use has no set working hours and is operating early mornings, late nights up to 2am and weekends. There are errors in the noise report submitted and the report fails to include noise from the proposed storage use
- 6) The application site already has the largest area in the village and the largest building in the village. It is the only industrial site so any increase in its scale further unbalances the village
- 7) Twycross is a rural village with a population of 850. It is separate from Little Twycross and this proposal would join the two
- 8) Highway safety issues with the access especially its proximity to a blind bend and speed surveys showing that many vehicles exceed the 30mph speed limit
- 9) Vehicles sold from the site are already tested on local roads. This proposal would increase this activity
- 10) This use is more appropriate on an Industrial site. The applicant owns further land around the site and so such an extension could set a precedent for further extensions
- 11) Insufficient landscaping is proposed especially as the vehicles stored could be up to 5 metres high
- 12) The Planning Supporting Statement at paras 4.9 and 4.10 claim that the proposal is exempt from Policies DM20 and DM21 which is not true as it is not a B1(a) use or a small-scale rural development (defined as being under 1000m²)
- 13) The proposed building is large and prominent and intrusive in the landscape and uses inappropriate materials which is contrary to Policy DM10. The Landscape and Visual Impact Assessment submitted is insufficient. The proposal would have a negative impact upon the Twycross Open Farmland Landscape Area and the coalescence of Twycross and Little Twycross
- 14) The proposal goes beyond the settlement boundary and employment boundary of Twycross and is contrary to Policy DM20
- 15) This proposal will increase the amount of traffic using the site. Large HGVs visiting the site already block Ashby Road
- 16) Loss of wildlife habitat and there are no Biodiversity Studies submitted with the application
- 17) There is no information on the hazardous wastes to be stored on the site or how additional waste will be stored
- 18) The site is located within important open countryside on the approach to the village where there are 2 well-used commemorative benches. The proposal would be contrary to Policy DM4. They question whether the land is green belt

- 19) The proposal would have a negative impact on users of the public footpath. There are already issues with the obstruction of this public footpath through the field owned by the applicant
- 20) The proposal will harm the setting of heritage assets in the locality including a designated Scheduled Monument and listed buildings. Historic England has concerns about the proposal and the lack of information submitted. The Archaeological Assessment contains contradictory evidence
- 21) There are already a lot of HGVs using the roads through Twycross and it is unsafe to use the narrow footpaths along these roads
- 22) Query raised as to whether this land should be safeguarded for future plans for a bypass around Twycross

6. Consultation

6.1. No objections have been received from:

- Cadent Gas
- LCC Minerals Authority
- LCC Archaeology – subject to a pre-commencement condition
- HBBC Waste Services
- HBBC Drainage – subject to a pre-commencement condition
- Severn Trent Water Ltd – subject to a pre-commencement condition
- HBBC Environmental Services (Pollution) – subject to pre-commencement conditions

6.2. Twycross Parish Council object to the proposal for the following reasons:

- 1) The site lies outside of the settlement boundary for Twycross and would cause significant harm to the character of Twycross and Little Twycross
- 2) A significant number of local residents have objected to the proposal raising concerns including design, highway issues and noise. The Parish Council supports these concerns
- 3) Twycross Parish Council wishes to support local businesses including Startin Tractors and would be willing to facilitate a public meeting when allowed with the aim of achieving a mutually acceptable solution

6.3. LCC Ecology has a holding objection on the proposal which fails to adequately survey the site for protected species surveys completed by suitably qualified people.

6.4. Historic England confirm that they have no objection to the principle of the development. However, they do have some concerns about the impact of the proposal on the setting of the designated heritage assets of the Scheduled Monument and Twycross Conservation Area.

6.5. Council's Conservation Officer has concerns about the impact of the proposal on the setting of the designated heritage assets of the Scheduled Monument and Twycross Conservation Area and the lack of information submitted with the application to fully assess this impact.

6.6. LCC as Local Lead Flood Authority raise concerns that the proposal does not adequately address surface water drainage from the proposal.

6.7. LCC as Highway Authority confirms that they are satisfied that the impact of the proposed development on the road network would not be severe when assessed against the NPPF. However, they do raise concerns about the level of car parking proposed and the usability of some of these spaces.

7. Policy

7.1. Core Strategy (2009)

- Policy 12: Rural Villages
- Policy 17: Rural Needs

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM19: Existing Employment Sites
- Policy DM20: Provision of Employment Sites

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)
- Hinckley and Bosworth Landscape Character Assessment (2017)
- HBBC Employment Land and Premises Review 2020

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the heritage assets in the area
- Impact upon neighbouring residential amenity
- Ecology
- Impact upon highway safety

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. Area A (land between the A444 and in line with the rear garden boundaries of the adjoining properties) lies within the settlement boundary of Twycross. This part of the site is also allocated as an employment site in the SADMP under designation TWY09.

- 8.4. The Employment Land and Premises Study (2020) categorises the employment site, Startin Tractor Sales, as a Category B site. This study recommends that the site should be retained for 100% employment use. However, it also recognises that the business is primarily a retail facility with some light industrial use. The retail facility on the site being the sale of agricultural machinery and tractors is a sui generis use as defined in The Town and Country Planning (Use Classes) Order 1987.
- 8.5. Indeed, planning permission was granted in 1977 for the change of use of this site to a use restricted to the sale and storage of animal feeds and farming requisites only (condition 6). The reason for this restriction was to ensure that the use remained compatible with the surrounding area. The site provides the only employment space in the village of Twycross and should be retained for an employment use. Policy DM19 of the SADMP applies for the proposed workshop building which would fall within a B2 Use Class and so the principle of the construction of a workshop on this part of the site would be accepted.
- 8.6. However, Area B (up to Bilstone Road) is located outside of the settlement boundary for Twycross. This part of the site is also located outside of the employment site allocation for TWY09. Whilst Policy DM20 of the SADMP (2016) includes criteria where it may be demonstrated that new employment sites for B1, B2 and B8 uses adjacent to existing employment areas/settlement boundaries are supported outside of allocated employment areas, the proposal is for the use of this land for the storage and display of an agricultural machinery. However, such a use would be classed as a retail facility and not a commercial use.
- 8.7. Therefore, Policy DM4 in the SADMP applies to this part of the site. This policy allows for sustainable development within the countryside providing it meets certain criteria. The criteria that would apply to this proposal would be:
- 8.8. c) [the proposal] significantly contributes to economic growth, job creation and/or diversification of rural businesses.
- 8.9. Letters of support have been received for the proposal. Area A is the only employment space within the village and therefore it is important to encourage the business to grow in a sustainable manner to retain it in the area. The applicant has sought alternative premises for their business but without success. The business also employs people local to the area and benefits from the passing trade provided through their siting alongside the A444.
- 8.10. However, as acknowledged by the applicant in their planning submission, the proposal would not generate any additional employment at the site. Such a retail use would not be classed as a small scale employment development that meets a "local need" adjacent to the settlement as defined in Policy 17 of the Core Strategy.
- 8.11. The Employment Land and Premises Study (2020) recognises that the Startin Tractors business is primarily a retail facility with some light industrial use. The evidence accompanying a Certificate of Lawfulness application recently submitted for Area A (ref: 20/01249/CLE) states that Startin Tractors is a franchised Isuzu dealer and have sold a range of non-agricultural vehicles to domestic clients from the site since January 2010 including pickup trucks, cars, vans and lorries
- 8.12. In accordance with the criteria in Policy DM4, for the principle of a retail use to be acceptable in this countryside location any planning application submitted would need to demonstrate that the proposal contributes to economic growth, job creation and/or diversification of a rural business and that it is to meet a local need. It is considered that the evidence submitted with the planning application does not demonstrate that the proposed agricultural machinery storage and display area would be in accordance with the criteria in Policy DM4. Therefore, the proposed

retail use in this countryside location would not constitute sustainable development as defined in Policy DM4 of the SADMP.

Design and impact upon the heritage assets in the area

- 8.13. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment.
- 8.14. Paragraph 189 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.
- 8.15. Paragraphs 193-196 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.16. Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (paragraph 200).
- 8.17. Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets. All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 states that development proposals should ensure the significance of a conservation area is preserved and enhanced, and proposals which adversely affect a scheduled monument or its setting should be wholly exceptional and accompanied by clear and convincing justification.
- 8.18. Policy DM4 of the SADMP requires development proposals to protect the intrinsic value, beauty, open character and landscape character of the countryside and so unsustainable development will be resisted.
- 8.19. 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.
- 8.20. The Twycross Conservation Area is located to the south-east of the application site and includes the historic core of the settlement. At its closest point the field boundary forming the north-western corner of the conservation area is approximately 120m from Area B. There is a scheduled monument (Moated site and fishponds NNW of St James' Church) located within the north-western corner of the conservation area and a small number of listed buildings are located within the wider conservation area. All listed buildings are grade II (The War Memorial, The Hollies, Twycross House School, Manor Farmhouse and two memorials within the church yard) other than the grade I Church of St James. Outside the conservation area there are two further listed buildings sited within the vicinity of the application site which are 3 Bilstone Road and the pump at 3 Bilstone Road. Both of these structures are grade II listed buildings located approximately 100m east of Area B.

- 8.21. As there are designated heritage assets located within a proportionate search area around the application site, it must be assessed if the site falls within the setting of these assets. The NPPF (Annex 2) defines the setting of a heritage asset as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.” Historic England provide advice on the setting of heritage assets in their Good Practice in Planning Note 3 (2015), this identifies that the surroundings in which an asset is experienced may be more extensive than its curtilage. The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way which we experience an asset in its setting is also influenced by other factors such as noise, dust and vibrations from other land uses in the vicinity, and by our understanding of the historic relationship between places. The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting as this will vary over time and according to circumstance.
- 8.22. An Archaeological Desk-Based Assessment has been submitted as part of the application with the document identifying and describing the significance of any heritage assets affected, including any contribution made by their setting. In my opinion the document partially meets the requirements of paragraph 189 of the National Planning Policy Framework (NPPF). Paragraph 190 of the NPPF also requires local planning authorities to identify and assess the particular significance of any heritage asset that may be affected by a proposal, including by development affecting the setting of a heritage asset. That required assessment has been partially undertaken in the body of these comments.
- 8.23. The planning application has been advertised as affecting the setting of heritage assets. Historic England and the Council’s Conservation Officer have also been consulted on the proposal. They both confirm that the proposal would have a negative impact upon the Scheduled Monument and the Conservation Area. This is primarily due to the loss of this part of the asset’s historic landscape settings and the intrusion from the new artificial bund and securing fenced boundary.
- 8.24. Historic England recommends undertaking a five step approach to assessing change in the setting of heritage assets. The first step is to identify which heritage assets and their settings are affected by the proposal.
- 8.25. Due to both the topography and the presence of intervening built form and vegetation there is no inter-visibility between the application site and the listed buildings identified above, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal it is considered this position would not be altered following the development.
- 8.26. There is a good level of screening on the north-western side of the conservation area and scheduled monument due to the presence of mature native hedgerows and hedgerow trees which greatly limits inter-visibility between both areas of the application site and these designated heritage assets. However Area B is visible and can be experienced when travelling along the historic footpaths between Twycross and Little Twycross, and as these footpaths are immediately adjacent to the conservation area and scheduled monument the northern part of the application site is considered to fall within the setting of these designated heritage assets.

Significance of affected heritage assets

- 8.27. Step 2 is to assess the degree to which these settings make a contribution to the significance of the heritage asset or allow its significance to be appreciated.
- 8.28. Moated sites in England are often or seasonally water-filled, partly or completely enclosing one or more islands of dry ground on which stood domestic or religious buildings. They form a significant class of medieval monument and are important for the understanding of the distribution of wealth and status in the countryside.
- 8.29. The application site lies between 150 and 180m to the west / north-west of the scheduled monument. As confirmed by Historic England the monument survives well and is likely to have high archaeological potential. The setting of the monument is considered to contribute to its significance by virtue of allowing views of the monument, its village edge location, the relationship between the moat and fishponds, directly associated archaeology within the vicinity, and the historic character of the surrounding rural landscape. The setting of the monument includes the landscape to the north and north-west and incorporates Area B of the application site, and although this landscape is not identical to the monument's historic surroundings it still contains elements which reflect its open, undeveloped and rural character which helps to place the monument within its historic context and contributes to our understanding of this site and its significance.
- 8.30. The scheduled monument is included within the Twycross Conservation Area and forms a key space within it as identified within the Twycross Conservation Area Appraisal (TCAA) (2007). Due to its significance, the monument makes a positive contribution to the special interest of the conservation area. The setting of the conservation area also includes the landscape to the north and north-west which incorporates Area B and reflects the open, undeveloped and rural character of the surroundings of the historic village core, which again places the area within its context and contributes to our understanding of the area and its significance.
- 8.31. How the scheduled monument and conservation area is approached and traversed is also part of their setting. The footpaths that cut across the fields to the north, running up to and past the monument and conservation area and linking Little Twycross with the church and medieval core of the village allow for Area B of the application site to be seen and experienced from the setting of these heritage assets. The importance of the views from the footpaths towards these heritage assets and out from the conservation area to the countryside are recognised in the TCAA.
- 8.32. Step 3 of the Historic England Good Practice in Planning Note 3 is to assess the effects of the proposal, whether beneficial or harmful, on the significance of affected heritage assets or on the ability to appreciate that significance.
- 8.33. The southern half of the application site (Area A) is already in use as an agricultural machinery business. The proposal is for a new workshop and ancillary services building and a new wash bay building within the northern section of the existing employment site (area A). The existing built development on the site comprises a red brick workshop, sales area and office building, an attached wash bay, an outdoor display area and an open storage yard.
- 8.34. The proposed building is shown to be located alongside the B4116. Whilst located in a prominent roadside location, the building would replace an area of existing storage. Constructed to a height of 6.5 metres to its eaves and 9.5 metres to its pitch, the majority of the building would be screened by a mature boundary coniferous hedge. The partial use of multi red facing brickwork would complement the existing buildings on the site whilst the composite panel wall cladding would maintain the functional appearance of the building. Objections have been received

regarding the glazing and timber cladding proposed on the roadside elevation. The use of these materials would create a focal point to the site whilst the rustic nature of the building would acknowledge its setting next to open countryside. The wash bay building would be 6.5 metres to its ridge with a shallow pitched roof up to a height of 7.8 metres. Constructed alongside the eastern boundary of the site from pvc coated profiled vertical cladding the building would be screened from views from Ashby Road by existing mature vegetation. It is considered that the design and scale of the proposed buildings would be in keeping with the character of the site as required by Policy DM10 of the SADMP.

- 8.35. Due to intervening development and vegetation which offers a screening effect between the site and the designated heritage assets any impacts upon the scheduled monument and conservation area from the new buildings and other alterations are likely to be negligible.
- 8.36. However, the northern half of the proposal (Area B) would have a more notable impact by altering the character of this part of the area, eroding into the agricultural setting of the scheduled monument and conservation area, subdividing a field and creating new landscaped boundaries.
- 8.37. A small section of the existing hedgerow would be removed to provide access to the northern field. It is proposed to change the use of the land within the western section of this field to create an agricultural machinery display area. Around the perimeter of the northern field an earth bund is to be created and landscaped with native hedgerow, tree and shrub planting. An existing 1.2m high timber post and rail fence bounding the site from Ashby Road and Bilstone Road is to be repaired and a new timber post and rail fence erected outside of the bund along the eastern boundary to the larger field. Flanking the bund on the interior of the site a 2m high metal security fence is proposed.
- 8.38. The proposals do not include structures within this area and although there could be some visual impact from the storage of machinery this would be agricultural machinery within a rural environment. The area would however require the large land take of a historically open agricultural field, impacting upon the setting of designated heritage assets. The style and design of the new landscaped bund and security fenced boundary could, depending on its size, scale and form, appear artificial and intrude into this part of the monument's and conservation area's historic landscape setting.
- 8.39. An updated Desk-Based Assessment has been provided with the application. Although it includes some additional work on impact and setting, and some acknowledgement of the views from historic footpaths, it has not provided a position on what the level of impact from the proposal would be, or if it would result in harm to the significance of the scheduled monument or conservation area. The details of the landscaping proposed are limited to that indicated upon the site layout and location plan, no further detailed landscaping plan has been submitted. Without such detailed information it cannot be determined as to whether the landscaping proposed would provide a satisfactory mitigation measure against the possible negative impact the proposal would have upon the setting of the scheduled monument and conservation area. Therefore, the application provides insufficient information to fully assess the impact of the proposal upon the significance of designated heritage assets, which fails to meet the requirements of paragraph 189 of the NPPF and Policy DM11(b) of the SADMP DPD.
- 8.40. Indeed, the site lies within Landscape Character Area H: Twycross Open Farmland with its generally open landscape, its traditional small villages at Twycross with historic origins and distinctive red brick vernacular and its small pasture fields surrounding settlements with their continuous hedgerows reinforcing the rural

character of the villages. The key sensitivities in the area relevant to the proposal are the areas of smaller fields surrounding the settlement which provide valuable visual interest, the distinctive rural character of the villages with strong local vernacular and the extensive distant views across the open rural landscape means that any change/development has the potential to be widely visible from this area and views from surrounding counties. The landscape strategies for this area relevant to this proposal are to conserve field patterns of historic or visual interest and to retain this area of remoteness, rural character and dark night skies ensuring that development respects the rural context.

Summary

- 8.41. This proposal affects the significance of the scheduled monument known as Moated site and fishponds NNW of St James' Church and the Twycross Conservation Area by virtue of its location within the wider setting of these designated heritage assets. No detailed information has been submitted regarding the landscaping proposed to the perimeter of the northern section of the application site. Therefore there is insufficient information to fully assess the impact of the proposal upon the significance of the above designated heritage assets. As a result the proposal currently fails to meet the requirements of paragraph 189 of the NPPF and Policy DM11 (b) of the SADMP DPD.
- 8.42. However, based on the evidence submitted with the application which includes the use of the whole of Area B for the storage of large agricultural machinery and the construction of earth bunds around the site, it is considered that the proposal would cause a level of harm to the significance of these heritage assets and in this case the level of harm is considered to be less than substantial. In accordance with Policy DM11 of the SADMP and paragraph 196 of the NPPF the harm caused by the proposal should be weighed against the public benefits. Public benefits may follow from many developments and could be anything that delivers economic, social or environmental progress as described in the NPPF (paragraph 8). Public benefits may include heritage benefits as specified in the Planning Practice Guidance (Conserving and enhancing the historic environment – paragraph 20), such as:
- Sustaining or enhancing the significance of a heritage asset and the contribution of its setting
 - Reducing or removing risks to a heritage asset
 - Securing the optimum viable use of a heritage asset in support of its long term conservation
- 8.43. It is considered that the proposal cannot demonstrate any heritage benefits. Non-heritage benefits demonstrated by the proposal are minor in nature as the proposal would not generate additional employment. When taken as a whole, it is considered that the level of the public benefits demonstrated by the proposal are insufficient to outweigh the harm caused to the identified heritage assets and therefore the proposal fails to comply with paragraph 196 of the NPPF and Policy DM11 of the SADMP.
- 8.44. The proposal to use Area B for outside storage would also have a detrimental impact on the openness of the countryside in this location. Such an impact is unlikely to be mitigated by a landscaped earth bund around the site as the surrounding land is flat and such an engineered feature would appear as an incongruous feature in the landscape. As such the display and storage of agricultural machinery within this bund would have a detrimental impact on the rural character of this countryside location on the edge of Twycross contrary to the requirements of Policy DM4 of the SADMP.

Impact upon neighbouring residential amenity

- 8.45. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties.
- 8.46. The proposal relates to a workshop building and vehicle wash building in close proximity to residential properties which has the potential to affect the residential amenity of the occupiers of the immediate neighbouring properties on Main Road along with properties on the west side of Burton Road and to the northeast of the site on Bilstone Road.
- 8.47. A Noise Impact Assessment has been submitted with the application. This provides information on the proposed workshop operation which would have space for up to 12 tractors to be worked on simultaneously. Additional information is also provided on the offices would be located to the southwest of the workshop and the vehicle wash building. The report contains the normal hours of operation for the site which are:
- Monday – Friday: 0800 – 1800
- Saturdays: 08:00 – 12:00
- 8.48. The Report recommends that a 2.4m acoustic barrier is constructed along the southeast and northeast boundaries of the site along with internal measures which should be incorporated into the fabric of the buildings.
- 8.49. Objections have been received from residents with regards to the potential for noise and disturbance from the proposed workshop building. Concerns have also been raised about the recommendations in the Report in particular the need for the doors to remain shut during operation. The Council's Environmental Health Officer (EHO) has been consulted on the application. They agree with the recommendations in the Noise Report that further work is needed at the detailed design stage. As such they recommend that a pre-commencement planning condition is imposed to ensure that full details of the design of the noise control measures are agreed in writing. They confirm that this should include that the doors of the workshop and washroom are kept closed as per the assessment in the Report.
- 8.50. The EHO further confirms that the proposed noise levels for fixed plant on the site are acceptable and that a further condition is required that fixed plant should only be operation during the proposed hours of use. They agree with the hours of working included in the Report and recommend that these hours are conditioned in order to protect the residential amenity of the occupiers of surrounding residential properties.
- 8.51. The buildings would be sited on land which has an allocation for employment uses. It is considered that the pre-commencement condition with regards to the need to agree the design of noise control measures and the condition on working hours are reasonable and necessary. Therefore, subject to the imposition of noise mitigation measures on the site, the proposal would not have a significant adverse effect on the amenity of nearby residents by virtue of noise and disturbance.
- 8.52. Objections have also been raised about the adverse effect the proposal would have on surrounding residential properties by virtue of additional lighting that may be required for the buildings and for the equipment storage area. No details of a lighting scheme have been submitted with the application. Any proposed alterations to the lighting of the site along with any lighting to the storage area would need to be in accordance with the current guidance issued by the Institute of Lighting Engineers for the applicable environmental zone.

8.53. The EHO has commented that the proposal does not include any lighting proposals. Therefore, a planning condition is required to ensure that no lighting is constructed on the site to protect the residential amenity of the residents of neighbouring properties as required by Policy DM10 of the SADMP.

8.54. Based on the above it is considered that subject to the imposition of planning conditions the proposal would not have a significant adverse effect on the amenity of nearby residents by virtue of noise, disturbance and lighting and so the proposal would be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

8.55. 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.

8.56. The proposal is to use the existing access located on the B4116 Ashby Road which is derestricted and subject to a 60 mph speed limit. The Highway Authority (LHA) has been consulted on the application and has advised that given the scale of development and land use then the applicant is not required to provide any transport assessment to support the application based on Part 2 Table of the Leicestershire Highway Design Guide (LHDG).

8.57. The LHA state that whilst the existing access exits onto a 60mph road, the vehicle speeds tend to be markedly lower due to the proximity of the A444 junction. They confirm that there have been no Personal Injury Collisions on the B6116 between Bilstone Road and Main Road.

8.58. At present flatbed trailers which deliver and collect from the site reverse in from Ashby Road as there is insufficient room for them to manoeuvre within the site. This causes delay on the Ashby Road which can back up to the A444. The LHA confirm that the proposed layout would allow these trailers to enter and leave the site in a forward gear which would result in a net improvement in terms of the safe and efficient use of Ashby Road and the A444.

8.59. Whilst the applicant has indicated that there would be an increase in employees in the future, the current proposal would not increase staffing levels on the site. As such, the LHA is unable to demonstrate that there would be a material increase in trips to/from the site.

8.60. The proposal would increase the car parking levels within the site from 24 to 36 parking spaces. Whilst the LHA has concerns about the usability of some of the spaces, this part of the site could be redesigned as part of a planning condition.

8.61. Therefore, as concluded by the LHA, based on the evidence submitted, the impact of the proposed development on the road network would not be severe when assessed against Policy DM17 of the SADMP and the NPPF. Subject to the redesign of the car parking spaces, adequate parking provision would be provided within the site in accordance with Policy DM18 of the SADMP.

Ecology

8.62. 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.

8.63. Paragraph 175 of the NPPF states that if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated or as a last resort compensated for, then planning permission should be refused.

- 8.64. LCC Ecology has been consulted on the application and has raised concerns that the proposal does not adequately assess the impact of the development of Area B on protected species which may be using the site. There is a need for a Badger Survey to be completed. There is also a need for the proposed layout to demonstrate that there is adequate protection and buffering of the hedgerows on the site.
- 8.65. Following the concerns raised by the LCC Ecology, the applicant has submitted a Protected Species Report. The report concentrates on the proposed expansion of Startin Tractors within Area B. A walk over survey of the field was conducted focussing principally upon boundary hedgerows and badgers. The Report concludes that the proposed development would not result in the loss of any important hedgerows and would not cause harm to protected species or their habitats and so further survey work is not considered necessary.
- 8.66. LCC Ecology has commented on the contents of the Protected Species Report. They confirm that they have rejected the survey as the Report has been conducted by a Chartered Town Planner and not by an appropriately qualified, independent and experienced ecologist. As such this report does not provide evidence that protected species would not be harmed as a result of the proposal. LCC Ecology therefore confirm that they have a holding objection to the proposed site layout of Area B.
- 8.67. Based on the above, it is considered that the proposed development could harm protected species which would be contrary to Policy DM6 of the SADMP and the general principles of the NPPF.

Other Matters

- 8.68. LCC Archaeology has recommended that a pre-commencement is imposed on any permission granted with regards to the need to undertake an appropriate programme of archaeological mitigation in view of the proximity of the site to a Scheduled Monument.
- 8.69. LCC as Lead Flood Authority advises that further information is required to fully assess the impact of the proposal on surface water drainage in the area. The application is accompanied by a Flood Risk Assessment. In view of the scale of the proposal it is considered that this further information could be submitted as part of a pre-commencement condition.

9. Equality implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

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

10. Conclusion and Planning Balance

- 10.1. Policy DM19 of the SADMP applies for the proposed workshop building and washbay building which would fall within a B2 Use Class and so the principle of the construction of these buildings on this allocated employment site would be accepted.
- 10.2. However, Area B (up to Bilstone Road) is located outside of the settlement boundary for Twycross and outside of the employment site allocation. In accordance with the criteria in Policy DM4, for the principle of a retail use to be acceptable in this countryside location any planning application submitted would need to demonstrate that the proposal contributes to economic growth, job creation and/or diversification of a rural business and that it is to meet a local need. It is considered that the evidence submitted with the planning application does not demonstrate that the proposed agricultural machinery storage and display area would be in accordance with the criteria in Policy DM4. Therefore, the proposed retail use in this countryside location would not constitute sustainable development as defined in Policy DM4 of the SADMP.
- 10.3. The proposed development in Area B would have a negative impact upon the Scheduled Monument and the Conservation Area. Any identified harm to a designated heritage asset is afforded great weight in the planning balance. This is primarily due to the loss of this part of the asset's historic landscape settings and the intrusion from the new artificial bund and securing fenced boundary. As a result the proposal currently fails to meet the requirements of paragraph 189 of the NPPF and Policy DM11 (b) of the SADMP DPD.
- 10.4. However, based on the evidence submitted with the application, it is considered that the proposal would cause a level of harm to the significance of these heritage assets and in this case the level of harm is considered to be less than substantial. The proposal cannot demonstrate any heritage benefits. Non-heritage benefits demonstrated by the proposal are minor in nature as the proposal would not generate additional employment. When taken as a whole, it is considered that the level of the public benefits demonstrated by the proposal are insufficient to outweigh the harm caused to the identified heritage assets and therefore the proposal fails to comply with paragraph 196 of the NPPF and Policy DM11 of the SADMP.
- 10.5. The display and storage of agricultural machinery within this bund, which would be an incongruous feature in the landscape, would also have a detrimental impact on the rural character of this countryside location on the edge of Twycross contrary to the requirements of Policy DM4 of the SADMP. It has not been demonstrated that the proposed development would not harm protected species which is contrary to the requirements of Policy DM6.
- 10.6. Whilst, subject to conditions, the proposal would not have any significant adverse impacts on residential amenity, vehicular or pedestrian safety, archaeology and drainage it is considered that the proposed development would be contrary to Policies DM1, DM4, DM6, DM10, DM11 and DM12 of the SADMP (2016) and to advice in the NPPF and is therefore recommended for refusal.

11. Recommendation

11.1 Refuse planning permission for the following reasons:

1. The proposal relating to the storage and display of agricultural equipment and machinery for retail purposes (sui generis use) would not constitute sustainable development as defined in Policy DM4 of the SADMP. As such the principle of this retail proposal in a countryside location would be contrary to Policies DM1 and DM4 of the SADMP.
2. The area proposed for the storage and display of agricultural equipment and machinery would affect the significance of the scheduled monument known as “Moated site and fishponds NNW of St James’ Church” and the Twycross Conservation Area by virtue of its location within the wider setting of these designated heritage assets. Based on the evidence submitted the level of harm is considered to be less than substantial. The level of the public benefits demonstrated by the proposal are insufficient to outweigh the harm caused to the identified heritage assets. Such a use along with the engineered bund would also constitute an incongruous feature in this rural landscape. The proposal would thus fail to protect, conserve and enhance the historic environment and would not protect the open character and landscape character of this rural area which would be contrary to Policies DM4, DM11 and DM12 of the SADMP and to advice in the NPPF.
3. Insufficient evidence has been submitted with the application to substantiate that the area proposed for the storage and display of agricultural equipment and machinery would not harm protected species including badgers and hedgerows on the site. Such a proposal would thus be contrary to Policy DM6 of the SADMP and to guidance in the NPPF.

Planning Committee 12 January 2021
Report of the Planning Manager

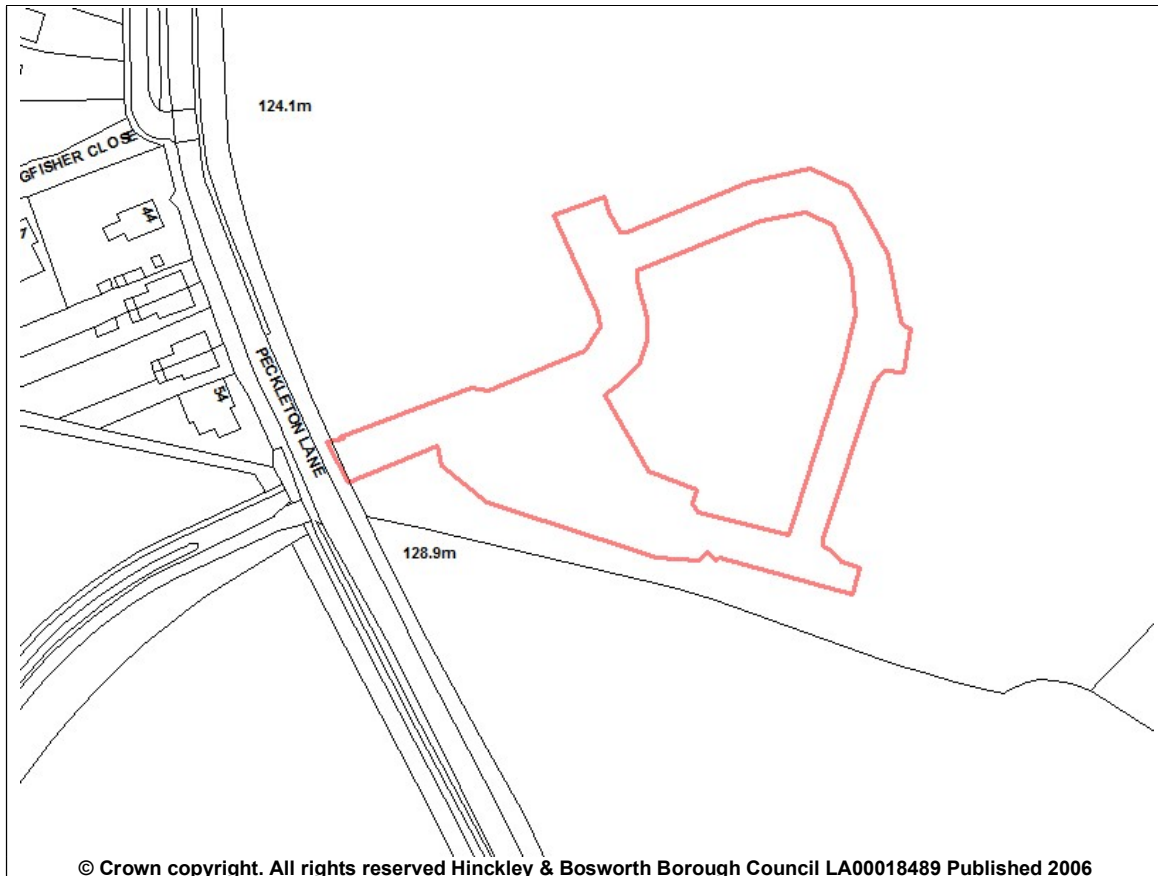
Planning Ref: 20/00937/FUL
Applicant: Owl Homes
Ward: Newbold Verdon With Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: Land East Of Peckleton Lane Desford

Proposal: Erection of 5 dwellings



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The proposal relates to the construction of 5 dwellings on land previously granted planning permission for residential development under refs: 18/01252/OUT and 20/00347/REM.
- 2.2. Following concerns raised regarding the original scheme submitted with this application the proposal has been amended. The amended scheme is for the replacement of a detached dwelling approved on plot 80 with a block of 3 residential units orientated to face towards Peckleton Lane. A further 2 properties would be constructed to the south east of this block and would comprise of a pair of semi-detached properties.

2.3. The housing mix proposed comprises of 5 market properties with 3 x 2-bed and 2 x 3-bed properties. The properties proposed are of traditional construction comprising of facing bricks with roofing tiles. All of the properties would be built to a height of two-storeys.

2.4. A detailed access plan showing a new road off Peckleton Lane in the location of an existing field gate was approved under consent ref: 18/01252/OUT. This proposal would utilise this access. Two car parking spaces would be provided for each property.

3. Description of the site and surrounding area

3.1. The application site comprises part of a single pasture field with well-defined hedgerow boundaries. Located close to the approved access road from Peckleton Lane into this housing development the site includes plot 80 which has planning permission for a detached dwelling. The site also includes an area of open space with the public footpath forming the southern boundary of the site.

4. Relevant planning history

18/01252/OUT

- Residential development up to 80 dwellings with associated works (Outline - access only)
Planning application refused but allowed at appeal
29.07.2019

20/00347/REM

- Approval of reserved matters (layout, scale, appearance and landscape) of planning permission ref: 18/01252/OUT for 80 dwellings and details of the Affordable Housing Scheme and On-Site Open Space Area Scheme
Planning Permission
05.08.2020

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.

5.2. Letters of objection have been received from 5 residential addresses raising the following issues:

- 1) The proposal would generate additional traffic on the surrounding roads
- 2) Additional residents would be using already overstretched services and facilities in Desford
- 3) The proposal would result in the loss of green space on the site
- 4) The proposed layout will alter the aesthetics of the entrance into this development
- 5) The buildings would be in close proximity to the public footpath

6. Consultation

6.1. LCC Ecology has placed a holding objection on the proposal until amendments are made to the proposed landscaping scheme. An amended landscaping scheme has been submitted and LCC Ecology's comments are awaited.

6.2. No objections have been received from:
Environmental Services (Pollution) – subject to pre-commencement conditions
HBBC Waste Services
LCC Ecology
HBBC Section 106 Monitoring Officer

LCC as Highway Authority – subject to conditions

6.3. Desford Parish Council objects to the scheme as additional dwellings would increase traffic volumes on Peckleton Lane and add to the significant congestion on local village roads.

6.4. No comments have been received from HBBC Waste Services

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

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. Desford Neighbourhood Plan Referendum Version (2020)

- Policy H1: Settlement Boundary
- Policy H5: Housing Mix
- Policy H6: Windfall Site Development
- Policy H7: Housing Design

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

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

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Highway Safety

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 Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Desford is identified as a Key Rural Centre within Policy 8 of the Core Strategy. To support its role as a Key Rural Centre focus is given to limited development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5. Policy 8 provides the policy framework for each Key Rural Centre relating to Leicester. The first criterion for Desford seeks the provision of a minimum of 110 new homes.
- 8.6. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement (450dpa) than required by the up-to-date figure using the standard methodology of 452 dwellings per annum. Notwithstanding the very limited change in housing requirements per year, 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.
- 8.7. Nevertheless, using the Standard Methodology set by MHCLG, as of the 1 April 2020 the Council is able to demonstrate 5.15 years of deliverable housing supply.
- 8.8. This site lies outside the settlement boundary of Desford and is identified as countryside on the Borough Wide Policies Map and therefore Policy DM4 should be applied. Policy DM4 of the SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development. The site does not fall under any of the categories identified in DM4 as sustainable development.
- 8.9. The Borough Council is actively promoting the preparation of Neighbourhood Development Plans and is keen to see communities strongly involved in the planning and future growth of villages. Under Regulation 25 of the Neighbourhood Planning (General) Regulations 2012, HBBC has issued a decision statement following the examination and subsequent Inspector's report of the Desford Neighbourhood Plan (DNP), detailing its intention to send the neighbourhood plan to referendum. The plan is however unable to proceed to referendum because of the current Covid-19 restrictions.

- 8.10. As the DNP has not been to Referendum and is not a “made plan” paragraph 14 of the Framework is not applicable. Notwithstanding this, Planning Practice Guidance at paragraph 107 provides that where the local planning authority has issued a decision statement (as set out in Regulation 18 of the Neighbourhood Planning General Regulations 2012) detailing its intention to send the Neighbourhood Plan for referendum that plan can be given significant weight in decision taking. Therefore, the DNP is afforded significant weight in the decision making process.
- 8.11. Policy H1 of the DNP identifies a settlement boundary for the settlement of Desford and the application site lies within this settlement boundary. Policy H1 supports development proposals within the settlement boundary where they respect the character of Desford. Policy H6 in the DNP also supports small residential development proposals on infill and redevelopment sites where they are located within the settlement boundary. Therefore, the principle of residential development on the site is accepted under the Neighbourhood Plan subject to compliance with other policies in the Plan.
- 8.12. The site is in a sustainable location in relation to the settlement boundary of Desford where there is generally a presumption in favour of residential development. In addition, the site has good access to services and facilities within Desford and to good public transport links. The application site is also sited within the boundary of an extant residential development granted permission under ref: 18/01252/OUT. Residential properties have been approved to the north and east of the application site.
- 8.13. Therefore, whilst there is a clear conflict between the proposed development and Policy DM4 of the SADMP, under Policy H1 of the DNP does identify the settlement boundary of Desford and the application site is included within this settlement boundary. Policy H6 also supports windfall site development within the settlement boundary. Therefore, Policies H1 and H6 do support development proposals within the settlement boundary where they respect the character of Desford. As stated above these policies have significant weight in the planning balance.

Design and impact upon the character of the area

- 8.14. 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.
- 8.15. Policy DM10 of the adopted SADMP seeks to ensure that proposals complement or enhance surrounding development through materials, design and architectural features.
- 8.16. Policy H7 of the emerging DNP states that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated.
- 8.17. The Council’s Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.
- 8.18. The application site lies within the Newbold and Desford Rolling Farmland in the Hinckley and Bosworth Borough Landscape Character Assessment (2017) (LCA). The Landscape Sensitivity Assessment (2017) makes an assessment of the landscape sensitivity around Desford. The assessment area covers the area to the south, west and east of the settlement.
- 8.19. The application site is situated within a prominent location on this residential site being located near to the access road onto Peckleton Lane and next to public footpath R99/1. The landscape sensitivity study gives guidance for new

development in this area to maintain and enhance the recreational assets including rights of way network. Following concerns raised about the potential impact of the built development in close proximity to the public footpath including a high brick boundary wall of some 1.8 metres in height within 2 metres of the public footpath, an amended scheme has been submitted.

- 8.20. The scheme approved under ref: 18/01252/OUT was based around the need for the public footpath to be retained and enhanced as part of a green buffer and associated public open space. The layout submitted with the amended scheme realigns the block of three residential units away from the public footpath so that the area of land to the west of the site can remain open. Four car parking spaces are proposed within this area, however, the boundary treatment for this parking would comprise a native hedgerow to soften the development.
- 8.21. The amended plans also show two properties re-sited further to the north of the site. Bound by a native hedgerow, the siting of the rear garden of plot 84 would allow an area to remain free of development alongside the public footpath. Designed as a corner property the entrance door and footpath leading up to this door along with two parking spaces would be within 2 metres of the public footpath. However, this area would be bound by a native hedgerow to reduce the impact of this built development on users of the public footpath. The design of plot 84 as a corner property with habitable rooms facing onto the public footpath would also provide natural surveillance over this area to the benefit of users of the footpath.
- 8.22. Whilst the proposal would involve building on land approved as open space under ref: 18/01252/OUT, the development proposal involved a greater area of open space than required under the Council's Open Space and Recreation Study (2016). Therefore, the proposed development would not result in the loss of open space as designated in the legal agreement for the permission.
- 8.23. The proposal would result in the loss of an area proposed as wildflower meadow. However, as confirmed by LCC Ecology, the loss of this area would still result in a net gain for biodiversity as the residential scheme approved under ref: 18/01252/OUT did approve a greater net gain for biodiversity than required.
- 8.24. Following concerns raised by LCC Ecology with regards to the species within the proposed landscaping scheme, an amended scheme has been submitted by the applicant to address these concerns. The *Tilia euchlora* trees have been replaced with locally native species and a new hedgerow is shown planted along the boundary fences of the plots next to the open space. LCC Ecology has been consulted on this amended plan and their comments are awaited.
- 8.25. The properties proposed are of a traditional design comprising of facing brickwork with roofing tiles. The variations in roof styles and orientations proposed would create variety and rhythm within the street scene and would be in keeping with the surrounding housing scheme as approved. The parking areas set between and behind dwellings would reduce the visual impact of cars on the street scene. Landscaping and grass verges are proposed to soften the built development.
- 8.26. Objections have been received regarding the impact on the character of the area with regards to an additional four dwellings sited on this housing development. Policy 16 of the Core Strategy requires a minimum of 30 dwellings per hectare on this site. The proposal along with the additional dwellings (84 dwellings) on this 3.76 hectare site would still be below 30 dwellings per hectare. Paragraph 123 of the Framework requires development to make an efficient use of land. This proposal for four additional dwellings would be in accordance with Policy 16 of the Core Strategy and guidance in the NPPF on the need to make the efficient use of land.

- 8.27. Therefore, it is considered that the design, layout, scale and landscaping details of the proposal as submitted along with the improvements to landscaping would reflect the character of the surrounding area, in accordance with Policies DM4 and DM10 of the SADMP and Policy H7 of the emerging DNP.

Impact upon neighbouring residential amenity

- 8.28. Policy DM10 of the adopted SADMP seeks to ensure that development does not adversely affect the amenity of occupiers of neighbouring properties.
- 8.29. Policy H6 of the emerging DNP requires that development does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise in line with HBBC advice and Planning Guidance.
- 8.30. There are no existing residential properties near to the site which may be affected by the proposal. However, the application site is surrounded by residential properties which are due to be constructed under the extant planning permission.
- 8.31. The 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 gardens which exceed 7 metres in depth and distances between first floor principal windows of some 24 metres. The orientation of the dwellings ensures that each plot has been designed to minimise the impact of overlooking whilst providing some surveillance over rear gardens to assist in providing security.
- 8.32. 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 Policy DM10 of the SADMP and Policy H6 of the emerging DNP.

Highway Safety

- 8.33. 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.
- 8.34. Policy T1 of the emerging DNP requires all housing development to be designed to minimise additional traffic generation and movement through the villages and provide sufficient off-road parking.
- 8.35. The proposal would be accessed via the previously approved (18/01252/OUT) new access directly from Peckleton Lane which gained permission to serve 80 dwellings at the site.
- 8.36. Objections have been received with regards to the additional traffic generated from 4 additional dwellings on the site. The local Highway Authority has been consulted on this proposal and has confirmed that they have no further comments to make on the proposed access which would be adopted by the Highway Authority. They advise that in their 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 advice in the NPPF and Policy DM17 of the SADMP.
- 8.37. With regards to the internal road network on the site, this to be adopted as evident in previous planning permissions for the site where the Highway Authority commented that they were "satisfied an adoptable road layout can be achieved without further amendments." They confirm that the proposal for additional 4 dwellings at the site would not change the internal road network at the site and so have no further comments to make.

8.38. The site layout drawing shows that 2 car parking spaces would be provided for each dwelling. The Highway Authority confirm that this level of parking is consistent with the guidelines contained in the Leicestershire Highway Design Guide which advises that 2 spaces are required for 3 bedroom dwellings. They recommend that planning conditions are imposed to ensure that the parking and turning areas are provided and maintained in perpetuity.

8.39. As such the scheme would comply with Policies DM17 and DM18 of the SADMP (2016).

Other Matters

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

8.41. The request for any planning obligations (Infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.

8.42. In this instance, the proposed site area and number of dwellings do not exceed the thresholds for requiring the delivery of affordable housing or on site play and open space. Any requested infrastructure contribution for public play and open space facilities off site would need to be necessary to make the development acceptable in planning terms and therefore CIL compliant. The Unilateral Undertaking signed as part of the outline permission included a requirement for the provision of equipped children's play space and casual/informal play spaces along with off-site play and open space provision of accessible natural green space. The on-site open space provided on the 80 house development scheme involved a greater area of open space than required under the Council's Open Space and Recreation Study (2016). The proposed development would not result in the loss of open space as designated in the legal agreement for the permission and would not require any additional open space for the 4 dwellings proposed.

8.43. The proposed development would not cause significant pressures on facilities that would warrant a contribution being sought.

8.44. Further to this, as the proposal is for 4 additional dwellings, it is not expected that the proposal would have an adverse impact on other infrastructure services and facilities within Desford that would require mitigating, in line with LCC Planning Obligations Policy (2019). The development is considered to be acceptable in planning terms without any contributions and therefore any contribution would not be CIL compliant in this case. Therefore, notwithstanding Policy DM3 of the adopted SADMP and Policy 19 of the adopted Core Strategy, no contribution has been pursued.

9. Equality implications

9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

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

10. Planning Balance and Conclusion

- 10.1. The application site lies within the countryside as identified in the proposals map attached to the SADMP and so there is conflict with Policy DM4. However, Policy H1 of the DNP does identify the settlement boundary of Desford and the application site is included within this settlement boundary. Policy H6 also supports windfall site development within the settlement boundary. Therefore, Policies H1 and H6 do support residential development proposals within the settlement boundary where they respect the character of Desford. These policies have significant weight in the planning balance.
- 10.2. Paragraph 11 of the NPPF recites the presumption in favour of sustainable development. Whilst the Council can demonstrate a five year supply of housing land, the associated settlement boundaries are considered to be out-of-date. In such circumstances, permission should be granted unless any adverse impacts of so doing would significantly and demonstrably outweigh the benefits.
- 10.3. The proposal seeks additional development on an extant residential site and would involve the efficient use of land. Whilst the site is identified as open space on the approved plans, the extant residential permission does involve a greater area of open space and biodiversity than is required by the Council's policies. Given the surrounding development and the character of the area, the land is residential in character and is not interpreted as countryside. The proposed layout development of this land would not result in significant adverse harm given the surrounding built form, and its relationship within the settlement boundary.
- 10.4. The NPPF does seek to significantly boost the supply of housing. However, the small scale of this proposal means that 4 additional units would attract limited weight in the planning balance. Indeed, the Council does not have a shortfall of housing. The proposal does not include any affordable housing provision or any provision towards public open space in Desford. There would be some short-term economic benefit from the investment in construction but this would be small in scale and temporary.
- 10.5. Whilst there is conflict with Policy DM4 of the SADMP, the proposal would not have a significant impact on the character of the area, on residential amenity, ecology or highway safety and is therefore in accordance with Policies DM6, DM7, DM10, DM17 and DM18 of the SADMP (2016) and Policies H1, 5, 6 and 7 of the emerging Desford Neighbourhood Plan.

- 10.6. Having regard to Policy DM1 of the SADMP, to Policy H1 in the emerging DNP and the presumption in favour of sustainable development along with taking into account the relevant Development Plan policies and material planning considerations, it is considered, on balance, that the proposed development constitutes sustainable development. Therefore, the proposal is recommended for approval subject to conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

11.2 Conditions and Reasons

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

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Drgs no: 1026-AD-201A; 202C; 204B and 205B all received on 17 November 2020

Drgs no: PD-001-1; 001-2; 002-1 and 002-2 all received on 17 November 2020

Drg no: C-1758-05 received on 15 December 2020

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

3. No works shall commence on site until full details of the finished floor levels for each of the approved dwellings has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full accordance with the approved details.

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

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

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

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

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

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

6. Prior to the commencement of development, a scheme for the delivery of full fibre broadband connections to serve each dwelling on the application site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full.

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

7. 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 Drg No: C170-DR-A-0100 Rev 13. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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

8. Any dwellings that are served by private access drives (and 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 Figure DG20 of the Leicestershire Highway Design Guide. The private access drives shall be surfaced with tarmacadam or similar 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).

9. The dwellings hereby approved shall only be constructed from the materials as contained within approved Drg No: 1026-AD-204.

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

10. Prior to the occupation of 20% of the dwellings hereby approved the landscaping scheme as shown on approved Drw no: C-1758-05 shall be implemented in full to the satisfaction in writing of the local planning authority. 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).

11.3 Notes to applicant

1. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
2. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
3. Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with the construction works.
4. Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highway Act 1980.
5. If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

PLANNING COMMITTEE 12 January 2021

Wards affected: All Wards

Major Projects Update

Report of Director (Environment & Planning)

1. Purpose of report

- 1.1 The purpose of this Report is to provide an update to Planning Committee on a number of major schemes in the Borough that are currently being proposed or implemented.

2. Recommendation

- 2.1 That Planning Committee note the content of this report.

3. Background to the report

- 3.1 This report provides an update of progress with regard to the delivery of major development projects. The following sections provide the latest update:

Strategic Planned Housing Sites

Barwell Sustainable Urban Extension (SUE)

- 3.2 The Barwell SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 2,500 new homes and a minimum of 6.2ha of employment land plus open space, a new primary school, shops and leisure facilities. A resolution to grant permission was made in 2013. The Section 106 to accompany the permission was agreed by all parties in January 2019.
- 3.3 All Landowners have now signed the agreement as have the land promoters. The last two signatures required are Leicestershire County Council (LCC) and

Hinckley and Bosworth Borough Council (HBBC). On the signing of the agreement the outline planning permission can be issued.

- 3.4 In January 2020 LCC informed the Council that they consider the figures to be “out of date” and wish to renegotiate the S106 contributions in relation to highways and education. LCC will not sign the agreement until these changes have been made.
- 3.5 During 2020 the highway modelling for the SUE has been rerun using the most up to date information. The modelling team are due to report their findings by the 16th December. This will then be reviewed by the applicant who will report back to LCC and the Council on the necessary mitigation measures.
- 3.6 Alongside this the Council are reviewing the impacts on other parts of the Environmental Impact Assessment as a result of the new highway modelling to identify which other elements require updating. It is hoped that the application will be ready to be report to Committee in April 2021. The Council has also drafted a Planning Performance Agreement (PPA) which sets out a clear timetable going forward. This has not yet been agreed by the Applicant.
- 3.7 The continuing delays with the application and long lead in times for developing the site continue to delay the delivery timetable and will have a significant risk to the delivery of the Barwell SUE, the Council’s 5 Year Housing Supply and meeting the Housing Delivery Test.

Earl Shilton Sustainable Urban Extension (SUE)

- 3.8 The Earl Shilton SUE is allocated in the adopted Earl Shilton and Barwell Area Action Plan (AAP) for the development of 1,600 new homes and a minimum of 4.5ha of employment land.
- 3.9 The Consortium has, for some considerable time, advised the Council that they have prepared all necessary documents to allow a planning application to be submitted.
- 3.10 The Consortium are now also doing fresh highway modelling work in preparation for submitting a planning application. The most up to date information is that an application will be submitted in April 2021.

Land West of Hinckley

- 3.11 The development site covers an area of 44.04 hectares. The site is allocated in the Site Allocations and Development Management Policies DPD for 850 dwellings, including 20% affordable housing, a local shop, a primary school, pedestrian access links across Normandy Way and appropriate provision of play and open space.
- 3.12 The first phase, Reserved Matters application for 260 dwellings was approved in November 2018. Additionally a temporary construction access had been approved in March 2018 to allow the development to progress whilst the highway infrastructure is constructed.

- 3.13 Bloor Homes are now on site and the highways works are being undertaken. Completions will be expected within the next year.

Other sites

- 3.14 The following residential sites are being developed.

Site	Units	Status
Westfield Farm, Earl Shilton Avant Homes	350	Under Construction
Land Adjacent 121 Station Road, Bagworth	12	Under Construction
Lutterworth Road Burbage Redrow Homes	72	Under Construction
29 Moore Road, Barwell Modha Properties	14	Under construction
Former Island House, Arthur Street, Barwell	15	Under construction
Land South of Amber Way, Burbage Permission	40	Under construction
Former Council Depot, Middlefield Lane, Hinckley Countryside Properties	54	Under construction
Land off Paddock Way, Hinckley	55	Under construction
79 – 81 Upper Bond Street, Hinckley	19	Under construction
Transco NTS, Coventry Road, Hinckley McCarthy and Stone	47	Under construction
20 Shaw Lane, Markfield	13	Under construction
Hornsey Rise Memorial Home, Bosworth Road, Wellsborough Springbourne Homes	19	Under construction
Former Highway Land, Leicester Road, Groby Countryside Properties	30	Under construction

Other Strategic Planning and Economic Development Sites

Major Industrial Sites

Land East of Hinckley Island Hotel, Watling Street, Burbage, LE10 3JA

- 3.15 Hinckley Park, located adjacent to Junction 1 of the M69 in Hinckley, is a new strategically located business park being delivered by IM Properties Plc. Unit 1 comprises a 29,563 sqm building to be occupied by DPD. This is the largest automated parcel depot in Europe. The building is complete and is now in the testing phase prior to full occupation in the new year. The site will also be home to Hinckley '532', a 49,470 sqm which will be occupied by Amazon who look to occupy the building in Spring 2021.
- 3.16 The above application also granted outline consent for up to 42,000 sq m of Use Class B1c, B2 and B8 floorspace. This will be provided across a range of buildings and will be subject to subsequent Reserved Matters application.

Horiba MIRA

- 3.17 MIRA provides an automotive technology park for businesses engaged in research and development within the transport sector. This is for both vehicle manufacturers and major supply chain companies. The site is a comprehensive proving ground with over 100km of proving ground test track facilities and 38 major laboratory facilities, including impact simulation, noise and vibration, vehicle and component environmental facilities, along with a full scale aerodynamic wind tunnel and Advanced Emissions Test Centre. The campus has over a quarter of a million square feet of leased space including 63 workshops and 16 office suites. The Technology Park houses over 30 major companies employing over 1000 people.
- 3.18 The MIRA Technology Institute (MTI) is a 2,276 sq m centre for specialist skills and qualifications in the automotive sector. It is a partnership led by North Warwickshire and South Leicestershire College, Coventry University, Loughborough University and the University of Leicester.
- 3.19 Planning permission has been granted for a connected and Autonomous Vehicle testing track (TIC-IT) and a multi-storey car park test facility (Park-IT) within the last year. These schemes are both under construction and should be delivered by the end of the financial year.

Interlink South (Formerly MIDAS 22), Nailstone Colliery.

- 3.20 Redevelopment of the former colliery site to include storage and distribution uses (Class B8), small business units (Class B1 (C), B2 and B8), a country park, landscaping open space and the formation of a new access to create 93,109 sq m of B8 and 929 sq m of SME accommodation. Outline planning permission was granted in 2006 with the approval of Reserved Matters in 2015. The Employment area within the site was sold to ALDI in 2020 and planning permission has been granted for one B8 unit of 120,926 sq m. The

access has been created and earth works have been undertaken. The Country Park is nearing completion with some parts now open to the public.

Neovia Logistics Services, Peckleton Lane, Desford

- 3.21 The development is for a storage and distribution warehouse building, unloading/loading bays, office unit, car parking, circulation, revised access, associated hard standing areas, landscaping, diversion of bridleway R119 and ancillary works to create 111,495 sq m in total with Phase 1a of 62,350 sq m of B8 space. Phase 1b of 810 sq m ancillary office space and Phase 2 of 49,145sqm of B8 space. The application has a resolution to grant planning permission however the S106 agreement remains unsigned.
- 3.22 A revised application for a mixed use development 84,509 of B2 and B8 uses has been submitted and will be reported to committee in February 2021.

Town Centre Regeneration

- 3.23 The Council set out its high level ambition for the town centres in the Town Centre Vision document in October 2015. Work continues on bringing forward sites through discussions and meetings with various interested parties. The Investor Prospectus is regularly updated to further promote the opportunities in the Borough.
- 3.24 The successful application for Heritage Action Zone Funding for a £1.8m programme between 2020 - 2024 will deliver enhancements including a shop front improvement scheme, a community engagement programme, a cultural programme and public realm works.

Other sites

- 3.25 A site of approximately 7.5 hectares of land south of Station Road Market Bosworth is allocated for a mixed use development in the Council's Site Allocations and Development Management Policies DPD (2016) (MKBOS02). The Market Bosworth Neighbourhood Development Plan (NDP) (2015) includes the site as its main housing allocation giving specific reference to the mixed use allocation and the NDP's aspirations. As there are a multiplicity of ownerships there has been difficulty in the site coming forward. Consultants were appointed to create an overall masterplan and development strategy for the site and after informal consultation the document has just finished its' formal consultation. The masterplan will now be adopted and used as to secure a developer to ensure this key development site in the borough is brought forward for development.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 This report will be taken in open session

5. Corporate Plan implications

5.1 This Report provides an update on projects that will contribute to the following strategic aims of the Council:

- Creating clean attractive places to live and work
- Encouraging growth, attracting business, improving skills and supporting regeneration

6. Consultation

6.1 None directly required in relation to this update. Statutory consultation processes on schemes form part of the development management and local plan making processes

7. Risk implications

7.1 It is the council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

7.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

8. Knowing your community – equality and rural implications

8.1 This Report provides an update on a number of schemes, several of which are the subject of separate reporting mechanisms within which equality and rural implications are considered.

9. Climate implications

9.1 All planning applications are determined in accordance with the most up to date guidance in relation to climate change mitigation measures.

10. Corporate implications

10.1 By submitting this report, the report author has taken the following into account:

- Community safety implications
- Environmental implications
- ICT implications
- Asset management implications
- Procurement implications
- Human resources implications
- Planning implications

- Data protection implications
 - Voluntary sector
-

Background papers: None

Contact officer: Nicola Smith 01455 255970
Stephen Meynell 01455255775

Executive member: Councillor D Bill

This page is intentionally left blank

PLANNING APPEAL PROGRESS REPORT

Situation as at: 22.12.20

WR – WRITTEN PRESENTATIONS

IN – INFORMAL HEARING

PI – PUBLIC INQUIRY

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
	RH	20/00102/OUT (PINS Ref 3265133)	WR	Gladman Developments Ltd Gladman House Alexandria Way CONGLETON Cheshire	Land South Of Cunnery Close Barlestone (Residential development for up to 176 dwellings with public open space, landscaping and sustainable drainage systems (SuDS) (Outline - access only) resubmission of 19/01011/OUT)	Awaiting Start Date	
	JB	20/00891/OUT (PINS Ref 3265042)	WR	Mr E Sykes The Bungalow Hydes Lane Hinckley Leicestershire	344 Coventry Road Hinckley (Erection of one dwelling (outline - access and layout))	Awaiting Start Date	
	OP	20/00353/FUL (PINS Ref 3264876)	WR	Mr David Miles The Old Rectory Main Street Swithland	The Reservoir Inn 286 Main Street Thornton (Change of use of public house (Class A4) to five self contained flats (Class C3), alterations)	Awaiting Start Date	

	OP	20/00867/FUL (PINS Ref 3264855)	WR	National Tyre Services Ltd Regent House Heaton Lane Stockport	Unit 3 Rainbow Way Burbage (Use of unit as vehicle repair and MOT testing centre (Class B2/Sui Generis), external alterations)	Awaiting Start Date	
	EC	20/00994/FUL (PINS Ref 3263497)	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) (resubmission of 20/00152/FUL)	Start Date Statement of Case Final Comments	15.12.20 19.01.21 02.02.21
20/00040/CLD	GS	20/00749/CLP (PINS Ref 3262446)	WR	Mr Rodney Rayner Hill Rise Station Road Desford	Hill Rise Station Road Desford (Certificate of Lawful Proposed Development for detached outbuilding)	Start Date Statement of Case Final Comments	11.12.20 22.01.21 12.02.21
	RH	20/00068/FUL (PINS Ref 3261704)	IH	Mr Jason McDonagh c/o Agent	Allotment Gardens Newtown Linford Lane Groby (Erection of replacement dwelling)	Appeal Valid Awaiting Start Date	13.11.20
	GS	20/00762/HOU (PINS Ref 3261668)	WR	Mrs Johnson 1 Salisbury Close Desford	1 Salisbury Close Desford (Two storey side extension)	Appeal Valid Awaiting Start Date	29.10.20
	RH	19/01243/OUT (PINS Ref 3261386)	IH	Davidsons Developments Ltd c/o Agent	Ashfield Farm Kirkby Road Desford (Residential development of up to 120 dwellings (Outline - access only))	Appeal Valid Awaiting Start Date	09.11.20

	SW	19/01405/OUT (PINS Ref 3265143)	IH	Davidsons Developments Ltd Wilson House 207 Leicester Rd Ibstock	Land North Of Deepdale Farm Lutterworth Road Burbage (Residential development of up to 135 dwellings (Outline- access only))	Awaiting Start Date	
20/00037/PP	OP	20/00525/OUT (PINS Ref 3261195)	WR	Mr David Freer 104 Heath Lane Earl Shilton Leicester LE9 7PD	Land to the North of Bardon View High Tor East Earl Shilton (Erection of two dwellings (Outline – access and layout))	Start Date Final Comments	16.11.20 04.01.21
20/00035/PP	JB	20/00240/FUL (PINS Ref 3261112) Lead case	IH	Mr Gavin Ingrams Gnarley Farm Osbaston Hollow Osbaston Nuneaton CV13 0HP	Gnarley Farm Osbaston Hollow Osbaston Nuneaton CV13 0HP (Temporary siting of a prefabricated mobile home)	Start Date Hearing Date	11.11.20 13.01.21
20/00036/PP	JB	20/00552/FUL (PINS Ref 3261114)	IH	Mr Gavin Ingrams Gnarley Farm Osbaston Hollow Osbaston Nuneaton CV13 0HP	Gnarley Farm Osbaston Hollow Osbaston Nuneaton CV13 0HP (Change of use of the land for the siting of two caravans for residential use(retrospective application))	Start Date Hearing Date	11.11.20 13.01.21
20/00039/PP	SW	20/00611/OUT (PINS Ref 3260922)	WR	Ms Tina Powell 64 Lychgate Lane Burbage	64 Lychgate Lane Burbage (New detached dwelling (Outline - access to be considered))	Start Date Statement of Case Final Comments	03.12.20 07.01.21 21.01.21
20/00032/PP	EC	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))	Start Date Awaiting Decision	02.11.20

20/00031/PP	SW	20/00186/OUT (PINS Ref 3259615)	WR	Mr Bob Harvey Carlton Grange Carlton	Field Adjacent The Rectory Congerstone Lane Carlton (Four holiday units (Outline - all matters reserved))	Start Date Awaiting Decision	22.10.20
20/00029/NONDET	EC	20/00702/OUT (PINS Ref 3259585)	WR	Mr Andy Armstrong 19 Shenton Lane Market Bosworth	Land Adjacent 73 Mill Lane Newbold Verdon (Erection of a single dwelling (outline - access only))	Start Date Awaiting Decision	19.10.20
	OP	20/00519/FUL (PINS Ref 3259539)	WR	Mr R Dolman 36 Main Street Carlton	36 Main Street Carlton (Erection of storage building, hardstanding)	Awaiting Start Date	
20/00033/PP	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))	Start Date Final Comments	09.11.20 28.12.20
20/00030/PP	GS	20/00570/FUL (PINS Ref 3258978)	WR	Mr N Aponso 5 Queen Street Barwell	Land East of Higham Lane Stoke Golding (Erection of building and change of use of land to form a dog day care facility)	Start Date Awaiting Decision	19.10.20
	GS	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
20/00038/PP	JB	19/01324/OUT (PINS Ref 3262295)	PI	Davidsons Developments Ltd	Land At Wykin Lane Stoke Golding (Residential development of up to 55 dwellings (Outline - access only))	Start Date Statement Of Case Proof of Evidence Inquiry (4 days)	20.11.20 08.01.21 16.03.21 13.04.21

20/00034/PP	HK	19/00947/OUT (PINS Ref 3260227)	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))	Start Date Proof of Evidence Inquiry Date (Duration 7 days)	10.11.20 09.02.21 09.03.21
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
20/00027/CLD	HK	19/01164/CLUE (PINS Ref 3246256)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Awaiting Decision	17.08.20
20/00026/CLD	HK	19/00391/CLUE (PINS Ref 3238743)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Awaiting Decision	17.08.20
20/00025/CLD	HK	18/01255/CLUE (PINS Ref 3238520)	WR	George Denny Old House Farm Sutton Lane Cadeby	The Old House Farm Sutton Lane Cadeby (Certificate of lawful use for the change of use from agricultural land to residential curtilage)	Start Date Awaiting Decision	17.08.20

20/00003/NONDET	HK	19/00253/CONDIT (PINS Ref 3236523)	IH	Mr Gerry Loughran Poundstretcher Limited c/o Landmark Planning Ltd	Crown Crest PLC Desford Lane Kirby Muxloe Leicester (Variation of Condition 11 of planning permission 10/00332/FUL and planning permission 12/00313/CONDIT to extend the permitted days and hours during which deliveries can be taken at, or dispatched from, the site to: Mondays to Fridays (including Bank Holidays) 06.00 to 23.00; Saturdays 08.00 to 18.00 and Sundays 09.00 to 13.00.)	Start Date Hearing Date	03.02.20 05.01.21
-----------------	----	---------------------------------------	----	--	--	----------------------------	----------------------

Decisions Received

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))	DISMISSED	07.12.20
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))	ALLOWED	11.12.20
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))	DISMISSED	21.12.20

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))	DISMISSED	07.12.20
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)	DISMISSED	21.12.20
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)	DISMISSED	21.12.20

Designation Period 1 April 2019 - 31 March 2021

Appeal Decisions - 1 April 2019 – 30 November 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

October – Total No of all Major decisions made 70/Total No of appeals allowed 3 = 4.28%

November – Total No of Major decisions made 73/Total No of appeals allowed 3 = 4.10%

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
48	15	33	0	0	12	0	30	3	0	2	0	0	1

October – Total No of all Minor/Other decisions made 1391/Total No of appeals allowed 17 = 1.22%

November – Total No of all Minor/Other decisions made 1458/Total No of appeals allowed 18 = 1.23%

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

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

November - 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

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

November - Total No of all 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