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Hinckley & Bosworth
Borough Council

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

Date: 17 May 2021

To: Members of the Planning Committee

Membership to be confirmed at
Annual Council

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **PLANNING COMMITTEE** in the Function Room - Hinckley Rugby Club on **TUESDAY, 25 MAY 2021** at **6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

PLANNING COMMITTEE - 25 MAY 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 30 March 2021.

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. 20/01319/FUL - UNIT 3, 25 HAWLEY ROAD, HINCKLEY (Pages 5 - 16)

Application for change of use from retail to vehicle autocentre (B2). External alterations to remove loading dock area and ramp, associated amendments to west elevation and roof, insertion of new glazed shopfront, entrance and roller shutter doors, reconfiguration of car park to facilitate proposed LCC road improvements to Hawley Road and Rugby Road, consisting of alterations to car parking area and layout, and bin storage.

8. 20/01021/OUT - LAND AT STATION ROAD, MARKET BOSWORTH (Pages 17 - 58)

Application for residential development up to 63 dwellings with associated access, landscaping, open space and drainage infrastructure (Outline - access to be considered))

9. 20/00470/FUL - GARDEN FARM, BAGWORTH ROAD, BARLESTONE, NUNEATON (Pages 59 - 106)

Application for erection of 99 dwellings

10. 20/01193/FUL - 80 LUTTERWORTH ROAD, BURBAGE (Pages 107 - 112)

Application for installation of Vehicular hardstanding to front garden including dropped kerb access from a B classified highway

11. 20/01170/FUL - NEW FARM, DESFORD LANE, PECKLETON (Pages 113 - 122)

Application for change of use of agricultural land for the storage and operation of coaches, hardstanding

12. 21/00062/HOU - 5 MAIN STREET, BARTON IN THE BEANS, NUNEATON (Pages 123 - 130)

Application for two storey front, side and rear extensions, including front and rear dormer windows

13. APPEALS PROGRESS (Pages 131 - 138)

To report on progress relating to various appeals.

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

30 MARCH 2021 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 WJ Crooks,
Cllr REH Flemming, Cllr A Furlong, Cllr SM Gibbens, Cllr E Hollick,
Cllr KWP Lynch, Cllr LJ Mullaney, Cllr RB Roberts, Cllr MC Sheppard-Bools (for
Cllr DS Cope) and Cllr BR Walker

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

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

686 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Cope and Smith, with the substitution of Councillor Sheppard-Bools for Councillor Cope authorised in accordance with council procedure rule 10.

687 MINUTES

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

RESOLVED – the minutes of the meeting held on 2 March be confirmed as a correct record.

688 DECLARATIONS OF INTEREST

No interests were declared at this stage.

689 DECISIONS DELEGATED AT PREVIOUS MEETING

It was reported that all decisions had been issued.

690 20/01009/FUL - LAND NORTH OF NEOVIA LOGISTICS SERVICES (UK) LTD, PECKLETON, DESFORD

Application for demolition of existing buildings and structures, erection of buildings for B2/B8 use with ancillary offices and welfare floorspace, gatehouse, service yards, parking and circulation routes, together with revised access from Peckleton Lane, associated hardstanding, landscaping, diversion of bridleway R119 and ancillary works.

Notwithstanding the officer's recommendation that permission be granted, some members felt that the development would be detrimental to residential amenity due to the overbearing nature of unit 1 and they felt that the proposed development was therefore contrary to policy DM10. Councillor Sheppard-Bools, seconded by Councillor R Allen,

proposed that permission be refused for these reasons. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be refused for the following reason:

the positioning of unit 1 closer to the road than the existing buildings on site brings built development closer to residents' properties on Peckleton Lane. The scale and height of unit 1 and its proximity to the road would create a dominant building that would have an adverse overbearing impact on surrounding residents which would be detrimental to their residential amenity and contrary to policy DM10 of the Site Allocations and Development Management Policies DPD.

Councillor Hollick abstained from voting as he had not been present for the whole of the debate.

691 20/01283/FUL - LAND OFF LONDON ROAD MARKFIELD

Application for residential development of 282 dwellings (class C3) including provision of public open space, associated infrastructure and engineering works and demolition of Vine Cottage.

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

RESOLVED –

- (i) permission be granted subject to:
 - a. The completion within three months of this resolution of a S106 agreement to secure the following contributions:
 - 40% affordable housing
 - West Leicestershire CCG £156,312.45
 - Civic amenities £18,503.00
 - Libraries £8,360.00
 - Education £1,560,261.38
 - Play and open space £1,225,497.12
 - Coalville Transportation Strategy £1,377,288.00
 - Provision of bus stop improvements
 - Contribution of £6,000.00 for the monitoring of a full travel plan
 - Travel packs
 - Six month bus passes (two application forms per dwelling to be included in travel packs and funded by the developer);
 - b. The conditions contained in the officer's report and late items;
- (ii) The Planning Manager be granted delegated powers to determine the final detail of planning conditions;
- (iii) The Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods and any agreed contribution towards early years provision.

692 20/00470/FUL - GARDEN FARM, BAGWORTH ROAD, BARLESTONE, NUNEATON

Application for residential development of 99 dwellings with associated infrastructure, vehicular accesses and areas of open space.

It was moved by Councillor W Crooks and seconded by Councillor Sheppard-Bools that the application be deferred for a site visit to allow members the opportunity to view the roads and traffic around the site.

It was moved by Councillor R Allen and seconded by Councillor Roberts that permission be granted. As the second motion, this was not put.

As the first valid motion, the motion to defer was put to the vote and subsequently CARRIED and it was

RESOLVED – the application be deferred to give members the opportunity to visit the site.

693 APPEALS PROGRESS

Members received an update on planning appeals. The report was noted.

(The Meeting closed at 8.55 pm)

CHAIRMAN

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Planning Committee 25 May 2021
Report of the Planning Manager

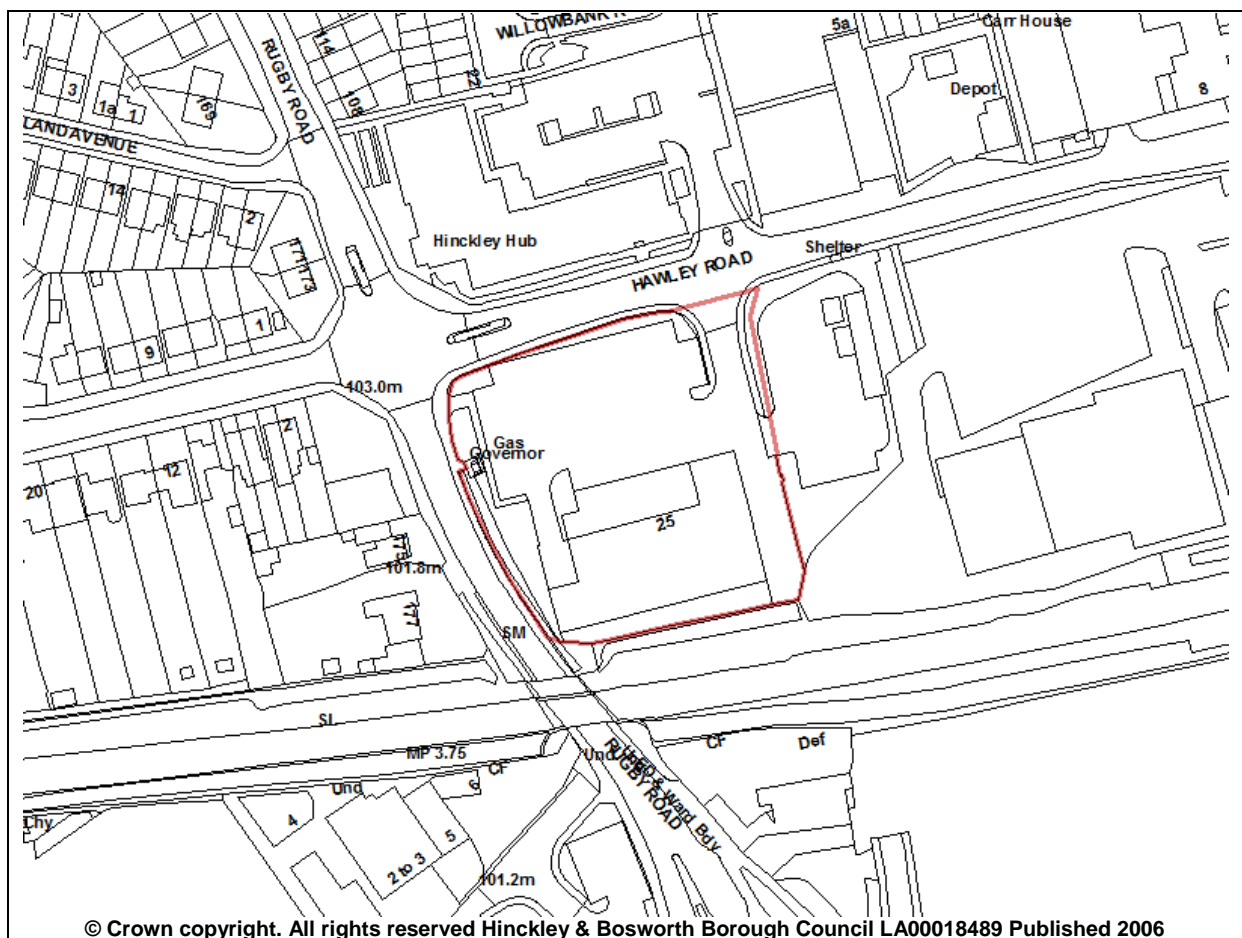
Planning Ref: 20/01319/FUL
Applicant: Beauford Commercial
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: Unit 3 25 Hawley Road Hinckley

Proposal: Change of use from retail to vehicle autocentre (B2). External alterations to remove loading dock area and ramp, associated amendments to west elevation and roof, insertion of new glazed shopfront, entrance and roller shutter doors, reconfiguration of car park to facilitate proposed LCC road improvements to Hawley Road and Rugby Road, consisting of alterations to car parking area and layout, and bin storage



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

2. Planning application description

- 2.1. This application seeks planning permission for the change of use from retail to a vehicle autocentre (B2) for the repair and maintenance of vehicles at 25 Hawley Road, Hinckley.
- 2.2. External alterations include removing the loading dock area on the western elevation and ramp and associated amendments to this elevation and roof, insertion of a new glazed shop front and entrance on the corner of the western and northern elevations, and roller shutter doors on the western elevation. The car park will also be reconfigured in order to facilitate proposed LCC road improvements to the Hawley Road/Rugby Road junction. The reconfiguration will include 1 additional space.
- 2.3. The only change to the eastern elevation would be a new service door and the only change to the southern elevation would be the new hipped roof to part of the building due to the demolition of the loading dock.
- 2.4. The proposed materials would be to match the existing building apart from the roller shutter doors.
- 2.5. The planning, design and access statement states that Formula One Autocentres will be the occupier of Unit 3. The unit will be used for the carrying out of the business of vehicle repair and servicing and associated operations including the sale of tyres, brakes, clutches, batteries and exhausts and MOT testing as well as ancillary vehicle washing, valeting and detailing operations.

3. Description of the site and surrounding area

- 3.1. The building is a single storey structure, of grey and white render finish with a prominent pitched roof mass of brown concrete tiles. The building is set back from Hawley Road behind the car park. It is sited at a higher level than Rugby Road to the west.
- 3.2. To the north is the Hinckley Hub, to the east is an automated car wash, to the south on top of an embankment lies the railway line. Beyond the railway line is a newly constructed retail and employment site which includes Johnsons drycleaners, The Co-op, Topps Tiles and Greggs. To the west are the nearest residential properties with a wider predominantly residential area sited between Rugby Road and Coventry Road.

4. Relevant planning history

93/00935/FUL

- Erection of food retail unit and associated works
Permission
24.05.1995

95/00781/CONDIT

- Variation of condition 9 of application 93/00935/FUL (opening hours)
Permission
28.11.1995

09/00451/CONDIT

- Variation of condition 8 on 93/00935/FUL to allow for deliveries between 09:00 and 16:00 on Sundays
Permission
17.08.2009

10/00153/FUL

- Extension to existing foodstore
Permission
21.04.2010

13/00119/FUL

- Extension to existing foodstore
Permission
09.04.2013

20/01299/CONDIT

- Variation of condition 9 (opening hours) of planning permission
93/00935/FUL and 95/00781/CONDIT to extend the opening hours
Permission
15.03.2021

20/01300/FUL

- External alterations to insert new glazed shopfronts, entrance and exit
doors
Permission
29.01.2021

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. No comments received.

6. Consultation

6.1. No objections (some subject to conditions/notes to applicant) received from:

- LCC Highways
- HBBC Waste
- HBBC Pollution

6.2. No response received from:

- Environment Agency
- Hinckley Area Committee

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM22: Vitalising District, Local and Neighbourhood Centres

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)

8. Appraisal

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Pollution
- Other matters

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.
- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009), the Site Allocations and Development Management Policies DPD (2016) and the Hinckley Town Centre Area action Plan (2011).
- 8.4 Policy 1 of the Core Strategy seeks to ensure there is a range of employment opportunities within Hinckley.
- 8.5 The application is within the Hinckley Town Centre Area Action Plan boundary however there are no specific policies that relate to this proposal within the action plan.
- 8.6 The site is situated within Hawley Road Local Centre (HIN156L) as defined in the Site Allocations and Development Management Policies DPD (SADMP). For Local Centres, Policy DM22 States *“The change of use from A1 or A2 retail or loss of A1 or A2 retail uses within local centres will only be permitted where it can be demonstrated the proposal would not detract from the vitality or viability of the Local Centre in terms of the mix and type of uses”*. When applying DM22, regard should be given to the changes to the Use Class System which came into effect on 1st September 2020. A1 and A2 uses are now within Class E along with a number of other commercial business and service uses.
- 8.7 The application is for the change of use from Class E to B2. It is noted that since the closure of Lidl, the existing unit has been subdivided into three units, with one unit intended to remain for retail and another proposed to be used as a gym. As noted by the applicant in the Planning, Design and Access Statement, the existing Local Centre is well served by larger retail units to the east. Subdividing the existing unit allows for an increase in the variety of uses and services which could potentially add to the vitality and viability of the centre, including increased footfall.
- 8.8 Since the publication of the SADMP, a small retail and service centre has been built the south side of the railway line in Burbage off Rugby Road (Rainbow Way). The

permission for this centre approved A1, A3 (now both Class E) and B8 uses on the site in accordance with Policy SA3 of the SADMP, the purposes of the Policy is to deliver day to day retail needs in association with residential development off Amber Way and the wider outline permission. Rainbow Way was allocated to address the retail needs of the local population, rather than address broader day-to-day needs which might require for a wider range of services. The impact and availability of uses within this centre on the existing Hawley Road Local Centre is an important consideration. Whilst this is outside of the defined Local Centre, the units nevertheless provide a variety of retail and services within a reasonable walking distance of the existing centre, including a convenience store.

- 8.9 The proposed use will provide for a new service centrally located in the urban area of Hinckley and Burbage, and in principle, is considered to be an acceptable use having regard to the other services and commercial uses in the centre, including a petrol station and car wash. The applicant notes that customers of the proposed use may also make use of the other shops and services in the centre. There is merit in this statement, particularly travelling to and from the centre and using it as an opportunity to access the other amenities.
- 8.10 There will be some small loss of retail provision within the centre, however having regard to the existing amount of existing retail provision, including the potential use of the adjoining unit for retail, the availability of other retail units in close proximity of the site and the availability of other commercial services and uses, it is not considered the proposed loss would be significant and one which will detract from the vitality and viability of the Local Centre. The change of use will offer a new service, adding to the variety available in the centre. The proposal is therefore in accordance with Policy DM22.

Design and impact upon the character of the area

- 8.11 Policy DM10 of the adopted SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.12 The proposed external changes to the building are minimal. The loading bay is proposed to be demolished which would increase the separation distance from 8 metres to 15 metres between the building and Rugby Road. The main change would be the five roller shutter doors propose on the western elevation. This would give the building a commercial character from this elevation however the shop front is also partially on this elevation and the building would have a similar character to the commercial buildings opposite the site to the west on Rugby Road. The finish of these doors will be conditioned to be submitted for approval.
- 8.13 The proposed door to the east elevation would match the existing and would be minor in scale being viewed within the context of the building. The building has been split into 3 units therefore this application proposes an additional entrance and shopfront on the north elevation in order to access unit 3 which wraps round onto the western elevation. This would be fully glazed with a dark grey aluminium edging. The door would be finished in the same materials (RAL 7016). This additional entrance would be viewable within the street scene. It would provide relief to the existing northern and western elevations by introducing glazing. The additional shopfront would also reinforce the character of the building within the local centre.
- 8.14 Two other fully glazed shopfronts have been approved under separate permissions on the northern elevation for unit 1 and unit 2. The materials and finish would match that of unit 3's shopfront. The northern elevation would not be fully glazed and would still include rendered panels like the existing building.

- 8.15 The proposal would therefore complement the existing character of the building and the local centre and therefore complies with policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.16 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.17 The closest residential properties are across Rugby Road approximately 40 metres from the proposed western elevation. The application proposes new roller shutter doors on the western elevation which would face these dwellings. However due to the separation distance and intervening highway there would be no impact upon these neighbouring dwellings in terms of loss of light, overbearing impact, enclosure or overlooking. Potential noise impact is assessed later in this report. Therefore it is considered that there would be no impact upon the residential amenity of neighbouring dwellings in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.18 Policy DM17 of the Site Allocations and Development Management Policies DPD states that development proposals will be supported where they demonstrate that there is not a significant adverse impact upon highway safety and that the development is located where the need to travel will be minimised.
- 8.19 Policy DM18 states that proposals will be required to provide adequate levels of parking provision of an appropriate design.
- 8.20 A Transport Statement has been submitted in support of the proposals dated 8 December 2020. The proposed autocentre would occupy unit 3 (472sqm of the 1492 sqm total floorspace).

Access

- 8.21 Vehicular access to the site will continue as per the current arrangements with access off Hawley Road.

Trip Generation

- 8.22 The site was formerly used as a Lidl Supermarket and the site specific trip generation figures are not known therefore TRICS has been used to calculate the approximate level of trips the supermarket could have generated, along with rates for the gym (unit 1) and remaining retail unit (unit 2). It should be noted that the change of use of unit 1 does not require planning permission however the trip generation has been included as part of this application as it includes the reconfiguration of the car park which will serve all three units. The Local Highway Authority notes that the auto centre would generate less overall peak/daily trips in comparison to the equivalent gross floorspace of E(a) retail. The overall development (including units 1 & 2) would lead to an overall reduction in trips in comparison to the Lidl store.

Highway Safety

- 8.23 Based on available records to the LHA, there have been four Personal Injury Collisions (PICs) on Hawley Road between the junction of Rugby Road and the junction of Station Road/Southfield Road. This includes two slight, one serious and one fatal PIC. All PIC's have occurred since November 2018.
- 8.24 The first slight PIC involved a collision between a vehicle and a cyclist at the site access junction, with the second involving a collision between a vehicle travelling along Hawley Road and another vehicle exiting a driveway. The serious PIC involved two vehicles, with one vehicle colliding with a pedestrian during snowy

weather. The fatal PIC involved a HGV and a pedestrian at the signalised pedestrian crossing fronting the site. This was considered to be an isolated incident.

- 8.25 Given the current use of the site and the proposed improvements to the junction by LCC, the LHA considers the proposal is unlikely to exacerbate the existing situation.

Internal Layout

- 8.26 The parking arrangements for the overall site are shown on the proposed block plan. The car park is proposed to be realigned so that the highways improvement works proposed by LCC at the junction of Hawley Road/Rugby Road/Westfield Road can be facilitated. These improvements require the acquisition of land to the north of the site. The proposed car park would have 80 car parking spaces, which is one additional space compared to the present situation. The proposed layout is consistent with LCC's junction improvements. Unit 3 would require 9 car parking spaces and two HGV spaces. The LHA consider that the existing car park would be able to accommodate these spaces and therefore considers it would not be necessary to condition the car park drawing.

- 8.27 Overall, the proposal complies with Policy DM17 and DM18 of the SADMP.

Pollution

- 8.28 Policy DM7 of the SADMP seeks to prevent any adverse impacts from pollution by appropriate remediation of contaminated land in line with minimum national standards and ensuring that development would not cause noise or vibrations of a level which would disturb areas that are valued for tranquillity or amenity.
- 8.29 Policy DM10 of the SADMP identifies that development should not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion.

Noise

- 8.30 A Noise Impact Assessment has been submitted in support of the application. There will be no external plant and equipment at the site therefore the assessment has been made on the noise breakout from the building with the main component of which will be via the site's open roller shutter doors.
- 8.31 An assessment by BS 4142 indicates 'low effects' (Low Observed Adverse Effect Level) whilst an assessment using the WHO Guidelines indicates 'negligible impact'. An assessment using the provisions of PPG-Noise indicates 'no effects'. Therefore, there would be minimal impact in terms of noise upon neighbouring buildings/dwellings.
- 8.32 The opening times would be conditioned to be 0700 – 1900 Monday – Saturday and 1000 – 1600 Sundays and Public Holidays. The wider site (units 1 & 2) has a condition which limits deliveries between 23:00 and 6.00 on Monday to Saturday (inclusive) and before 09:00 or after 16:00 on Sundays. The deliveries for this unit will need to occur within the opening hours to ensure the use is compatible with the surrounding area.
- 8.33 HBBC Pollution have no objections to the application.

Land contamination

- 8.34 The Design and Access Statement assesses the land contamination within the site. The site has been subject to extensive remediation due to land contamination issues. The site is effectively encapsulated by a bentonite wall overlaid with a membrane. Damage to the bentonite cut-off wall and membrane must be avoided during the proposed works (removal of the loading bay) and a risk assessment

should be carried out by a competent person to demonstrate that this can be effectively managed. The changes to the car park should be incorporated within this assessment to ensure that remedial measures remain in-tact and effective. Due to this HBBC Pollution recommend 2 conditions with one being a pre-commencement condition.

Lighting

8.35 The existing lampposts and totem are proposed to be relocated within the site. LCC Highways do not object to their relocation. HBBC Pollution raise no objection to the proposal with regards to light pollution but have stated that a level of 300cd/m² would be recommended for a sign over 10m² and 600cd/m² for signage under 10.2 in an Environmental Zone E2. The detail of the sign in terms of advertisement and lighting is not being considered through this application. These details would be dealt with under a separate Advertisement Consent application.

8.36 Overall, the proposal therefore complies with Policy DM7 and DM10 of the SADMP.

Other matters

8.37 Provision for bins has been shown on the proposed floor plans however it is to the back of the building to the southern elevation. Bin collection is from the adopted highway boundary and therefore a condition will be imposed for additional details to be submitted.

9. Equality implications

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

10. Conclusion

10.1. The proposal is located within the settlement boundary of Hinckley and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.

10.2. The proposed design would complement the character of the existing building and surrounding area. The proposal would diversify the existing Local Centre but still

retain its vitality and viability, have no adverse impact upon neighbouring residential amenity, highway safety, parking provision and pollution. The proposal therefore complies with Policy 1 of the Core Strategy and Policies DM7, DM10, DM17, DM18 and DM22 of the SADMP. Therefore this proposal is recommended for approval subject to the following conditions.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

11.3 Conditions and Reasons

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

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

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

- a) Proposed Ground Floor Plan Drg No: 0132 P-00
- b) Proposed Elevations Drg No: 0131 P-00
- c) Site Location Plan Drg No: 0101 P-00 received by the Local Planning Authority on 11 December 2020.
- d) Proposed Block Plan Drg No: 0130 Rev: P-01
- e) Proposed Street Lighting and Totem Structure Drg No: 0135 P-00 received by the Local Planning Authority on 12 February 2021.

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

3. The materials to be used on the external elevations of the proposed extension and alteration shall accord with the approved Proposed Elevations Drg No: 0131 P-00 received by the Local Planning Authority on 11 December 2020.

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

5. Notwithstanding the submitted details and prior to the commencement of development full details of the proposed colour and finish of the roller shutters

(which shall be powder coated, or other similar finish, before installation) shall be submitted to and approved in writing by the Local Planning Authority. The shutter shall only be installed in accordance with the approved finish and shall be maintained as such for the life of the development.

Reason: To safeguard the character and appearance of the area and the building in general in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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

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

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

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

8. The approved B2 use shall not operate outside the following times:-

0700 - 1900 Monday - Saturday

1000 - 1600 Sunday and Public Holidays

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

11.4 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

3. In relation to conditions 6 and 7; advice from Health and Environment Services can be viewed via the following web address:- https://www.hinckley-bosworth.gov.uk/info/200075/pollution/177/contaminated_land site which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

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Planning Committee 25 May 2021
Report of the Planning Manager

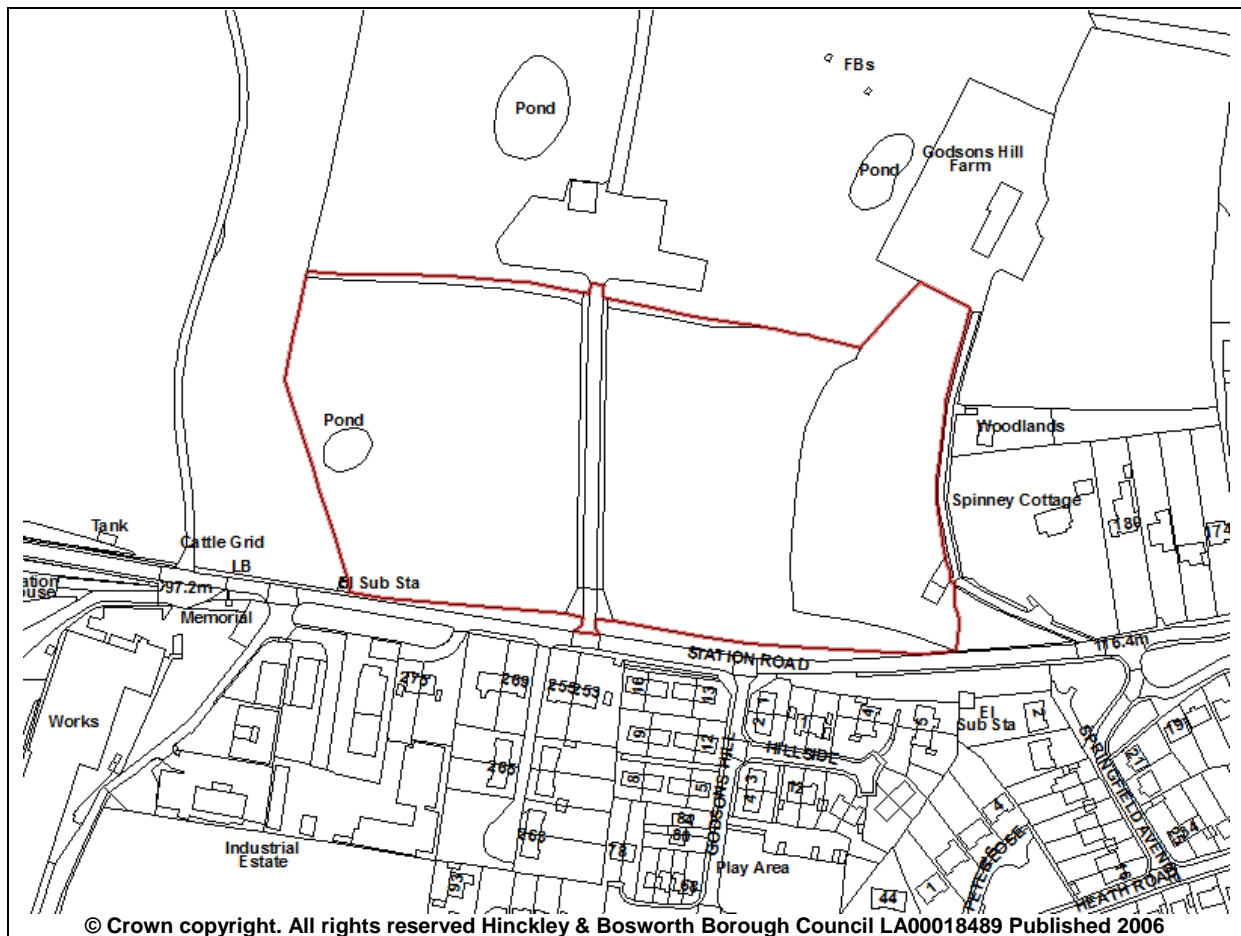
Planning Ref: 20/01021/OUT
Applicant: Richborough Estates & Messrs Vero
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Land At Station Road Market Bosworth Leicestershire

Proposal: Residential development up to 63 dwellings with associated access, landscaping, open space and drainage infrastructure (Outline - access to be considered).



1. Recommendations

1.1. Grant planning permission subject to:

- The completion within 6 months of this resolution a S106 agreement to secure the following obligations:
 - 40% Affordable Housing (25 units) with a split of 75% of the units as affordable rented and 25% of the units as shared ownership
 - Affordable rented mix shall comprise: 6 x 1 bed 2 person flats or quarter houses; 3 x 2 bed 4 person bungalows; 6 x 2 bed roomed 4 person houses and 4 x 3 bed roomed 5 person houses

- Shared ownership mix shall comprise: 2 x 2 bed 4 person bungalows and 4 x 2 bed houses
 - £1,900.00 for library facilities at Market Bosworth Library
 - £3120.00 towards improving existing waste facilities at Barwell HWRC
 - £31,897.68 towards the cost of providing additional accommodation for 153 patients at Market Bosworth GP Surgery
 - On-site Open Space requirement of 500m² of equipped play area and Trim Trail with equipment to a minimum value of £90,965 and maintenance costs of £87,800; 1058m² of Casual/Informal Play Space and maintenance costs of £11,426 and 20042m² of natural green space along with maintenance costs of £284,596.40
 - £303,350.20 towards primary and secondary school education in Market Bosworth
 - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass
 - Travel Plan monitoring fee of £6,000
- Planning conditions outlined at the end of this report.
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
- 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.
- 2. Planning application description**
- 2.1. This application seeks outline planning permission for up to 63 dwellings with associated access, public open space and drainage infrastructure. All detailed matters are reserved for later determination, except access. The site has an area of approximately 4.2 hectares.
- 2.2. Access to the site is proposed off Station Road. A detailed access plan accompanies the application showing the upgrade of the existing access to Kyngs Golf Club with the provision of a 6.0m wide carriageway, 10m kerbed radii and 2.0m wide footways on both sides of the access road fronting the development. This vehicular access is included in the red line planning application site boundary. The access proposals are in line with those conditioned as part of planning permission ref: 19/01437/FUL for the erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas, access roads and the erection of 6 golf holiday homes. Pedestrian links are also shown onto Station Road from the open space.
- 2.3. As the application is in outline format, the proposed housing mix is unknown. However, the applicant has stated that 40% of the housing to be provided would be affordable housing and so if 63 dwellings were to be provided this would result in 38 market dwellings and 25 affordable units.
- 2.4. An indicative development framework and a parameters plan have been provided. The indicative framework shows the layout of up to 63 dwellings on a developable area of 2.04 ha. The parameters plan shows the area of development which includes an area where the height of the dwellings would be restricted to 5.5 metres to their pitch and three areas of open space totalling 2.16 hectares.
- 2.5. The application is supported by the following technical documents:
- Design and Access Statement
 - Landscape Strategy
 - Noise Report and Assessment

- Biodiversity Metric 2.0 Calculation Tool
- Heritage Statement
- Air Quality Assessment
- Existing Site Sections
- Topographical Survey
- Statement of Community Involvement
- Transport Assessment
- Travel Plan
- Tree Survey
- Planning Statement
- Geotechnical Desk Study Report
- Landscape and Visual Impact Appraisal
- Geophysical Survey
- Ecological Impact Assessment
- Flood Risk Assessment
- Land Use Parameter Plan
- Illustrative Masterplan

3. Description of the site and surrounding area

- 3.1. The application site comprises 4.2ha of open land consisting of two fields currently used for pasture. The north and western boundaries are defined by existing hedgerow with the eastern boundary containing mature trees. A broad leaved woodland is located within the south-eastern corner of the site which forms the boundary with Station Road and the residential property to the east. Post and rail fencing forms the boundary along Station Road along with sections of hedgerow. The site is bound by the settlement boundary of Market Bosworth along Station Road to the south and to the east which contain residential properties and commercial units. Open fields lie to the west whilst a golf course forms the northern boundary. Planning permission has recently been approved for the construction of a multi-purpose golf clubhouse and six golf holiday homes adjacent to the northern boundary of the application site.
- 3.2. Comprising predominantly improved grassland and poor semi-improved grassland, the site is divided into two by a tarmac access road which leads from Station Road to the golf course to the north. The site is relatively flat before rising steeply towards the eastern part of the site. The surrounding land uses give the area its semi-rural character.

4. Relevant planning history

13/00520/FUL

- Erection of 65 dwellings and associated works including 2 no. balancing ponds, formal play area space, public open space
Refused and Appeal Withdrawn
11.02.2014

14/00674/FUL

- Erection of 64 dwellings and associated works including 2 no. balancing ponds, formal play area space and public open space (revised proposal)
Refused
05.03.2015

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. 17 letters of objection have been received during the statutory consultation period. A further 10 letters have recently been received raising concerns about the amount of development proposed in Market Bosworth and specifically making reference to this planning application. The objection letters received raise the following issues:
- 1) The land lies outside the settlement boundary for Market Bosworth and should remain as agricultural land.
 - 2) The proposed site off Shenton Lane is a more suitable location for housing as it is understood that there is a need for additional housing in Market Bosworth.
 - 3) The proposal would generate additional traffic along Station Road and through Market Bosworth especially during peak hours. There would also be additional traffic at the junction with the Bull in the Oak/A447 which is over-congested and dangerous.
 - 4) The local services and infrastructure such as schools, doctors, dentists, shops and parking within the centre cannot cope with this additional housing.
 - 5) Housing development on this site would be contrary to the policies in the Development Plan including the Market Bosworth Neighbourhood Plan and Policy CE3 with its protected views and vistas (View 1 and Vista 11) and CE5.
 - 6) The Neighbourhood Plan includes a site for additional housing on the opposite side of Station Road. This was voted for by between 64% of the residents. This application site was considered and rejected for housing. Why are the community now being ignored?
 - 7) The allocated site in Station Road and further committed development in the town would already increase its housing by 20%.
 - 8) This site would not supply affordable housing as the average house price in the village even at 80% of market value would be in excess of what a first time buyer could afford.
 - 9) Market Bosworth does not need cheaply built, overpriced, generic cardboard houses.
 - 10) An Inspector at a recent planning appeal at the Golf Course confirmed that the golf course is not suitable for housing.
 - 11) There is already congestion in Market Bosworth's Square which is recognised in the Market Bosworth Town Centre Redevelopment Project – this housing proposal would add to this.
 - 12) Market Bosworth is described as 'the Jewel in the Crown of the Borough' for its historical importance and vistas set in a rural environment which attracts tourism. It is one of the smallest towns in England. This housing development would impact on this tourism and affect the local economy.
 - 13) This proposal would have ecological impacts as there are regular siting's of badgers, bats and other indigenous wildlife.
 - 14) Residents of the new housing would be impacted upon by virtue of noise from the industrial units opposite in particular JJ Churchill Ltd which will need to operate evenings and weekends to re-commence volume manufacture.
 - 15) To allow housing on the site would impact on the ability for the industrial units to operate efficiently as the new residents would complain about the operations on public health grounds. This will impact on the businesses and could lead to a loss of highly skilled and highly paid jobs.
 - 16) The noise report accompanying the application is inadequate as the assessment was carried out during minimal working during the current pandemic.

- 17) The allocated site at Station Field would be compatible with JJ Churchill remaining in its current location, given distances, screening and orientation of the noise-generating activity.
 - 18) The proposal would have significant harm on the landscape and a detrimental impact upon the character of Market Bosworth. A review of the LVIA has been undertaken and submitted by a local independent consultant which confirms this statement.
 - 19) Access is to be considered as part of the determination and so the application must take into account the existing s278 Highways Act agreement dated 24.04.2003 which includes a ghost island right-turning lane.
- 5.3. One letter of support has been received which states that there is a lack of housing available to purchase in Market Bosworth. New housing schemes would allow the author more opportunity to buy a property in the town.
- 5.4. One letter of comment has been received from 1st Market Bosworth Scout Group asking that the Council considers the needs of youth provision in the town when determining this application. The Scout Group does not have access to outdoor space and consideration should be given to providing dedicated outdoor space for the group.

6. Consultation

- 6.1. No objection, some subject to conditions have been received from:
- HBBC Planning Policy
 - HBBC Drainage
 - HBBC Environmental Health (Pollution)
 - HBBC Street Scene Services
 - Leicestershire Police
 - Severn Trent Water Ltd
 - LCC Archaeology
 - HBBC Planning Policy
 - LCC Ecology
 - LCC as Highway Authority
 - LCC as Lead Flood Authority
 - HBBC's Conservation Officer
- 6.2. Market Bosworth Parish Council object to the proposal for the following reasons:
- 1) There is a valid Neighbourhood Plan adopted for the area which shows that the application site lies outside the current settlement boundary and allocates the site to the south of Station Road which has capacity for a minimum of 100 houses (Policy BD2).
 - 2) There is conflict with Policies CE3 and CE5 in the Neighbourhood Plan.
 - 3) The proposal would conflict with Policy DM4.
 - 4) A HNA (2020) identified a housing needs requirement of 108 dwellings 2014-2026 and this can be accommodated on the allocated site. There have already been an additional 104 dwellings built/ have planning permission in the area. This proposal for 63 dwellings would exceed the capacity required putting significant stresses on the infrastructure and services of a small market town.
 - 5) When the public were consulted on this land for the MBNP only 28% supported it compared to 64% for the land to the south of Station Road.
 - 6) A consultation will take place on the Masterplan produced for Station Road and the development of this application site could cause highway safety issues for the allocated site.
 - 7) The proposal would have a significant impact on Vista 11 in the MBNP.

- 8) The proposal could have a negative impact on certain manufacturing units on the industrial estate as a previous application on the site demonstrated that one prestigious company on the site could be forced to close.
- 9) An Inspector for the Consultation Draft Allocation Map (2009) stated that developing this site would have an unacceptable impact upon the landscape setting of Market Bosworth.
- 10) The Neighbourhood Plan Examiner commented in 2014 that development to the north of Station Road would result in a significantly more urbanised approach to the town.
- 11) The Appeal Inspector for the recent Kyng's Golf and Country Club also noted the views and vista in the MBNP and so imposed strict conditions on building heights and rooflines.

6.3. Market Bosworth Neighbourhood Forum object to the proposal for the following reasons:

- 1) The proposal conflicts with the Neighbourhood Plan regarding views and vistas in Policy CE3;
- 2) The site lies beyond the settlement boundary in Policy CE5;
- 3) Market Bosworth has already exceeded its quota of housing as defined in the Neighbourhood Plan and confirmed in the recent HNA conducted by AECOM in Policy BD2;
- 4) The Inspector when considering the Neighbourhood Plan in 2015 stated that development on this land would result in a significantly more urbanised approach to the town.
- 5) Planning permission has previously been refused on this site in 2014.
- 6) The proposal would be contrary to the Council's Landscape Character Assessment and to Policy DM4 on protecting the countryside.

6.4. Market Bosworth Society object to the proposal for the following reasons:

- 1) There are 984 homes in Market Bosworth and a further 110 dwellings have already been allocated at Station Road where a Master Plan has recently been published. There have been another 93 dwellings in the Town. There is not a requirement for additional housing.
- 2) Allowing this development in addition to the others would increase the number of houses by 27% which would put pressure on local services and facilities.
- 3) In the Neighbourhood Plan referendum, only 28% of residents voted for this site north of Station Road compared to the site south of Station Road which received 64% of the votes.
- 4) The proposal would destroy Vista number 11 in the Neighbourhood Plan which is protected by Policy CE3.
- 5) Paragraph 11(d) in the NPPF is triggered as the Development Plan is out of date. The Neighbourhood Plan is also over 5 years old and thus no longer afforded the greater protection provided by paragraph 14 of the NPPF. However, there is no evidence that this development will support local services in the town or create employment in the area.
- 6) Market Bosworth does not have existing deficiencies in the quality, quantity and accessibility of green space and play provision as quoted in the application.
- 7) The proposal would add traffic to roads which already have high fatalities. The bus service is limited and there is no bus service on Sunday.
- 8) The GP facility in Market Bosworth cannot be extended and would not be able to support this increase in population.

6.5. No comments have been received from Cycling UK.

6.6. LCC Developer Contributions request:

- £303,350.20 towards primary and secondary school education in the area
- £1,900.00 towards library facilities at Market Bosworth Library
- £3,120.00 towards civic amenity facilities in Barwell
- Travel Packs (one per dwelling) to inform residents of sustainable travel choices (can be supplied by LCC at £52.85 per pack).
- Six month bus passes (two per dwelling) with 2 application forms to be included in Travel Packs (can be supplied through LCC at £360.00 per pass).
- Raised kerb provision at the nearest two bus stops (Id's 2410 and 2411) at a cost of £3,500 per stop.

George Eliot Hospital NHS Trust request:

- £25,358.00 towards additional health care services

NHS West Leicestershire CCG request:

- £31,897.68 towards the cost of providing additional accommodation for 153 patients at Market Bosworth Surgery

HBBC Affordable Housing – requirement for 40% of the housing to be affordable. They confirm that the proposed split of social or affordable rented and properties for intermediate tenure is acceptable. There is high demand for rented housing for Market Bosworth particularly for 1 bed and 2 bed properties.

6.7. S106 Monitoring Officer – requirement for an equipped play area along with facilities for older children, casual/informal play space and natural green space on site.

7. Policy

7.1. Market Bosworth Neighbourhood Plan 2014-2026 (MBNP)

- Policy CE1: Character and Environment
- Policy CE2: Local Green Space
- Policy CE3: Important Views and Vistas
- Policy CE4: Trees
- Policy CE5: Landscape of the wider Parish
- Policy BD1: Affordable Housing

7.2. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- 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

7.3. 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
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2020)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - Landscape Character Assessment (2017)
 - Landscape Sensitivity Assessment (2017)
 - Open Space and Recreation Study (2016)
 - Housing Need Study (2019)
 - Affordable Housing SPD (2011)
 - Leicestershire Highways Design Guide
 - Agricultural Quality of Land Surrounding Settlements in the Hinckley and Bosworth District Report (2020)
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact on the historic environment
 - Pollution from Noise
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Drainage
 - Ecology
 - Archaeology
 - Affordable Housing Need
 - Infrastructure Contributions
 - Other Issues
- 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) the Site Allocations and Development Management Policies DPD (2016) (SADMP) and the Market Bosworth Neighbourhood Plan (MBNP) (2015).

- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Market Bosworth is identified as a Key Rural Centre within Policy 7 of the Core Strategy. These are settlements which have a variety of facilities and services including a primary school, local shop, post office, GP, community/leisure facilities, employment and regular access to public transport to surrounding areas. To support its role as a Key Rural Centre focus is given to development in these areas that provides housing development within settlement boundaries that delivers a mix of housing types and tenures as detailed in Policy 15 and Policy 16 as well as supporting development that meets Local Needs as set out in Policy 17.
- 8.5 Policy 11 provides the policy framework for each Key Rural Centre that stands alone in the rural area. This Policy states that the focus for these villages will be on consolidating and improving within the village and maintaining a strong sense of individual settlement identity. The first criterion for Market Bosworth seeks the provision of a minimum of 100 new homes. Developers will be required to demonstrate that the number, type and mix of housing proposed meets the needs of Market Bosworth, taking in to account the latest Housing Market Assessment. The Council's Planning Policy Officer has confirmed that as of 31st March 2019 only 85 dwellings have been completed in Market Bosworth for the plan period. A site was allocated in the MBNP for 100 dwellings (Land south of Station Road), however, this site does not have planning permission and so has not been delivered to date.
- 8.6 On 25th March 2021, ONS published the latest median housing price to median gross annual workplace based earnings ratio used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for Hinckley and Bosworth is now 450 dwellings per annum (rather than 452 dwellings per annum using the previous ratio). In addition to this on 7th May 2021 the Sketchley Lane appeal (APP/K2420/W/20/3260227) discounted some large sites included within the trajectory. Therefore, the Council can demonstrate a 4.23 year housing land supply.
- 8.7 Notwithstanding the above, the housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The tilted balance of Paragraph 11d) of the NPPF is engaged, irrespective of the housing land supply figure, which is a product of the age of the plan and the out-of-date evidence base it relies upon. The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 450 dwellings per annum. This figure was derived from the East Midlands Regional Plan and was considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 450 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2020-2039.

- 8.8 This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.9 The MBNP housing figure is based on the Borough Council's housing policies within the Core Strategy which are considered to be out of date. HBBC Planning Policy has stated that in the absence of an up to date housing target for the neighbourhood area, an indicative housing distribution figure based on population is appropriate (suggested by the Examiner during the Hearing into the Burbage Neighbourhood Plan). Based on the population based method, over the period 2016-2039, Market Bosworth Parishes share of the current housing need for the Borough would be 173 dwellings or 191 dwellings with a 10% buffer.
- 8.10 MBNP appointed consultants to calculate an interim Housing Needs Figure (HNF) which can be included in the adopted Neighbourhood Plan until HBBC has provided Market Bosworth with a final Housing Requirement Figure (HRF). The HNF figure recommended in the Market Bosworth Neighbourhood Plan Housing Needs Assessment (2020) (HNA) is 108 dwellings between 2020 and 2026. This calculation is achieved through deducting the 16 dwelling completions in the MBNP area between 2014 and March 2020. Whilst the report acknowledges that there are currently 88 outstanding dwelling commitments in the MBNP area, the assessment acknowledges that quite often permissions are not implemented and so this does not guarantee they will be delivered within the Plan period or at all. Based on the HNF the assessment confirms that 37 affordable units are expected to be provided. The Assessment also confirms that the final, official HRF provided by HBBC will supersede the figure provided in this HNA.
- 8.11 This site lies outside of the settlement boundary of Market Bosworth and is identified as countryside on the Borough Wide Policies Map. Policy DM4 is applicable which seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.12 Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- It is for outdoor sport of recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- And:
- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development

8.13 The site does not fall under any of the categories identified in DM4 as sustainable development and so there is a clear conflict between the proposed development and the policy. This proposal will need to be carefully weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case.

8.14 Policy CE5: Landscape of the MBNP, states that in the open countryside outside the settlement boundary, new development will only be permitted

- Where it contributes to the local economy
- For the re-use or extension of an existing building or
- For sport and recreation or
- For new dwellings in the circumstances identified in paragraph 55 of the Framework

In all cases development will only be permitted where it does not cause harm to the landscape or biodiversity of the countryside that cannot be effectively mitigated

8.15 The proposed application involves development of the open countryside and would result in harm, although the contribution to the local economy and assessment of proposed mitigation are considered further in the report and will be weighed in the planning balance.

8.16 In situations where paragraph 11d of the NPPF applies, such as this, paragraph 14 of the NPPF states that development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided all of criteria a-d of the paragraph apply. Criteria a) is that the neighbourhood plan became part of the development plan less than 2 years before the decision is made. The MBNP was made in 2015 and had a minor modification in 2021 to include reference to a Housing Need Assessment in July 2020. However, as it not been updated, therefore paragraph 14 cannot apply and the presumption at 11d remains engaged.

8.17 Nonetheless, the weight to be afforded to the policies within the made MBNP is derived from their degree of consistency with the NPPF and the weight to be given to the relevant policies is assessed within this report. The HNF figure recommended in the Market Bosworth Neighbourhood Plan Housing Needs Assessment (2020) is also a material consideration which needs to be assessed in the planning balance.

8.18 In relation to the Market Bosworth NDP Review, this is at the very early stages and a revised document has not been consulted upon or the type of review to be undertaken agreed. The weight to be given to the neighbourhood plan review is set out in paragraph 48 of the NPPF. Factors to be considered include the stage of preparation of the plan and the extent to which there are unresolved objections to relevant policies. No draft version has been submitted to the Council for review. Therefore, the neighbourhood plan review is afforded very limited weight in the decision making process.

8.19 In conclusion, this housing proposal outside of the settlement boundary of Market Bosworth and within the countryside is contrary to Policies 7 and 8 of the Core Strategy and Policy DM4 of the SADMP and Policy CE5 of the MBNP. As such there is a conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Design and impact upon the character of the area

8.20 Core Strategy Policy 11 states that the focus for Key Rural Centres, amongst other things is to maintain the strong sense of individual settlement identity.

- 8.21 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
- 8.22 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.
- 8.23 Policy CE1a of the MBNP states that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. Where new development would be visible from an adjacent Character Area it should be sensitive to the principal characteristics of that area. Innovative or outstanding design will be supported if it raises the overall quality of the Character Area.
- 8.24 As the site is located outside the settlement edge it does not fall into a character area. However the site is adjacent to Character Area D: Suburban Residential to the east and south, Character Area B: Industrial to the south west and Character Area A: Leisure and Tourism to the north.
- 8.25 Policy CE3 Important Views and Vistas of the MBNP states that development which harms important views into or vistas out of Market Bosworth will be resisted. New development will not be supported if it has a significantly adverse impact on an important view or vista. View 1 along Station Road flanks the application site and Vista 11 looks across it to the north east.
- 8.26 Policy CE5: Landscape of the wider Parish, states that in the open countryside outside the settlement boundary, new development will only be permitted Where;
- it contributes to the local economy
 - For the re-use or extension of an existing building or
 - For sport and recreation or
 - For new dwelling in the circumstances identified in paragraph 55 of the Framework
- In all cases development will only be permitted where it does not cause harm to the landscape or biodiversity of the countryside that cannot be effectively mitigated.
- 8.27 The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.
- 8.28 Market Bosworth is a historic market town located in the centre of the Borough. Located on a hill the town rises gradually from the surrounding landscape with the combination of mature woodlands, farmland and extensive parkland providing a strong rural setting and approach, with green fingers of land permeating in to the centre of the town.
- 8.29 The application site lies to the west of Market Bosworth and adjoins the settlement boundary to its eastern and southern boundaries. The application site is not covered by any local or national designations but is within the vicinity of a number of Listed Buildings. A LVIA and photomontages accompany the application along with a Heritage Statement.
- 8.30 The Borough's Landscape Character Assessment (2017) (LCA) identifies that the site falls within Landscape Character Area C- Bosworth Agricultural Parkland. The Key Characteristics of this landscape character area as described by the LCA (2017) are;

- Rolling farmland and parkland with gentle slopes which rise and fall reaching a high point around the town of Market Bosworth;
 - Scattered trees, woodlands and smaller fields of pasture around settlements add interest to the regular pattern of enclosure fields divided by low hawthorn hedges.
 - A rural and peaceful character with development limited to scattered farm buildings and historic settlements well-integrated into the landscape by vegetation and small scale of buildings.
 - Recreation and tourism- Market Bosworth Country Park and a good network of public footpaths and routes popular with cyclists. Destinations include Market Bosworth, the Battlefield Visitor Centre, the Battlefield Line Railway and the Ashby Canal.
 - Market Bosworth provides an important focus within the area and St Peter's church provides a key landmark.
- 8.31 The application site does share some of the key landscape character area key characteristics being formed of single parcels of land in agricultural use, enclosed by hedgerows with a sloping landform, inclining towards the settlement. However, due to the intervening landform, the church spire of St. Peter's is not visible from the immediate context of the site and there are no public footpaths that run through the site itself.
- 8.32 The LCA (2017) identifies key sensitivities of this landscape area which include: its historic value and associations with the nearby Bosworth Battlefield, Bosworth Country Park as a valuable recreational resource; the rural character and relative sense of tranquillity; the rural settlement pattern of small linear villages and scattered farmsteads providing continuity with their agricultural origins; hedgerows and trees as important features, creating structure and pattern to the landscape; the attractive villages and small towns which feature many notable older buildings including Market Bosworth and its landscape setting of fields and trees; the rural setting and views to the church spire in Market Bosworth.
- 8.33 The LCA (2017) sets out strategies for development to consider which seek to protect the key characteristics of this landscape character area. Some of the most relevant strategies to this proposal and application site are;
- Manage hedgerows, improving their structure and biodiversity value and strengthening landscape character.
 - Maintain the rural character of the landscape, ensuring development responds sensitively to the landscape context.
 - Maintain views to the church spire on the wooded skyline at Market Bosworth and rural views and setting of Market Bosworth.
- 8.34 The Landscape Character Assessment (2017) also includes urban character assessments. Urban Character Area 6 considers the build character of Market Bosworth and its setting within the identified landscape character area. The Key Characteristics and the setting of Market Bosworth includes:
- Hilltop settlement that is well-integrated with the surrounding rural landscape with woodland, mature trees and extensive parkland.
 - Setting provided by the open countryside and farmland of the surrounding landscape which lends a rural and peaceful character and permeates into the town.
 - A more loose-knit urban grain towards the edges of the town where trees and open spaces create a gradual transition between town and countryside.
 - Well-vegetated character provided by mature trees and hedges and green spaces.

- 8.35 Key sensitivities of this urban character area are:
- The distinctive character and historic value of the market place including the historic buildings and the historic link between the town, Bosworth Hall and parkland and the surrounding agricultural landscape and Bosworth Battlefield.
 - Green spaces and features which penetrate into the historic core including Bosworth Country Park, the parkland around Bosworth Hall and scattered small woodlands and mature trees which create a transition to the surrounding landscape as well as multifunctional environmental benefits, leisure and visual amenity.
 - The rural setting which lends a distinctive character as well as recreational and visual amenity value.
 - Views to and from the surrounding landscape are important to the character of the town with a number of vistas to the Battlefield.
 - The wooded skyline and church spire is a landmark feature in views from the surrounding farmland.
- 8.36 The submitted Landscape and Visual Assessment states that the site is influenced by the existing urban edge of Market Bosworth to the south along Station Road. Commercial and residential development both introduce strong built-form overlooking the site whilst to the west the post-2000 development off Pipistrelle Drive is experienced as part of the sequential journey on the approach to Market Bosworth. The residential development beyond the site's eastern boundary is accepted as lacking intervisibility with the site due to the mature woodland boundary which forms the eastern boundary. However, the LVIA does note the consented Kyngs Golf and Country Club development to the adjacent north of the site which would obstruct views across the landscape from Station Road. The LVIA notes that whilst the site contains no features either nationally or locally designated as notable, the site does feature within the MBNP key 'View 1' and 'Vista 11' and so its landscape value is considered Medium at a localised site-specific level.
- 8.37 The LVIA concludes that the proposed development would not result in significant landscape and visual effects over the long term. It sets out the proposed mitigation measures including the layout, scale and height of properties, the retention and enhancement of existing hedgerows, trees and woodland and the large areas of the site left undeveloped which would form publically accessible green spaces with elevated vantages across the wider countryside. It therefore concludes that the proposed development would have a site-wide, localised Minor Adverse effect upon the landscape character of the site, despite there being a Medium magnitude of change. At a wider scale, the development would have a negligible landscape effect due to the containment of the site and proposed houses in the landscape and its relationship with the existing and consented development surrounding the site and the proposal would not constitute an incongruous feature in the area.
- 8.38 As stated above the MBNP does include View 1 along Station Road which adjoins the site and Vista 11 which includes the site and looks towards the open landscape to the north from Station Road. The mitigation measures proposed for view 1 include setting the development away from Station Road behind an area of public open space and boundary hedgerow so that this view would be retained of an open landscape when viewed from the railway bridge from Station Road. The application submission is accompanied by photomontages of the development from this view point.
- 8.39 Whilst the application site comprises open land, Station Road to the east of the site is predominantly characterised by existing development on both sides of the road which leads into the centre of Market Bosworth. The existing development opposite the application site comprises development close to the road behind limited front

gardens and low hedging in comparison to the existing development to the north of Station Road which is predominantly characterised by properties located away from the road in plots with extensive landscaping in their front gardens. Indeed, the existing mature trees and hedges and front gardens of these plots combined with small woodlands create a well-vegetated character and a strong link with the surrounding landscape. It is considered that the proposed siting of the development in excess of 17 metres from Station Road behind a boundary hedgerow along with the area of open space and landscaping proposed to the east would maintain the well-vegetated character of the northern side of Station Road whilst acknowledging the character of the existing residential development opposite the site.

- 8.40 Vista 11 in the MBNP includes the site. There would be notable changes from this vista and the local residents of properties along Station Road would experience Moderate Adverse effects. However, the LVIA includes mitigation measures to reduce this impact. These are: 1) avoiding any development on the upper slopes towards the eastern part of the site and instead retaining and enhancing this area as public open space; 2) restricting the height of the properties to 5.5 metres next to this vista, this would maintain the key countryside views to the north beyond Kyngs Golf and Country Club. The application submission is accompanied by photomontages from Vista 11 along Station Road and from Vista 11 within the proposed area of public open space.
- 8.41 A review of the LVIA has been submitted to accompany a letter of objection from a local business. The review concludes that the proposal would lead to a permanent 'Major adverse change in the landscape character of this site and its setting.' The site would change to a housing estate which would adversely affect the rural setting of Market Bosworth. The review states that the LVIA submitted with the application "down-plays" the landscape effects and visual effects of such a development change from rural to urban character on the site. The review also states that the LVIA "down-plays" the impact on View 1 as a very narrow 'tunnel vision' along Station Road would be created. Vista 11 would also be lost being replaced with a very narrow new Vista about 85 metres to the east. The Review concludes that there would be permanent long-term 'major adverse' landscape effects to the site and permanent 'minor adverse' landscape effects to the LCA-C Bosworth Parkland. Following completion of the project after mitigation the review concludes that there would be permanent long-term 'major adverse' visual effects on recreational users of the public footpath along Station Road, for residents along Station Road and Godsons Hill and for residents of woodland on the eastern boundary of the site.
- 8.42 The Council has commissioned its own specialist landscape consultants to undertake a review of the LVIA submitted with the application and to take into account the findings of the Review submitted with the objection letter. Following additional information provided by the applicant, the Council's landscape consultants has advised that for 'View 1' the photomontage viewpoint demonstrates that the wooded backdrop to the existing view would be largely preserved. They agree with the assessment that on the occupation phase, the effect on views available to transient users of Station Road would be 'Minor Adverse'. To ensure that the landscaped mitigation area along Station Road is achieved, an appropriately worded condition should be imposed on any consent granted to ensure that the reserved matters submitted is in accordance with the approved parameters plan.
- 8.43 With regards to 'Vista 11' the Council's landscape consultants conclude that the photomontage viewpoint indicates that, even with bungalows to the east of the site, views towards open countryside to the north-west are almost entirely restricted leaving only a narrow view to the north. Therefore, from Station Road and Godsons Hill much of the "extensive views of north west Leicestershire" for which Vista 11 is

considered important would be lost. Indeed, when assessing the occupation phase effects (year 1 and year 15) on views available to residents on Godsons Hill and Station Road, the review undertaken by the Council's landscape consultants concludes that the introduction of the proposed development would cause a high magnitude of change and would result in a major adverse level of effect in that the development would be irrevocably visually intrusive and would disrupt fine and valued views both into and across the area.

- 8.44 In response to the above assessment, the applicant has submitted a new Vista 11 which would be achieved from the elevated public open land proposed within the site. This new vista would be in addition to the existing Vista 11. When compared to the existing Vista 11, the new vista would offer more extensive open views over the countryside of North West Leicestershire due to the elevation of the land and its location beyond the golf course built development.
- 8.45 The review by the Council's landscape consultants did highlight the need to ensure that the development proposal enhances the boundary vegetation to the west of the site which is bound by open countryside. The LVIA Addendum submitted by the applicant in response to this review does include revisions to the Landscape Strategy Plan to include additional enhancements of the western boundary hedgerow with additional characteristic tree planting. The Council's landscape consultants confirm that this planting would assist with softening views of the proposed properties on the lower ground within the site whilst retaining open views of the wooded backdrop of the site's eastern boundary. Whilst it is found that there is no heritage connection to the airfield to the west of the site, through enhancing this boundary would further bolster the setting of the reserve airfield and its former uses.
- 8.46 Therefore, it is agreed that the proposal would have major adverse landscape effects on the application site at the construction phase. However, this impact would be temporary and would reduce to moderate adverse effects at year one occupation. The proposal would have moderate adverse visual effects on recreational users of footpath S70/1, users of Kyngs Golf and Country Club (future receptor) and transient users of Station Road at construction. However, there would be major adverse visual effects on residents to the south at construction which would lessen to residual moderate visual effects on these residents at Year 15 occupation. This would in turn impact on the fine and valued views from Vista 11. Although the proposal for bungalows to the east would lessen this impact, LUC has concluded that views towards open countryside to the north-west are almost entirely restricted leaving only a narrow view to the north.
- 8.47 However, the creation of a new Vista 11, achieved from the elevated public open land proposed within the site, would offer more extensive open views over the countryside of North West Leicestershire due its elevation and its location beyond the golf course built development. The Council's landscape consultants has advised that the effects of the development should be considered as part of the overall planning balance. The retention of the land to the east as public open space would form part of the wording in the Section 106 Agreement for the proposal along with the installation of footpath links from Station Road into this land.
- 8.48 The parameters plan could form part of an appropriately worded condition requiring the restriction on the area of land used for built development and the restriction in height of the properties within Vista 11. The Indicative Layout proposes plots with small front gardens and larger rear gardens in general accordance with the layout of the residential properties opposite the site. The reserved matters submission would need to demonstrate a high quality of design of the properties in keeping with the area and extensive landscaping throughout the site and along Station Road. The

indicative layout demonstrates that a housing proposal could be designed in accordance with advice in the Council's Good Design Guide SPD with regards to separation distances between properties and the amount of private amenity space would could be allocated to each property.

- 8.49 Therefore, the proposal would extend built development beyond the settlement boundary of Market Bosworth and it is considered that the proposal would result in a moderate degree of harm to the character and appearance of the area at Year 1 Occupation which would conflict with Policy DM4 of the SADMP. The proposal would also impact on Vista 11 leaving only a narrow view of the open countryside to the north in conflict with Policy CE3 of the MBNP which seeks to resist new development which has a significant adverse impact on any important view or vista.
- 8.50 Mitigation measures have been incorporated into the proposed layout of the scheme to minimise this harm. The mitigation measures include the retention and enhancement of all of the existing boundary vegetation. New tree and hedgerow planting would be provided within the site including a new hedgerow along Station Road to provide high quality landscaping taking into account the key sensitivities of the LCA. A parameters plan has been submitted showing large areas of the site left free from development and designated as public open space. A new vista has been created from an elevated part of the site. Other areas of the site have housing restricted in height to 5.5 metres.
- 8.51 It is therefore considered that the layout proposed in the parameters plan as submitted along with improvements to landscaping and ecological enhancements would reduce the level of harm from the proposal on the wider countryside. Whilst there would be some conflict with Policy DM4 of the SADMP (2016) and Policy CE3 of the MBNP, mitigation measures have been incorporated into the scheme to ensure that the development complements the character of the surrounding residential areas as required by Policy DM10 of the SADMP (2016) and advice in the Council's Good Design Guide SPD.

Impact on the Historic Environment

- 8.52 In determining applications, paragraph 189 of the NPPF requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. As confirmed by the Council's Conservation Officer, the submitted Heritage Statement does provide a reasonable and proportionate assessment of the impact of the proposal on affected heritage assets and their settings.
- 8.53 Paragraph 190 of the NPPF also requires LPAs to identify and assess the particular significance of any heritage asset that may be affected by a proposal. There are no designated or non-designated heritage assets within the site itself. There is one scheduled monument (Roman foundation east of Barton Road) located 900m north-east of the application site. The historic core of Market Bosworth is reflected within the boundaries of the Market Bosworth Conservation Area some 700 metres to the east of the application site. The majority of the 52 listed buildings near to the application site are located within the boundaries of this designated heritage asset with a small number located at the edges of the historic settlement core along Station Road. The Ashby Canal is 300 metres west of the site and the length of the canal is designated as the Ashby Conservation Area.
- 8.54 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.

- 8.55 Section 16 of the NPPF provides the national policy on conserving and enhancing the historic environment. Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.56 Policies DM11 and DM12 of the SADMP 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. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.57 The Borough Council's Good Design Guide SPD (2020) also identifies design objectives for the settlement of Market Bosworth to retain its key characteristics
- 8.58 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.
- 8.59 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.
- 8.60 Due to variations in topography and the presence of intervening built form and vegetation there is no inter-visibility between the application site and the majority of the designated heritage assets identified within the search area, 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 this position would not be altered following the development. Only a small number of designated heritage assets have the potential to be sensitive to the proposed development and these are identified below.
- 8.61 The Church of St Peter is a grade II* listed building situated some 1km east of the site upon the ridge-top of the historic settlement core of Market Bosworth. There are no views of the church from or across the application site as a result of the intervening built form and vegetation but due to the presence of the church in the surrounding landscape the upper sections of its tower and spire and the application site are both appreciable in publicly accessible wider views when approaching Market Bosworth from the west. The application site is therefore considered to fall within the setting of this designated heritage asset.
- 8.62 There is no visibility of any part of the Market Bosworth Conservation Area from the site as a result of the intervening built form and vegetation. The Market Bosworth Conservation Area Appraisal (MBCAA) (2014) does not identify any important views or vistas to be protected from or towards the site. The only element of the conservation area that it is possible to experience in conjunction very distantly with the site is the church tower and spire as identified above. The site provides no contribution to the understanding or appreciation of the elements that define the character and appearance and the significance of the conservation area, so it is not

currently considered to form part of its setting and due to the form of the proposal it is considered this position would not be altered following the development.

- 8.63 Due to the presence of intervening fields, the Battlefield Railway Line and built form, including at Pipistrelle Drive and along Station Road, there are no appreciable views to and from the application site towards the Ashby Canal Conservation Area. As the observer travels north along the canal towpath beyond Pipistrelle Drive, views are opened up looking south-eastwards towards the site, but due to the distance involved, the lower level of the canal and intervening vegetation, the site is not appreciable from either the towpath or the elevated position of Bridge 43. As such the site is not considered to form part of the surroundings within which the Ashby Canal Conservation Area is experienced and due to the form of the proposed development it would not affect the character and contribution its current setting makes to its significance.
- 8.64 The MBNP (2015) identifies views and vistas from and towards Market Bosworth that are considered important for defining the characteristics of the settlement and highlight the transition between urban and rural landscape. View 1 is looking eastwards upon the approach to the village from Wellsborough and terminates on the wooded hilltop comprising the eastern field of the application site and the scattered residential development above. Vista 11 looks northwards from Station Road over the application site out into the wider countryside over the golf course. The view and the vista are not considered to allow for any direct appreciation of the significance of any designated or non-designated heritage assets.

Significance of affected heritage assets

- 8.65 Step 2 is to assess the degree to which these settings make a contribution to the significance of the heritage asset or allow significance to be appreciated.
- 8.66 The grade II* listed Church of St Peter comprises an early 14th century church constructed of limestone with a west tower and spire. The church is located on slightly raised ground within an extensive church yard and is surrounded by a semi-rural and parkland setting. This immediate setting is relatively contained and contributes positively to the church's significance, reinforcing its historic, architectural and communal values. By virtue of the height of the church tower and spire and position of the church on the ridge top the church can also be seen within a much wider setting. Such views do demonstrate the importance of the church within the wider landscape and the application site does form part of its wider setting, although the site does not form part of the direct views of the church from the west across open countryside. The only understanding of the site is where it forms part of the periphery of a wider view of the church and the existing built development along Station Road. The site is considered to therefore comprise a neutral element of the wider setting of the church and it makes no particular contribution to its significance.

The Proposal

- 8.67 A site layout plan has been submitted which indicates outline details of the proposal. The existing driveway to the golf course is proposed as the primary street with secondary streets and private drives situated off the drive providing access to up to 63 dwellings sited with the western and central of the fields. Development within the eastern field which has the steepest topography is limited to the creation of a LEAP and trail. Existing boundary hedgerows and intermittent trees are to be largely retained and supplemented with new planting where possible, which includes along the northern boundary to the golf course.

Impact of the proposal upon the significance of affected heritage assets

- 8.68 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. Access is the only matter for consideration as part of this application with all other matters reserved (appearance, landscaping, layout and scale), however the details provided including an indicative layout and landscaping proposal allow for a reasoned assessment of the impact of the proposal upon the significance of the affected heritage asset.
- 8.69 The application site is considered to comprise a neutral element of the wider setting of the grade II* listed Church of St Peter. Due to the peripheral nature of the site within any wider views of the church tower and spire offered from the open countryside to the west, development being restricted to the lower (western and central fields only), the retention and strengthening of the soft landscaped boundary across the northern edge of the site, and the presence of existing built form already being established in any such views, the proposal is considered to result in only a negligible visual change within the wider setting of the church. As a result the impact of the proposal upon the significance of the church is not considered to be adverse.
- 8.70 Step 4 in the Historic England assessment approach is to explore ways to maximise enhancement and avoid or minimise harm. As identified above it is considered that the landscaping details and layout of the site included within this application should be delivered at reserved matters stage to avoid the possibility of increasing the level of impact from the proposal upon the significance of the church.
- 8.71 Step 5 relates to making and documenting the decision and monitoring outcomes. It is considered that such recommended good practice has been achieved by setting out the assessment stage of the decision-making process in an accessible way in the body of this report.
- 8.72 Therefore, whilst the proposal affects the significance of the grade II* listed building the Church of St Peter by virtue of its location within the wider setting of this designated heritage asset, the application site forms a neutral element of its wider setting. Overall the proposal for development is considered to result in only a negligible visual change within the periphery of limited views of the church. As a result the impact of the proposal upon the significance of the church is not considered to be adverse. The proposal is therefore compatible with the significance of the listed building and consequently accords with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990.

Pollution from Noise

- 8.73 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.74 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.75 A Technical Note on Noise has been submitted which takes into account the noise report submitted in 2013 (under ref: 13/00520/FUL) which focused on potential noise effects from the road and the 24-hour operations at the JJ Churchill site on the south side of Station Road, south west of the development. The report concluded that the dominant source of the noise was the local road traffic along

Station Road, with no 'significant noise from the industrial units on the south side of Station Road.'

- 8.76 A Noise Assessment was also submitted in October 2020 which found that the dominant source of noise was the local road traffic along Station Road and that properties within 20 metres of the road would require mitigation measures incorporated into their internal fabric.
- 8.77 An objection has been received from an occupier of a neighbouring Industrial unit. They raise concerns about their 24-hour operation having a detrimental impact on the residential amenity of the proposed residents. They are concerned that due to the pandemic, their operations need to intensify to meet demand and if noise complaints are received from the new residents this could prevent the company operating at nights and weekends. They raise concerns about the noise monitoring submitted with the application which they state is more inadequate than the 2013 report conclusions due to the analysis being carried out during a period of minimal working during the current pandemic when the majority of the workforce were furloughed, the reporting sites were chosen to be the most distant and shielded from the factory and the monitoring does not cover the most relevant time period when 24-hour operations would be occurring. They conclude that the company would have to close if they had restrictions on their operation due to noise.
- 8.78 The objection letter makes reference to a residential scheme on the site being refused on noise grounds in 2013 on the application site. The proposed layout of this residential scheme is different to the scheme submitted in 2013. The parameters plan submitted with this current application demonstrates that the developable area would be sited some 70 metres further east and so away from the area closest to the Industrial Estate. The public highway (Station Road) is located within this intervening area and the Noise Assessment has taken into account the potential noise generation from this highway.
- 8.79 The area which adjoins the airfield to the west would be designated as an area of public open space with an attenuation pond. The distance between industrial units, in particular the JJ Churchill site and the nearest proposed dwelling has increased from 48 metres (proposed in 2013) to 110 metres and the dwellings have been sited further away from Station Road to take into account road traffic noise.
- 8.80 There are existing residential properties along Station Road which are sited closer to the industrial units and on the same side of the carriageway when compared with the proposed dwellings. Although the objection letter supports the residential development site allocated on land to the South of Station Road, the two options proposed in the Council's Development Brief/Accessibility Version (November 2020), (which has recently been the subject of public consultation) include residential development along the internal access road off Station Road. As such, the layouts proposed in the Development Brief would also involve residential development in closer proximity to the industrial units and on the same side of the carriageway compared with the application site layout submitted.
- 8.81 The Council's Environmental Health Officer has been consulted on the application and has no objections to the proposal subject to the imposition of a pre-commencement condition. This condition would require a scheme for protecting the proposed dwellings from noise from the nearby road, airfield and adjacent industrial estate to achieve internal noise levels as detailed in BS8233. Mitigation measures proposed include internal glazing and mechanical ventilation which would achieve internal noise levels as detailed in BS8233.
- 8.82 It is thus considered that the recommended internal noise levels can be achieved across the development without the requirement for significant mitigation measures.

Therefore, the proposal would comply with Policies DM7 and DM10 of the SADMP (2016).

Impact upon neighbouring residential amenity

- 8.83 Policy DM10 of the SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of the occupiers of the proposed development would not be adversely affected by activities within the vicinity of the site.
- 8.84 Given the close proximity of the proposal to surrounding residential uses and other sensitive receptors it is considered that a construction environmental management plan should be required via condition to control pollution during construction phases. This should also include proposed construction hours. Whilst there are existing dwellings near to two of the site's boundaries, the properties near to the southern boundary are separated from the site by Station Road. The indicative layout shows that all of the properties fronting onto Station Road would be set behind a grassland area and new roadside hedgerow. This would create an intervening distance of at least 45 metres from existing properties along Station Road.
- 8.85 The Council's Good Design Guide (2020) states that the minimum distances laid out in this document are not applicable where principal windows are separated across a road as these windows are already overlooked within the public realm. In view of the distances involved and the intervening main road it is considered that the proposal would not impact on the residential amenity of the occupiers of these properties along Station Road.
- 8.86 Greater distances of a minimum of 110 metres between the proposed properties and the existing properties to the east of the site would be achieved due to the proposal to create an area of public open space on this intervening land. The mature landscaping along this boundary would be retained and enhanced. Therefore the proposal would not impact on the residential amenity of the occupiers of these properties to the east.
- 8.87 Any reserved matters should demonstrate through layout and scale that the proposed development would provide adequate residential amenity for potential future occupiers of the proposal. However, there have been no matters identified through the consideration of this application that would suggest that the application site could not provide adequate residential amenity for occupiers of the site or surrounding residential properties.
- 8.88 As such the proposal is considered to be in accordance with Policy DM10 in this regard as the amenity of neighbouring occupiers of the proposed development would not be adversely affected to warrant refusal of the application.

Impact upon highway safety

- 8.89 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.
- 8.90 Access is a matter being considered by the proposal and a detailed access plan has been provided. In addition to this the proposal has been supported by the submission of a Transport Assessment and Travel Plan.

Site Access

- 8.91 Access to the site is proposed off Station Road which is a C classified road subject to a 30mph speed limit. The proposal is to upgrade the existing access to Kyngs Golf Club (located within the red line application site boundary) with the provision of a 6.0m wide carriageway, 10m kerbed radii and 2.0m wide footways on both sides of the access road fronting the development. The access proposals are in line with those conditioned as part of application ref: 19/01437/FUL for the erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas, access roads and the erection of 6 golf holiday homes.
- 8.92 Visibility splays have been provided based on the speed survey data for application ref: 19/01437/FUL (undertaken in 2018) which indicated 85%ile speeds of 38.2mph eastbound and 34.9mph westbound. Visibility splays of 2.4m x 74m to the west and 2.4m x 59m to the east have therefore been provided. The applicant has submitted vehicle tracking of a refuse collection vehicle entering and exiting the site in all directions and also an independent Stage 1 Road Safety Audit (RSA) with Designers Response.
- 8.93 The Highway Authority (LHA) has been consulted on the application and agree with the visibility splays and the access arrangements proposed. The LHA has considered the allocated mixed use development site to the south of Station Road where it is understood that an emerging Development Brief indicates plans to provide some form of traffic calming along Station Road to reduce speeds along the road.
- 8.94 A letter has been received stating that a ghost right hand turn lane should be provided into the site from Station Road. The LHA do not consider that the level of additional traffic generated from the allocated site would justify the provision of a ghost right hand turn lane access into the application site and that any future development which intensified the use of the access would be considered on its own merits.
- 8.95 The LHA confirm that it has been adequately demonstrated that safe and suitable access has been provided to the application site in accordance with Paragraph 108 of the NPPF and Policy DM17 of the SADMP. They state that the access road and pedestrian footways should be implemented as part of appropriately worded conditions.

Trip Generation

- 8.96 Objections have been received with regards to the increase in traffic generated from this proposal on the local highway network in particular the allocated housing and employment site opposite the application site. The submitted Transport Assessment assesses the impact that the proposed development would have on the operational performance of the highway network and concludes that the proposed development would have no material detrimental impact.
- 8.97 The Highway Authority has assessed the personal injury collision (PIC) data for the road network along with the trip generation of the proposed housing scheme. They agree with the applicant's assessment that based on 2011 Census journey to work data, 51% of trips will arrive/depart to the east of the site and 49% will arrive/depart from the west.

Junction Capacity

- 8.98 To understand the impact of the proposed development traffic on the surrounding network the applicant has undertaken capacity assessment of the site access/Station Road junction and Station Road/Wellsborough Road/ Pipistrelle Drive roundabout. Due to the covid-19 pandemic, the applicant has utilised traffic

count data from a number of recent planning applications including 20/00131/FUL (Sedgemere up to 76 dwellings) and 19/01437/FUL & 18/00732/FUL (Kyns Golf Course). Temprow growth traffic flow factors have been applied to the 2018 traffic count, first to factor up traffic levels up to a 2020 base year and then to a future year of 2025. The LHA confirms that they accept the Temprow traffic growth factors.

- 8.99 Committed development flows from developments 20/00131/FUL and 19/01437/FUL have been included as part of the assessment. The Ratio of Flow to Capacity (RFC) of Junction 1 is not proposed to exceed the threshold of 0.85 (practical capacity) with the development in place in 2025. The LHA confirms that they are satisfied that the junction will operate within capacity.
- 8.100 The applicant also undertook a sensitivity test which included two additional developments being the HBBC Allocated Site SA5 (south of Station Road) and 20/00345/OUT at Land south of Market Bosworth Cemetery. Whilst there is not a planning application for the SA5 site, predictions on this site are contained within the Transport Assessment. The LHA consider that following a review of the proposed developments a sensitivity test is not required.

Internal Layout

- 8.101 The application is submitted in outline format and so the internal layout is not to be considered at this stage. However, the LHA has advised that if the existing access drive is to be put forward for adoption then given its occasional use by coaches visiting the golf club, the access road should be designed with a 6 metre wide carriageway.

Transport Sustainability

- 8.102 The application is accompanied by a Travel Plan. The LHA state that the centre of the site is approximately a 200 metre walk from bus stops with an hourly service between Market Bosworth and Leicester. The site is also within a 500 metre walk of a primary school and a 1.1km walk from the centre of Market Bosworth. The proposal is to upgrade the existing bus stops along with the provision of 2 x 6 month bus passes per dwelling in order to promote sustainable travel. These are welcomed by the LHA and should be required as part of a Section 106 agreement.
- 8.103 Planning conditions are requested to require a construction traffic management plan, implementation of the access road and surfacing details/drainage prior to the occupation of any of the dwellings.
- 8.104 It is therefore considered that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. The proposal would thus be in accordance with Policy DM17 of the SADMP (2016) and the National Planning Policy Framework (NPPF).

Drainage

- 8.105 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding.
- 8.106 A Flood Risk Assessment has been submitted with the application in accordance with paragraph 163 of the NPPF. The site is identified as being within flood zone 1 where residential development is considered compatible with reference to the Planning Practice Guidance flood risk vulnerability table.
- 8.107 LCC as the Lead Local Flood Authority (LLFA) has assessed the FRA and conclude that the site is at low risk of flooding from a number of sources including surface water runoff. The scheme proposes an attenuation basin to accommodate the surface water within the site, which is shown to be located within the south-western

area of the site. Surface water would discharge to an onsite attenuation basin before being discharged at a QBar discharge rate of 8.3 l/s in the 1 in 100 year (+40% Climate Change) event, to an existing ordinary watercourse.

- 8.108 The LLFA advises that the proposals for surface water drainage are acceptable subject to pre-commencement conditions being attached to any planning permission granted.
- 8.109 The proposed development is considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is located in a suitable location with regard to flood risk. However, further details of the surface water drainage strategy would be required via condition should the scheme receive outline planning permission.

Ecology

- 8.110 Policy DM6 of the SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.
- 8.111 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.112 The presence of protected species is a material consideration in any planning decision, it is essential that the presence or otherwise of protected species, and the extent to which they are affected by proposals is established prior to planning permission being granted. Furthermore, where protected species are present and proposals may result in harm to the species or its habitat, steps should be taken to ensure the long-term protection of the species, such as through attaching appropriate planning conditions.
- 8.113 The Ecological Appraisal identifies that the site comprises of grassland which is species-poor. LCC Ecology has been consulted on the application and they confirm that they do not object to the loss of this grassland. A veteran ash tree is located in the eastern part of the site (T5) within an area of open space. LCC Ecology confirm that this tree meets their Local Wildlife Site criteria. As such a condition should be imposed on any consent granted to ensure that the tree is protected during construction and landscaping works.
- 8.114 LCC Ecology further advise that a pond on-site has great crested newts (GCNs), but is in a poor condition being infested with the invasive non-native *Crassula helmsii* or New Zealand pygmy weed. The pond does not have a sustainable future. Therefore, LCC Ecology agree with the proposal to relocate the GCNs to two new ponds, under appropriate licensing from Natural England. When doing so, care must be taken to avoid infecting the new ponds with the invasive waterweed and so it is recommended that appropriate biosecurity measures are built into the mitigation plans which would need to be provided as a planning condition. The removal and safe disposal of the New Zealand pygmy weed should also form part of an appropriately worded condition to ensure that it does not spread into other ponds or the canal.
- 8.115 LCC Ecology confirm that the Ecology Report proposes on-site biodiversity enhancements and habitat creation which would compensate for the loss of habitats and that using the DEFRA biodiversity metric there would be a 2.0 net-gain after development. This gain would be conditional on the landscape strategy presented and especially on the successful enhancement of retained grassland through seeding and aftercare. Whilst these details are not required to be submitted for this outline application, the reserved matters proposal would need to provide details and

the metric would need to be re-run to ensure that net-gain is still achievable. The net-gain should be achieved on site.

- 8.116 The recommended mitigations in the ecology survey are considered to be reasonable and necessary and therefore suitably worded conditions should be applied to any permission so that the overall, impact of the proposed development on protected species accords with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

Archaeology

- 8.117 Policy DM13 states that where a proposal has the potential to impact a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.118 The application is accompanied by an Archaeological desk-based assessment and a Geophysical Survey Report. A fluxgate gradiometer survey has been undertaken across the majority of the survey area with small gaps in the data being due to the presence of a particularly steep slope.
- 8.119 LCC Archaeology has been consulted on the proposal. They confirm that whilst the geophysical survey can be a useful tool in identifying the presence of certain types of magnetically sensitive activity beneath the ground surface, there are certain categories of archaeological activity such as prehistoric remains or burials that do not typically provide a strong geomagnetic response and are not usually identified by this means. Whilst the geophysical survey on this site has not provided any definitive evidence for archaeological activity, it has picked up some anomalies of uncertain origin and an archaeological provenance for these has not been ruled out.
- 8.120 Given the scale of the development site and the paucity of previous intrusive archaeological investigation in the vicinity, there remains potential for the presence of previously unidentified archaeological deposits within the development area. However, LCC Archaeology confirm that from evidence contained within the HER and following a review of the archaeological information submitted by the applicant there is sufficient information submitted to make a decision on the outline planning application.
- 8.121 In the context above, it is recommended by LCC Archaeology that the outline application is approved subject to conditions for an appropriate programmed of archaeological mitigation, including as necessary, intrusive and non-intrusive investigation and recording. In accordance with Paragraph 189 of the NPPF this would require the submission of the result of archaeological trial trench investigation to identify and locate any remain of significance and propose suitable mitigation or further archaeological work to be secured through a pre-commencement condition. Compliance with such a condition would ensure that the proposal complies with the requirements of Policy DM13 of the SADMP.

Affordable Housing Need

- 8.122 Policy 15 of the Core Strategy includes a requirement for 40% affordable housing to be provided on the site. HBBC's Affordable Housing Officer has advised that on 17.8.20 the housing register shows a requirement for 125 rented properties comprising of 65 1-bed; 35 2-bed, 15 3-bed and 10 4 or more beds. There are a further 54 applicants whose information is either incomplete or pending assessment. No applicants state that they have a local connection to Market Bosworth and there is no recent local housing needs survey for the settlement, as the village was scheduled to have a survey carried out in 2020.

- 8.123 The Affordable Housing Officer agrees that 25 dwellings for affordable housing should be provided on the site and that the split should be 75% of the properties to be rented properties and 25% of the properties to be shared ownership.
- 8.124 To provide a good balance of affordable houses for rent, the Affordable Housing Officer confirms that for rent the mix should be 6 x 1 bed 2 person flats or quarter houses; 3 x 2 bed 4 person bungalows; 6 x 2 bedroomed 4 person houses and 4 x 3 bedroomed 5 person houses. The shared ownership properties should be a mix of 2 x 2 bed 4 person bungalows and 4 x 2 bed houses.
- 8.125 There is a requirement for applicants in the first instance to have a local connection to Market Bosworth with a cascade in the second instance for a connection to the Borough of Hinckley and Bosworth. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.
- 8.126 This provision of affordable housing should be included in the Section 106 Agreement. Policy 15 is consistent with Section 5 of the NPPF which seeks to deliver a sufficient supply of homes, to meet the needs of different groups within the community including those requiring affordable housing. Policy 15 seeks to provide affordable housing as a percentage of dwellings provided on site, therefore the obligation directly relates to the proposed development. The level of affordable housing represents the policy compliant position. There will be a requirement for the affordable housing to be delivered on a cascade approach with residents with a connection to Market Bosworth. Therefore the obligation is directly related to the proposed development. The extent of the affordable housing obligation is directly related in scale and kind to the development as it represents a policy compliant position, expected by all development of this typology. No issues of viability have been raised with this scheme.

Infrastructure Contributions

- 8.127 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.
- 8.128 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.

Play and Open Space

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

	Policy Requirement per dwelling (sqm) based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 63 dwellings (square metres)	Provided on site	On site maintenance contribution (20 years)	Provision Contribution	Off site maintenance (10 years)
Equipped Children's Play Space & Trim Trail	3.6	226.8	500	£87,800.00	£90,965.00	None
Casual/ Informal Play Spaces	16.8	1058	1058	£11,426.40	None	None
Outdoor Sports Provision	38.4	None	None	None	None	None
Accessibility Natural Green Space	40	2520	20042	£284,596.40	None	None

- 8.130 The Open Space and Recreation Study (2016) requires developments of 10-200 dwellings to provide equipped open space on site with all dwellings within 100m of a LAP and 400m of a LEAP. The Open Space and Recreation Study (2016), highlights that residents in the East and Centre of Market Bosworth do not have adequate access to play facilities and therefore on site play equipment is a priority. The proposal includes a LEAP and a Trim Trail within an area of Casual/Informal play space.
- 8.131 The policy requirement would be for 226.8sqm of onsite equipped play, the indicative layout plan indicates that an area of play is to be provided, however the minimum size requirement of a LEAP is 400sqm which will have to be provided. The figures above reflect the maintenance cost of 500sqm of LEAP and the Trim Trail. This area of land would be sufficient to meet the requirements of the Policy. 1058sqm of casual informal play space should be provided on site, however, this should not include infrastructure features such as pumping stations or the SUDS features. The indicative development layout shows, casual informal play space and/or natural green space to the east and west of the site and within and around the edges. The application submission states that the site can accommodate a total of 2.16 hectares of public open space. Some 20,042 sqm would comprise of accessible natural green space. This exceeds the minimum requirement of 2520 sqm of natural green space. It is clear from the indicative layout that there is no on-site outdoor sports provision, which would therefore have to be provided and maintained off site. Given that the submission is provided in outline, the sums of money above are indicative and will be dependant of final layout submissions, however, any agreed s.106 would obligate the developer to provide the minimum policy requirements.
- 8.132 The nearest off site public open space that contains outdoor sport provision is MKBOS26 Market Bosworth Hall, which has a quality score of 82% exceeding the target of 80%. Therefore, the offsite, outdoor sport provision is not necessary.
- 8.133 The developer will also be obligated to provide and then transfer the on-site open space area to a management company, or, in the alternative, request that either the

Borough Council or the Parish Council maintain it. If the land is transferred to the Borough Council or Parish Council, the open space area would be transferred to the relevant authority together with a maintenance contribution.

- 8.134 The provision of Play and Open Space is required for compliance with Policies 11 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 11 requires development in Market Bosworth to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces. The indicative only layout of the proposed development suggests the provision of open space around the site to include a LEAP, a Trim Trail, informal space and a large amount of natural green space. Using the adopted Open Space and Recreation Study (2016) the obligations and contributions directly relate to the proposed development. The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

Civic Amenity

- 8.135 LCC Waste Management requested a contribution of £3120.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate 13 tonnes per annum of additional waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.
- 8.136 This contribution is necessary in meeting Policy DM3 of the SADMP and achieving the environmental objectives of the Framework in ensuring this facility can continue to efficiently and sustainably manage waste. The contribution directly relates the proposal as the contribution is calculated from the tonnage of waste the development is likely to generate and is directed towards the nearest facility to the proposal. The contribution fairly relates in scale and kind as the contribution is requested using a formula applied to developments of the scale and typology across the County.

Libraries

- 8.137 LCC Library services have requested a sum of £1900 towards provision of additional resources at Market Bosworth Library, which is the nearest library to the development.
- 8.138 The contribution towards addressing the impact of the development upon library facilities is required for compliance with Policy DM3 of the adopted SADMP and addressed the impacts of the development on essential infrastructure within the local area. Market Bosworth library on Station Road is within 0.8km of the site, the request states that the proposed development will add 189 to the existing library's catchment population which would have a direct impact upon the local library facilities, this is accepted in this instance given that the library is within a reasonable walking distance of the site and is accessible by public footpaths, therefore the contribution directly relates to the proposal. The contribution is calculated using a

methodology that is attributed to all developments of this typology across the county and relates to the number of dwellings proposed, therefore the contribution relates fairly and reasonably in scale and kind.

NHS West Leicestershire CCG – Health Care

- 8.139 The West Leicestershire CCG has requested a contribution of £25,358 towards addressing the deficiencies in services at Market Bosworth Surgery, which is the closest available GP practice to the development. This practice has already identified that the premises are fully utilised and therefore funds would look at internal layout and improving facilities in order to ensure optimum number of clinicians are available to meet the demand. An increase of 153 patients from the proposal would significantly impact on patient demand in the area.
- 8.140 The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the local surgery at Market Bosworth, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.

Education

- 8.141 LCC Children and Family Services has requested a contribution towards primary and secondary school education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution is £303,350.20 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at St Peter's Church of England Primary Academy (£115,276.80) and Bosworth Academy (£188,073.40).
- 8.142 The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and would address the impacts of the development on essential infrastructure within the local area. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

George Eliot Hospital Trust (GEHT)

- 8.143 GEHT requested a contribution to address NHS revenue shortfalls for acute and emergency treatment. This is by way of a monetary contribution of £31,952.00 towards the 12 month gap in the funding in respect of A &E and acute care at GEHT.
- 8.144 It is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid S106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by GEHT to date. The contribution is not necessary, when funding for this type of NHS care is intended to be provided through national taxation. GEHT is unable to demonstrate that the burden on services arises directly from the development proposed, as opposed to a failure in the funding mechanisms for care and treatment. The request made is to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. GEHT has not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Further to this there are issues with the data and methodology used by GEHT for example the inflated population projections compared to those used by Leicestershire Authorities when calculating housing need, or the failure to address funding needs from housing projections set out in the Joint Strategic Needs Assessment and Joint Health Wellbeing Strategy referred to in their request, therefor it has not been demonstrated that the request fairly and reasonable relates in scale and kind to the development proposed.
- 8.145 This request is therefore not considered to meet the test of the CIL Regulations.
- 8.146 A similar request was considered by an inspector at inquiry APP/K2420/W/19/3235401, where it was found that there was insufficient evidence from the Hospital Trusts to warrant or justify the contribution sought against the CIL Regulations.

Other issues

- 8.147 HBBC's Agricultural Quality of Land Surrounding the Settlements in the Hinckley and Bosworth District Report (2020) states that the majority of the site is grade 3b agricultural land. This land is not considered to be the Best and Most Versatile Land as it comprises of heavy slowly permeable land limited by wetness. However, the land to the east of the development is classed as Grade 2 land. The report states that land within grade 2 in Market Bosworth comprises of deep permeable clay loam soils limited by wetness. The moderately high topsoil clay content of these soils leads to slight access restrictions to farm machinery, affecting the cultivation/harvesting of winter crops in wet years under the local climate. This area of land is small in scale. The proposal is for this land to remain free from development being used as public open space. The loss of this land should be weighed in the balance of the merits of the scheme.
- 8.148 The site is not within an area recorded to require a Coal Authority mining report, therefore, the risk from coal mining is considered to be negligible.
- 8.149 HBBC (Waste) has recommended a condition requiring adequate provision for waste and recycling storage and collection

- 8.150 A Phase 1 Desk Study Report has been submitted with the application. This recommends that further intrusive works are carried out to assess potential land contamination and ground gas on the site. The Council's Environmental Health Officer has recommended that this work is undertaken as part of a planning condition. It is considered that a pre-commencement condition is proportionate to ensure that the potential for land contamination is assessed under Policy DM7 of the SADMP.

9. Planning Balance

- 9.1 The Council cannot demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy, the adopted SADMP and the MBNP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 9.2 The proposal would be in conflict with Core Strategy Policy 7 and 11 and Policy DM4 of the SADMP. These policies are consistent with the Framework and are afforded significant weight. The proposal would extend built development beyond the settlement boundary of Market Bosworth and it is considered that the proposal would result in a moderate degree of harm to the character and appearance of the area at Year 1 Occupation which would conflict with Policy DM4 of the SADMP and Policy CE5 of the MBNP.
- 9.3 The proposal also causes harm to key characteristics of Vista 11 identified within the MBNP leaving only a narrow view of the open countryside to the north in conflict with Policy CE3 of the MBNP which seeks to resist new development which has a significant adverse impact on any important view or vista. Policy CE3 is given moderate weight when measured against consistency with the Framework. They advise that in terms of the conformity of Policy CE3 against the revised NPPF, it is recommended that moderate weight is given to the policy. A similar policy was recently examined as part of the Examination into the Burbage NDP. In this case the Examiner's report introduced a wording amendment so that the policy included the following wording "*which cannot be mitigated will not be supported.*" This wording was inserted to ensure the NDP allowed for sustainable development which is a NDP Basic Condition. An assessment on how the impact of the development can mitigate any potential negative impact on the views and vistas should therefore be made rather than a blanket approach to resist. The mitigation measures proposed will be assessed below.
- 9.4 The proposal would result in the loss of agricultural land, using mapping available the land is identified as grade 2 and grade 3b as Agricultural Land. Therefore, this does add to the value of the landscape. Whilst the proposal would involve some grade 2 land, this land is small in size and would remain free from development as public open space. It is thus considered this the loss of this agricultural land would have moderate weight in the planning balance.
- 9.5 Weighed against this conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of 63 houses (including 25 affordable homes). The HNF figure recommended in the Market Bosworth Neighbourhood Plan Housing Needs Assessment (2020) (HNA) is 108 dwellings between 2020 and 2026. HBBC Planning Policy state that based on the population based method, over the period 2016-2039, Market Bosworth Parishes share of the current housing need for the Borough would be 173 dwellings or 191 dwellings with a 10% buffer. As confirmed in Policy 11 of the Core Strategy, the housing figures for Market

Bosworth are a minimum number. Therefore, whilst there is an allocated housing site along Station Road which has yet to be developed and planning permissions have been granted for additional dwellings in the MBNP area, the additional houses and affordable houses proposed in this planning application would have significant weight in the planning balance in delivering housing in the Market Bosworth area.

- 9.6 Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 9.7 The proposal would result in economic benefits through the construction of the scheme albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.8 As discussed above, the proposal would deliver 63 dwellings, of which 40% would be affordable. Market Bosworth is an identified District Centre where the centres consist of at least one supermarket and a range of non-retail services and public facilities as well as a library and residential development would help to maintain and support local services which serve the local community. This would result in a moderate social benefit to the area and also to the borough as required by Policy CE5 of the MBNP. The proposal would also involve the provision of areas of public open space (POS) and new tree planting. The POS would be connected to existing pedestrian footpaths to provide a benefit to the wider area.
- 9.9 Some environmental benefits would be provided such as additional planting through the landscaping to be provided in the open space. There would be some benefit for biodiversity associated with the reinforcement and new planting of hedgerow and trees around the site and the provision of SUDS which can be designed to include benefits to biodiversity, secured via condition.
- 9.10 It has been concluded that the proposal would have major adverse landscape effects on the application site at construction phase, however, this impact would be temporary and would reduce to moderate adverse effects at year one occupation. The proposal would have moderate adverse visual effects on recreational users of footpath S70/1, users of Kyngs Golf and Country Club (future receptor) and transient users of Station Road at construction. However, there would be major adverse visual effects on residents to the south at construction which would lessen to residual moderate visual effects on these residents at Year 15 occupation. This would in turn impact on the fine and valued views from Vista 11. Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm has been identified at Year 15 construction. A new Vista 11 would also be provided within the site with elevated views across North West Leicestershire. It is thus considered on balance that this level of harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

10. Equality implications

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

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

11. Conclusion

- 11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 11.2 The Council cannot demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy, the adopted SADMP and the MBNP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3 The proposal would be in conflict with Core Strategy Policy 7 and 11 and Policy DM4 of the SADMP. These policies are consistent with the Framework and are afforded significant weight. The proposal would extend built development beyond the settlement boundary of Market Bosworth and it is considered that the proposal would result in a moderate degree of harm to the character and appearance of the area at Year 1 Occupation which would conflict with Policy DM4 of the SADMP and Policy CE5 of the MBNP.
- 11.4 The proposal also causes harm to key characteristics of Vista 11 identified within the MBNP leaving only a narrow view of the open countryside to the north in conflict with Policy CE3 of the MBNP which seeks to resist new development which has a significant adverse impact on any important view or vista.
- 11.5 It has been concluded that the proposal would have major adverse landscape effects on the application site at construction phase, however, this impact would be temporary and would reduce to moderate adverse effects at year one occupation. The proposal would have moderate adverse visual effects on recreational users of footpath S70/1, users of Kyngs Golf and Country Club (future receptor) and transient users of Station Road at construction. However, there would be major adverse visual effects on residents to the south at construction which would lessen to residual moderate visual effects on these residents at Year 15 occupation. This would in turn impact on the fine and valued views from Vista 11. Whilst there is conflict with the strategic policies of the Development Plan only moderate localised landscape harm has been identified at Year 15 construction. A new Vista 11 would

also be provided within the site with elevated views across North West Leicestershire.

- 11.6 It is thus considered on balance that this level of harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.
- 11.7 Subject to conditions the proposal would not have any significant adverse impacts on the historic environment, noise, residential amenity, vehicular or pedestrian safety, ecology, archaeology, drainage and land contamination. It is considered that the proposed development is in accordance with Policies DM6, DM7, DM10, DM11, DM13, DM17 and DM18 of the SADMP (2016) and is therefore recommended for approval subject to the conditions and planning obligations listed below.

12.0 Recommendation

12.1 Grant planning permission subject to

- The completion within 6 months of this resolution of a S106 agreement to secure the following obligations:
 - 40% Affordable Housing (25 units) with a split of 75% of the units as affordable rented and 25% of the units as shared ownership
 - Affordable rented mix shall comprise of: 6 x 1 bed 2 person flats or quarter houses; 3 x 2 bed 4 person bungalows; 6 x 2 bedroomed 4 person houses and 4 x 3 bedroomed 5 person houses
 - Shared ownership mix shall comprise of: 2 x 2 bed 4 person bungalows and 4 x 2 bed houses
 - £1,900.00 for library facilities at Market Bosworth Library
 - £3120.00 towards improving existing waste facilities at Barwell HWRC
 - £31,897.68 towards the cost of providing additional accommodation for 153 patients at Market Bosworth GP Surgery
 - On-site Open Space requirement of 500m² of equipped play area and Trim Trail with equipment to a minimum value of £90,965 and maintenance costs of £87,800; 1058m² of Casual/Informal Play Space and maintenance costs of £11,426 and 20042m² of natural green space along with maintenance costs of £284,596.40
 - £303,350.20 towards primary and secondary school education in Market Bosworth
 - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass
 - Travel Plan monitoring fee of £6,000
- Planning conditions outlined at the end of this report.

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

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

12.2 Conditions and Reasons

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

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

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

- a) appearance
- b) landscaping
- c) layout
- d) scale

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

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

3. The development hereby permitted shall be carried out in accordance with the following approved plan received by the local planning authority on 29 September 2020 but only insofar as they relate to access to the site:
Drw No: T18522 001 Rev B

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM17 and DM18 of the Site Allocations and Development Management Policies Development Plan Document (2016).

4. No more than 63 dwellings shall be constructed on the site.

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

5. All reserved matters application shall be in general accordance with the Parameters Plan (Drw No: P20-1243_05 Rev A), Illustrative Masterplan (Drw No: P20-1243_02 Rev D) and the Landscape Strategy Plan (Drw No: 11776/P08b).

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

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

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

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not lead to on-street parking problems in the area in accordance with Policies DM17 and DM18 of the SADMP (2016).

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

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the SADMP (2016).

9. Prior to the commencement of any development on site a scheme for protecting the proposed dwellings from noise from the nearby road, airfield and adjacent Industrial estate which includes remediation works (where required) and a programme of implementation shall first be submitted to the local planning authority for their approval in writing. The scheme shall be designed to achieve internal noise levels as detailed in BS8233 and all works which form part of the scheme approved by the LPA shall be completed before first occupation of each of the dwellings to which it relates.

Reason: To safeguard the amenities of future occupiers of the proposed dwellings in accordance with Policy DM10 of the SADMP (2016) and advice in the NPPF.

10. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

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

11. 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).

12. 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).

13. No development shall take place until details of the pedestrian links to be provided from the application site to Station Road have been submitted to and approved in writing by the local planning authority. The approved footpath links shall be implemented in full and made available for use in accordance with the approved details prior to the occupation of the 50th dwelling.

Reason: To improve connectivity of the site to the surrounding area in accordance with Policy DM1 of the SADMP (2016).

14. No development shall commence on site until drainage details for the disposal of surface water have been submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include infiltration testing. The approved details shall be implemented in full before the occupation of the first dwelling hereby approved.

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

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

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

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

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

17. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

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

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

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

19. No development shall commence on site until full details of the protection of trees and hedgerows to be retained on site as shown on Drw No: 11776/P08b including the protection of the veteran Ash Tree (T5) during the construction phase have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the commencement of any work on site and shall remain in place for the duration of the construction activity.

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

20. No development shall commence on site until full details of the removal of New Zealand pygmy weed have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the commencement of any development on site.

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

21. 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).

22. Prior to the construction above foundation level of any of the dwellings hereby approved, a scheme for the delivery of full fibre broadband connections to serve each dwelling on the application site shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full.

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

23. None of the dwellings hereby approved shall be occupied until such time as the access arrangements shown on approved Drw No: T18522.001 Rev B have been implemented in full.

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

24. None of the dwellings hereby approved shall be occupied until such time as the offsite works (footway improvements) shown on Drw No: T18522.001 Rev B have been implemented in full.

Reason: To mitigate the impact of the development in the general interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).

25. None of the dwellings hereby approved shall be occupied until such time as vehicular visibility splays of 2.4 metres by 74 metres to the west and 2.4 x 59 metres to the east of the access have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in accordance with Policy DM17 of the SADMP (2016).

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

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of Sustainable modes of transport in accordance with the National Planning Policy Framework (2019).

12.3 Notes to Applicant

1. In relation to conditions 11 and 12; advice from Health and Environment Services can be viewed via the following web address:- https://www.hinckley-bosworth.gov.uk/info/200075/pollution/177/contaminated_land site which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

2. With reference to condition 14 the scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pervious paving details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
3. With reference to condition 15 details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
4. With reference to condition 16 details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
5. With reference to condition 17 the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

The Historic and Natural Environment Team, as advisors to the planning authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the planning authority.
6. It is necessary, when carrying out works to tree(s) to be aware of the Wildlife and Countryside Act, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.
7. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and

satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

8. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
9. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
10. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
11. 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.
12. Severn Trent Water advises that there are public sewers located within the application site. Public sewers have statutory protection by virtue of the Water Industry Act 1991 as amended by the Water Act 2003 and you may not build close to, directly over or divert a public sewer without consent. You are advised to contact Severn Trent Water to discuss your proposals (Tel: 0800 707 6600).

Planning Committee 25 May 2021
Report of the Planning Manager

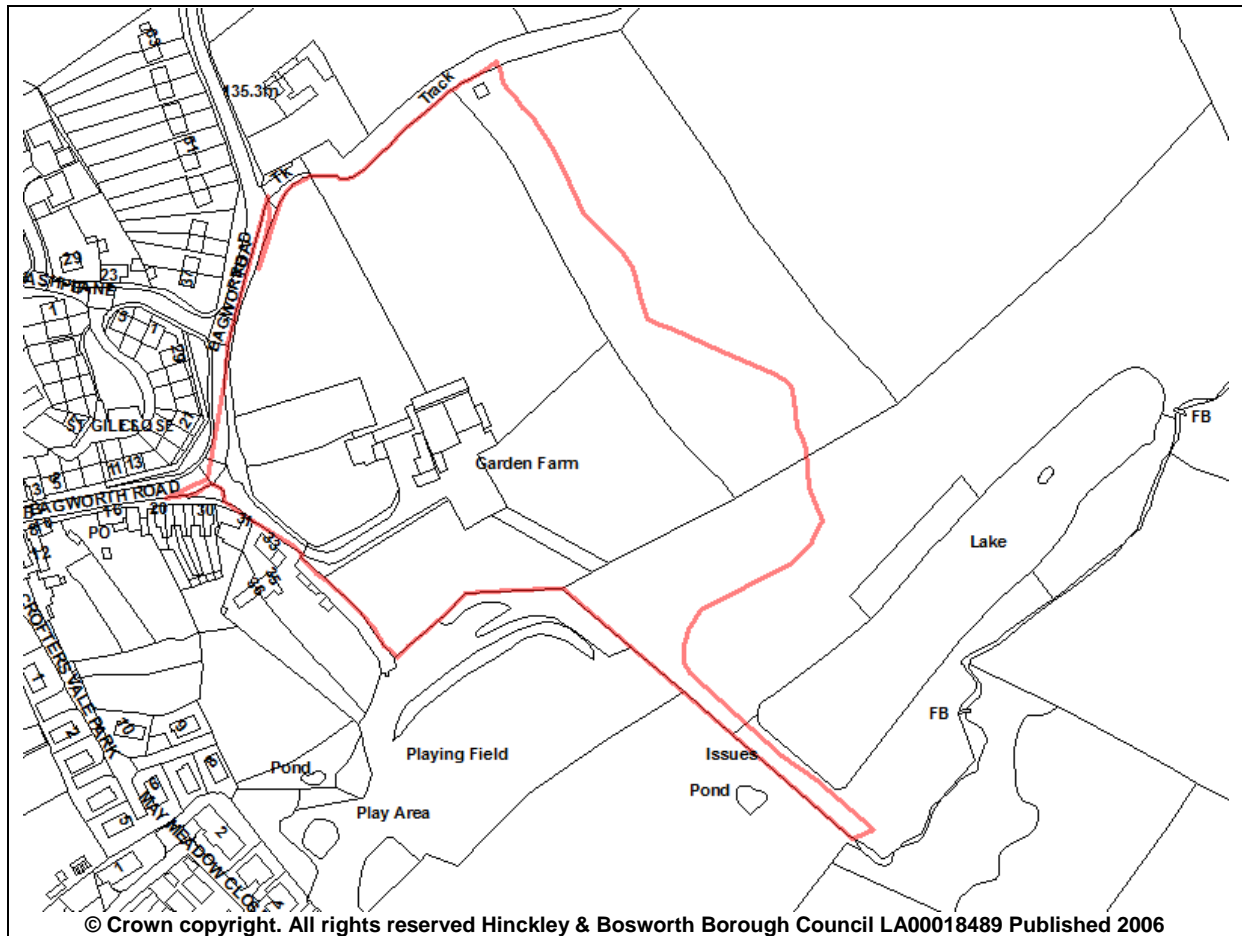
Planning Ref: 20/00470/FUL
Applicant: Owl Partnerships LTD
Ward: Barlestone Nailstone and Osbaston



Hinckley & Bosworth
Borough Council

Site: Garden Farm Bagworth Road Barlestone

Proposal: Residential development of 99 dwellings with associated infrastructure, vehicular accesses and areas of open space



1. This application was taken to the previous Planning Committee on 30 March 2021. The previous report and accompanying late items are attached to this report as Appendix A and B.
2. Notwithstanding the officer's recommendation that permission be granted, it was resolved that a decision on the application be deferred to give members the opportunity to visit the site.
3. **Recommendation:**
 - 3.1. The recommendations to Planning Committee do not alter from those identified in the previous reports to committee and the proposal is considered acceptable in planning terms and recommended for approval subject to the obligations and conditions contained in the previous reports.

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

- Planning conditions outlined at the end of this report
- The completion within six months of this resolution a S106 agreement to secure the following obligations:
 - 100% Affordable Housing with a split of 50 units as affordable rented and 49 units as shared ownership
 - £3,170.00 for library facilities at Newbold Verdon Library
 - £4,903.00 towards improving existing waste facilities at Barwell HWRC
 - £50,124.93 towards Health Care Provision (GP Practices)
 - On-site Open Space requirement of 356.4m² of equipped play area with equipment to a minimum value of £64,839;85; 1663.2² of Casual/Informal Play Space and 8965m² of natural green space along with maintenance costs.
 - £184,412.07 towards secondary school education at The Market Bosworth School.
 - Travel Packs – one per dwelling (can be supplied by LCC at £52.85 per pack)
 - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass.
 - Travel Plan monitoring fee of £6,000.
 - Traffic Regulation Order cost of £7,500
- That the Planning Manager be given powers to determine the final detail of planning conditions.
- That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

3.3. **Conditions and Reasons**

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
 - a) Drg No: c-1757-03 (Tree Removal Plan) received by the local planning authority on 15 May 2020
 - b) Drg No: 100-634/(P) 023D (Site Location Plan) received by the local planning authority on 1 June 2020
 - c) House Types Drgs No: 100-634/(P) 042; 043; 01 3D; 01 2D; 01 1D; 00 9D; 00 8C; 00 7D; 00 5C; 00 4C; 03 0B; 02 8B; 02 6B; 02 0D; 01 6D; 01 5D; 01 4D; 01 8F received on 20 October 2020
 - d) Drgs No: T20025 SK01 Rev B and SK02 Rev B; all received on 25 January 2021
 - e) Drg No: C1757-04 (Tree Removal Plan) received on 26 January 2021
 - f) Drgs No: c1757 01 Rev D and c1757-02 Rev D (Detailed Landscaping Proposals) received on 24 February 2021
 - g) Drg No: 20025 1 Rev K (Drainage); 2 Rev K (Drainage); 3 Rev H (Drainage) all received on 3 March 2021
 - h) Drgs No: 022H (Street Scenes) received on 8 March 2021

- i) Drgs No: 100-634/(P) 001 W (Site Layout); 002 (O) (Boundary Treatment); 003R (Materials Plan) 038K (Tenure Plan); 039J (Maintenance Areas Plan); 040K (Maintenance and Tenure Plan); T20025 SK03 Rev I; SK04 Rev I; SK05 Rev I; SK08 Rev G and SK09 Rev G all received on 25 March 2021

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

3. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Site preparation and construction shall be limited to the following hours:-

07:30 – 18:00 Monday – Friday

08:00 – 13:00 Saturday

No working on Sundays and Bank Holidays.

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

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policies DM17 and DM18 of the SADMP (2016).

5. Notwithstanding the recommendations in the submitted Ground Investigation Report ref: 18-0227/D1/2 dated August 2018 and the Geo-technical Assessment Report ref: 18-0227/J700A/D1/1 dated 9 December 2019, no development approved by this permission shall be commenced until a scheme for the remediation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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

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

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

7. No development shall commence on site until drainage details for the disposal of surface water have been submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include infiltration testing and details which prove that surface water will not discharge onto the public highway. The approved details shall be implemented in full before the development is first brought into use.

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

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

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

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

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

10. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance

with a written scheme of investigation (WSI), which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

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

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

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

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

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

12. 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).

13. Prior to the commencement of development a scheme for the treatment of the Public Rights of Ways shall be submitted and approved in writing by the local planning authority. Such a scheme shall include provision for their management during construction, fencing, surfacing, width, structures, signing, street furniture (including improvement or removal if appropriate), boundary treatment and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. For the avoidance of doubt, the Public Footpaths shall comprise of a tarmac surface 2 metres wide. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: To protect, enhance and provide all weather Public Rights of Ways and access in accordance with the NPPF.

14. Prior to the commencement of development, full details of the proposed pumping station including elevation drawings and materials to be used shall be submitted to the local planning authority for their approval in writing. The development shall be carried out in accordance with the approved scheme.
Reason: To ensure that the development has a satisfactory appearance in accordance with Policies DM4 and DM10 of the SADMP (2016).
15. 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).
16. None of the dwellings hereby approved shall be occupied until such time as the northern and southern access arrangements shown on approved Drg No: SK02 Rev B have been implemented in full.
Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway and to ensure pedestrian safety in accordance with Policy DM17 of the SADMP (2016).
17. None of the dwellings hereby approved shall be occupied until such time as vehicular visibility splays of 2.4 metres by 32.2 metres to the north and 2.4 x 28.8 metres to the south have been provided at both site accesses. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.
Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in accordance with Policy DM17 of the SADMP (2016).
18. 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:100-634/(P)001 Rev W. Thereafter the onsite parking provision shall be so maintained in perpetuity.
Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).
19. Any dwellings that are served by private access drives including any turning spaces shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance Figure DG20 of the Leicestershire Highways Design Guide. The private access drives shall be surfaced with hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and once provided shall be so maintained in perpetuity.
Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with Policy DM17 of the SADMP (2016).
20. Each dwelling with a private vehicular access hereby permitted shall not be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays

has been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway, and once provided, shall be so maintained in perpetuity.

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

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

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

22. The Travel Plan shall be implemented in accordance with the details contained within ref: T20025/RTP/01 dated 19 October 2020. A Travel Plan Co-ordinator shall be appointed from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the NPPF.

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

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

24. The approved detailed landscaping schemes as shown on Drgs No: c1757 01 Rev D and c1757 02 Rev D shall be completed prior to the occupation of the plot to which it relates. The non-residential landscaping areas shall be completed upon occupation of the 70th dwelling. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

25. The dwellings hereby approved shall be implemented in accordance with the approved materials contained in Drg No: 100-634/(P) 003Q.

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

26. The development shall be carried out in full accordance with the recommendations specified in the Preliminary Ecological Appraisal dated March 2020.

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

27. Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:
- Measures to prevent waste generation
 - Information on local services in relation to the reuse of domestic items
 - Information on home composting, incentivising the use of a compost bin and/or food waste digester
 - Household Waste Recycling Centre location, opening hours and facilities available
 - Collection days for recycling services
 - Information on items that can be recycled

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

3.4 Notes to Applicant

1. In relation to conditions 5 and 6; advice from Health and Environment Services can be viewed via the following web address:- https://www.hinckley-bosworth.gov.uk/info/200075/pollution/177/contaminated_land site which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.
2. With reference to condition 7 the scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pervious paving details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
3. With reference to condition 8 details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
4. With reference to condition 9 details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.

5. With reference to condition 10 the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

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

6. It is necessary, when carrying out works to tree(s) to be aware of the Wildlife and Countryside Act, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.
7. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
8. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
9. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
10. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.

11. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
12. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with the construction works.
13. 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.
14. 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.
15. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the lpa. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
16. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
17. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
18. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

- On-site Open Space requirement of 356.4m² of equipped play area with equipment to a minimum value of £64,839;85; 1663.2² of Casual/Informal Play Space and 8965m² of natural green space along with maintenance costs.
 - £48,302.07 towards secondary school education at The Market Bosworth School.
 - Travel Packs – one per dwelling (can be supplied by LCC at £52.85 per pack)
 - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass.
 - Travel Plan monitoring fee of £6,000.
 - Traffic Regulation Order cost of £7,500.
 - Planning conditions outlined at the end of this report
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
 - 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.
- 2. Planning application description**
- 2.1. The proposal has been amended from the original proposal of 110 dwellings and now seeks full planning permission for the construction of 99 dwellings with associated accesses, public open space, landscaping and infrastructure. The site has an area of approximately 3.58 hectares. A detailed access plan has been submitted which shows a new road leading into the site from Bagworth Road along with a secondary access serving 7 units off an unadopted road.
 - 2.2. The housing mix proposed comprises 50 affordable rented units and 49 shared ownership units. The properties proposed are a mix of 10 x one bed maisonettes, 43 x 2 bed houses, 40 x 3 bed houses and 6 x 4 bed houses. The properties proposed are of traditional construction comprising predominantly facing bricks with roofing tiles. All of the properties would be built to a height of two-storeys.
 - 2.3. The site layout plan shows the development would be predominantly arranged into five perimeter blocks along with ribbon development along Bagworth Road and backing onto the attenuation pond properties along The Poplars and Ash Close. All of the properties would either face onto roads or parking forecourts. Some of the properties would have small front gardens whereas others would have parking along the frontage. All of the properties would have rear gardens of at least 9 metres in length with the exception of the maisonettes which would have a communal rear garden.
 - 2.4. Areas of open space are proposed across the site. Along the eastern boundary of the site a large area of land would remain undeveloped. In this open space area would be a Locally Equipped Area for Play (LEAP) along with a kick about area. This area contains public footpaths R64 and S32. Areas of open space are also proposed to the south and south east of the site. This area contains public footpaths S15 and S35 along with an existing watercourse. An attenuation pond is proposed in the area of open space to the south east of the site. These areas of open space would link to May Meadow and Football Pitch open space (BARL16).
 - 2.5. The proposal includes the widening of Bagworth Road to 5.5 metres along the site frontage and the provision of a 2.0 metre wide footway from the site access to the existing public right of way to the north.

2.6. Planning permission was granted in 2015 for the demolition of buildings and the construction of up to 64 dwellings (outline – access only) (ref: 14/00596/OUT) on the majority of the site (2.5 hectares).

2.7. The application is supported by the following technical documents:-

Design and Access Statement
Existing Site Sections
Topographical Survey
Transport Assessment
Residential Travel Plan
Geotechnical Report
Land Transfer Plan
Tree Removal Plan
Bat Survey
Water Vole Survey
Protected Species and Habitat Surveys
Construction Environmental Management Plan
Stage 1 Road Safety Audit
Tree Survey
Planning Statement
Ground Investigation
Archaeological Desk Based Assessment
Geophysical Survey
Historic Building Recording
Assessment of Scheme Viability
Surface Water Management Scheme
Preliminary Ecological Appraisal
Building for Life Informal Assessment
Flood Risk Assessment

3. Description of the site and surrounding area

3.1. The application site is an allocated housing site BARL02 in the Site Allocations and Development Management Policies DPD.

3.2. The application site is located on the north-eastern side of the village of Barlestone and to the east of Bagworth Road. Comprising of a farmhouse, associated buildings and an area of paddock land, the site forms part of a wider area of open countryside. The majority of the site lies within the settlement boundary for Barlestone. A track with open fields beyond forms the northern boundary of the site with open fields forming the eastern boundary. Located along the southern boundary is an area of public open space with Bagworth Road forming the western boundary and the residential area of Barlestone. The presence of this built development along with the adjoining open fields gives the area its semi-rural character.

3.3. The north eastern corner of the site along with a section along the eastern boundary is located within Landscape Character Area B - Charnwood Fringe Landscape Character Area (LCA – B) in the Landscape Character Assessment (2017). This is characterised by a dispersed pattern of former mining villages following a linear pattern on ridgetops, either located close to a colliery or providing housing for mine workers. The area has good public access and footpath networks throughout. The majority of the site lies within Urban Character Area 14 – Barlestone.

3.4. The core of Barlestone is located to the west of the site and contains a range of services and facilities including a primary school, doctor's surgery, community hall, pre-school, places of worship, public houses, shops, post office and car repairs.

The nearest bus stop is within walking distance of the site being located on Newbold Road. Bus services provide access to and from Leicester, Hinckley, Coalville and Market Bosworth.

- 3.5. The application site is currently used as grazing land bound by hedgerows along its boundaries with Bagworth Road. The site is mostly flat and level, however, the land does fall away gradually from north east to south from 135.99m AOD along the public footpath to a low point of 130.80m AOD where the attenuation basin is proposed.

4. Relevant planning history

14/00596/OUT

- Demolition of existing farmhouse, stables and outbuildings for the erection of up to 64 dwellings (outline - access only)
Planning Permission
17.12.2015

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. 156 letters of objection have been received (some residential addresses have submitted more than one letter) raising the following concerns:

- 1) Question whether this residential scheme is in addition to the 64 dwellings already approved on the site (some make reference to 84 dwellings already approved on the site)
- 2) The proposal would increase the volume of traffic around the site on roads which are already too narrow, full of parked cars and unsafe – photographs and videos have been submitted of on street parking along Bagworth Road and Main Street
- 3) Vehicles from the proposed site would use the already congested A447 junction where there have been a number of crashes over the last 10+ years including fatalities
- 4) The road leading to Desford already exceeds its capacity and cannot cope with this proposed increase in traffic
- 5) A lot of elderly people and young children cross the road near to the proposed site entrance to access May Meadows and the footpaths in the area are narrow
- 6) Horse riders also use these roads and footpaths and so there will be highway safety issues
- 7) There would be highway safety issues from construction traffic using surrounding roads
- 8) The vehicular access would involve the removal of mature hedgerow
- 9) The application site is close to Churches, takeaways, hairdressers, a funeral undertakers and a Children's Nursery which all generate a lot of traffic
- 10) The existing residents occupying properties near to the site will be subjected to noise and disturbance
- 11) Public transport services have been affected by COVID-19
- 12) There is a need for additional parking in the centre of Barlestone
- 13) Parking restrictions should not be placed on Bagworth Road as residents will have nowhere to park
- 14) The Neighbourhood Plan does not identify a need for further housing
- 15) The site lies within a flood risk area and this proposal would increase this risk of flooding

- 16) Additional housing should be provided on the green fields opposite the housing on Barton Road
- 17) The utilities in the area cannot cope with additional housing
- 18) The services and facilities in Barlestone such as the doctor's surgery, the dentist, the CO-OP, the post office and primary school cannot cope with this additional housing
- 19) There is not a need for additional housing in Barlestone as shown in the Council's Development Plan and the draft Neighbourhood Plan for Barlestone
- 20) There is not a need for social housing in Barlestone especially one-bedroom units
- 21) The farm house and farm buildings are heritage buildings which would be demolished
- 22) The proposal would interfere with public footpaths within the site
- 23) The proposal does not provide for a good mix of house sizes and tenures
- 24) The high density of the proposal would not compliment the character of the area which is the oldest part of Barlestone and on the edge of countryside
- 25) It is understood that there are a further 450 houses planned for the other side of Barlestone
- 26) The proposal adjoins an area of natural beauty and a wildlife site. Building so close to this area would destroy the wildlife
- 27) The residents of 31 and 33 Bagworth Road own some of the private unadopted road shown within the red line
- 28) There will be anti-social behaviour around the parking areas off Bagworth Road
- 29) This proposal would increase the population of Barlestone by 10-14%
- 30) There are no employment opportunities in Barlestone for these new residents
- 31) The proposal does not include any Section 106 monies

5.3. Four letters of support have been received for the following reasons:

- 1) There is a need for additional housing in Barlestone and this scheme would benefit the area
- 2) Residents do not want to accept change in the village
- 3) Barlestone does have the facilities to withstand this additional housing
- 4) The road can easily be engineered to cope with the additional traffic
- 5) There is certainly a need for 2-bed affordable properties for young families in Barlestone

5.4 One letter of comment has been received stating that whilst they do not object to 110 houses being built on the application site they are concerned about the impact on the surrounding road network.

6. Consultation

6.1. Barlestone Parish Council object to the proposal for the following reasons:

- 1) The increase in houses from 64 to 110 will cause significant access issues and increase in traffic in the historic part of the village which is not designed for traffic
- 2) The scale and location of the development would be an incongruous and disproportionate amount of growth in an unsustainable location
- 3) The proposal would have a detrimental impact on the character of the countryside and surrounding landscape
- 4) There are no Section 106 monies proposed. The local primary school cannot cope with an increase in children. There is also a need for money to contribute to other services and facilities in the village

- 5) A previous affordable housing assessment only showed a need for 10 affordable units in the village
 - 6) The sewerage system in the village cannot cope
- 6.2. LCC as Local Lead Flood Authority require further information on the total impermeable area of the revised plans. Additional SUDs treatment on site are also required. Their comments on the additional information provided is awaited.
 - 6.3. LCC Ecology requires further information on the Biodiversity Calculations for the proposal. Their comments on the additional information provided is awaited.
 - 6.4. No objections have been received from:
 - HBBC Environmental Services (Pollution) – subject to conditions
 - LCC as Highway Authority
 - HBBC Drainage Services – subject to a condition
 - HBBC Waste Services – subject to a condition
 - HBBC Drainage – subject to conditions
 - Leicestershire Police
 - LCC Archaeology – subject to pre-commencement conditions
 - 6.5. No comments have been received from:
 - Severn Trent Water Ltd
 - 6.6. HBBC Affordable Housing Officer agrees with the housing mix proposed for this 100% affordable housing scheme and the split of 51% affordable rented and 49% shared ownership.
 - 6.7. Council's S106 Monitoring Officer – welcomes the provision of a LEAP on site which should be at least 396m². The total on-site open space shown is 10,984m² which is in excess of the 5,979m² required (excluding outdoor sports) for 99 dwellings.
 - 6.8. Contributions are sought from:
 - NHS West Leics CCG - £50,124.93 towards the cost of providing additional accommodation for 266 patients at surgeries in Newbold Verdon, Desford and Ibstock and Barlestone (via their branch surgery)
 - LCC Civic Amenity - £4903.00 towards improving existing waste facilities at Barwell HWRC (based on 99 dwellings)
 - LCC Libraries - £2,840 towards improving the existing library facility at Newbold Verdon library (based on 99 dwellings)
 - LCC Education - £262,705.70 towards secondary school education at The Market Bosworth School
 - LCC Early Years Provision – confirm that provision of Early Years places is not required for housing proposals below 100 dwellings.
 - George Eliot Hospital NHS Trust - £163,890.00 towards additional health care services
 - University Hospitals of Leicester NHS Trust - £29,546.00 towards additional health care services

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 7: Key Rural Centres
 - Policy 11: Key Rural Areas Stand Alone

- Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
 - Policy 19: Green Space and Play Provision
 - Policy 20: Green Infrastructure
- 7.2. Site Allocations and Development Management Policies DPD (2016) (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
- 7.3. Barlestone Neighbourhood Plan – Consultation Document 2020
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2018)
 - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - HBBC Landscape Character Assessment (2017)
 - HBBC Landscape Character Sensitivity Study (2017)
 - Leicester and Leicestershire Housing and Economic Development Needs Assessment (HEDNA)
 - Affordable Housing SPD (2011)
 - Open Space and Recreation Study (2016)
 - Leicestershire Highways Design Guide
 - Agricultural Quality of Land Surrounding Settlements in the Hinckley and Bosworth District Report (2020)
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety
 - Ecology
 - Archaeology
 - Flooding & Drainage
 - Housing Needs
 - Infrastructure Contributions
 - Other Matters
- Assessment against strategic planning policies
- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2019) states that planning law requires that applications for planning permission must be determined

in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

- 8.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the SADMP set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016).
- 8.4 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough. Policy 7 of the Core Strategy identifies Barlestone as a key rural centre which supports local services. The majority of the site lies within the settlement boundary for Barlestone where the principle of residential development is supported. Policy 11 of the Core Strategy supports the allocation of land for the development of a minimum of 40 new homes within Barlestone.
- 8.5 Whilst a formal consultation has taken place on the draft Barlestone Neighbourhood Plan, the plan is still in the early stages of its development. Therefore, as consultation on the draft Neighbourhood plan is ongoing and an examination has yet to take place the neighbourhood plan carries limited weight.
- 8.6 Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is unable to demonstrate five years of deliverable housing on 1 March 2021. Due to the change in the housing figures required for the borough, the housing policies in the plan are out of date. As such paragraph 11(d) of the NPPF is triggered. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. This is weighed in the balance of the merits of the application when considered with the policies in the Site Allocations and Development Policies DPD and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.7 The majority of the application site (2.5 hectares) forms part of the residential site allocation BARL02 as contained within the SADMP. This residential site allocation is located within the settlement boundary for Barlestone. Outline planning permission has been approved for a residential scheme of up to 64 dwellings on the proportion of the site within the settlement boundary. Therefore, the principle of residential development is accepted on this part of the site.
- 8.8 The SADMP sets out that sites that have been allocated should be safeguarded as they have an essential role in the delivery of housing requirements. It goes on to state that *"it is essential that these designations are safeguarded and delivered over the plan period to ensure that these requirements are met."*
- 8.9 One hectare of the application site to the north east and along the eastern boundary of the site is situated outside of the defined settlement boundary of Barlestone. The land is identified as countryside within the Borough Wide Policies Map. Policy DM4

of the SADMP is therefore applicable and states that the countryside will first and foremost be safeguarded from unsustainable development.

- 8.10 The proposed layout submitted with the application shows that the residential site would follow the existing hedgerow boundary of the paddock. This would involve appropriately 8 proposed dwellings located outside of the settlement boundary and within the countryside which would conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.
- 8.11 The majority of the land located within the countryside would be used as public open space including a LEAP area, a kick about area and the siting of an attenuation pond. One of the criteria in Policy DM4 where development in the countryside will be considered sustainable is where it is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries.
- 8.12 The area of open space proposed would exceed the policy compliant area required and this additional open space would be adjacent to the settlement boundary. Therefore, such a use is in accordance with the above requirements of Policy DM4.
- 8.13 In conclusion, the majority of the housing proposal lies within the settlement boundary of Barlestone and within housing allocation BARL02 where the principle of residential development is accepted. Appropriately 8 of the proposed dwellings would be located outside of the settlement boundary along with areas of open space and an attenuation pond. This would conflict with the spatial policies of the development plan. However, paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all material considerations and any harm which is identified. All material considerations must be assessed to allow this balance to be made.

Design and impact upon the character of the area

- 8.14 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 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.
- 8.16 The Council's Good Design Guide SPD sets out the process to be followed to ensure good quality design for new residential development.
- 8.17 The majority of the application site lies within the urban area of Barlestone which is identified as Urban Character Area 14 (UCA-14) within the Landscape Character Assessment. The key sensitivities of Barlestone as relating to the application site are its rural setting including the undeveloped gap between Newbold Verdon to the east and its cultural associations with framework knitting and mining which are an important part of Barlestone's identity.
- 8.18 The relevant townscape strategies for Barlestone as relating to the application site are the encouragement of legible layouts for larger developments, the reinforcement of the rural setting by maintaining and enhancing important trees and

open spaces and maintenance and promotion of recreational links to surrounding open spaces and woodland.

- 8.19 The application site lies within the Charnwood Fringe Settled Forest Hills Landscape Character Area (LCA – B). This is characterised by a gently undulating landform with small plateaus on higher ground and rising to the adjacent Charnwood Forest area to the east; of a large scale irregular field pattern of mainly arable and some pasture, with smaller fields around settlements with fields enclosed by hedgerows with scattered trees; and, a dispersed pattern of former mining villages following a linear pattern on ridgetops with a good public access and footpath network throughout, especially within the National Forest area. The site is not a 'valued landscape' for the purposes of Paragraph 170 of the NPPF, does not have any national or local designations and is not unique or remarkable for any landscape purposes.
- 8.20 Due to gently sloping topography, the application site is not prominent in the local landscape, nor does it affect the skyline. The landscape character can thus be described as transitional and urban fringe. The landscape strategies for this area are to ensure new development should complement the existing settlement pattern. New developments should be of appropriate materials, scale, massing and location within their plot to the rural context of the area.
- 8.21 The Agricultural Land Quality Report for HBBC classifies the land as provisional Grade 3. It is Grades 1, 2 and subgrade 3a which are of high agricultural quality and so are protected under the NPPF. Subgrade 3a land lies to the south of the village and does not include the application site. As such the land is not protected under the NPPF.
- 8.22 The application proposal would replace paddock land along with a farmhouse and associated outbuildings. This built development would cause harm to the landscape setting of the site. There are a number of public rights of way which run through the site which are public footpath numbers R64, S15, S32 and S36. The walkers along these footpaths would be slow moving receptors and are considered to be of high sensitivity. A number of properties also have direct views across the application site from Bagworth Road where views from habitable rooms would be achieved, however, these views would be largely concealed by the intervening vegetation.
- 8.23 Mitigation measures have been incorporated into the proposal which include the retention and enhancement of existing boundary vegetation, replanting of the eastern boundary hedgerow and large areas to the south which would remain undeveloped to link in with the open space to the south. These mitigation measures would reduce the landscape harm of the proposal on the local landscape. The roadside hedgerow planting proposed along with the setting back of the built development from the main road would also shield some views of the housing development from the existing residential properties whilst retaining the landscaped character of this side of Bagworth Road.
- 8.24 Detailed landscape proposals and a boundary treatment plan have been submitted with the application which include a new planted boundary along the eastern boundary of the site with the open fields beyond. Whilst the existing hedgerow along Bagworth Road would be removed, the proposal includes significant hedgerow planting around the site in the soft landscaping scheme submitted which would form part of an appropriately worded condition. With regards to LCA B, as the magnitude of the impact of the proposed development would be negligible due to the gently sloping nature of the application site and its containment from the wider landscape to the north and east, its open links to the south and the soft landscaping scheme proposed, the overall effect on the character of the LCA would be of minor significance.

- 8.25 The route of public footpaths R64, S36 and S15 are unaffected by the proposal and would remain in areas of open space. These footpaths would continue to link to the open fields beyond the application site boundary and so whilst the experience of users of the footpath would alter when walking near to the proposed built development, they would soon reach the open countryside beyond.
- 8.26 Footpath S32 goes through the development site and would need to be re-routed. The proposal is for the footpath to use the new footpaths alongside the estate access roads. The realigned section of the footpath would then link in to the existing footpath in an area of open space. Users of this footpath would experience the greatest degree of harm which would alter from walking through open fields to walking for some of its length through a housing estate. However, this part of the footpath lies within the allocated housing site which is located within the settlement boundary for Barlestone and there is already built development on the site. The proposal would not diminish the benefit of the existing valued public right of way compared to the 2014 approved scheme.
- 8.27 A number of the objections received refer to this residential proposal being of a greater density than the previous approval under ref: 14/00596/OUT and so out of character with the surrounding area. As discussed in paragraph 2.6, the application site is greater in size by approximately 1 hectare compared to the 2014 approval. The overall density of the development would be 36 dwellings per hectare. Policy 16 of the Core Strategy states that proposals for new residential development within and adjoining Key Rural Centres (Barlestone), should be of a minimum net density of at least 30 dwellings per hectare. The character of existing properties around the site is of higher density with semi-detached and terraced properties with limited or no front gardens on small plots. As such, the density proposed for this residential scheme would be lower than the surrounding built form and therefore it would not out of character with the existing residential development in the locality.
- 8.28 The application site does have a varied topography. The details of all finished floor levels should be submitted and agreed in writing by the Council as part of a pre-commencement condition. This should include cross sections including properties along Bagworth Road to ensure that the proposal would not have an overbearing impact on the existing surrounding properties.
- 8.29 The properties proposed are of a traditional design comprising predominantly facing brickwork with roofing tiles to reflect the design of the adjoining residential properties. Some of the plots would have rendering at first floor level on their front elevations. There would be a variation in roof styles which would comprise predominantly front facing pitched roofs with some plots having side facing pitched gable roofs at first floor level. Open porches are proposed to the majority of the plots. The corner plots have been designed so that windows and/or the front door is located on the side elevation to give these plots dual-frontages as required by the Council's Good Design Guide SPD to create variety and rhythm within the street scene. Where possible, parking areas are set between dwellings in order to reduce the visual impact of cars on the street scene. Landscaping is proposed along parts of the internal roads to soften the built development. Dwellings are orientated to maximise views over the landscaped buffer and the public open space to improve natural surveillance of these areas.
- 8.30 The housing mix proposed comprises 50 affordable rented units and 49 shared ownership units. The properties proposed are a mix of 10 x one bed maisonettes, 43 x 2 bed houses, 40 x 3 bed houses and 6 x 4 bed houses. Policy 15 of the Core Strategy states that to support the provision of mixed, sustainable communities a minimum of 2090 affordable homes will be provided in the borough from 2006 to 2026. Policy 15 seeks the provision of a minimum of 40% affordable housing on all

sites in rural areas and this proposal would exceed this minimum amount by providing 100% affordable housing. Whilst the development would not provide a split of 75% affordable rented and 25% shared ownership as required by Policy 15, a split of 50/50 as agreed with HBBC's Affordable Housing Officer would generate more affordable rented units than if the proposal was for 40% affordable housing. Therefore, it is considered that the mix of housing types and tenures would be in general compliance with the requirements of Policy 16 of the Core Strategy.

- 8.31 Whilst the proposal would involve 1 hectare of land located beyond the settlement boundary of Barlestone, the majority of this land would remain open and would be used as public open space and for the construction of an attenuation pond. It is considered that the proposal would result in a limited degree of harm to the character and appearance of the area which would conflict with Policy DM4 of the SADMP. Mitigation measures have been incorporated into the proposed layout of the scheme to minimise this harm. The mitigation measures include the retention, enhancement and in some cases replacement of all of the existing boundary vegetation. New tree and hedgerow planting would be provided both within the site to provide landscaping taking into account the key sensitivities of the LCA.
- 8.32 It is therefore considered that the design, layout, design and landscaping details as submitted along with the improvements to landscaping would result in the development not being unduly intrusive to the wider countryside. Whilst there would be some conflict with Policy DM4 of the SADMP (2016), the mitigation measures submitted with the scheme would ensure that the development complemented the character of the surrounding area as required by Policy DM10 of the SADMP (2016) and advice in the Council's Good Design Guide SPD.

Impact upon neighbouring residential amenity

- 8.33 Policy DM10 of the adopted SADMP seeks to ensure that development does not adversely affect the amenity of occupiers of neighbouring properties.
- 8.34 Whilst there are existing dwellings near two of the site's boundaries, these properties are separated from the site by Bagworth Road. The layout has been designed so that all of the properties fronting onto Bagworth Road have an intervening distance of at least 15 metres from existing properties along the unadopted section of Bagworth Road. These existing properties do not have front gardens and so the proposed properties would be set behind parking forecourts to ensure that an adequate separation distance between these properties can be achieved. Greater distances of at least 38 metres are proposed from existing properties to the west of Bagworth Road. As such whilst there would be overlooking between the principal windows of the proposed units and the existing residential properties on Wood Street, the Council's Good Design Guide (2020) states that the minimum distances laid out in this document are not applicable where principal windows are separated across a road as these windows are already overlooked within the public realm. Examples are given in the Good Design Guide of similar street scenes in order to create enclosure of streets and spaces.
- 8.35 The internal layout of the proposal has been designed to comply with the minimum standards laid out in the Council's Good Design Guide SPD. This includes rear gardens with a minimum depth of 10 metres which exceeds the guide's recommendation of 7 metres. The majority of the proposed properties have a separation distance of at least 21 metres between habitable rooms on the rear elevation. This is in accordance with the separation standards laid out in the Good Design Guide SPD. The exception to this is a block of 7 properties where the distance is 20 metres. The rear gardens proposed for these plots would be a minimum of 10 metres in length. Whilst the measurements do not meet the standard as laid out in the Council's Good Design Guide SPD, in this instance, the

proposed layout would not have an overbearing impact on the outlook or a loss of privacy between these properties.

- 8.36 The majority of the proposed properties would have a separation distance of at least 14 metres between first floor habitable rooms on the rear elevation and blank gable walls. The exception to this would be 4 units where the distance would be some 11 metres. The rear gardens proposed for these plots would be a minimum of 11 metres in length. Whilst the measurements do not meet the standard as laid out in the Council's Good Design Guide SPD, in this instance, the proposed layout would not have an overbearing impact on the outlook between these properties.
- 8.37 The use of perimeter blocks ensures that each plot has been designed to minimise the impact of overlooking whilst providing some surveillance over rear gardens, parking forecourts and areas of open space. Indeed, the layout proposed would assist in providing security and so designing out crime in these areas in accordance with the advice in the Good Design Guide SPD.
- 8.38 The construction of the development would be temporary and would not result in any long term impacts on amenity. However, by virtue of the scale of development, the proximity to existing residential properties and potential duration of the construction phase, as recommended by the Council's Environmental Health (Pollution) a condition can be included on any consent granted to secure the submission of a Construction Environmental Management Plan for approval by the local planning authority prior to any construction work taking place to protect the amenities of neighbouring properties and minimise any adverse impacts. A condition can also be imposed requiring for the submission and approval of a construction traffic management plan to protect the amenity of neighbouring properties.
- 8.39 Based on the above, the proposal would not have a significant adverse impact on the residential amenity of either nearby residential properties or on the future occupiers of the site. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

Impact upon highway safety

- 8.40 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 109 of the Framework states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

Site Access

- 8.41 A Transport Assessment and Travel Plan have been submitted with the application. Both of these documents conclude that the proposal would not have adverse impact upon the safe operation of the local highway network. Following concerns raised by LCC as Highway Authority (LHA), additional information has been submitted to support the application. This includes a Technical Note, a revised site access drawing, revised internal layout drawings and a proposed Traffic Regulation order scheme. A Stage 1 Road Safety Audit has also been submitted to support the revised access.
- 8.42 The revised detailed access plan shows a new access into the site to serve 94 dwellings, the existing Garden Farm vehicular access serving five dwellings and the deletion of a previous proposal for an access to the northernmost section of the site. The new access gradient would be 1:30 for the first 10 metres then 1:20 thereafter.

This would be a similar arrangement to the access accepted as part of permission ref: 14/00596/OUT.

- 8.43 The application also proposes to widen Bagworth Road to 5.5 metres wide along the site frontage and provide a 2.0 metre wide footway from the site access to the existing public right of way to the north along with a footway link to the south of the site access. LHA has confirmed that the site access proposals are acceptable.

Trip Generation

- 8.44 In order to reflect the reduction in the quantum of development proposed, a revised trip rate calculation for 99 dwellings has been submitted. A total number of 65 trips are estimated to arrive and leave the site between 08:00-09:00 and 64 trips between 17:00-18:00. This trip distribution is accepted by the LHA.

Junction Capacity Assessments

- 8.45 Concerns have been raised by residents about the capacity of the junctions around the site and their inability to accommodate any additional traffic. Capacity assessments have been undertaken for the following junctions:

1. Main Street/Newbold Road/West End priority junction
2. West End/Bosworth Road/Barton Road/Westfields crossroads junction
3. A447/Barton Road/Lount Road crossroads junction
4. Main site access junction

- 8.46 Ratio to Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically a value of 0.85 is seen as the practical capacity, with results higher than this more likely to experience queuing or delay. The RFC of all junctions is not predicted to exceed 0.85 with the development in place in 2026. Therefore, the LHA confirms that they are satisfied that all of these junctions would operate within capacity.

Off-Site Implications

- 8.47 Concerns have been raised by local residents about the safety of the surrounding road network to accommodate the additional traffic generated from this proposal. Video footage of vehicles attempting to pass each other whilst negotiating on street parking along Bagworth Road and Main Street have been submitted to the planning department and directly to the LHA as evidence. Part of this evidence includes a car owner washing their motor vehicle on the road and so stood within the path of oncoming vehicles.
- 8.48 The applicant has submitted a drawing detailing a proposed Traffic Regulation Scheme (TRO) as advised by the LHA. This scheme shows double yellow lines around the junction of Main Street/Newbold Road/West End and Bagworth Road with its junction with Crofters Vale Park. H bar markings would also be added over existing vehicular access drives onto Bagworth Road and Main Street to both prevent these drives being blocked by parked cars and to act as vehicle passing bays.
- 8.49 The LHA has confirmed that in 2014 they requested areas of parking restrictions at the junction of Newbold Road/West End/Main Street, Main Street/Croftersvale Park, a short length on Newbold Road just south of the bus stop and on Bagworth Road around the site access to improve traffic flow. As the proposals at Newbold Road/West End, West End/Main Street junctions were not implemented by LCC then the LHA agrees that a scheme should focus specifically on Main Street and Bagworth Road whereby if opposing vehicles were to meet at the bends in the road

there would be sufficient space for one to easily pull in, allowing the other to pass. Having studied the TRO scheme submitted by the applicant they advise that additional measures may be required to the northern side of Main Street in the vicinity of the Crofters Vale Park junction. Nevertheless, the LHA is satisfied for the applicant to enter into a S278 agreement to deliver the works and make amendments prior to the public consultation. The LHA advise a minimum of 6 months is required to process a TRO, therefore, the applicant would be required to progress the TRO scheme at the earliest opportunity. A suitable TRO scheme would need to be secured as part of a Section 106 Agreement and a contribution of £7,500 would be required in order for LCC to process the TRO.

Internal Layout

- 8.50 With regards to the internal layout of the road network proposed and the parking plan, the Highway Authority has confirmed that the impacts of the development on highway safety would not be unacceptable and when considered cumulatively with other developments, the impacts on the road network would not be severe. However, whilst the internal layout of the road network is not considered unsafe, it would not be suitable for adoption. Amendments are required should the applicant wish for the internal layout to be adopted. These amendments would include the removal of a raised table, relocation of raised table ramps where they conflict with the driveways of the proposed dwellings, the inclusion of a bituminous footway on both sides and reduction in the width of part of the internal road. Amended plans have been submitted by the applicant which attempt to address the concerns raised by the LHA. Comments from the LHA on these amended plans are awaited.

Parking Provision

- 8.51 The parking plan shows that the 10 x one bed maisonettes would have one car parking space, 43 x 2 bed houses, 40 x 3 bed houses and 3 x 4 bed houses would have two car parking spaces along with an additional two visitor spaces near to the public open space and 3 x 4 bed houses would have three car parking spaces. The LHA has confirmed that the parking levels are acceptable provided each space has a minimum length of 5.5 metres.

Conclusion on Highways

- 8.52 Overall the impacts on the road network would not be severe and the junctions within the vicinity of the site would not be severely affected by the additional development traffic in accordance with Policy DM17 of the SADMP (2016) and the National Planning Policy Framework (NPPF). The parking provision proposed would be in accordance with Policy DM18 of the SADMP.

Ecology

- 8.53 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.
- 8.54 Paragraph 170 of the NPPF states that development should result in a net gain for biodiversity by including ecological enhancement measures within the proposal.
- 8.55 A Preliminary Ecological Appraisal (Worcestershire Wildlife Consultancy) has been submitted with the application along with an update on the Bat Survey. LCC Ecology has commented on the proposal and found the Appraisal to be satisfactory. However, they do have concerns that the survey was undertaken at a very early date, in very poor weather conditions and so an adequate assessment of grassland quality may not have been made. In addition to this, there are concerns that the Hedgerow Surveys were not carried out in accordance with Hedgerow Regulations

Standards. As many of the hedgerows are proposed to be removed, there is a requirement for these surveys to be undertaken.

- 8.56 In response to the comments made by LCC Ecology, updated habitat, hedgerow, water vole and bat surveys have been submitted by the applicant. LCC (Ecology) has commented that the surveys are satisfactory. They confirm that no recent evidence of water voles have been found in the fishing pool and watercourse. Therefore, no mitigation or further survey work is required. Bats are not present in the farm buildings, however, there was evidence of a moderate level of bat foraging along hedgerows and the watercourse.
- 8.57 The area of land allocated for SUDs is species-poor grassland. Although the northern/eastern low-lying part of the field in which this is sited is relatively species-rich rush pasture which is likely to meet the Local Wildlife site criteria, this area of grassland is not impacted upon by the siting of the SUDs features.
- 8.58 With regards to the hedgerow surveys submitted these show that the northern hedge, which is to be retained does meet the Hedgerow Regulations. The hedgerow would be retained with an appropriate protective buffer zone alongside and would be located outside private gardens. As such, a planning condition should seek to protect this hedgerow as included in the proposal. Whilst the roadside hedge would need to be removed, LCC Ecology has confirmed that whilst the hedge has been identified as a potential Local Wildlife Site, this hedgerow does not meet Hedgerow Regulation Standards as an "important" hedge.
- 8.59 However, LCC Ecology has voiced concern that the issue of biodiversity net-gain has not been addressed in the additional surveys submitted. The amount of hedgerow loss is high and no compensation is shown. Whilst none of these hedges meet the criteria laid out in the Hedgerow Regulations, they are principal habitats of importance and as such compensatory planting of an equivalent amount is required.
- 8.60 An amended landscaping scheme has been submitted in response to the observations made by LCC Ecology. The amended scheme includes:
- Additional native hedge planting to the northern and eastern boundaries of the open space areas.
 - Woodland planting area near to the pumping station.
 - Native scrub planting to the embankment above the attenuation pond.
 - Marginal planting to the (assumed) edge of permanent water in the attenuation pond.
 - Orchard planting to the southern and northern-most POS areas with plug plants within the ground beneath each tree.
- 8.61 Whilst the proposal would result in the loss of 450 metres of hedgerow, the amended landscaping scheme would provide 625 metres of new native hedge planting which exceeds the 370 metres originally proposed. In addition to this, 811 square metres of native woodland/scrub planting would be included in the scheme along with the proposed orchard area. LCC Ecology has been consulted on these amended plans and any further comments made by them will be reported to the planning committee as a late item.
- 8.62 A pre-commencement planning condition can be imposed on any consent granted requiring that no development shall commence on site until a Biodiversity Management Plan for the site has been submitted and agreed. A condition can also be imposed to ensure that the approved landscaping scheme is implemented in full on site.
- 8.63 Based on the above and subject to the imposition of conditions recommended, it is considered that the proposed development would not impact on protected species

and would provide biodiversity enhancements in accordance with Policy DM6 of the SADMP DPD and the general principles of the NPPF.

Archaeology

- 8.64 Policy DM13 states that where a proposal has the potential to impact on a site of archaeological interest, developers should set out in their application an appropriate desk-based assessment and, where applicable, the results of a field evaluation detailing the significance of any affected asset.
- 8.65 LCC (Archaeology) state that the Leicestershire and Rutland Historic Environment Record shows that the application site lies partially within the historic medieval and post-medieval settlement core of Barlestone village (MLE2703) and incorporates Garden Farm, an undesignated but historic farmstead of local significance (MLE2703).
- 8.66 The application is accompanied by an archaeological desk-based assessment of the proposed development area which confirms the local significance of the farmstead. Historic mapping indicates that the farmhouse and barn were established by 1835. Whilst LCC Archaeology confirm that they would prefer to see the scheme retain the farmhouse and farm buildings, if approval is given for their demolition then they recommend that the buildings are subject to an appropriate level of historic building recording, to record and advance the understanding of the significance of the heritage assets to be lost. This should be secured by condition on any approved planning application.
- 8.67 Planning permission was granted in December 2015 for the demolition of the existing farmhouse, stables and outbuildings for the erection of up to 64 dwellings. The site is also allocated in the Development Plan as a development site for 64 dwellings based on this previous planning approval. The demolition of the buildings on the site is regrettable, however, the principle of their loss has already been established under the previous planning permission and the site's allocation as a housing site.
- 8.68 The application is also accompanied by a desk-based assessment of the buried archaeological potential of the proposed development area. LCC Archaeology has concerns that this report may not have fully considered the site's archaeological potential as it is partially within the settlement core of the village and is only 150m to the west of the medieval church. Roman artefacts including coins and pottery have been found to the east and north of the application area and although no prehistoric sites are recorded nearby, they state that the true archaeological potential of this site remains unknown. As there appears to be a lack of previous ground disturbance, any archaeological remains that are present are likely to be relatively well-preserved and close to the ground surface.
- 8.69 LCC Archaeology recommends that further archaeological evaluation of the site and any subsequent mitigation arising from this can be secured through a pre-commencement condition. The findings of these further studies would then inform an appropriate programme of archaeological mitigation including as necessary intrusive and non-intrusive investigation and recording. The pre-commencement condition is considered to meet the tests as laid out in the NPPF and should be applied as requested to ensure that the proposal complies with the requirements of Policy DM13 of the SADMP.

Flooding and Drainage

- 8.70 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. A Flood Risk Assessment (FRA) has been submitted with the application in accordance with paragraph 163 of the NPPF.

- 8.71 The site is located within Flood Zone 1 being at low risk of fluvial flooding and therefore in accordance with the Sequential Test, an Exception Test is not required to be undertaken. The site is at low risk of surface water flooding.
- 8.72 The proposal is for surface water from the proposed development to be discharged to an onsite attenuation basin before being discharged at a QBar discharge of 9.4l/s to an existing ditch on-site.
- 8.73 HBBC Drainage raise no objections to the proposal and recommend the imposition of drainage conditions with details to be submitted and agreed prior to the commencement of development. LCC as Local Lead Flood Authority (LLFA) has assessed the Surface Water Drainage Scheme submitted and recommended that further details on the implementation of additional SuDS treatments such as pervious paving, swales etc. are submitted. With regards to the proposal for a single attenuation basin for all of the surface water drainage, additional information is required that the basin proposed would provide sufficient surface water treatment prior to discharging to the environment.
- 8.74 An Amended Surface Water Drainage Strategy has been submitted on 3 March 2021 and a re-consultation exercise is currently being undertaken with the LLFA. The Amended Strategy includes a swale located on the outfall to address the concerns of the LLFA. The applicant has also submitted details of a deed of transfer to allow them the right to connect the proposed surface drainage with the point of outfall (unnamed ordinary watercourse).
- 8.75 Whilst comments are awaited from the LLFA following the re-consultation exercise, the submission of a Surface Water Drainage Scheme for approval could form part of a suitability worded pre-commencement condition as recommended by the Council's Drainage Officer. Any scheme approved under this condition would need to accord with Policy DM7 of the SADMP to ensure that the proposed development did not create or exacerbate flooding in the local area.

Housing Needs

- 8.76 HBBC's Affordable Housing Officer has advised that the Housing Register was reviewed at the end of 2019 and all applicants had to reapply. As such the numbers are still growing. However, on 30 October 2020 there were 113 households applying for properties in Barlestone with 13 stating that they had a local connection. 59 of these households required 1-bed properties; 29 required 2-bed properties; 17 required 3-bed properties and 8 required 4-bed+ properties.
- 8.77 The last housing needs survey in Barlestone was undertaken in 2018. This supports a significant level of local need for affordable rented units and shared ownership. Nine households were assessed as being in need of affordable rented housing and 10 were assessed as being in need of affordable housing on a Shared Ownership basis.
- 8.78 The Affordable Housing Officer confirms that the mix of dwelling types and tenures on the site is agreed as 51% affordable rented properties and 49% shared ownership properties on the site. Whilst they acknowledge that this split moves from the policy position of the requirement for 75% of the properties to be rented properties, as the proposal is for 100% affordable housing then the policy compliance figure of 33 units for rent would be exceeded by this proposal (50 rented properties would be provided on the site).
- 8.79 The property types for affordable rent have been agreed as a mix of 1 bed maisonettes, 2 bed units, 3 bed units and 4 bed units. The shared ownership properties have been agreed as a mix of 2 bed and 3 bed properties.

- 8.80 There is a requirement for applicants in the first instance to have a local connection to Barlestone, with a cascade in the second instance for a connection to the Borough of Hinckley and Bosworth. Overall it is considered that the proposal is compliant with the provisions of Policies 15 and 16 of the Core Strategy.

Infrastructure Contributions

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

Play and Open Space

- 8.83 Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016, updates these standards and also identifies the costs for off-site and on-site contributions. In line with the up to date standards identified in the 2016 study the table below identified the requirements for open space. There would also be a requirement for the maintenance of on-site open space provision for a 20 year period and for the maintenance of off-site open space provision for a 10 year period.

	Policy Requirement per dwelling based on 2.4 people per dwelling using CENSUS average	Requirement of open space for the proposed development of 99 dwellings (square metres)	Provided on site (square Meters)	Remaining requirement to be provided off site
Equipped Children's Play Space	3.6	356.4	356.4	None. Equipment to be provided on site to a minimum value of £64,839.85 (based on 356.4 m ² required)
Casual/Informal Play Spaces	16.8	1663.2	1663.2	None
Outdoor Sports Provision	38.4	3801	N/A	None
Accessibility Natural Green Space	40	3960	8965.0 (balancing pond not included)	None

- 8.84 In accordance with the Open Space and Recreation Study (2016) the number of dwellings proposed requires a Locally Equipped Area for Play (LEAP) to be provided on site. The submitted Site Plan does include the provision of an equipped area for play to the east of the site.
- 8.85 The developer would be obligated to provide and then transfer the on-site open space area to a management company, together with a maintenance contribution or, request that either the Borough Council or the Parish Council maintain the land. If the land is to be transferred to an authority, the area of open space would include a maintenance contribution.
- 8.86 The provision of Play and Open Space is required for compliance with Policies 11 and 19 of the Core Strategy and Policy DM3 of the adopted SADMP. These Policies are consistent with the NPPF in helping to achieve the social objective of sustainable development through promoting healthy and safe communities as addressed in section 8 of the NPPF. The provision of play and open space helps support communities health, social and cultural well-being and is therefore necessary. Core Strategy Policy 11 requires development in Barlestone to address existing deficiencies in the quality, quantity and accessibility of green space and play provision. Policy 19 sets out the standards to ensure all residents within the borough, including those in new development have access to sufficient high quality accessible green spaces.
- 8.87 The extent of the Open Space and Recreation contribution and provision is directly related in scale and kind to the development and its impacts upon surrounding publicly accessible open spaces. The delivery of these obligations is policy compliant and has been applied fairly as with all development of this typology, the developer is not obligated to provide anything above policy compliant position and therefore the contribution relates in scale and kind.

NHS West Leicestershire CCG – Health Care

- 8.88 The West Leicestershire CCG has requested a contribution of £50,124.93 towards addressing the deficiencies in services at Ibstock and Barlestone Surgeries (via their Barlestone branch surgery) Surgery, which is the closest available GP practice to the development. The practice is already experiencing capacity issues in relation to their premises and would need to make improvements to enable them to register new patients' resultant of this development. An increase of 240 patients from the proposal would significantly impact on patient demand in the area.
- 8.89 The provision of a Health Care contribution is required for compliance with Policy DM3 of the adopted SADMP. The requirement of funding for Health Care Provision at identified local GP Surgeries, addresses the impacts of the development on existing and future need of this vital infrastructure provision, helping to meet the overarching social objectives contained within the NPPF in achieving sustainable development, thus making the obligation necessary. The identified increase in patients would have a direct impact on the branch surgery at Barlestone, as set out in the request, arising from the additional demand on services directly related to the population generated from the development. The extent of the Health Care contribution is directly related in scale and kind to the development, the obligation is calculated using population projections applied to all developments of this typology. The obligation sets out current capacity or otherwise of local services and how this proposal leads to direct impact, the developer is not obligated to provide contributions to address need in excess of that generated directly from the development, therefore the contribution fairly relates in scale and kinds to the development proposed.

Libraries

- 8.90 LCC Library services have requested a sum of £3,170.00 towards provision of additional resources for library facilities at Newbold Verdon Library which is the nearest library to the development. The development would be within 2.8km of Newbold Verdon Library. The contribution is calculated using a methodology that is attributed to all developments of this typology and has only been requested where there is a deficiency in stock level. Therefore the contribution relates fairly and reasonably in scale and kind.

Civic Amenity

- 8.91 The Director of Environment and Transport requests a contribution of £4,903.00 towards the delivery of civic amenity services and facilities at the nearest site in Barwell to mitigate the impact of additional users from the development on the facility. The contribution is calculated using a methodology that is attributed to all developments of this typology and has only been requested where there is a deficiency in stock level. Therefore the contribution relates fairly and reasonably in scale and kind.

Education

- 8.92 LCC Children and Family Services has requested a contribution towards secondary school education, based on a formula using the average cost per pupil place, against the anticipated likely generation of additional school places from the proposed development. Capacity at the nearest schools to the proposal for each sector of education (early years, primary, secondary and SEN) is then considered and it is determined whether the proposal would create demands upon these services. The total contribution is £262,705.70 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at The Market Bosworth School or any other school within the catchment of the development.

- 8.93 The contribution towards addressing the impact of the development upon education is required for compliance with Policy DM3 of the adopted SADMP and would address the impacts of the development on essential infrastructure within the local area. This helps to meet the overarching social objectives within the NPPF helping to contribute to sustainable development, thus is necessary. The contribution is calculated by attributing a monetary value to the number of additional pupil places generated directly from the development and then requesting the money towards each sector of the education sector where there is an identified deficit of places, therefore the contribution directly relates to the proposal. The contribution is calculated using a methodology that is attributed to all developments of this typology across the county and has only been requested where there is an identified deficit of places. Therefore the contribution relates fairly and reasonably in scale and kind.

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

- 8.94 UHL and GEH have requested contributions to address NHS revenue shortfalls for acute and planned treatment. This is by way of a monetary contribution of £29,546.00 and £163,890.00 respectively towards the 12 month gap in the funding in respect of A & E and planned care at the Hospitals in Leicester and Nuneaton.
- 8.95 It is not considered that the payments to make up funding which is intended to be provided through national taxation can lawfully be made subject to a valid S106 obligation, and such payments must serve a planning purpose and have a substantial connection to the development and not be merely marginal or trivial. Notwithstanding the above, the legal requirements of reg. 122(2) of the CIL Regulations 2010 (as amended) are also not satisfied due to the quality of information submitted by UHL and GEH to date. The contribution is not necessary,

when funding for this type of NHS care is intended to be provided through national taxation. UHL and GEH are unable to demonstrate that the burden on services arises directly from the development proposed, as opposed to a failure in the funding mechanisms for care and treatment. The requests made are to meet a funding gap over the forthcoming 12 month period and is requested on commencement of development, consideration should be given as to whether it is likely that this development is likely to be built out and occupied by residents from outside of the existing trust area within 12 months, and therefore be the source of burden on services as calculated. UHL and GEH have not demonstrated through evidence that the burden on services arises fairly from the assessment of genuine new residents likely to occupy the dwellings. Further to this there are issues with the data and methodology used by UHL and GEH for example the inflated population projections compared to those used by Leicestershire Authorities when calculating housing need, or the failure to address funding needs from housing projections set out in the Joint Strategic Needs Assessment and Joint Health Wellbeing Strategy referred to in their request. Therefore, it has not been demonstrated that these requests fairly and reasonably relates in scale and kind to the development proposed.

- 8.96 A similar request was considered by a Planning Inspector during the determination of appeal ref: APP/K2420/W/19/3235401, where it was found that there was insufficient evidence to support the contributions being sought. These requests are therefore not considered to meet the test of the CIL Regulations.

Conclusion on Infrastructure Contributions

- 8.97 A Viability Appraisal has been submitted by the applicant confirming that due to the proposal delivering 100% affordable housing on site then the scheme has limited resources available to contribute towards other S106 obligations. Based on the viability of the scheme, a figure of £120,000 has been agreed between the local planning authority (lpa) and the applicant that can be paid towards contributions. All of the requests received by the lpa during the statutory consultation period were within this figure. However, 8 months after being consulted on the planning application, LCC Education has requested a late contribution of £262,705.70 towards The Market Bosworth School. This contribution was not included in their original responses received in July and November 2020.
- 8.98 The applicant has confirmed that the proposal cannot support contributions in excess of the £120,000 threshold. They agree to the wording in a Section 106 Agreement requiring applicants allocated to the proposed housing, in the first instance, to have a local connection to Barlestone. Many of these applicants will have children already enrolled at the local schools and so the applicant raises the case that the need for additional places as a result of the proposal will be limited. The application scheme can fund a contribution of £48,302.07 towards education to fund any additional secondary school places required from children occupying the site who do not have a local connection to Barlestone.
- 8.99 LCC Education Services has been advised that the application submission is accompanied by a viability appraisal and that the viability of the scheme cannot fund the full amount requested by LCC towards The Market Bosworth School. Therefore, a contribution of £48,302.07 towards secondary school education is proposed to be included in the S106 Agreement in addition to the contributions towards improvements to the GP surgery in Barlestone, highway safety works and sustainable transport, on-site open space and play equipment, library services and civic amenity services.

Other Matters

- 8.100 HBBC (Street Scene Services) has requested a condition to detail the waste collection and recycling strategy of the site. The proposed site layout plan does include details of bin collection points for all dwellings which are located along a private driveway. Therefore, a condition is not required.
- 8.101 HBBC Environmental Services (Pollution) has requested that a condition is imposed to undertake a scheme of remediation into land contamination that may be present on the site. It is considered that this pre-commencement condition is reasonable and necessary considering the sensitive receptors who will be occupying the site.

9. Planning Balance

- 9.1 The Council cannot demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 9.2 The majority of the application site is located within the Settlement Boundary for Barlestone and within the boundaries of housing allocation BARL02 in the SADMP. Here, the principle of residential development is accepted under Core Policy 11. Whilst the proposal would involve 1 hectare of land located beyond the settlement boundary of Barlestone, the majority of this land would remain open being public open space and an attenuation pond. This public open space would link with May Meadow and with the definitive rights of way in the locality. Whilst there would be conflict with Policy DM4 of the SADMP, it is considered that the predominantly open nature of this land use would result in a limited degree of harm to the character and appearance of the area.
- 9.3 Weighed against this conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of 99 houses (all affordable homes). These additional affordable homes have significant weight in the planning balance.
- 9.4 Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any further benefits. Following the three strands of sustainability the benefits are broken down into economic, social and environmental.
- 9.5 The proposal would result in economic benefits through the construction of the scheme albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services.
- 9.6 As discussed above, the proposal would deliver 99 dwellings, all of which would be affordable. This would result in a very significant social benefit to the area and also to the borough. The proposal would also involve the provision of areas of public open space (POS). The POS would be connected to existing public rights of way and the wider network providing a benefit to the wider area. The areas of public open space provided would exceed the area required under the Development Plan.
- 9.7 Some environmental benefits would be provided such as additional planting to be provided in the open space. Additionally there would be some benefit for biodiversity associated with the reinforcement and new planting of hedgerow and trees around the site and the provision of SUDS which can be designed to include benefits to biodiversity, secured via condition.
- 9.8 There would be harm to the character of the countryside due to the visual impact of built development in this location which would harm its open character. Whilst there

is conflict with the strategic policies of the Development Plan only limited localised landscape harm has been identified. It is considered on balance that this level of harm does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

10. Equality implications

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

11. Conclusion

11.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

11.2 The Council cannot demonstrate a 5 year housing land supply and the housing policies in the adopted Core Strategy and the adopted SADMP are considered to be out of date as they focussed on delivery of a lower housing requirement than now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

11.3 The majority of the application site is located within the Settlement Boundary for Barlestone and within the boundaries of housing allocation BARL02 in the SADMP. Therefore the principle of residential development is already established under Core Policy 11.

11.4 Whilst the proposal would involve 1 hectare of land located beyond the settlement boundary of Barlestone, the majority of this land would remain open being public open space and an attenuation pond. This public open space would link with May

Meadow and with the definitive rights of way in the locality. Whilst there would be conflict with Policy DM4 of the SADMP, it is considered that the predominantly open nature of this land use would result in a limited degree of harm to the character and appearance of the area.

- 11.5 Whilst there is conflict with the strategic policies of the Development Plan only limited localised landscape harm has been identified. It is considered on balance that this level of harm does not significantly and demonstrably outweigh the identified benefits of the scheme in delivering 99 affordable houses when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.
- 11.6 Subject to conditions the proposal would not have any significant adverse impacts on residential amenity, vehicular or pedestrian safety, Ecology, Archaeology, Drainage and Land Contamination. It is considered that the proposed development is in accordance with Core Policies 7, 11 and 19 of the Core Strategy and Policies DM6, DM7, DM10, DM11, DM13, DM17 and DM18 of the SADMP (2016) and is therefore recommended for approval subject to the conditions and planning obligations listed below.

12. Recommendation

12.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- The completion within six months of this resolution a S106 agreement to secure the following obligations:
 - 100% Affordable Housing with a split of 50 units as affordable rented and 49 units as shared ownership
 - £3,170.00 for library facilities at Newbold Verdon Library
 - £4,903.00 towards improving existing waste facilities at Barwell HWRC
 - £50,124.93 towards Health Care Provision (GP Practices)
 - On-site Open Space requirement of 356.4m² of equipped play area with equipment to a minimum value of £64,839;85; 1663.2² of Casual/Informal Play Space and 8965m² of natural green space along with maintenance costs.
 - £48,302.07 towards secondary school education at The Market Bosworth School.
 - Travel Packs – one per dwelling (can be supplied by LCC at £52.85 per pack)
 - 6 month bus passes – two per dwelling (2 application forms to be included in Travel Packs and funded by the developer) – can be supplied through LCC at £360.00 per pass.
 - Travel Plan monitoring fee of £6,000.
 - Traffic Regulation Order cost of £7,500

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

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

12.4 Conditions and Reasons

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

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

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

Drg No: c-1757-03 (Tree Removal Plan) received by the local planning authority on 15 May 2020.

Drg No: 100-634/(P) 023D (Site Location Plan) received by the local planning authority on 1 June 2020.

House Types Drgs No: 100-634/(P) 042; 043; 01 3D; 01 2D; 01 1D; 00 9D; 00 8C; 00 7D; 00 5C; 00 4C; 03 0B; 02 8B; 02 6B; 02 0D; 01 6D; 01 5D; 01 4D; 01 8F received on 20 October 2020.

Drgs No: T20025 SK01 Rev B; SK02 Rev B; SK03 Rev F; SK04 Rev F; SK05 Rev F; SK08 Rev D and SK09 Rev D all received on 25 January 2021.

Drg No: C1757-04 (Tree Removal Plan) received on 26 January 2021.

Drgs No: c1757 01 Rev D and c1757-02 Rev D (Detailed Landscaping Proposals) received on 24 February 2021.

Drg No: 20025 1 Rev K (Drainage); 2 Rev K (Drainage); 3 Rev H (Drainage) all received on 3 March 2021.

Drgs No: 100-634/(P) 001 V (Site Layout); 002 N (Boundary Treatment); 003 Q (Materials Plan); 022H (Street Scenes); 038J (Tenure Plan); 039I (Maintenance Areas Plan); 040J (Maintenance and Tenure Plan all received on 8 March 2021.

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

3. Prior to the commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the LPA. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The plan will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

Site preparation and construction shall be limited to the following hours:

Monday – Friday 07:30 – 18:00

Saturday 08:00 – 13:00

No working on Sundays and Bank Holidays.

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

4. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of wheel cleansing facilities, vehicle parking facilities and a timetable for their provision, has been

submitted to and approved in writing by the local planning authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policies DM17 and DM18 of the SADMP (2016).

5. Notwithstanding the recommendations in the submitted Ground Investigation Report ref: 18-0227/D1/2 dated August 2018 and the Geo-technical Assessment Report ref: 18-0227/J700A/D1/1 dated 9 December 2019, no development approved by this permission shall be commenced until a scheme for the remediation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

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

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

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

7. No development shall commence on site until drainage details for the disposal of surface water have been submitted in writing to and approved in writing by the Local Planning Authority. The submitted details shall include infiltration testing and details which prove that surface water will not discharge onto the public highway. The approved details shall be implemented in full before the development is first brought into use.

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

8. Prior to the commencement of development details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include

temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.

Reason: To prevent any increase in flood risk, maintain the existing surface water runoff quality and to prevent damage to the final water management systems through the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD.

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

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

10. No demolition/development shall take place/commence until a staged programme of archaeological work, commencing with an initial phase of trial trenching has been undertaken. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved in writing by the local planning authority. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - The programme for post-investigation assessment and subsequent analysis, publication and dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

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

11. No development shall commence on site until a Biodiversity Management Plan for the site which shall set out the site-wide strategy for protecting and enhancing biodiversity including the detailed design of proposed biodiversity enhancements and their subsequent management once the development is completed, has been submitted to the local planning authority for their approval in writing. The submitted plan shall include all retained and created habitats within the red line of the approved Site Location Plan including SUDs and all landscaping to informal play space and natural open space should be

comprised of native species wildflower grassland. Development shall be implemented and thereafter maintained in accordance with the approved Management Plan.

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

12. 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).

13. Prior to the commencement of development a scheme for the treatment of the Public Rights of Ways shall be submitted and approved in writing by the local planning authority. Such a scheme shall include provision for their management during construction, fencing, surfacing, width, structures, signing, street furniture (including improvement or removal if appropriate), boundary treatment and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. For the avoidance of doubt, the Public Footpaths shall comprise of a tarmac surface 2 metres wide. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: To protect, enhance and provide all weather Public Rights of Ways and access in accordance with the NPPF.

14. Prior to the commencement of development, full details of the proposed pumping station including elevation drawings and materials to be used shall be submitted to the local planning authority for their approval in writing. The development shall be carried out in accordance with the approved scheme.

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

15. 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).

16. None of the dwellings hereby approved shall be occupied until such time as the northern and southern access arrangements shown on approved Drg No: SK02 Rev B have been implemented in full.

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

17. None of the dwellings hereby approved shall be occupied until such time as vehicular visibility splays of 2.4 metres by 32.2 metres to the north and 2.4 x 28.8 metres to the south have been provided at both site accesses. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network in accordance with Policy DM17 of the SADMP (2016).

18. 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:100-634/(P)001 Rev V. Thereafter the onsite parking provision shall be so maintained in perpetuity.

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

19. Any dwellings that are served by private access drives including any turning spaces shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance Figure DG20 of the Leicestershire Highways Design Guide. The private access drives shall be surfaced with hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and once provided shall be so maintained in perpetuity.

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

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

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

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

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

22. The Travel Plan shall be implemented in accordance with the details contained within ref: T20025/RTP/01 dated 19 October 2020. A Travel Plan Co-ordinator shall be appointed from commencement of development until 5 years after first occupation. The Travel Plan Co-ordinator shall be responsible for the implementation of measures as well as monitoring and implementation of remedial measures.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the NPPF.

23. None of the dwellings hereby approved shall be occupied until full details of the play equipment, street furniture and boundary treatment around and within

the locally equipped play area has been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in full prior to the occupation of the 70th dwelling on the site.

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

24. The approved detailed landscaping schemes as shown on Drgs No: c1757 01 Rev D and c1757 02 Rev D shall be completed prior to the occupation of the plot to which it relates. The non-residential landscaping areas shall be completed upon occupation of the 70th dwelling. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

25. The dwellings hereby approved shall be implemented in accordance with the approved materials contained in Drg No: 100-634/(P) 003Q.

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

26. The development shall be carried out in full accordance with the recommendations specified in the Preliminary Ecological Appraisal dated March 2020.

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

27. Upon occupation of each individual residential property on the development, residents shall be provided with a 'Waste Minimisation and Recycling Pack'. The details of this Pack shall be first agreed in writing by the Local Planning Authority (in consultation with Leicestershire County Council) and shall provide information to residents about sustainable waste management behaviours. As a minimum, the Pack shall contain the following:
- Measures to prevent waste generation
 - Information on local services in relation to the reuse of domestic items
 - Information on home composting, incentivising the use of a compost bin and/or food waste digester
 - Household Waste Recycling Centre location, opening hours and facilities available
 - Collection days for recycling services
 - Information on items that can be recycled

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

12.5. Notes to Applicant

1. In relation to conditions 5 and 6; advice from Health and Environment Services can be viewed via the following web address:- <https://www.hinckley->

bosworth.gov.uk/info/200075/pollution/177/contaminated_land site which includes the Borough Council's policy on the investigation of land contamination. Any scheme submitted shall be in accordance with this policy.

2. With reference to condition 7 the scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations. Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pervious paving details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.
3. With reference to condition 8 details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
4. With reference to condition 9 details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual householder ownership.
5. With reference to condition 10 the applicant must obtain a suitable written scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the planning authority. The WSI must be submitted to the planning authority and HNET, as archaeological advisors to your authority, for approval before the start of development. They should comply with the above mentioned Brief, with this Department's "Guidelines and Procedures for Archaeological Work in Leicestershire and Rutland" and with relevant Institute for Archaeologists "Standards" and "Code of Practice". It should include a suitable indication of arrangements for the implementation of the archaeological work, and the proposed timetable for the development.

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

6. It is necessary, when carrying out works to tree(s) to be aware of the Wildlife and Countryside Act, 1981, whereby it is an offence for any person who intentionally takes, damages or destroys the nest of any wild bird, while the nest is in use or being built, or takes or destroys any eggs of such wild bird. The times when birds are nesting is generally between the months of March to September inclusive.
7. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow

time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

8. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg> If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email road.adoptions@leics.gov.uk in the first instance.
9. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
10. A minimum of 6 months' notice will be required to make or amend a Traffic Regulation Order of which the applicant will bear all associated costs. Please email road.adoptions@leics.gov.uk to progress an application.
11. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
12. Prior to construction, measures should be taken to ensure that users of the Public Right(s) of Way are not exposed to any elements of danger associated with the construction works.
13. 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.
14. 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.
15. If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the lpa. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
16. Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.

17. Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
18. No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.

APPENDIX B

ITEM 09

20/00470/FUL

Owl Partnerships LTD

Site:- Garden Farm, Bagworth Road, Barlestone

Proposal:- Residential development of 99 dwellings with associated infrastructure, vehicular accesses and areas of open space

Introduction:-

Following the publication of the committee report, an amended Site Layout Drawing (ref: 100-634/(P)001 Rev W) has been received altering the internal road network along with amended Vehicle Swept Path plans, boundary treatment plan, materials plan and maintenance and tenure plans.

An amended Financial Viability Review has also been received from the Council's Viability Appraiser reappraising the revised scheme of 99 dwellings. A consultation response has been received from LCC Planning Obligations.

Appraisal:-

Internal Road Network

The Highway Authority (LHA) previously commented that the internal road network was unsuitable for adoption. In response to their concerns raised, the applicant has submitted a revised internal layout with a view to addressing the outstanding concerns raised by the LHA. The LHA has confirmed that based on the amended plan the internal road network is now considered suitable for adoption and updated conditions and informatives are recommended.

Due to the alterations made to the internal road network, other plans using this layout have also been altered. Minor amendments are shown on the boundary treatment plan, the materials plan, the tenure and maintenance plans and the vehicle swept path plans. These amendments do not alter the previous comments in the committee report on the design and impact on the character of the area of the proposal.

Amended Financial Viability Review

Following receipt of a late contribution request for secondary school education received from LCC (as discussed in paragraph 8.97 of the committee report), the Council has sought to update the Financial Viability Review based on the amended scheme of 99 dwellings. A Sense Test Appraisal has been produced by the Council's Consultant based on the delivery of affordable housing and the timely progression of the scheme.

The Sense Test Appraisal confirms that the proposal can support an additional £136,110 of contributions which in this case would be towards secondary school education at The Market Bosworth School. The applicant has agreed to this additional contribution. Therefore, the total education contribution funded by the proposal would be £184,412.07.

The education contribution would provide a shortfall of £78,293.63. Whilst the viability of the proposal can only support 70% of the education contribution requested, as discussed in paragraph 8.98 of the committee report, the wording in the Section 106 Agreement would require applicants allocated to the proposed housing, in the first instance, to have a local connection to Barlestone. Many of these applicants will have children already enrolled at the local schools.

A consultation response has been received from LCC Planning Obligations confirming that a contribution of £184,412.07 is acceptable. They have asked if the contribution could cater for secondary needs in one of the following academies: Market Bosworth, Bosworth and South Charnwood academies. The contribution is for The Market Bosworth School academy. It is therefore recommended that the education contribution is acceptable and does comply with the CIL Regulations.

Planning Balance

Housing Land Supply

On 25 March 2021, ONS published the latest median house price to median gross annual workplace based earnings ratios used in step 2 of the standard method for calculating local housing need as set out in paragraph 2a-004 of the PPG. The application of the new ratio means that the local housing need for Hinckley and Bosworth is now 450 dwellings per annum (rather than 452 dwellings per annum using the previous ratio). Using this updated figure the Council can now demonstrate a 5.01 year housing land supply.

The housing policies are considered to be out-of-date and therefore paragraph 11(d) of the NPPF is triggered and permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless considerations indicate otherwise. The tilted balance of Paragraph 11d) of the NPPF is engaged, irrespective of the housing land supply figure. This is a product of the age of the plan and the out-of-date evidence base it relies upon. The Core Strategy plans for a minimum requirement of 9,000 dwellings over a 20 year period between 2006-2026, this equates to 450 dwellings per annum. This figure was derived from the East Midlands Regional Plan and was considered the 'end point' for housing need requirements for that period. The Site Allocations and Development Management Policies DPD is also based upon these requirements in terms of the allocations it makes and the settlement boundaries it fixes. The Standard Methodology set by government currently identifies a requirement for Hinckley and Bosworth Borough Council of 450 dwellings per annum. Whilst the figure is the same as the Core Strategy requirement, it is the 'starting point' for the need; the 'end point' has not yet been assessed and the allocations to meet it / the new settlement boundaries will not be confirmed until the publication of the new Local Plan. The new Local Plan period will cover 2019-2039.

The Planning Balance undertaken in section 9 of the committee report remains unaltered in that, on balance, the level of harm from the proposal does not significantly and demonstrably outweigh the identified benefits of the scheme when assessed against the Framework as a whole. Therefore, the presumption in favour of sustainable development does apply in this case and material considerations outweigh the conflict with some elements of the development plan.

Recommendation:-

The recommendation contained in the Committee Report remains unaltered. However, the S106 agreement should be amended to secure the amended education contribution of £184,412.07.

Conditions 2 and 18 should be amended to read:

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

Drg No: c-1757-03 (Tree Removal Plan) received by the local planning authority on 15 May 2020

Drg No: 100-634/(P) 023D (Site Location Plan) received by the local planning authority on 1 June 2020

House Types Drgs No: 100-634/(P) 042; 043; 01 3D; 01 2D; 01 1D; 00 9D; 00 8C; 00 7D; 00 5C; 00 4C; 03 0B; 02 8B; 02 6B; 02 0D; 01 6D; 01 5D; 01 4D; 01 8F received on 20 October 2020

Drgs No: T20025 SK01 Rev B and SK02 Rev B; all received on 25 January 2021

Drg No: C1757-04 (Tree Removal Plan) received on 26 January 2021

Drgs No: c1757 01 Rev D and c1757-02 Rev D (Detailed Landscaping Proposals) received on 24 February 2021

Drg No: 20025 1 Rev K (Drainage); 2 Rev K (Drainage); 3 Rev H (Drainage) all received on 3 March 2021

Drgs No: 022H (Street Scenes) received on 8 March 2021

Drgs No: 100-634/(P) 001 W (Site Layout); 002 (O) (Boundary Treatment); 003R (Materials Plan) 038K (Tenure Plan); 039J (Maintenance Areas Plan); 040K (Maintenance and Tenure Plan; T20025 SK03 Rev I; SK04 Rev I; SK05 Rev I; SK08 Rev G and SK09 Rev G all received on 25 March 2021

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

18. 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:100-634/(P)001 Rev W. 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).

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Planning Committee 25 May 2021
Report of the Planning Manager

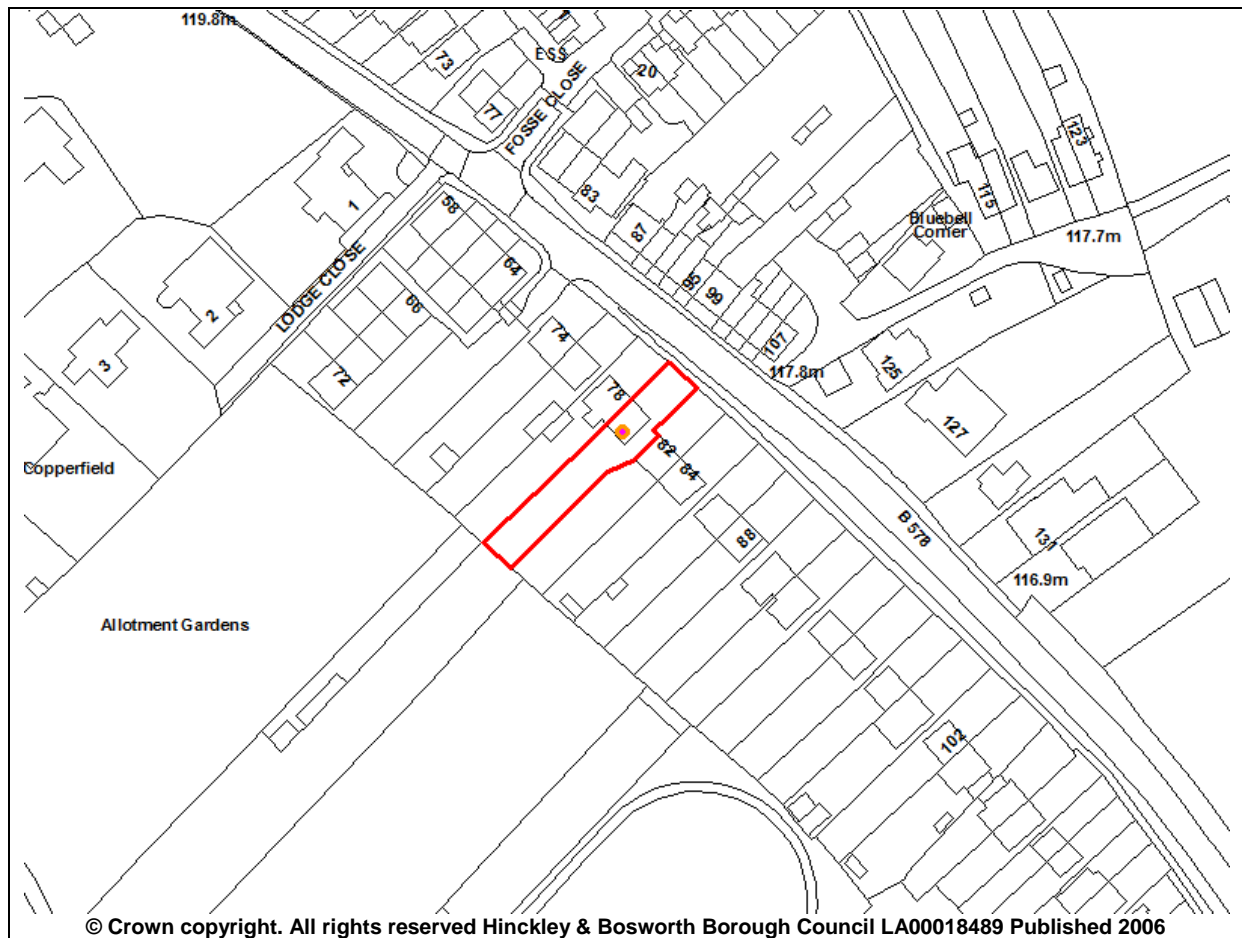
Planning Ref: 20/01193/FUL
Applicant: Mr Gary Upton
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 80 Lutterworth Road Burbage Hinckley

Proposal: Installation of vehicular hardstanding to front garden including dropped kerb access from a B classified highway



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

2. Planning application description

2.1. This application seeks planning permission for hardstanding to the front garden including dropped kerb access from a B classified highway at 80 Lutterworth Road, Burbage.

3. Description of the site and surrounding area

- 3.1. The application site is a semi-detached council-owned property on a classified B road. The property is similar in design and appearance to other dwellings on the same road. Other properties on the road have a mix of driveways, with some having hardstanding and others having grass. Despite this, many cars park on street. Traffic calming measures are in place on Lutterworth Road and the property is situated next to a telegraph pole and facility chamber on the pavement.

4. Publicity

- 4.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site. No responses were received.

5. Consultation

- 5.1. LCC Highways were consulted on the application and stated that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. The comments also highlighted that if the proposed access conflicts with the facility chamber, the Applicant will be required to strengthen the chamber, with vehicles on a day to day basis driving over the chamber to access the dwelling. It was suggested that the access could be moved by half a metre to avoid the chamber.
- 5.2. Burbage Parish Council were consulted on the application and while they didn't object to the application, they stated that they would like a porous material, like block paving to be used for the proposed driveway.

6. Policy

- 6.1. Burbage Neighbourhood Plan 2015-2026
- Policy 1: Settlement Boundary
 - Policy 4: Off Street Parking
- 6.2. Core Strategy (2009)
- Policy 4: Development in Burbage
- 6.3. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 6.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 6.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)

7. Appraisal

- 7.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity

- Impact upon highway safety

Assessment against strategic planning policies

- 7.2 The proposal is located within the settlement boundary of Burbage and therefore there is a presumption in favour of sustainable development as set out in Policy DM1 and the wider policies of the NPPF.

Design and impact upon the character of the area

- 7.3 Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 7.4 This application seeks planning permission for the creation of a new vehicle access to the front of no.80 Lutterworth Road, Burbage. The existing frontage features a pathway up to the host dwelling and landscaping either side. The width of the existing frontage is approximately 8.5 metres. It is proposed that 4.5 metres (approx.) in width and 5.0 metres (approx.) in depth of this would be tarmac hardstanding, edged with concrete edging stones, as per the site plan, application form and the design and access form submitted. There is a proposed 4.0 metre wide dropped kerb that would be situated to the side of the facility chamber and telegraph pole. Amendments were made following LCC Highways comments, moving the access further away from the facility chamber, it is now positioned 1.2 metres (approx) from the chamber. Grass would be retained as part of the host dwelling's frontage as soakaway provision and the grass verge would remain in situ. The proposal would be very similar to that of the adjacent properties. The creation of an access in this location would not be detrimental to the character of the area as there are examples of drives and access points along Lutterworth Road
- 7.5 Overall the proposal to create a new vehicular access to serve no. 80 Lutterworth Road would not have an adverse impact upon the character and appearance of the surrounding area and will therefore comply with Policy DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 7.6 Policy DM10 of the SADMP state that proposals should not adversely affect the occupiers of the neighbouring properties.
- 7.7 By virtue of the siting and nature of the proposal it would not have any adverse impacts on the residential amenity of any neighbouring properties and is therefore in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 7.8 Policies DM17 and DM18 of the SADMP and policy 4 of the BNP states that proposals should ensure that there is adequate provision for on and off street parking for residents and visitors and there is no impact upon highway safety.
- 7.9 There is no existing off-street parking provision at the application site. The proposal would see one off-street parking spaces provided for the host dwelling which would help to alleviate parking problems on the street and provide access to safely transfer the disabled child from the vehicle to the property, aided by her wheelchair. Conditions are to be imposed on having visibility splays of 2.4 by 43 metres in line with the LCC Highways Design Guide.
- 7.10 Amendments were made to the proposal positioning the access 1.2 metres away from the facility chamber, to avoid conflict as per LCC Highways comments.
- 7.11 No objections were received from LCC Highways and the proposal would have an acceptable impact upon the highway. The proposal would therefore comply with Policies DM17 and DM18 of the SADMP.

8. Equality implications

8.1 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.

8.2 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.

8.3 The equality implications arising from this application relate to the protected characteristics of a disabled child who requires access to the house via a driveway to make the transfer from the vehicle to the house safer and easier.

8.4 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).

9. Conclusion

9.1 The application would not have a detrimental impact upon highway safety, character of the area or neighbouring residential amenity. The proposal is therefore considered to be in accordance with Policies DM1, DM10, DM17 and DM18 of the SADMP, Policies 1 and 4 of the Burbage Neighbourhood Plan and is therefore recommended for approval subject to conditions.

10. Recommendation

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

- Planning conditions outlined at the end of this report

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

10.3. **Conditions and Reasons**

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

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

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

- a) Site Location Plan 1:1250 19/313/LUT PL01 (Received 7th April 2021)
- b) Block Plan Scale 1:500 19/313/LUT PL01 (Received 7th April 2021)

- c) Site Plan Scale 1:100 19/313 LUT SP01 Rev A (Received 9th April 2021)

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

3. All driveways and parking areas shall be constructed of porous materials, or provision shall be made to direct run-off water to a permeable or porous area or surface within the curtilage of the property.

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

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

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

5. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 1.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

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

6. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (2019)

10.4. Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. Planning permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway, you must ensure all necessary licenses/permits/agreements are in place. Or

further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highways and therefore you should take every effort to prevent this occurring.

applicant has confirmed the hours of use for the cleaning and maintenance are between 9am and 5pm on weekdays. The storage and operation of the coaches began on the site in December 2019.

- 2.2. The retention of an area of hardstanding in the north west of the site is also proposed. It is for the coaches to park as well as staff parking and for parking attached to the agricultural engineering business on the site. No changes are proposed to the access.
- 2.3. The application is accompanied by a Supporting Statement, Drainage Plan and a Highway Report.

3. Description of the site and surrounding area

- 3.1. The site is accessed off Desford Lane and contains three large buildings. One of these buildings is in use as an agricultural engineering business (building C on the site location plan), one is in use for agriculture (building A) with the other building which is subject to this application is for cleaning and maintenance of the coaches (building B). There are some areas of hardstanding and some areas of grass on the site. Peckleton Common runs along the southern boundary of the site. There are residential properties on the opposite side of Desford Lane, however the site is located outside of the settlement boundary for Peckleton, therefore forming part of the countryside. Desford Lane is an unclassified road which turns into a bridleway further to the north of the site. To the rear of the site is the Caterpillar UK site. There are mature hedgerows to the southern and western boundaries of the site with the western boundary hedge forming part of a potential Local Wildlife Site. There is a pond in the field to the rear of the site which is a Great Crested Newt breeding pond.

4. Relevant planning history

02/00206/COU

- Change of use of building to class B8 (storage)
Permitted
6.10.2003

07/00887/GDO

- Erection of secure storage building
General Development Order
21.08.2007

10/00683/GDO

- Erection of an agricultural building
General Development Order
20.09.2010

20/00479/AGDO

- Agricultural storage building
General Development Order
02.07.2020

20/01169/CLE

- Certificate of lawful existing use for agricultural engineering and machinery sales business
Certificate of Lawful Existing Use
28.01.2021

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. There have been 5 letters of objection from 5 different addresses received as a result of the publicity making the following points:

- 1) Atmospheric and noise pollution
- 2) Highway safety danger to pedestrians, cyclists and other traffic
- 3) Continually ignoring the weight restriction for vehicles
- 4) Vehicles travelling at high speeds along Desford Lane
- 5) The buses have been operating under the radar for months
- 6) Highway grass verges are being eroded by the buses
- 7) Concern over operational hours
- 8) The area is becoming an industrial estate not an agricultural site
- 9) Unsuitable for the rural environment
- 10) Damage to roads and to buildings
- 11) Is there any limit on the number of buses
- 12) Surface water run off concerns from the hardstanding
- 13) Lack of facilities for staff using the site
- 14) Peckleton Common Road is restricted to vehicles under 7 Tonnes, however this does not seem to apply to buses

6. Consultation

6.1. No objection has been received from:

- LCC Highways
- LCC Ecology
- HBBC Environmental Services (Drainage)
- HBBC Environmental Services (Pollution)

6.2. Councillor Sheppard-Bools has raised concerns regarding the application:

- 1) After talking with residents the burden on the roads and safety issues associated with the proposal would outweigh the benefit of the application.

6.3. Peckleton Parish Council make the following comments in relation to the application:

- 1) The applicant has responded with unknown rather than providing information relating to some questions
- 2) Concern has been raised about the potential number of daily movements into and out of the site
- 3) They are also concerned about the traffic implications for Peckleton Common arising from 14 school buses

7. Policy

7.1. Core Strategy (2009)

- Policy 13: Rural Hamlets

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation

- Policy DM18: Vehicle Parking Standards
 - Policy DM20: Provision of Employment Sites
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
- 8. Appraisal**
- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety and parking
 - Drainage
 - Ecology
- 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. The development plan in this instance consists of the Core Strategy (2009) and the Site Allocations & Development Management Policies (SADMP) Development Plan Document (DPD) (2016).
- 8.3 The site lies outside of the settlement boundary of Peckleton and is identified as countryside on the Borough Wide Policies Map and therefore policy DM4 should be applied. Policy DM4 of the adopted SADMP seeks to protect the intrinsic value, beauty and open character and landscape character through safeguarding the countryside from unsustainable development.
- 8.4 Policy DM4 states that the countryside will first and foremost be safeguarded from unsustainable development. Development in the countryside will be considered sustainable where:
- It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - It relates to the provision of stand-alone renewable energy developments in line with policy DM2: Renewable Energy and Low Carbon Development; or
 - It relates to the provision of accommodation for a rural worker in line with Policy DM5: Enabling Rural Worker Accommodation.
- and:

- It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
- It does not undermine the physical and perceived separation and open character between settlements; and
- It does not create or exacerbate ribbon development;

8.5 The proposal involves the re-use of an existing building on the site, which Policy DM4 of the SADMP supports. Policy DM20 of the SADMP relates to the provision of new employment. The policy states the provision of employment uses will be supported where they are within settlement boundaries or on previously developed land. Whilst the proposal is outside of the settlement boundary for Peckleton it is within an existing building which has previously been in use for industrial purposes with permission granted for a B8 use for this building which was implemented. The Agricultural Engineering business also briefly occupied this building before moving into building C marked on the site location plan. Furthermore the proposal would provide a low level of employment and would result in the diversification of a rural business in compliance with paragraph 83 of the NPPF. Whilst the re-use of the building is acceptable in principle the outdoor storage proposed for the coaches in the countryside as well as the hardstanding proposed is not supported in principle. However the full impact of the outdoor storage and its effect on the intrinsic value, beauty, open character and landscape character of the countryside will be assessed later in the report.

Design and impact upon the character of the area

- 8.6 Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development.
- 8.7 Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.8 The proposal would result in the storage of up to 14 coaches on the site. The site also contains tractors and cars all parked externally on the site. The proposed outdoor storage and the area of hardstanding would contribute to the urbanisation of the site and would have some impact on the character of the countryside. The storage and hardstanding is to the north and west of the site and adjacent to the buildings. Objections have been received stating the proposal is contributing to the industrialisation of the site, however consent has previously been granted for a B8 use for this building and there is a long standing agricultural engineering business on the site with a certificate of lawful use. There is a high boundary hedge and bank of trees running along the north and western boundary which significantly screens the impact of the proposal when viewed from Desford Lane. There is also high boundary planting along the southern boundary of the site which screens the proposal well when viewed from Peckleton Common. The existing buildings on the site are set in from the boundary and are also well screened from outside of the site. By restricting the number of coaches on the site it will restrict the amount of external storage occurring on the site thereby minimising the visual impact on the site and the wider countryside. Whilst there would be a small impact on the character of the countryside it is not significant enough to warrant a refusal.

- 8.9 Overall the proposal would not have a significant adverse impact upon the intrinsic value, beauty and open character of the countryside in accordance with policies DM4 and DM10 of the SADMP.
- Impact upon neighbouring residential amenity
- 8.10 Policy DM10 of the SADMP seeks to ensure that development proposals do not harm the amenity of neighbouring residential properties and that the amenity of occupiers of the proposed development would not be adversely affected by the activities in the vicinity of the site.
- 8.11 There are residential properties to the west of the site on Hill Close. The proposal will result in an increase in visitors and vehicular traffic to the site. The proposal will result in up to 14 coaches entering and leaving the site just prior to and just after school opening and closing times. Outside of these times including at evening and weekends the proposal will result in low levels of vehicular traffic into and out of the site. Whilst the proposal would generate some vehicular traffic it is not expected that these levels would be any greater than if a B8 use was to operate out of the building. Whilst 14 coaches on the site at present is manageable it is considered reasonable and necessary to attach a condition restricting the number of coaches to no more than 14 therefore restricting the amount of vehicular movements occurring into and out of the site, thereby minimising disturbance to neighbouring properties.
- 8.12 There is a Section 106 agreement in place on the site that restricts the vehicles from turning right into the village at the junction of Desford Lane and Peckleton Common, therefore reducing the disturbance to residents of the village from increased vehicular traffic.
- 8.13 The proposal involves the maintenance and cleaning of the coaches however this is restricted to within the building to reduce noise breakout. The applicant has stated the operations are mainly cleaning using a power washer. Details of this washer have now been received with it having a noise level of 85db. The hours of use for this operation is 0900 to 1700 weekdays only. These hours are considered acceptable and a condition restricting the hours of use will be attached to any consent granted. In addition to this the building where the operations are taking place is approximately 110 metres away from the closest residential properties with the boundary hedge also contributing to some noise reduction. There are no other alterations to the site that are proposed that could result in disturbance to neighbouring properties such as external lighting. The Borough Councils Environmental Health Officer has no objections to the proposal and the noise levels for the power washer subject to an hours of use condition. It is therefore considered that the operations of the proposal would result in a minimal disturbance to neighbouring residential properties.
- 8.14 Overall the proposal would result in a minimal impact on residential amenity in compliance with policy DM10 of the SADMP.
- Impact upon highway safety and parking
- 8.15 Policy DM17 of the SADMP seeks to ensure new development would not have an adverse impact upon highway safety. Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development.
- 8.16 The application is accompanied by a Highway Report. The Local Highway Authority has been consulted on the application. No changes are proposed to the access off Desford Lane, which is an unclassified road subject to a 30mph speed limit so vehicular speeds into and out of the site are low. The applicant has stated visibility splays of 2.4 metres x 120 metres can be provided to the northeast of the access

and 2.4 metres x 70 metres can be provided to the south west of the access, all within the public highway. The LHA are satisfied that these visibility splays can be achieved without any improvements needed and are currently being used. The LHA are also satisfied with the existing 7.3 metre wide, hard bound access. This is a long standing access located on a road with low levels of vehicular traffic that has catered for other types of large vehicles in addition to the coaches including tractors.

- 8.17 Some of the objection letters received reference accidents that have occurred in and around the village of Peckleton. Based on records available to the LHA there have been no Personal Injury Collisions on Desford Lane or on the junction of Desford Lane and Peckleton Common within the last five years. Some of the objection letters received relate to damage to nearby roads and buildings from vehicles using the site, however even if these were from the coaches it would not be a reason to refuse the application as it relates to highway safety issues occurring outside of the site.
- 8.18 The applicant has stated the Transport Commissioner has granted a license for a maximum of 14 coaches to operate from the site, the majority of these is for school transport although it is understood they do operate some coach holidays. Adding a condition restricting this number to 14 coaches would control the amount of traffic into and out of the site from the proposed use. Some of the objections received relate to traffic passing through the village of Peckleton. However there is a Section 106 agreement in place on the site, including the proposed use that restricts the vehicles from turning right into the village at the junction of Desford Lane and Peckleton Common, instead turning left towards Peckleton Lane. This is with the exception of one coach which serves the school children living in the village. This significantly reduces the number of large vehicles entering the village. The LHA has no objections to this arrangement. Similarly no vehicles turn right out of the site along Desford Lane as this turns into a bridleway to the north of the site.
- 8.19 The site location plan shows a specific area of parking for the coaches on the site in a tandem arrangement. There is suitable space left within the site for staff parking and for tractors associated with the agricultural use and the agricultural engineering business. The site has ample space for vehicles to turn and leave onto Desford Lane in a forward direction which is acceptable.
- 8.20 Overall the proposed use would result in a minimal impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP.

Drainage

- 8.21 Policy DM7 of the adopted SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.22 The site is located within flood zone 1 indicating a low risk of flooding. A drainage plan has now been received with the application. It indicates the direction of flow and location of drains for the area of hardstanding and for the site. The Borough Councils Drainage Officer has been consulted on the application. They have no objections to the drainage plan and are satisfied that surface water run off can be controlled within the site.
- 8.23 The proposal will therefore have a minimal impact on flood risk and drainage in compliance with policy DM7 of the SADMP.

Ecology

- 8.24 Policy DM6 of the adopted SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.

8.25 The site is located within 100m of a known great crested newt (GCN) pond. The County Council Ecologist has been consulted on the application. They acknowledge that as the works have all already been carried out then there are no mitigation measures which can now be implemented. As the majority of the site was previously managed grassland it is therefore likely that it was unsuitable for great crested newts (GCN). The hedgerow to the north west boundary is a potential Local Wildlife Site. The coaches will be parked close to this hedge. LCC Ecology have requested that if any damage to the hedge has occurred from the proposal then replacement hedge planting shall be installed within the site. There is a line of trees in between the parking/hardstanding and the protected hedge. It is unlikely that the hedge has been damaged as a result of the proposal therefore it would be difficult to request a condition for replacement hedge planting.

8.26 The proposal will result in a minimal impact on ecology in compliance with policy DM6 of the SADMP.

9. Equality implications

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

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

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

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

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

10. Conclusion

10.1. The proposal will result in the re-use of a building within a countryside location. Policy DM4 supports the re-use of buildings outside of defined settlement boundaries. Policy DM20 of the SADMP supports the provision of employment uses on previously developed land. Whilst the outdoor storage of vehicles is not supported in principle due to the screening of the site it would result in a minimal visual impact on the intrinsic value, beauty and open character of the countryside in accordance with policies DM4 and DM10 of the SADMP.

10.2. The proposal would result in a minimal impact on residential amenity subject to conditions in compliance with policy DM10 of the SADMP. The proposal would result in a minimal impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP. The proposal would result in a minimal impact on ecology and drainage in compliance with policies DM6 and DM7 of the SADMP.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

11.3 Conditions and Reasons

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:
Site location plan received 12th February 2021
Drainage plan received 26th April 2021.

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

2. The use of the building for the cleaning and maintenance of the coaches shall not take place other than between the hours:-

0900 - 1700 Monday - Friday

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

3. The use hereby permitted shall be restricted to the storage, maintenance and cleaning of no more than 14 coaches at any one time on the site.

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

4. The cleaning and maintenance of the coaches shall be restricted to inside of the building.

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

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Planning Committee 25 May 2021
Report of the Planning Manager

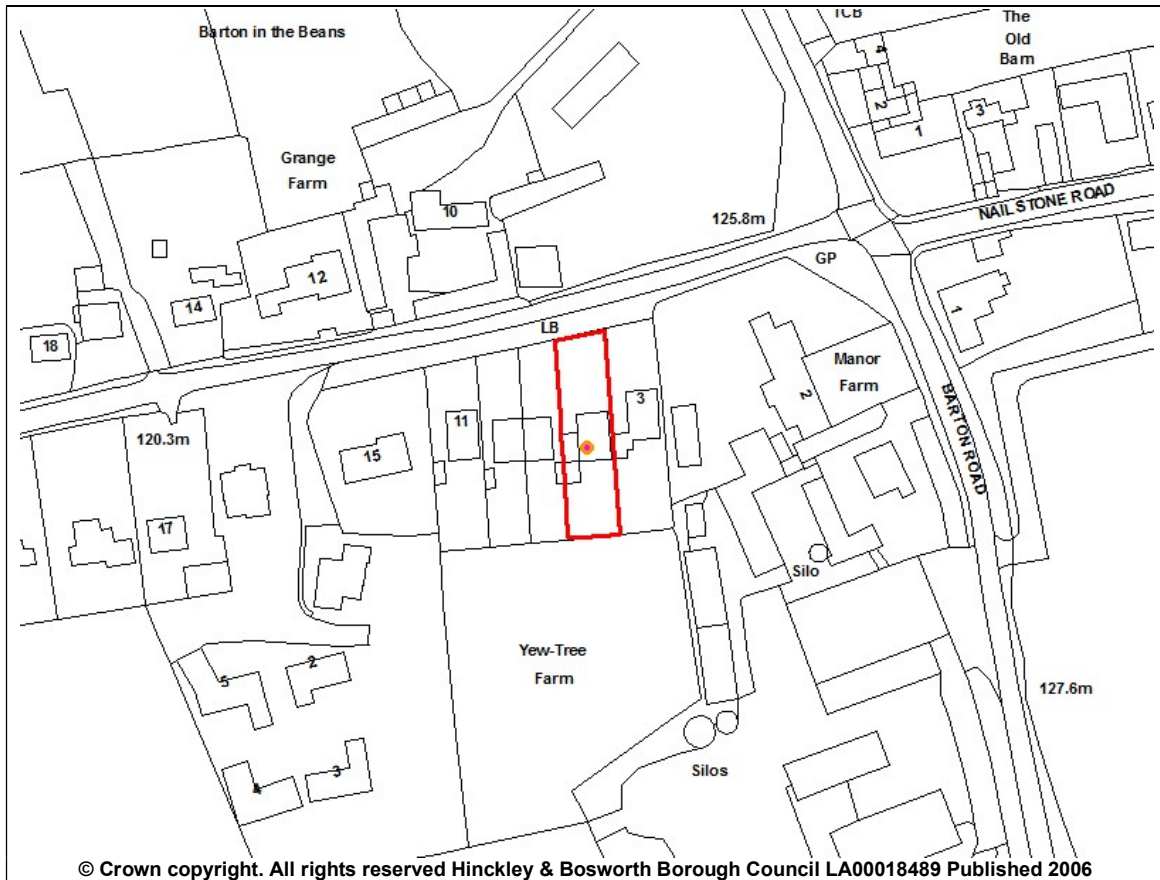
Planning Ref: 21/00062/HOU
Applicant: Mr D Faver
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: 5 Main Street Barton in the Beans Nuneaton

Proposal: Two storey side and rear extensions, including front and rear dormer windows



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

2. Planning application description

2.1. This application seeks planning permission for side and rear extensions as well as front and rear dormer windows to no.5 Main Street in Barton in the Beans.

2.2. The proposed development has been amended following neighbour and officer concerns for the character of the area.

- 2.3. The proposed two storey side and rear extension would have a total depth of roughly 19.0m, and a maximum height of roughly 6.5m. This would extend from the side of the original dwellinghouse by roughly 2.8.
- 2.4. The two dormers in the front roof slope would have a width of roughly 2.2m and a height of roughly 1.6m, they would extend a maximum of 2.2m from the roof slope.
- 2.5. The proposed development would see the roof refitted with slate effect tiles, and its height raised by roughly 0.3m. The extensions would be constructed with matching brickwork, with small elements of render.

3. Description of the site and surrounding area

- 3.1. The application site relates to the former Barton in the Beans post office building, which is modest single storey detached dwellinghouse constructed in the mid-20th century. The property is located to the south of Main Street adjacent to properties of a similar architectural style and age. The dwellinghouse lies over 15m back from the street, and is set at a higher ground level to the street, separated by a landscaped garden and low brick wall.
- 3.2. There is a highly varied appearance to the street scene of Main Street, which comprises a mix of modern dwellings and historic farm buildings. Many properties in the village, including the application site, are significantly set back from the highway and behind brick walls. A post-box is located within the public highway to the front of the application site.

4. Relevant planning history

76/00781/4

- Retention of use of hall of bungalow as a post office
Permission
27.07.1976

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site.
- 5.3. Objections have been received from six addresses raising concern for the following:
 - Loss of amenity
 - Impact on character
 - Overdevelopment
 - Housing mix
 - Access and construction management

6. Consultation

- 6.1. Shackerstone Parish Council was consulted and object to the proposed development.
- 6.2. LCC Highways was consulted and have referred to standing advice.
- 6.3. LCC Ecology was consulted and requested a bat survey, of which no evidence was found.
- 6.4. The Leicestershire Badger Group was consulted, no response was received.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 13: Rural Hamlets

- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards

- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2019)
 - Planning Practice Guidance (PPG)

- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

- 8.1. Key Issues
- Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact upon highway safety

Assessment against strategic planning policies

- 8.2 The application site is located within the settlement boundary of Barton in the Beans where there is a presumption in favour of sustainable development as set out in Policy 1 of the SADMP and Paragraph 11 of the NPPF. This states 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)

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

- 8.4 This application is for extensions to an existing dwellinghouse within a settlement boundary, which in itself is considered as a sustainable development. The change from a two bedroom property to a four bedroom property is considered to be a form of sustainable development by efficiently providing for the identified need. Although there would be the loss of a two bedroom property in the village, there would be no overall loss in housing within the village. Domestic extensions and alterations cannot be controlled to strictly enforce certain house types are protected, as government allows through deemed planning permission the extension of dwellings.

Design and impact upon the character of the area

- 8.5 Policy DM10 of the adopted Site Allocations & Development Management Policies requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect neighbouring buildings and the local area generally.

- 8.6 The proposed development includes the provision of dormers to the principal elevation. Dormer windows can be found at the neighbouring nos.9 and 11 Main Street and can be considered to be a character feature of the immediate setting of the application site. Therefore this feature of the proposed extensions can be considered to be entirely appropriate within the context of the surrounding area.
- 8.7 The proposed extensions would see the roof ridge height raised from 5.9m to 6.5m. This change is considered to be imperceptible from the street scene, as the site is set back by over 18m from the public highway. The neighbouring no.3 Main Street is positioned further forward of the dwelling at the application site, so appears more prominent within the street scene giving the illusion of a varied roof height. The highest point of the proposed development would be no higher than the highest point of no.3 Main Street. Consequently in regard to roof heights and massing, it can be considered that the proposed scheme would appear in keeping with the surrounding properties.
- 8.8 The alterations to the principal elevation are considered to result in a balanced appearance that would reflect the architectural style and existing symmetrical proportions of no.5 Main Street. Therefore can be considered to be in line with the HBBC Good Design Guide (2020).
- 8.9 Although the proposed rear extension would follow the ridge line of the original property, a subservient appearance is achieved through the reduced massing at first floor level. The ridge would be set in by roughly 3.3m from the side elevation, as such would not appear prominent within the street scene.
- 8.10 The proposed materials to be used are considered to appear complementary to the surrounding brickwork buildings which are found throughout Barton in the Beans.
- 8.11 Overall the scale, form, design, detailing and construction materials of the proposed extensions are considered to enhance the appearance of the site, and complement the character of the surrounding area. The proposal therefore is considered to comply with Policy DM10 the SADMP.
- Impact upon neighbouring residential amenity
- 8.12 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.13 The application site borders two residential premises, no.3 to the east, and no.7 to the west. The application site borders open countryside to the south, an historic farm building and working farmyard is located directly across the highway from the application site to the north.
- 8.14 The neighbouring occupants of the property to the west of the application site at no.7 Main Street would be the closest to the proposed development. This neighbouring property has seen significant extensions to the rear in the form of single storey extensions, the attic space has also been converted. These two properties share the same access from Main Street, the access is over 5m in width, and provides sufficient off street parking for both sites. A carport and garages separate the two properties as well as a 1.8m high close boarded timber fence. The garage at no.7 Main Street has been extended, and extends into the plot as much as the proposed rear extensions to no.5.
- 8.15 There are three windows on the side elevation of no.7, which face the side of the application site, two at ground floor level, and one at first floor level. These ground floor windows are somewhat overshadowed by the existing carport. At first floor level, there is a secondary window that would see some reduction in light brought about from the proposed development. However, this is not considered to bring

about a significant adverse impact to the occupant's amenity due to the non-primary function of this window. The proposed extension would be roughly 0.9m from the boundary for the full depth of the proposed dwellinghouse, this would increase the space between the two buildings by removing the existing garage. Notwithstanding the proposed side gable, which would be significantly larger than the existing car port, it can be considered that it's proposed massing and form would not have significant adverse impacts to the amenity of the adjacent occupiers. This is due to the linear layout of the properties and the lack of overshadowing or overbearing impacts to principle windows of habitable rooms. The steep pitch of the roof slope from the eaves at 3.0m above ground level are not considered to result in significant overshadowing to the rear of no.7 Main Street. The maximum height of the proposed rear extension would be reached over 4.0m from the boundary with no.7 Main Street. No side facing windows are proposed within the western elevation at first floor level in order to preserve the privacy of the neighbouring occupants. Furthermore, there would be no conflict with the 45 degree rule as set out in the HBBC Good Design Guide SPD.

- 8.16 The properties in this area along the south side of Main Street benefit from good sized gardens and an elevated open aspect to open countryside beyond. The proposed siting of the side and rear extensions to the east of no.7 Main Street are not considered to significantly overshadow or appear overbearing to these neighbouring occupants.
 - 8.17 To the east of the application site is no.3 Main Street, a single storey detached dwellinghouse. There would be no conflict with the 45 degree rule as a result of the proposed extensions due to a garage at this neighbouring property. The proposed extension would be sited over 5.0m from the boundary to this adjacent site to the east. The proposed Velux type windows within the first floor side extension are not considered to provide any significant overlooking impacts due to their elevated position, that can be secured via condition to be over 1.7m above the finished floor levels.
 - 8.18 Overall, it is considered that the proposal would not have any significant adverse impact on the residential amenity of the occupiers of the neighbouring dwellings in terms of loss of light, overlooking, or overbearing nature, in accordance with Policy DM10 of the SADMP.
- Impact upon highway safety
- 8.19 Policy DM17 seeks to ensure that development would not have a significant detrimental impact on the existing road network.
 - 8.20 Policy DM18 of the SADMP states that proposals should ensure that there is an adequate provision of parking for residents.
 - 8.21 The proposed development would see the provision of bedrooms increase from two to four. Consequently car parking for three cars is required in accordance with the LHDG. The application site benefits from a driveway of roughly 18m in length, this can accommodate three vehicles in tandem. The adjacent no.7 has gravelled a portion of the front garden to provide parking space for two vehicles, the same could be achieved at the application site. By virtue of the substantial driveway and generous space at the front of the plot, it is considered that three parking spaces can comfortably be achieved within the bounds of the application site.
 - 8.22 Therefore the proposed extension is considered to be in accordance with Policy DM18 of the SADMP in regard to parking provision, and Policy DM17 as there is not considered to be any resultant significant impacts upon the existing highway network.

Other matters

- 8.23 A badger sett is nearby, however no comments have been received from the Leicestershire Badger Group. No concerns for bats, birds or badgers have been raised by LCC Ecology. A bat survey has been provided and no bats or evidence of bats was found, and the building was recorded as having negligible potential for roosting bats. No further survey work is required, and no ecology mitigation as planning condition is needed.
- 8.24 The proposed development has raised concerns from residents in regard to the construction and access to the site. The site is accessed from an unclassified road maintained and adopted by Leicestershire County Council. The application is for householder extensions and alterations. There are no protected trees, heritage assets or wildlife on site. In these circumstances a construction management plan is not deemed reasonable or necessary for the proposed works.
- 8.25 The post box lies outside the application site area, and would remain accessible throughout the construction process. Any obstruction to the public highway would be prohibited and enforced by Leicestershire County Council.
- 8.26 This application is for domestic alterations to an existing dwellinghouse, as such the increase in the number of bedrooms and the loss of a two bedroom 'starter home', and the change in the housing mix of the area would not be a material planning consideration in these circumstances.

9. Equality implications

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

10. Conclusion

- 10.1. The application site lies within the settlement boundary of Barton in the Beans where there is a presumption in favour of sustainable development as set out in Policy DM1 of the SADMP and Paragraph 11 of the NPPF.

- 10.2. The proposed alterations and extensions to no.5 Main Street can be considered to comply with Policy DM10, Policy DM17 and DM18 of the SADMP in regard to impact upon the character of the area and impact upon the amenity of neighbouring residents. Therefore the recommendation is to approve.

11. Recommendation

11.1 Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

11.3 Conditions and Reasons

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

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

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

- a) Site Location Plan - Drg. No. 05 - received on 18.01.2021
- b) Block Plan & Street Scene - Drg. No. 06B - received on 25.03.2021
- c) Proposed Elevations and Floorplans - Drg. No. 04F - received 25.03.2021

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

3. The materials to be used on the external elevations of the proposed extensions and alterations shall match the corresponding materials of the existing dwelling.

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

4. All roof lights shall either have a sill height of a minimum of 1.7 metres above first floor level or shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable. Once so provided the roof lights shall be permanently maintained as such at all times thereafter.

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

11.4 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.

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PLANNING APPEAL PROGRESS REPORT

Situation as at: 14.05.21

WR – WRITTEN PRESENTATIONS

IN – INFORMAL HEARING

PI – PUBLIC INQUIRY

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
	GS	21/00394/HAAGD O (PINS REF 3274537)	WR	Mr & Mrs Ryan Jones	3 Grey Close Groby (Prior notification for construction of additional storey upon existing single storey dwelling)	Awaiting Start Date	
	EC	21/00222/HOU (PINS Ref: 3274457)	WR	Mr Filip Florczak	2 The Green Mill Lane Sheepy Parva (Alterations to the existing dwelling incorporating a two storey front/side extension and single storey side/rear extension)	Appeal Valid Awaiting Start Date	13.05.21
	OP	20/00919/OUT (PINS Ref: 3272986)	WR	DHASC Limited	14 Chesterfield Way Barwell (Residential development for five dwellings (Outline- access and scale))	Appeal Valid Awaiting Start Date	30.04.21

	JB	20/00407/HYB (PINS Ref 3274706)	PI	Wood Farm Holdings	Wood Farm Stanton Lane Ellistown Coalville (Hybrid application comprising of Outline permission for the erection buildings for storage and distribution uses (Class B8), general industry (Class B2) and associated infrastructure including the formation of a new access (All matters reserved expect for access) and Full planning permission for the demolition of existing farmstead and relocation, including the erection of 2 replacement farm managers dwellings and associated agriculture buildings and structures)	Awaiting Start Date Duration 5 days	
	GS	20/00862/HOU (PINS Ref 3273173)	WR	Mr Micky Ahluwalia 10 Rosemary Way Hinckley	10 Rosemary Way Hinckley (Two storey side and rear extension)	Awaiting Start Date	
	SW	20/00249/OUT	WR	Mrs Louise Ward Persimmon Homes (North Midlands) Davidson House Leicester	Land At Sketchley Farm Sketchley Old Village Burbage (Residential Development for up to 80 dwellings and associated works (Outline- access only))	Appeal Valid Awaiting Start Date	26.04.21
	OP	20/00919/OUT	WR	Mrs Hannah Ladkin-Berry 65 Melbourne Grove London SE22 8RJ	14 Chesterfield Way Barwell (Residential development for five dwellings (Outline- access and scale))	Awaiting Start Date	
21/00015/PP	OP	20/01165/FUL	WR	Mr Ian McSeveney MAS Architecture Ltd The Atkins Lower Bond Street Hinckley	14 Woodland Avenue Burbage (Single storey dwelling)	Start Date Statement of Case Final Comments	21.04.21 26.05.21 09.06.21

21/00013/PP	SW	20/00937/FUL (PINS Ref 3269712)	WR	Owl Homes Vesey House 5-7 High Street Sutton Coldfield	Land East Of Peckleton Lane Desford (Erection of 5 dwellings)	Start Date Awaiting Decision	23.03.21
21/00010/PP	EC	20/00472/FUL (PINS Ref 3269215)	WR	Mr Graeme Ferriman 22 Main Street Newbold Verdon Leicestershire LE9 9NN	The Swan 22 Main Street Newbold Verdon (Change of use/conversion of public house (Use Class A4) to one dwelling (Use Class C3) including part demolition of existing structures and extensions and alterations)	Start Date Awaiting Decision	10.03.21
20/00011/PP	SW	20/00678/FUL (PINS Ref 3268349)	WR	Mr Rob Nettleton 1 Dale End Close Hinckley	1 Dale End Close Hinckley (Proposed 2 storey dwelling)	Start Date Awaiting Decision	17.03.21
21/00012/PP	GS	20/00066/FUL (PINS Ref 3266622)	WR	Mr Rich Chapman Apricot CPS Ltd Luna View, Gorse Avenue Kingston Gorse Littlehampton West Sussex BN16 1SG	Burbage Hall 1 Aston Lane Burbage (Erection of x4 dwellings with associated landscaping, parking and alterations to existing access)	Start Date Awaiting Decision	17.03.21
21/00008/PP	RH	20/00102/OUT (PINS Ref 3265133)	IH	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)	Start Date Hearing Date	23.02.21 15.06.21

21/00005/PP	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)	Start Date Awaiting Decision	04.02.21
21/00014/PP	RH	20/00068/FUL (PINS Ref 3261704)	WR	Mr Jason McDonagh c/o Agent	Allotment Gardens Newtown Linford Lane Groby (Erection of replacement dwelling)	Start Date Awaiting Decision	23.03.21
21/00002/PP	RH	19/01243/OUT (PINS Ref 3261386)	PI	Davidsons Developments Ltd c/o Agent	Ashfield Farm Kirkby Road Desford (Residential development of up to 120 dwellings (Outline - access only))	New Start Date Proof of Evidence Inquiry Date (6 days)	09.03.21 25.05.21 22.06.21
	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))	Appeal Valid Awaiting Start Date	06.01.21
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 Awaiting Decision	20.11.20
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

Decisions Received

21/00007/PP	GS	20/00992/FUL (PINS Ref 3266629)	WR	Mr Rodney Hill 2 Forest Road HINCKLEY	74A London Road Hinckley (Creation of a vehicular access)	DISMISSED	06.04.21
20/00006/PP	GS	20/00321/FUL (PINS Ref 3256790)	WR	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)	ALLOWED	26.03.21
21/00001/PP	OP	20/00519/FUL (PINS Ref 3259539)	WR	Mr R Dolman 36 Main Street Carlton	36 Main Street Carlton (Erection of storage building, hardstanding)	DISMISSED	21.04.21
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))	DISMISSED	21.04.21
21/00003/PP	JB	20/00891/OUT (PINS Ref 3265042)	WR	Mr E Sykes The Bungalow Hydes Lane Hinckley	344 Coventry Road Hinckley (Erection of one dwelling (outline - access and layout))	ALLOWED	22.04.21

21/00009/PP	RH	19/01256/FUL (PINS Ref 3266505)	IH	Mr David Meehan Elgin Energy EsCo Limited C/O Agent Cirencester GL7 1RT	Hangmans Hall Farm Twenty Acre Lane Sutton Cheney (Construction of an 62 hectare solar park to include the installation of solar photovoltaic panels to generate electricity(35MW) with access from Wharf Lane and Stapleton Lane and associated substations, inverters, perimeter stock fencing, access tracks, CCTV and landscaping)	DISMISSED	04.05.21
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))	DISMISSED	07.05.21
21/00004/PP	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)	DISMISSED	10.05.21

Designation Period 1 April 2020 - 31 March 2022

Appeal Decisions - 1 April 2020 – 30 April 2021 (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
0	0	0	0	0	0	0	0	0	0	0	0	0	0

April – Total No of Major decisions made 51/Total No 0 of appeals allowed = 0%

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
19	6	13	0	0	5	0	13	0	0	0	1	0	0

April – Total No of all Minor/Other decisions made 855/Total No 6 of appeals allowed = 1.42%

Designation Period 1 April 2019 - 31 March 2021

Appeal Decisions - 1 April 2019 – 31 March 2021 (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
7	3	4	0	0	0	0	2	2	0	0	1	0	2

March – Total No of Major decisions made 90/Total No of appeals allowed 3 = 3.33%

April – Total No of Major decisions made 90/Total No of appeals allowed = 3.33%

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
54	18	36	0	0	14	0	35	3	0	0	1	0	1

March – Total No of all Minor/Other decisions made 1706/Total No of appeals allowed 17 = 0.99%

April – Total No of all Minor/Other decisions made 1706/Total No of appeals allowed 18 = 0.94%

Enforcement Appeal Decisions

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