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Hinckley & Bosworth  
Borough Council

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

Date: 11 October 2021

**To: Members of the Planning Committee**

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

Copy to all other Members of the Council

(other recipients for information)

Dear member,

There will be a meeting of the **PLANNING COMMITTEE** in the De Montfort Suite, Hinckley Hub on **TUESDAY, 19 OCTOBER 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 'Rebecca Owen'.

Rebecca Owen  
Democratic Services Manager

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- **Do not** use the lifts.
- **Do not** stop to collect belongings.

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Thank you

## PLANNING COMMITTEE - 19 OCTOBER 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 21 September 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. 20/01357/FUL - THISTLE COTTAGE 8 MARKET PLACE MARKET BOSWORTH  
(Pages 5 - 18)

Application for replacement velux and dormer windows on main roof and roof alterations to rear extension including velux window (retrospective).

8. 20/01378/LBC - THISTLE COTTAGE 8 MARKET PLACE MARKET BOSWORTH  
(Pages 19 - 30)

Application for replacement velux and dormer windows on main roof, roof alterations to rear extension including velux window, chimney alteration and internal alterations (retrospective).

9. 21/00169/CONDIT - LAND EAST OF LEICESTER ROAD, BARWELL (Pages 31 - 44)

Application for variation of condition 2 (plans) of planning permission 18/00751/DEEM to amend internal road layout, attenuation pond design, increased service yard and plant room, increased administration building and elevation changes to the ceremonial hall.

10. 21/00379/FUL - SEDGEMERE, STATION ROAD, MARKET BOSWORTH (Pages 45 - 76)

Application for residential development of 73 dwellings with associated access and public open space (resubmission of 20/00131/FUL).

11. 21/00427/FUL - STARTIN TRACTORS, 2 ASHBY ROAD, TWYLCROSS (Pages 77 - 98)  
Application for erection of a new workshop and ancillary services building, new wash bay building and change of use of land to create an agricultural machinery display area.
12. 21/00400/HOU - 1 GREENMOOR ROAD, BURBAGE (Pages 99 - 104)  
Application for external step lift.
13. 21/00607/FUL - LAND WEST OF BREACH LANE, EARL SHILTON (Pages 105 - 124)  
Application for erection of nine detached dwellings.
14. 21/00656/OUT - STOKE FIELDS FARM, HINCKLEY ROAD, STOKE GOLDING (Pages 125 - 166)  
Application for residential development up to 70 dwellings with associated access, landscaping, open space and drainage infrastructure (outline – access to be considered).
15. 21/00765/HOU - 5 CHAMBERS CLOSE, MARKFIELD, LE67 9NB (Pages 167 - 174)  
Application for two storey front extension.
16. 20/00632/CONDIT - 339 RUGBY ROAD, BURBAGE (Pages 175 - 186)  
Application for variation of condition 2 (plans) attached to planning permission 19/00413/FUL.
17. APPEALS PROGRESS (Pages 187 - 194)  
To report on progress relating to various appeals.

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

21 SEPTEMBER 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 DS Cope,  
Cllr WJ Crooks, Cllr REH Flemming, Cllr A Furlong, Cllr SM Gibbens,  
Cllr KWP Lynch, Cllr LJ Mullaney, Cllr RB Roberts, Cllr MC Sheppard-Bools (for  
Cllr MC Sheppard-Bools), Cllr H Smith and Cllr BR Walker

Also in attendance: Councillor DC Bill MBE, Councillor MA Cook and Councillor  
MR Lay

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

#### 154 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Hodgkins, with the  
substitution of Councillor Sheppard-Bools authorized in accordance with council  
procedure rule 10.

#### 155 MINUTES

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

RESOLVED – the minutes of the meeting held on 17 August be confirmed  
and signed by the chairman.

#### 156 DECLARATIONS OF INTEREST

Councillors Flemming, Lynch and Walker declared that they were members of Burbage  
Parish Council's Planning Committee which had considered application  
21/00632/CONDIT but they had not voted at the meeting. Councillor Walker also stated  
that he had been asked to call the item to the Planning Committee and had commented  
on it, but came to this meeting with an open mind and would listen to the presentation  
and debate before coming to a decision.

Councillor W Crooks stated that he knew a relative of the objector who was speaking on  
applications 20/01357/FUL and 20/01378/LBC but this did not constitute a personal  
interest.

#### 157 DECISIONS DELEGATED AT PREVIOUS MEETING

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

#### 158 20/01357/FUL - THISTLE COTTAGE, 8 MARKET PLACE, MARKET BOSWORTH

Application for replacement velux and dormer windows on main roof and roof alterations  
to rear extension including velux windows (retrospective).

This application was presented and debated with the following application (20/001378/LBC).

An objector, the applicant, a representative of Market Bosworth Parish Council and the ward councillor spoke on both applications.

Notwithstanding the officer's recommendation that permission be granted, some members felt that the proposal was contrary to policy DM10 as it didn't enhance the property. It was moved by Councillor R Allen that permission be refused. In the absence of a seconder, the motion was not put.

It was subsequently moved by Councillor Bray and seconded by Councillor R Allen that the application be deferred for discussions with the applicant with the objective of achieving a proposal that enhanced the property.

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

RESOLVED –

- (i) the application be deferred to the following meeting for discussion with the applicant;
- (ii) the relevant ward councillor be included in the abovementioned discussions.

159 20/01378/LBC - THISTLE COTTAGE 8 MARKET PLACE MARKET BOSWORTH

Application for replacement velux and dormer windows and roof alterations to rear extension including velux window, chimney alteration and internal alterations (retrospective).

This application was presented and debated with the previous application (20/001357/FUL).

An objector, the applicant, a representative of Market Bosworth Parish Council and the ward councillor spoke on both applications.

It was moved by Councillor Bray and seconded by Councillor R Allen that the application be deferred for discussions with the applicant with the objective of achieving a proposal that enhanced the property.

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

RESOLVED –

- (iii) the application be deferred to the following meeting for discussion with the applicant;
- (iv) the relevant ward councillor be included in the abovementioned discussions.

160 21/00632/CONDIT - 339 RUGBY ROAD, BURBAGE

Application for variation of condition 2 (plans) attached to planning permission 19/00413/FUL.

An objector and the applicant spoke on this applications.

It was moved by Councillor Walker and seconded by Councillor Lynch that the application be deferred to request further plans. After advice from officers, this motion was withdrawn.

It was subsequently moved by Councillor Bray and seconded by Walker that the application be deferred for a site visit. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred for a site visit.

161 20/01324/CONDIT - 128 MAIN STREET, MARKFIELD

Application for variation of conditions 2 and 4 of planning permission 14/01082/FUL to remove the granite plinth from front elevations and the erection of canopies above front doors (part retrospective).

The ward councillor spoke on this application.

Notwithstanding the officer's recommendation that permission be granted, members felt that the application failed to enhance and complement surrounding properties due to the absence of the stone plinth and was therefore contrary to policy DM10 of the Site Allocations and Development Management Policies DPD. It was moved by Councillor R Allen and seconded by Councillor Bray that permission be refused for these reasons.

Following further discussion, Councillor Bray moved an amendment that an additional reason for refusal be added in that the proposal was contrary to policy DM12 as it was detrimental to the character and appearance of the conservation area. This amendment was supported by Councillor Allen as mover of the original motion.

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

RESOLVED – permission be refused as the absence of the previously approved stone plinth and the historical plaque would result in a development that fails to enhance and complement the surrounding properties and the character and appearance of the conservation areas. The application would therefore be contrary to policies DM10 and DM12 of the Site Allocations and Development Management Policies DPD.

162 21/00656/OUT - STOKE FIELDS FARM, HINCKLEY ROAD, STOKE GOLDING

It was noted that this application had been deferred.

163 21/00639/LBC - WAR MEMORIAL, ARGENTS MEAD, HINCKLEY

Application for repair/replacement works to stone war memorial: replacement of carved lettering within existing stone facia; removal and replacement of stone panels and surrounding pointing located either side of memorial's central feature.

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

RESOLVED –

- (i) listed building consent be granted subject to the conditions contained in the officer's report;
- (ii) the Planning Manager be granted delegated authority to determine the final detail of planning conditions;
- (iii) the Planning Manager be granted delegated authority to issue permission subject to conditions if no further comments are received by 23.09.21. If valid objections are received within that period, the report would be brought back to the Planning Committee.

Councillor Roberts abstained from voting on this item as he had been absent for the debate.

164 21/00775/FUL - 102 DRUID STREET, HINCKLEY

Application for change of use from six person house in multiple occupation (class C4) to eight person house in multiple occupation (sui generis), roof light.

Notwithstanding the officer's recommendation that permission be granted, members felt that the loss of amenity space for existing residents was unacceptable and the size and standard of accommodation would have an adverse impact on future residents. It was felt it was therefore contrary to policy DM10 of the Site Allocations and Development Management Policies DPD. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be refused as the size and standard of the accommodation would have an adverse impact on the amenity of future residents and was therefore contrary to policy DM10 of the Site Allocations and Development Management Policies DPD.

165 APPEALS PROGRESS

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

(The Meeting closed at 8.15 pm)

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CHAIRMAN



Planning Committee 19 October 2021  
Report of the Planning Manager

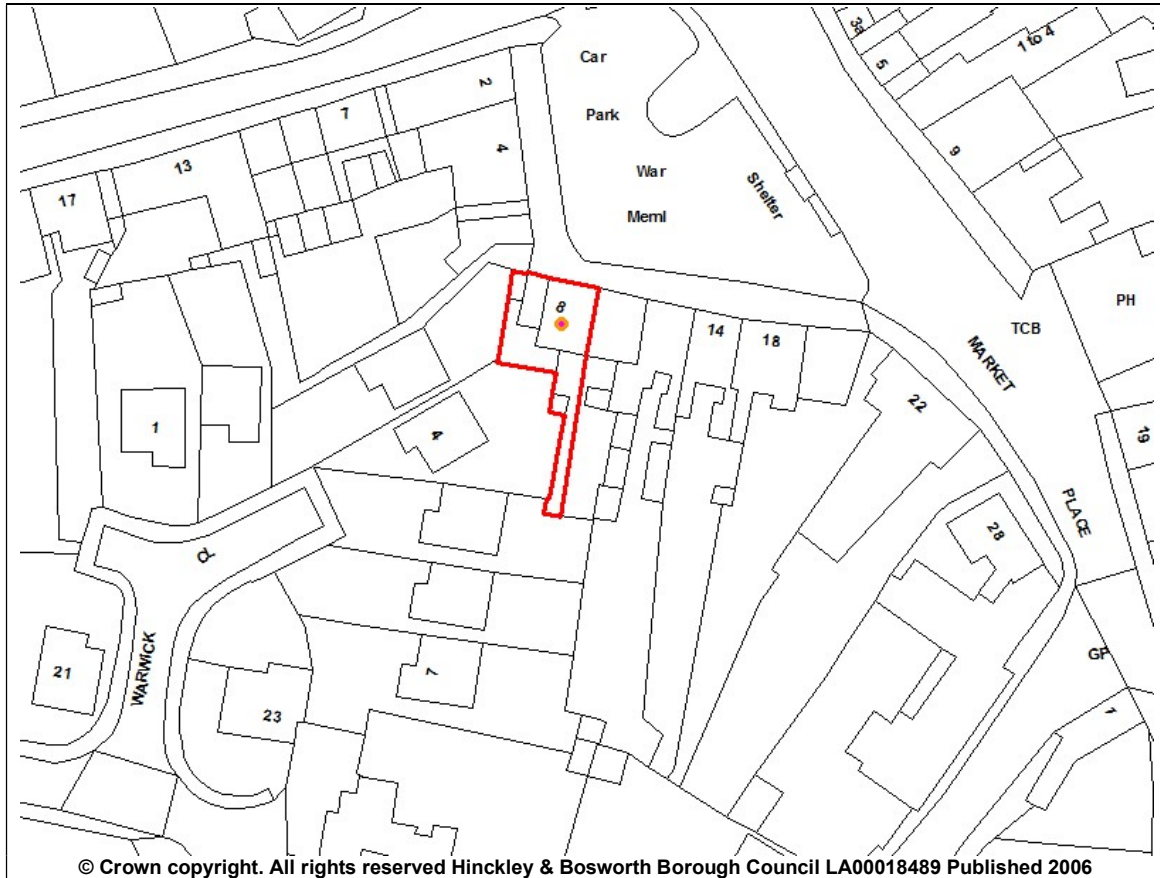
Planning Ref: 20/01357/FUL  
Applicant: Mr Simon Lambeth  
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth  
Borough Council

Site: Thistle Cottage 8 Market Place Market Bosworth

Proposal: Replacement velux and dormer windows on main roof, and roof alterations to rear extension including velux window (retrospective)



1. This application was taken to the previous Planning Committee on 21<sup>st</sup> September 2021. The previous reports and accompanying late items are attached to this report as Appendices A and B.
2. At the committee meeting on 21<sup>st</sup> September 2021, the item was deferred to allow time for a discussion with the applicant and relevant ward councillor.
3. A meeting between Councillor Cook, Mr Simon Lambeth (Applicant), Ms Louise Forman (Applicant's Partner), Paul Grundy (Conservation Officer), and Harry White (Planning Officer) was undertaken on Thursday 7<sup>th</sup> October 2021 at 10:30.
4. The topic of making amendments to the built scheme was discussed. This included adding a shallow pitch tiled roof, lowering the parapet height, and amending the chimney design.

5. However, no feasible alternatives to the existing roof arrangement of the single storey rear extension could be found due to technical reasons.
6. In addition, it was discussed that the chimney design could be amended by adding a small number of additional brick courses to the top, a projecting brick detail, and a taller clay chimney pot. If such details are received this will be presented to members by way of late material.
7. The recommendation remains unchanged from that which is set out within the report dated 13<sup>th</sup> September 2021.

## APPENDIX A

Planning Committee 21 September 2021  
Report of the Planning Manager

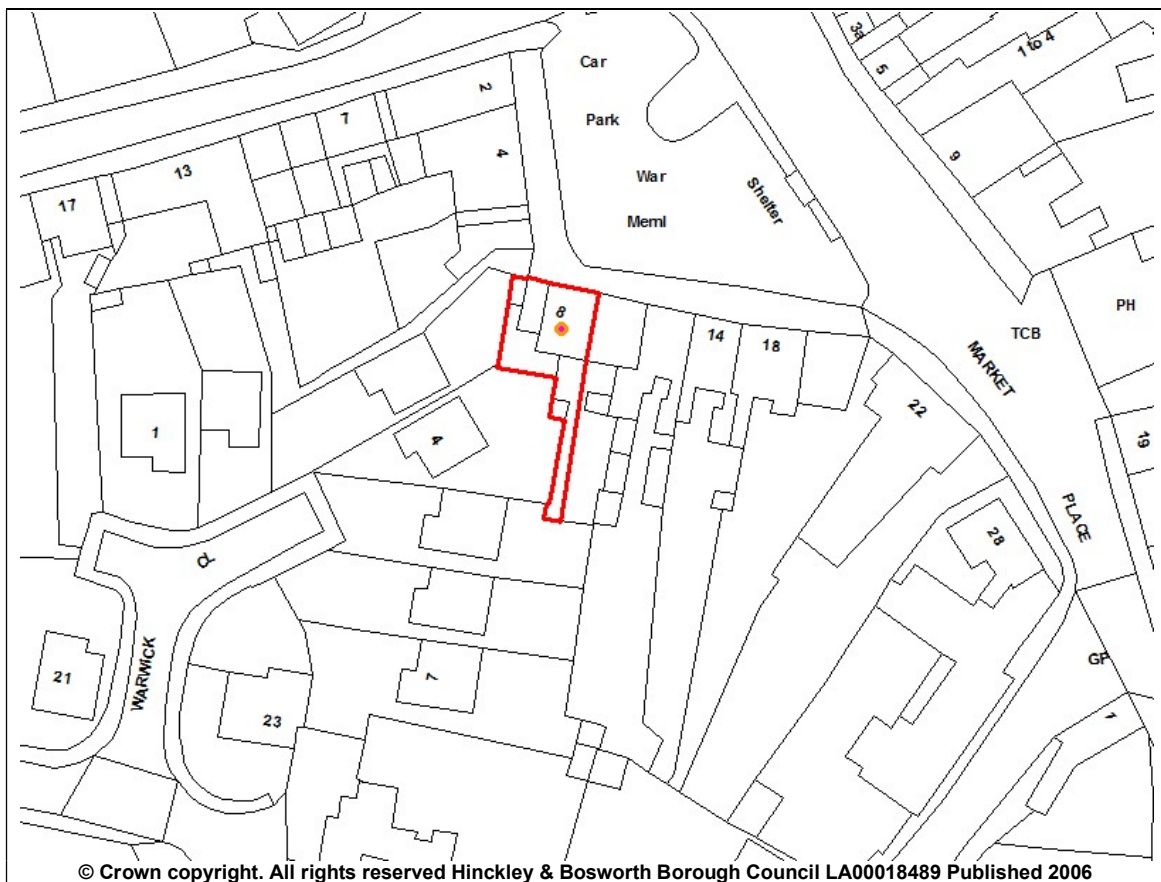
Planning Ref: 20/01357/FUL  
Applicant: Mr Simon Lambeth  
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth  
Borough Council

Site: Thistle Cottage 8 Market Place Market Bosworth

Proposal: Replacement velux and dormer windows on main roof, and roof alterations to rear extension including velux window (retrospective)



### 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. Retrospective planning permission is sought for various minor developments at no. 8 Market Place, also known as Thistle Cottage, in Market Bosworth.

- 2.2. The works include replacing windows in the roof, as well as roof alterations to the 1970s extension at the rear of the property, which sees the original mono pitch roof replaced by a flat roof, with an eaves height of 2.8m, an increase of 0.7m from the eaves of the original roof.
- 2.3. The materials used include matching heritage style brickwork, matching windows, and fibre glass for the roof.

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

- 3.1. This proposal is located at 8 Market Place, Market Bosworth. It is a grade II listed building sited within a cluster of other historic properties within the core of the village which is also designated as a Conservation Area. It is one of a pair of cottages, being attached to no.10 Market Place, and is currently in use as a licensed café. The listed building entry identifies the building as “Pair of cottages. C19 Cottage Orné style. Brick with plain tiled roof. Two storeyed, symmetrically arranged, each house comprising a single gable with doorway to left and casement window with heavy latticed panes and drop ended hoodmoulds beyond on each floor. Additional bay to right with wide garage doors to ground floor and a gabled dormer above. Overhanging eaves with ornate barge boards carved into painted roses trefoils etc. Gable end stacks.”
- 3.2. Despite the dating provided in the listed building entry the pair of buildings have remnants of an earlier, likely 16<sup>th</sup> to 17<sup>th</sup> century core, with some internal timber members of a Cruck frame construction still present. The building was essentially ‘re-fronted’ and the roof raised in the 19<sup>th</sup> century which provides the main range of the original building with its current appearance. Further development and alterations have also taken place during and since this period. In the 19<sup>th</sup> century a single storey mono-pitched roof extension was constructed off the rear of the original main building.
- 3.3. By the early-20<sup>th</sup> century the original main building had been extended to the side with a two storey projection in the same Cottage Orné style with matching materials and a dormer window to the front elevation. This extension continues along the same building line with the main range and has a perpendicular two storey wing extending to the rear. The rear projection is a red brick and clay tile roof construction with a chimney stack present likely dating from this period of construction.
- 3.4. During the 1970s a very shallow mono-pitched roof extension for a kitchen was added to the 19<sup>th</sup> century rear extension, this extends slightly beyond the shared rear boundary wall between no.8 and no.10 Market Place. This is predominantly a red brick and clay tile roof construction with a section of render to the rear elevation and a section of small parapet wall above. At some point during the latter half of the 20<sup>th</sup> century a roof light and small flat roof dormer window have been added to the rear elevation. To the front elevation the deep timber café window was then added during the latter half of the 20<sup>th</sup> century but it reflects the overall architectural style of the building.
- 3.5. During the early 2000s a further two storey extension of red brick and clay tile was constructed off the two storey extension to provide an internal staircase.
- 3.6. Market Place consists of numerous phases of construction with remaining fabric and features resulting from the 16-17<sup>th</sup> century through to early 20<sup>th</sup> century phases contributing positively (to varying degrees) to the special historic and architectural interest and thus significance of the listed building. Some of the more recent additions and alterations to the building, including the 1970s rear kitchen extension and the Velux and dormer windows to the rear elevation are considered to be of no special historic or architectural interest.

- 3.7. The Market Bosworth Conservation Area Appraisal (MBCAA) (2014) recognises that 8 & 10 Market Place are important properties which add considerable character to the Market Place. Due to the special historic and architectural interest of the building, as identified above, it makes a positive contribution to the character and appearance and thus significance of the Market Bosworth Conservation Area.

**4. Relevant planning history**

**01/01151/LBC**

- Extension and alteration to premises  
Listed Building Consent  
04.01.2002

**01/01160/FUL**

- Extension and alteration to premises  
Permission  
07.01.2002

**02/00442/COU**

- Change of use of part of shop to eating area  
Permission  
17.06.2002

**98/00681/LBC**

- Alterations and extension to provide ground floor shop and first floor flat  
Listed Building Consent  
11.11.1998

**98/00682/COU**

- Alterations and extension to provide ground floor shop and first floor flat  
Permission  
11.11.1998

**99/00008/ADV**

- Erection of illuminated fascia sign and projecting sign  
Advertisement Consent  
31.03.1999

**99/00013/LBC**

- Erection of illuminated fascia sign and projecting sign  
Listed Building Consent  
31.03.1999

**06/00893/FUL**

- Demolition of existing stairwell and erection of new stairwell with alterations to dwelling  
Permission  
01.11.2006

**06/01002/LBC**

- Demolition of existing stairwell and erection of new stairwell with alterations to dwelling  
Listed Building Consent  
01.11.2006

**08/00271/ADV**

- Erection of signage  
Advertisement Consent  
02.05.2008

**08/00272/LBC**

- Erection of signage
- Listed Building Consent
- 02.05.2008

**11/00402/COU**

- Retrospective change of use from a1(delicatessen) to a3 (cafe) including outbuilding
- Permission
- 29.06.2011

**11/00565/FUL**

- Erection of timber shed
- Permission
- 14.09.2011

**11/00579/LBC**

- Erection of timber shed  
Listed Building Consent  
14.09.2011

**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. A notice was displayed in the local press.
- 5.4. One letter in support of the application was received.
- 5.5. Objections have been received from three separate addresses raising the following concerns:
  - 1) Overbearing
  - 2) Structural damage
  - 3) Loss of historic fabric
  - 4) Affects a party wall
  - 5) Fire hazard
  - 6) Larger than expected
  - 7) Overlooking
  - 8) Odour
  - 9) Unnecessary replacement chimney

**6. Consultation**

- 6.1. No comments received from the following consultees:
  - The Society for the Protection of Ancient Buildings
  - The Victorian Society
  - Leicestershire Archaeology
  - Historic Buildings Panel

6.2. No objections were received from the following consultees

- HBBC Conservation Officer
- Historic England

6.3. Objections have been received from the following consultees:

Market Bosworth Parish Council have raised concerns over the following:

- 1) Retrospective application
- 2) Loss of historic fabric and the chimney stack
- 3) Cracks in the party wall at no.10 Market Place
- 4) Blocking light
- 5) Flat roof is out of keeping
- 6) Increased fire risk to no.10

The Market Bosworth Society have raised concerns for the following:

- 1) Poor quality and inadequate submission, more detail of dimensions and loadings is expected to be in accordance with the NPPF
- 2) Plans should be drawn by a listed building specialist
- 3) No record of previous work
- 4) Effect on neighbouring property not documented
- 5) Loss of historic fabric
- 6) Loss of light to neighbouring property
- 7) Full inspection required in accordance with the Party Wall Act
- 8) Noise and odour pollution from the kitchen

## **7. Policy**

7.1. Market Bosworth Neighbourhood Plan 2014-2026

- Policy CE1: Character and Environment

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Market Bosworth Conservation Area Appraisal (2014)

## **8. Appraisal**

8.1. Key Issues

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity

Design and impact upon the character of the area

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

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

- 8.3 Section 16 of the National Planning Policy Framework (NPPF) 2021 provides the national policy on conserving and enhancing the historic environment. Paragraphs 199-203 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.4 Policy DM10 of the adopted Site Allocations & Development Management Policies (SADMP) 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.
- 8.5 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.6 Policy CE1 of the Market Bosworth Neighbourhood Plan requires new developments in Market Bosworth to be in keeping with its Character Area with regards to scale, layout, and materials to retain local distinctiveness and create a sense of place. The application site is located within Character Area E of Market Bosworth, which has the focus of the Conservation Area.
- 8.7 A Design, Access and Heritage statement with has been submitted as part of the proposal which adequately describes the significance of the listed building, provides a commentary and justification for the works and a photographic record of the works undertaken. The level of detail within this statement is considered sufficient and proportionate and therefore the requirements of paragraph 194 of the NPPF and the relevant sections of DM11 of the SADMP have been met.
- 8.8 The proposal seeks retrospective consent for replacement Velux and dormer windows on the main roof, and roof alterations to the rear extension including the addition of a Velux window.
- 8.9 The dormer window to the rear is a poor construction from the 1970s. It has been rebuilt to similar proportions, in its same position and flat roof form and in between retained historic timbers. It has leaded cheeks and roof and a hardwood framed casement window. The Velux window on the rear elevation has been replaced with a leaded heritage style model fitted with less projection from the roof plane and in the same position with defective timber members surrounding it being replaced.
- 8.10 Although a clay tile roof is a traditional material for the area and in keeping with the materials used for the roof on the remainder of the building its use was not suitable for the shallow roof pitch and without adequate drainage had allowed water ingress. This had adversely affected the roof timbers of the modern extension and some of the largely 19<sup>th</sup> century rafter feet which extended over the 19<sup>th</sup> century rear extension, and from which the rafters of the 1970s roof structure of the extension were tied into. A new shallow pitch fibreglass roof has been installed over the extent of the 19<sup>th</sup> century and 1970s extensions. This work has meant the removal of the bottom section of the historic rafter feet along this section of the rear elevation to



allow for a new structural timber stud wall to support the new roof. It has however allowed for a panel of historic wattle and daub revealed through the works to be retained behind a ventilated void in the structure. To provide the required ventilation, fall and upstand for drainage for the new roof a parapet wall has been installed around the perimeter of the extension (its rear and side party wall); this has been constructed of brick to match the existing wall and has led to a minor increase in its height compared to the original eaves levels. A Velux window has been installed into the roof structure to provide light into the kitchen. An extraction flue for a new gas boiler in the kitchen is to emerge from the rendered panel on the rear elevation. The rear kitchen window to the 1970s extension is rotten and of no interest; it is to be replaced with a hardwood framed window to the same proportions and appropriate style.

- 8.11 The chimney stack between the two storey rear extensions has been taken down and rebuilt during the course of works to better tie it into the adjoining structures. It remains in the same position and has been rebuilt with some of the same bricks but to slightly reduced proportions, projecting less from the elevations and with the height of the stack being reduced. A terracotta chimney pot has been reinstated on top of the stack.
- 8.12 Upon the original main building the repairs and works undertaken to the roof structure, roof covering, ground floor windows to the front and side elevations, and the first floor dormer window on the front elevation have been sensitively and sympathetically completed and are appropriately detailed as to maintain the historic and architectural interest of the affected features. Consequently, it is not considered that these works have made any significant material affect upon the external appearance of the building.
- 8.13 The Velux and dormer window to the rear elevation are of no special interest but have been replaced appropriately in terms of their form, scale and construction materials. This has ensured they have a satisfactory appearance which complements the renovations to the surrounding roof structure, and in the case of the Velux window results in a very minor enhancement to the appearance of the building by reducing its projection from the roof plane.
- 8.14 Consequently, the impact upon historic fabric and the significance of the listed building resulting from altering the roof to the rear extension is considered to be negligible.
- 8.15 The traditional blue clay tile covering for the rear extension had failed due to it being unsuitable for the shallow roof so the replacement fibreglass covering is an appropriate practical replacement for the roof pitch and provides the rear extension with a satisfactory form. The remainder of the works to alter the roof to the extension affect the elements of the structure dating from the 1970s so have no impact upon the special interest of the listed building.
- 8.16 The addition of a Velux window, boiler flue and replacement window to the rear extension has had no impact upon the special interest of the listed building. The parapet wall around and above the new roof structure to the rear extension reflects the appearance of the wall below and the minor increase in scale of the extension resulting from the works is not considered to have led to an adverse impact upon the character of the area. The visual impact upon the character of the area from the addition of a Velux window within the roof and the rebuilding of the rear chimney stack is considered to be negligible and not adverse.
- 8.17 Visibility of the works from the wider area is limited due to the siting of the rear extension and the works are not visible from the Market Place where the significance of 8 Market Place and the Conservation Area can be most greatly

appreciated. The works are considered to be in accordance with Policy CE1 of the Market Bosworth Neighbourhood Plan

- 8.18 For the above reasons it is considered that the proposal is compatible with the significance of the grade II listed building known as 8 and 10 Market Place and it preserves the significance of the Market Bosworth Conservation Area. Therefore the proposal complies with Policies DM10, DM11, and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- Impact upon neighbouring residential amenity
- 8.19 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.
- 8.20 In this case where the development is minor in scale, no significant adverse impact to the residential amenity of the neighbouring occupants has occurred. The eaves height of the rear extension has increased from 2.2m above ground level to roughly 2.8m. An extension with flat roof with a height and depth of up to 3.0m can normally be built without planning permission on any other residential dwelling, as set out in Schedule 2 Part 1 Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The existing extension has a depth of roughly 1.6m, which remains unchanged and has been considered to be acceptable in terms its impact upon residential amenity since its construction over 50 years ago. This follows into the lack of a breach of the 45 degree rule, which is used as a tool to ensure a good outlook and levels of light to habitable rooms. There has been no increase in the depth or overall footprint of the rear extension, as such there is not considered to be any significant adverse to the level of amenity in regard to impact on light and sense of overbearing. The nearest neighbouring window serves the kitchen of no.10 Market Place, and good levels of light from the property's south facing aspect are retained.
- 8.21 The replacement windows, and additional roof light within the rear extension, are not considered to provide any additional overlooking impact to the neighbouring occupants to the rear at nos. 3 to 5 Warwick Close. This is due to the replacement windows being roughly the same size and in the same position as the windows which are to be replaced. The additional roof light within the rear extension has a cill height of over 1.8m above floor level, and due to its siting within the roof cannot be looked out of directly towards the neighbouring properties.
- 8.22 Concern has been raised for the impact on amenity in regard to odour and noise, primarily due to the additional roof light on the new flat roof extension, which would naturally cause more air and noise to escape from the kitchen area. It is not considered that this would be to a significant degree, and there is no objection from HBBC Environmental Services (Pollution). As the site has been used as a café for the past ten years, and this use would remain, there cannot be considered to be any significant increase in odour or noise from this lawful use. Should it be deemed necessary, a suitably worded condition can be applied to the decision in order to ensure that this window would be non-opening in order to contain any noise and odours.
- 8.23 Overall, it is considered that the proposal would not have a 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.

#### Other matters

- 8.24 Concern has been raised for cracks appearing within the party wall, a HBBC Building Control Surveyor has been advising the applicant regarding their compliance with the relevant regulations. It is alleged that cracks have appeared within the plaster in the first floor as the works have progressed. The cracks appear cosmetic in nature and both the council's Building Control officer and Conservation Officer have informed the occupant of no.10 Market Place that any concerns are to be resolved via the Party Wall Act and/or building insurance company.
- 8.25 Concern has been raised over the fire safety of the extension. The local planning authority cannot insist that the fire break be installed in the roof void as fire safety is not a planning matter. The development has allowed the enhancement of fire safety measures, and includes fire resistant rockwool material, which is then sealed with intumescent fire rated mastic. The required fire barrier is to be installed by the 2<sup>nd</sup> October as agreed with the Watch Manager (Fire Protection Inspecting Officer) of the Leicestershire Fire and Rescue Service.
- 8.26 Concerns were raised by the Market Bosworth Society in regard to the record of previous works. All previous works are accounted for in the application history.
- 8.27 The Market Bosworth Society raised concerns that the effect on the neighbouring property has not been documented. The submitted documents are considered to be adequate to determine the planning application in accordance with the NPPF.
- 8.28 Concern has been raised in regard to the part wall act. This Act is a non-planning piece of legislation, as such the planning application cannot condition that non-planning matters are carried out.

#### **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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this 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 development is within the settlement boundary of Market Bosworth and is considered to benefit from the presumption in favour of sustainable development as set out in Policy DM1 of the SADMP, and Paragraph 11 of the NPPF.
- 10.2. On the basis of the above assessment, it is considered that the proposed works are compatible with the significance of the grade II listed building and would preserve the significance of the Market Bosworth Conservation Area. Therefore the proposal complies with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duty of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.3. By virtue of the proposed scale, siting, and materials used, it is considered that the proposed alterations are in accordance with Policy DM10 of the SADMP. As such, the recommendation is to approve with 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 not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Application Form – received 13/01/2021

Heritage Statement – received 23/12/2020

Site Location Plan – received 23/12/2020

Proposed Rear Elevation – Drg. No. 05a - received 23/12/2020

Proposed Roof Plan - Drg No. 04a - received 23/12/2020

Proposed Western Elevation Drg No. 03a - received 23/12/2020

Proposed Eastern Elevation, Drg No. 05a - received 23/12/2020

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11 & DM12 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

## **APPENDIX B**

**ITEM 07**

**20/01357/FUL**

**Mr Simon Lambeth**

**Site:- Thistle Cottage, 8 Market Place, Market Bosworth**

**Proposal:- Replacement velux and dormer windows on main roof, and roof alterations to rear extension including velux window (retrospective)**

**Consultations:-**

Three additional comments have been received in support of this application setting out the following:

- 1) The renovations at Thistle Cottage seem to admirably maintain the building's unique character
- 2) The works respect the historic nature and appearance of the Listed Building and the Market Bosworth Conservation Area
- 3) The works ensure the good condition of the building for the future
- 4) The repairs necessary to avoid permanent damage to the fabric of the building
- 5) The works that have been undertaken are to a high standard and in keeping with the Listed Building and the Market Bosworth Conservation Area and will help to ensure that the building is preserved for future generations

**Appraisal:-**

The merits of the scheme have been appraised in the delegated report. The works are considered to be compatible with the significance of the listed building.

**Recommendation:-**

The recommendation remains unchanged.

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Planning Committee 19 October 2021  
Report of the Planning Manager

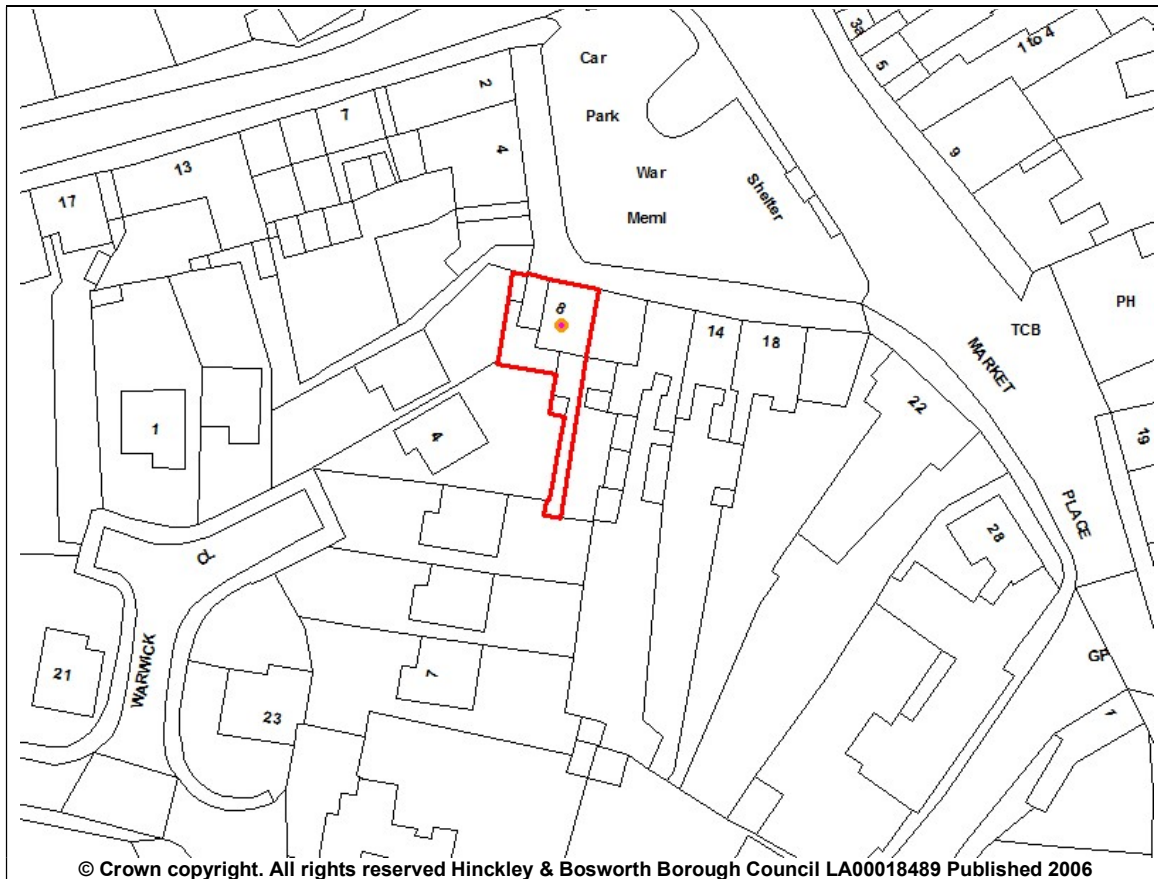
Planning Ref: 20/01378/LBC  
Applicant: Mr Simon Lambeth  
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth  
Borough Council

Site: Thistle Cottage 8 Market Place Market Bosworth

**Proposal: Replacement velux and dormer windows on main roof, and roof alterations to rear extension including velux window, and chimney alteration, and internal alterations (retrospective)**



1. This application was taken to the previous Planning Committee on 21<sup>st</sup> September 2021. The previous reports and accompanying late items are attached to this report as Appendices A and B.
2. At the committee meeting on 21<sup>st</sup> September 2021, the item was deferred to allow time for a discussion with the applicant and relevant ward councillor.
3. A meeting between Councillor Cook, Mr Simon Lambeth (Applicant), Ms Louise Forman (Applicant's Partner), Paul Grundy (Conservation Officer), and Harry White (Planning Officer) was undertaken on Thursday 7<sup>th</sup> October 2021 at 10:30.
4. The topic of making amendments to the built scheme was discussed. This included adding a shallow pitch tiled roof, lowering the parapet height, and amending the chimney design.

5. However, no feasible alternatives to the existing roof arrangement of the single storey rear extension could be found due to technical reasons.
6. In addition, it was discussed that the chimney design could be amended by adding a small number of additional brick courses to the top, a projecting brick detail, and a taller clay chimney pot. If such details are received this will be presented to members by way of late material.
7. The recommendation remains unchanged from that which is set out within the report dated 13<sup>th</sup> September 2021.



## APPENDIX A

Planning Committee 21 September 2021  
Report of the Planning Manager

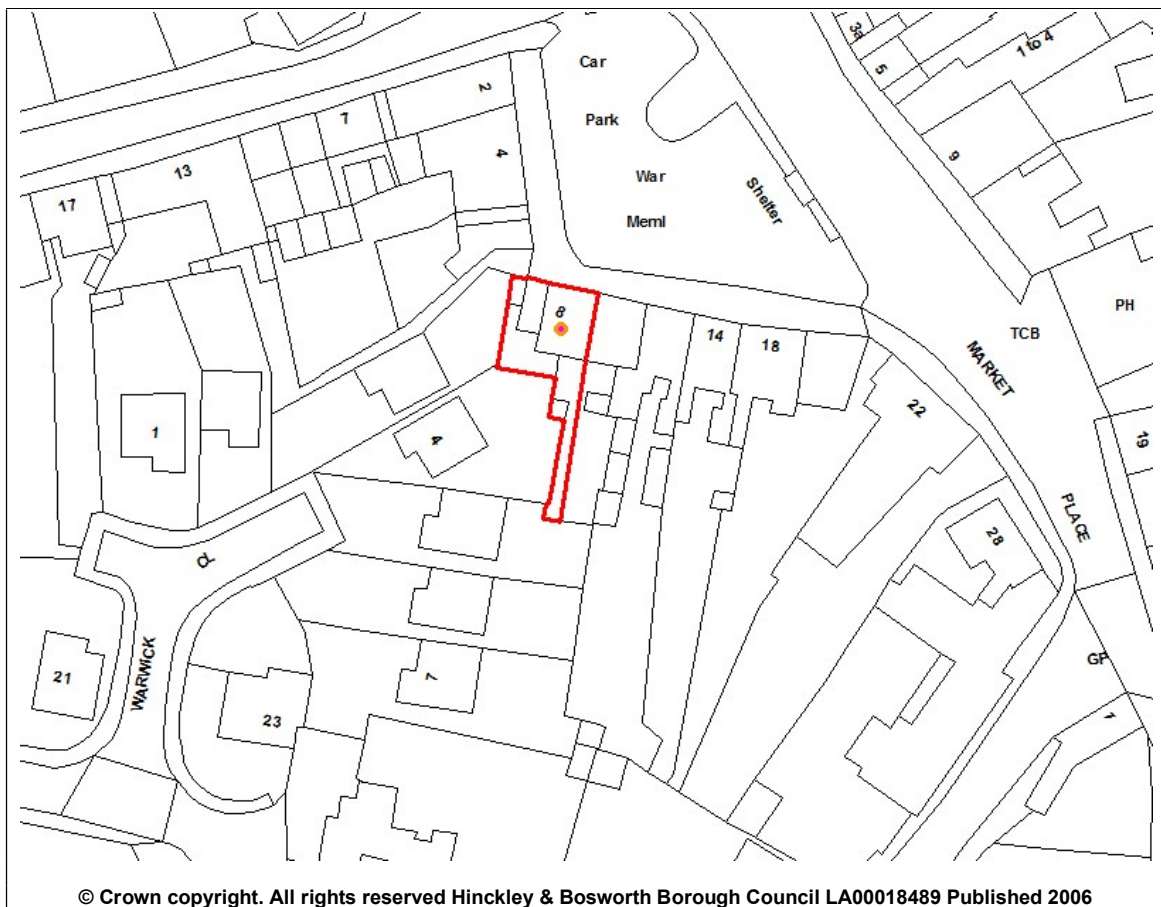
Planning Ref: 20/01378/LBC  
Applicant: Mr Simon Lambeth  
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth  
Borough Council

Site: Thistle Cottage 8 Market Place Market Bosworth

**Proposal: Replacement velux and dormer windows on main roof, and roof alterations to rear extension including velux window, and chimney alteration, and internal alterations (retrospective)**



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### 1. Recommendations

#### 1.1. Grant Listed Building Consent subject to:

- Planning conditions outlined at the end of this report

### 2. Planning application description

- 2.1. Retrospective Listed Building Consent is sought for various minor works to no.8 Market Place in Market Bosworth, known as Thistle Cottage.

- 2.2. The works include replacement velux and dormer windows on the main roof, replacing the chimney. As well as alterations to the rear extension which includes adding a Velux window. Internal alterations to the rear extension of the building have also been carried out.
- 2.3. The materials used include matching heritage style brickwork, matching windows, and fibre glass for the roof.
- 2.4. It should be noted that the HBBC Conservation Officer has been involved with this project in terms of providing advice to the owner of 8 Market Place before and during the course of the works. The first visit to the site was on 28<sup>th</sup> July 2020, and a second visit on 15<sup>th</sup> September 2020.
- 2.5. This application should be read in conjunction with application 20/01357/FUL.

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

- 3.1. This proposal is located at 8 Market Place, Market Bosworth. It is a grade II listed building sited within a cluster of other historic properties within the core of the village which is also designated as a Conservation Area. It is one of a pair of cottages, being attached to no.10 Market Place, and is currently in use as a café. The listed building entry identifies the building as "Pair of cottages. C19 Cottage Orné style. Brick with plain tiled roof. Two storeyed, symmetrically arranged, each house comprising a single gable with doorway to left and casement window with heavy latticed panes and drop ended hoodmoulds beyond on each floor. Additional bay to right with wide garage doors to ground floor and a gabled dormer above. Overhanging eaves with ornate barge boards carved into painted roses trefoils etc. Gable end stacks."
- 3.2. Despite the dating provided in the listed building entry the pair of buildings have remnants of an earlier, likely 16<sup>th</sup> to 17<sup>th</sup> century core, with some internal timber members of a Cruck frame construction still present. The building was essentially 're-fronted' and the roof raised in the 19<sup>th</sup> century which provides the main range of the original building with its current appearance. Further development and alterations have also taken place during and since this period. In the 19<sup>th</sup> century a single storey mono-pitched roof extension was constructed off the rear of the original main building.
- 3.3. By the early-20<sup>th</sup> century the original main building had been extended to the side with a two storey projection in the same Cottage Orné style with matching materials and a dormer window to the front elevation. This extension continues along the same building line with the main range and has a perpendicular two storey wing extending to the rear. The rear projection is a red brick and clay tile roof construction with a chimney stack present likely dating from this period of construction.
- 3.4. During the 1970s a very shallow mono-pitched roof extension for a kitchen was added to the 19<sup>th</sup> century rear extension, this extends slightly beyond the shared rear boundary wall between no.8 and no.10 Market Place. This is predominantly a red brick and clay tile roof construction with a section of render to the rear elevation and a section of small parapet wall above. At some point during the latter half of the 20<sup>th</sup> century a roof light and small flat roof dormer window have been added to the rear elevation. To the front elevation the deep timber café window was then added during the latter half of the 20<sup>th</sup> century but it reflects the overall architectural style of the building.
- 3.5. During the early 2000s a further two storey extension of red brick and clay tile was constructed off the two storey extension to provide an internal staircase.

- 3.6. Market Place consists of numerous phases of construction with remaining fabric and features resulting from the 16-17<sup>th</sup> century through to early 20<sup>th</sup> century phases contributing positively (to varying degrees) to the special historic and architectural interest and thus significance of the listed building. Some of the more recent additions and alterations to the building, including the 1970s rear kitchen extension and the Velux and dormer windows to the rear elevation are considered to be of no special historic or architectural interest.
- 3.7. The Market Bosworth Conservation Area Appraisal (MBCAA) (2014) recognises that 8 & 10 Market Place are important properties which add considerable character to the Market Place. Due to the special historic and architectural interest of the building, as identified above, it makes a positive contribution to the character and appearance and thus significance of the Market Bosworth Conservation Area.

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

##### **01/01151/LBC**

- Extension and alteration to premises  
Listed Building Consent  
04.01.2002

##### **01/01160/FUL**

- Extension and alteration to premises  
Permission  
07.01.2002

##### **02/00442/COU**

- Change of use of part of shop to eating area  
Permission  
17.06.2002

##### **98/00681/LBC**

- Alterations and extension to provide ground floor shop and first floor flat  
Listed Building Consent  
11.11.1998

##### **98/00682/COU**

- Alterations and extension to provide ground floor shop and first floor flat  
Permission  
11.11.1998

##### **99/00008/ADV**

- Erection of illuminated fascia sign and projecting sign  
Advertisement Consent  
31.03.1999

##### **99/00013/LBC**

- Erection of illuminated fascia sign and projecting sign  
Listed Building Consent  
31.03.1999

##### **06/00893/FUL**

- Demolition of existing stairwell and erection of new stairwell with alterations to dwelling  
Permission  
01.11.2006

**06/01002/LBC**

- Demolition of existing stairwell and erection of new stairwell with alterations to dwelling
- Listed Building Consent  
01.11.2006

**08/00271/ADV**

- Erection of signage  
Advertisement Consent  
02.05.2008

**08/00272/LBC**

- Erection of signage  
Listed Building Consent  
02.05.2008

**11/00402/COU**

- Retrospective change of use from a1(delicatessen) to a3 (cafe) including outbuilding  
Permission  
29.06.2011

**11/00565/FUL**

- Erection of timber shed  
Permission  
14.09.2011

**11/00579/LBC**

- Erection of timber shed  
Listed Building Consent  
14.09.2011

**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. A notice was displayed in the local press.
- 5.4. One letter of support has been received.
- 5.5. Objections have been received from two separate addresses with the following concerns:

- 1) Retrospective works
- 2) Not in keeping with the character
- 3) Loss and damage to historic fabric

**6. Consultation**

- 6.1. No comments have been received from the following consultees:
  - Historic England
  - Leicestershire Archaeology
  - The Society for the Protection of Ancient Buildings
  - The Victorian Society
  - The Georgian Group
- 6.2. No objections have been received from the following consultees:

- HBBC Conservation Officer
- 6.3. Objections have been received from the following consultees:
- Market Bosworth Parish Council
  - Bosworth Vision
  - Market Bosworth Neighbourhood Forum
- 6.4. Concerns raised include the following:
- 1) Alterations to a listed buildings is an offence
  - 2) Lack of a specialist builder
  - 3) Damage to adjacent property
  - 4) Uncertainty of the quality of the alterations
  - 5) Requirement of detailed plans and structural surveys
  - 6) Loss of ancient timber frame as well as chimney stack
  - 7) Blocked light to no.10, overshadowing
  - 8) Fibreglass roof is out of keeping
  - 9) Increased fire hazard
  - 10) Poor quality plans and inaccurate Design and Access Statement
  - 11) Inadequate heritage statement
  - 12) Age of the kitchen extension allegedly dating to 1900
  - 13) Rear structure is viewed as an unimportant part of the listing
  - 14) Effects of water vapour from the kitchen upon the building
  - 15) Need for a specialist roofing specialist
  - 16) Ventilation

## **7. Policy**

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026
- Policy CE1: Character and Environment
- 7.2. Site Allocations and Development Management Policies DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
  - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
  - National Design Guide (2019)
  - The Market Bosworth Conservation Area Appraisal (MBCAA) (2014)

## **8. Appraisal**

### **8.1. Key Issues**

Impact upon the special architectural and historic fabric/interest of the Listed Building and its setting

- 8.2 Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses.

- 8.3 Section 16 of the National Planning Policy Framework 2021 provides the national policy on conserving and enhancing the historic environment. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (paragraph 193).
- 8.4 Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building.
- 8.5 Policy CE1 of the Market Bosworth Neighbourhood Plan requires new developments in Market Bosworth to be in keeping with its Character Area with regards to scale, layout, and materials to retain local distinctiveness and create a sense of place. The application site is located within Character Area E of Market Bosworth, which has the focus of the Conservation Area.
- 8.6 A Design, Access and Heritage statement with has been submitted as part of the proposal which adequately describes the significance of the listed building, provides a commentary and justification for the works and a photographic record of the works undertaken. The level of detail within this statement is considered sufficient and proportionate and therefore the requirements of paragraph 194 of the NPPF and the relevant sections of DM11 of the SADMP have been met.
- 8.7 The roof structure to the main building comprises of some remaining elements of the oak Cruck frame, some re-cycled timber when it was reconstructed during the 19<sup>th</sup> century, some early-20<sup>th</sup> century timber members, and some more recent sections of timber and plywood. There had been some isolated areas of timber decay and rot, particular around the rear Velux and dormer windows and along the ridge of the roof with a partial collapse to the right hand side of the chimney stack.
- 8.8 The works have consisted of replacing the small number of rotten and failed timber sections with new timbers, installing some new rafters alongside the existing timbers and inserting a new ridge beam to the right hand side of the chimney. The roof has been felted and insulated and the original blue clay tiles re-laid and supplemented by a very small number of reclaimed tiles to match where required. The void in the roof between no's 8 and 10 Market Place is proposed to be filled with insulation and fire protection.
- 8.9 The rear kitchen window to the 1970s extension was rotten and of no interest; it has been replaced with a hardwood framed window to the same proportions and appropriate style. The two small windows on the western ground floor elevation have also been replaced with hardwood framed windows to the same style and proportions. The rotten timber trims to the face and defective leading to cheeks of the dormer window on the front elevation have been replaced on a like for like basis.
- 8.10 The dormer window to the rear was a poor construction from the 1970s. It has been rebuilt to similar proportions, in its same position and flat roof form and in between retained historic timbers. It has leaded cheeks and roof and a hardwood framed casement window. The Velux window on the rear elevation has been replaced with a leaded heritage style model fitted with less projection from the roof plane and in the same position with defective timber members surrounding it being replaced.
- 8.11 Although a clay tile roof is a traditional material for the area and in keeping with the materials used for the roof on the remainder of the building its use was not suitable for the shallow roof pitch and without adequate drainage had allowed water ingress. This had adversely affected the roof timbers of the modern extension and some of the largely 19<sup>th</sup> century rafter feet which extended over the 19<sup>th</sup> century rear

extension, and from which the rafters of the 1970s roof structure of the extension were tied into. A new shallow pitch fibreglass roof has been installed over the extent of the 19<sup>th</sup> century and 1970s extensions. This work has meant the removal of the bottom section of the historic rafter feet along this section of the rear elevation to allow for a new structural timber stud wall to support the new roof. It has however allowed for the panel of historic wattle and daub revealed through the works to be retained behind a ventilated void in the structure. To provide the required ventilation, fall and upstand for drainage for the new roof a parapet wall has been installed around the perimeter of the extension (its rear and side party wall); this has been constructed of brick to match the existing wall and has led to a minor increase in its height compared to the original eaves levels. A Velux window has been installed into the roof structure to provide light into the kitchen. An extraction flue for a new gas boiler in the kitchen is to emerge from the rendered panel on the rear elevation.

- 8.12 The chimney stack between the two storey rear extensions has been taken down and rebuilt during the course of works to better tie it into the adjoining structures. It remains in the same position and has been rebuilt with some of the same bricks but to slightly reduced proportions, projecting less from the elevations and with the height of the stack being reduced. A terracotta chimney pot has been reinstated on top of the stack.
- 8.13 During the works a cast iron fire/oven was uncovered behind a timber panel and above a tiled hearth in the kitchen. The fire is a Triplex model dating from the 1950s so it is of very limited interest. It was not connected to the chimney above, with the connecting chimney breast demolished during the early 2000s when the adjacent extension was constructed. Only the face panel to the fire can be salvaged and if possible it is to be incorporated within the fireplace of the main building. The works to the fireplace, including its majority removal and re-siting of retained fabric, are not considered to have any affect upon the special interest of the listed building and therefore listed building consent is not required for these works, so these comments are for completeness only to ensure all works specified within the Design, Access and Heritage Statement have been assessed.
- 8.14 The repairs, renovations and replacements to the roof structure of the original main building, the front elevation dormer window, frames to the front elevation and side elevation ground floor windows, and rear chimney stack have been limited to where required only to address structural defects or when the condition of the fabric is too poor to warrant retention. These works are therefore justified and all repairs and replacements are considered to have been sensitively and sympathetically completed and are appropriately detailed as to maintain the historic and architectural interest of the affected features. The Velux and dormer window to the rear elevation are of no special interest but their appropriate replacement on essentially a like-for-like basis complements the renovations to the surrounding roof structure, and in the case of the Velux window results in a very minor enhancement to the appearance of the building by reducing its projection from the roof plane.
- 8.15 By replacing the roof construction to the 1970s rear extension this has also affected the remnant roof structure over the 19<sup>th</sup> century projection from the original building. A considerable number of the lower sections of the 19<sup>th</sup> century rafters had broken due to the load imposed upon them by the roof of the 1970s extension and some had sections of rot due to water ingress from the defective roof, in these instances their removal is considered justified. However there have been instances of what appeared to be sound rafters being pre-emptively removed to facilitate the construction. Given the minor interest of these timber sections and the relatively limited number of pre-emptive removals the impact from this aspect of the work is considered to be minor.

- 8.16 A positive aspect from these roof works has been the uncovering and protection of the section of likely 17<sup>th</sup> century wattle and daub, so this has led to a revealing of the significance of the original building. On balance the impact upon historic fabric and the significance of the listed building resulting from altering the roof to the rear extension is considered to be negligible. The remainder of the works to alter the roof to the extension affect the elements of the structure dating from the 1970s so have no impact upon the special interest of the listed building. The addition of a Velux window, boiler flue and replacement window to the rear extension has had or will have no impact upon the special interest of the listed building.
- 8.17 For the above reasons it is considered that the proposal is compatible with the significance of the Grade II Listed building known as 8 and 10 Market Place and the proposal therefore complies with Policies DM11 and DM12 of the SADMP, Policy CE1 of the Market Bosworth Neighbourhood Development Plan, section 16 of the NPPF and the statutory duty of Section 16 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

## **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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this 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 works carried out are considered to be complementary to the original dwelling and the wider Market Bosworth Conservation Area by virtue of its minor scale, subservient and traditional appearance. The works are considered to preserve the special interests of the listed building, and it therefore compatible with its significance. Therefore is in accordance with Policies DM11 and DM12 the SADMP, section 16 of the NPPF and the statutory duty of section 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Consequently, this application is recommended for approval subject to the following planning conditions.

## **11. Recommendation**

- 11.1 **Grant Listed Building Consent** 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 details provided within the Proposed Roof Plan Drg. No. 04a, Proposed Rear Elevation Drg. No. 05a, Heritage Statement, all received on 23.12.2020.  
  
**Reason:** To preserve the special interest of the building in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies DM11 and DM12 of the 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

## **APPENDIX B**

**ITEM 08**

**20/01378/LBC**

**Mr Simon Lambeth**

**Site:- Thistle Cottage, 8 Market Place, Market Bosworth**

**Proposal:- Replacement velux and dormer windows on main roof, and roof alterations to rear extension including velux window, and chimney alteration, and internal alterations (retrospective)**

**Consultations:-**

Three additional comments have been received in support of this application setting out the following:

- 1) The renovations at Thistle Cottage seem to admirably maintain the building's unique character
- 2) The works respect the historic nature and appearance of the Listed Building and the Market Bosworth Conservation Area
- 3) The works ensure the good condition of the building for the future
- 4) The repairs necessary to avoid permanent damage to the fabric of the building
- 5) The works that have been undertaken are to a high standard and in keeping with the Listed Building and the Market Bosworth Conservation Area and will help to ensure that the building is preserved for future generations

**Appraisal:-**

The merits of the scheme have been appraised in the delegated report. The works are considered to be compatible with the significance of the listed building.

**Recommendation:-**

The recommendation remains unchanged.

Planning Committee 19 October 2021  
Report of the Planning Manager

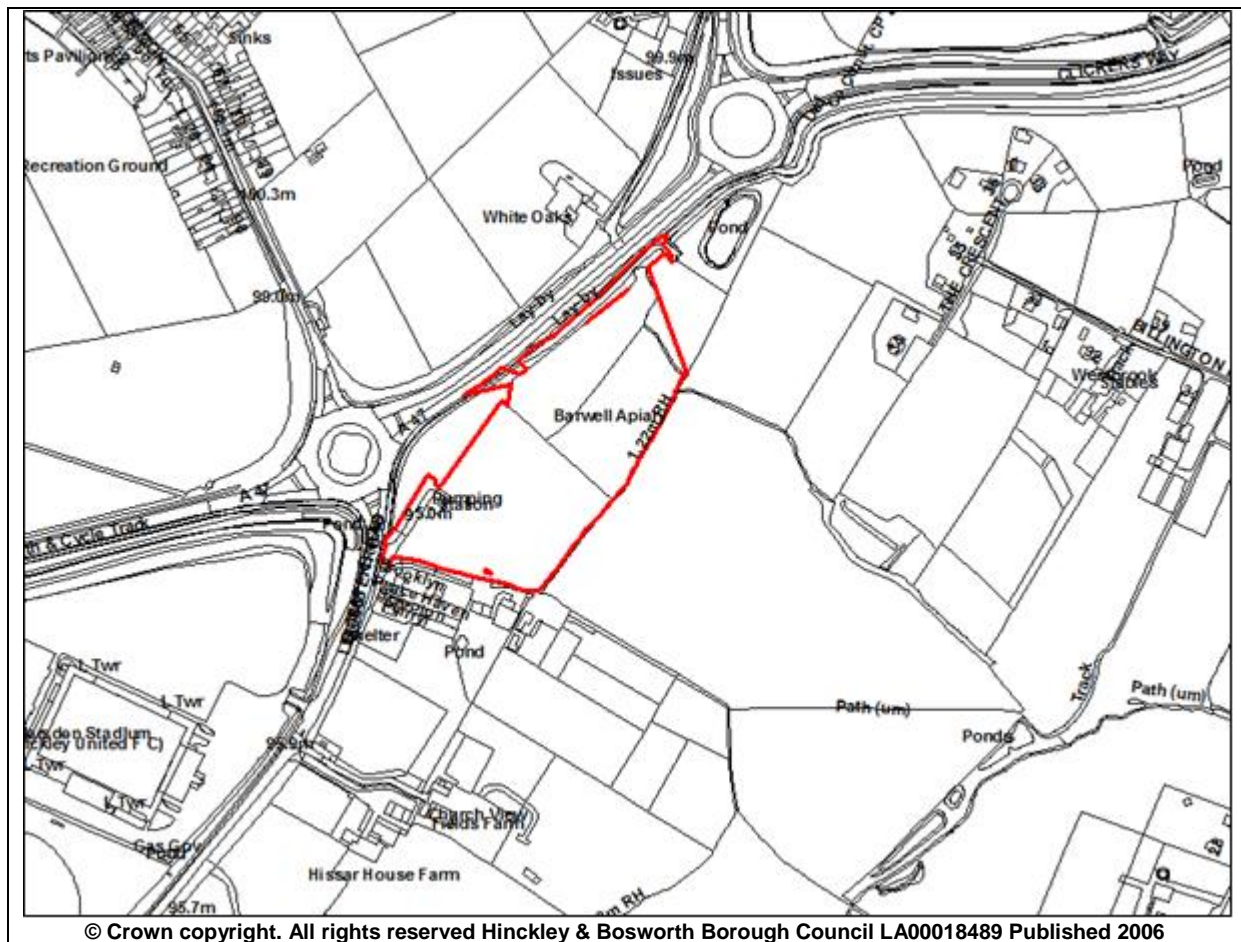
Planning Ref: 21/00169/CONDIT  
Applicant: Mr Daniel Shooter  
Ward: Barwell



Hinckley & Bosworth  
Borough Council

Site: Land East Of Leicester Road Barwell

**Proposal: Variation of conditions 2 (plans) of planning permissions 18/00751/DEEM to amend internal road layout, attenuation pond design, increased service yard and plant room, increased administration building and elevation changes to the ceremonial hall**



## 1. Recommendations

### 1.1. Grant planning permission subject to

- Planning conditions outlined at the end of this report.

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

## 2. Planning application description

### 2.1. This application is made by the Borough Council to vary application 18/00751/DEEM which was made under Regulation 3 of the Town and Country Planning General Regulations 1992 for deemed consent for the development of a

crematorium building and storage yard and the formation of associated memorial gardens, roadways, car parking, footpaths and landscaping on Council owned land east of Leicester Road, Barwell.

- 2.2. The variation of conditions is to amend internal road/pathway layout, attenuation pond design, increased service yard and plant room, increased administration building and elevation changes to the ceremonial hall.

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

- 3.1. The application site measures approximately 3.5 hectares and lies in the countryside to the south east of Barwell and north east of Hinckley and to the south east side of Leicester Road. The site forms part of the designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge. The site comprises an area of rough scrub and horse grazing paddocks with boundary hedgerows and occasional trees. To the south west corner there is a sewage pumping station which is a remnant of the former use of (part of) the site for a sewerage treatment plant. The site is located towards the bottom of sloping topography to the south of the ridgeline settlements of Barwell and Earl Shilton.
- 3.2. The ground level of the site is approximately 2 metres lower than the Leicester Road/Earl Shilton By-Pass (A47) that forms the north west boundary of the site beyond which there are pasture fields and an isolated residential property. To the south of the site there is a public footpath and four semi-detached dwellings, associated outbuildings/stables associated with equine recreation uses and a mobile home. A football stadium lies further to the south west. To the east and north east there are agricultural/pasture fields and low density residential small holdings beyond located within the neighbouring Blaby District Council area
- 3.3. Site clearance and ground works have commenced, including the creation of the access and internal roads and parking area and digging out of the water retention ponds on site, in connection with approval 18/00751/DEEM. All of the pre-commencement conditions have been discharged.

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

#### **94/00104/FUL**

- Crematorium and associated car parking and access  
Permission  
11.04.1994

#### **18/00751/DEEM**

- Erection of crematorium building and formation of associated memorial gardens, roadways, car parking, footpaths and landscaping.  
Deemed consent  
18.04.2019

#### **90/00641/4D**

- New crematorium (Outline)  
Permission  
31.07.1990

#### **90/00926/4D**

- Crematorium and associated works  
Permission  
25.09.1990

## **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. No comments were received as a result of publicity.

## **6. Consultation**

- 6.1. No objection some subject to conditions from the following:
- LCC Ecology
  - LCC Highways
  - LCC Drainage

- 6.2. No response was received from Barwell Parish Council.

## **7. Policy**

- 7.1. Earl Shilton and Barwell Area Action Plan DPD (2014)
- No relevant policies
- 7.2. Core Strategy (2009)
- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
  - Policy 20: Green Infrastructure
- 7.3. Site Allocations and Development Management Policies (SADMP) 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 DM11: Protecting and Enhancing the Historic Environment
  - Policy DM13: Preserving the Borough's Archaeology
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
  - Policy DM25: Community Facilities
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
  - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
- Green Wedge Review (2020)
  - Landscape Character Assessment (2017)
  - Siting and Planning of Crematoria guidelines (1978)

## **8. Appraisal**

- 8.1. Key Issues
- Assessment against strategic planning policies/general principles
  - Design and impact upon the countryside and Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
  - Impact upon highway safety
  - Pollution and residential amenity issues
  - Impact upon archaeology
  - Impact upon ecology

- Drainage/Flood risk
- Public right of way
- Other material considerations

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) 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. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed
- 8.3 The relevant development plan documents in this instance consist of the adopted Core Strategy (2009), the Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014) and the adopted Site Allocations and Development Management Policies Development Plan Document (2016) (SADMP).
- 8.4 The principle of development for the erection of a crematorium is established through the granting of planning permission 18/00751/DEEM which has been implemented. However, in accordance with paragraph 135 of the NPPF “Local planning authorities should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme”. Therefore, careful consideration should be given to the design changes proposed.
- Design and impact upon the character of the countryside and Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- 8.5 The site is located outside of any settlement boundary and is therefore in the countryside as defined in the adopted SADMP where Policy DM4 of the adopted SADMP is applicable. Policy DM4 of the adopted SADMP states that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development. The development has been found to be sustainable by the granting of planning permission. Therefore, it is only for this application to consider whether the amendments to the scheme remain acceptable in this rural location, some conflict with Policy DM4 was previously found due to the impact upon the site’s verdant, undeveloped character.
- 8.6 In addition to the above, the site falls within the designated Hinckley/Barwell/Earl Shilton/Burbage Green Wedge on the Policies Map of the SADMP where Policy 6 of the adopted Core Strategy is relevant. Areas of green wedge primarily seek to guide the development form of urban areas. The green wedge protects the separation of the settlements, helping to protect their individual identities and provides easy access from the urban areas into green spaces and contributes towards the quality of life for residents in their urban areas. The original application made an assessment of the impacts of the development upon the functions of the Green Wedge. It was found that the proposal would retain a predominantly verdant nature and have a positive impact on green infrastructure; it was also considered to have only a limited impact on the function of the wider green wedge, but would nevertheless have some conflict with Green Wedge protection Policies 6 and 20 of the adopted Core Strategy. However, the need for the development and the need to

be located away from residential development was given weight in the determination of the application is this Green Wedge location.

- 8.7 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 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 Design and Access Statement submitted to support the original application suggested that the buildings have been designed to be long and low (with the exception of the required chimney stack) to blend into the landscape and are sited furthest from the public highway (over 100 metres) and on a 2-metre lower ground level than the road level. The proposed variation of condition sees an increase in the footprint of the plant and service yard and administration building, but there is no increase in overall height.
- 8.9 The layout of the site has been shaped by the building zone restriction defined by the Siting and Planning of Crematoria guideline separation distance of 183 metres to avoid any conflicts with existing neighbouring dwellings. The proposed crematorium buildings are therefore restricted to the rearmost (south east) part of the site over 100 metres from the public highway. This is unchanged in this variation application.
- 8.10 The assessment of landscape and visual impacts made at the time of the original application concluded that impacts would be low and not significant, as the proposed scheme was not considered to affect the landscape character in the broader spatial context.
- 8.11 It was previously considered that the buildings would initially be visible from the public highway, in particular from higher ground at the roundabout to the north of the site and the strong rectilinear lines of the building and proposed use of external Portland Stone or similar white wall cladding could result in a bold feature in contrast to the surrounding verdant countryside, particularly in the initial years prior to the proposed comprehensive soft landscaping scheme becoming established to provide additional screening.
- 8.12 However, it was felt that due to the site being relatively well screened by mature landscaping to the south west, south east and north east of the site, the majority of which is proposed to be retained, once the landscaping becomes established, the building and remainder of the site would be well screened from the surrounding landscape, including the public right of way that runs outside the south boundary of the site. In addition, the visual impact of the development in the landscape from any higher ground would be tempered by separation distances, intervening existing landscaping and the presence of nearby much larger scale sport stadium and other sports buildings. The minor changes to the building are not considered to alter this assessment that would have a material impact upon the recommendations made.
- 8.13 The changes to the footpath arrangements are considered to have very limited impact upon the landscape and overall character of the proposed development. There are also changes to the attenuation pond design, which sees the shape of these changed, although the general location remains as previously approved. These changes accord with the details approved by discharge of condition. The layout changes also sees the retention of existing ditches through the site; however, this does not impact upon the approved drainage strategy as these ditches outflow to an existing field ditch to the southern boundary. Whilst it is a change from the approved landscape strategy it would have very minor impact upon the overall visual amenity of the site. However, the final landscape details will require

agreement which can be secured via condition. The retention of the ditches is appropriate in the rural area and with appropriate landscaping as proposed could form an attractive feature within the site. The site remains open and largely verdant other than pathways and contemplation areas, which are considered appropriate uses in this type of landscape.

- 8.14 The crematorium building design and appearance was found to reflect its proposed use/function. The proposed use of a variety of natural materials including stone, timber, metal and glazing was previously considered acceptable. The amended plans proposed minor changes to the materials proposed, including the use of grey windows rather than bronze and a Forticrete imitation stone rather than the previously specified Portland stone. The changes to the size of the service and plant yard, administration building and the minor elevation changes are minor and do not alter the overall character or function of the building already approved.
- 8.15 Overall it is considered the proposed design would ensure that the development will function well and would be visually attractive as a result of good architecture, layout and appropriate and effective landscaping. It is therefore considered that the proposal would be in accordance with Policy DM10 of the adopted SADMP.

Pollution and 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 or amenity of nearby residents and occupiers of adjacent buildings. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from pollution by ensuring that development proposals demonstrate that it will not contribute to poor air quality and appropriate remediation of contaminated land is undertaken in line with minimum national standards.
- 8.17 The initial application was supported by a Stack Height Calculation Report, Air Quality Assessment (Emissions), Acoustic Consultancy Report/Noise Data, Phase 2 Site/Ground Investigation Report and Gas Monitoring Assessment. The Environmental Health (Pollution) team assessed the submitted information and found the development to be acceptable subject to conditions with negligible impact from the operation of the development found. The Ground Investigation Report found no contaminants of concern in excess of relevant criteria.
- 8.18 Therefore the changes to the site layout including retention of ditches and pond design, footpath alignments and the introduction of a mini roundabout and the changes to the building elevations and footprint have limited impact upon the above considerations.
- 8.19 The site will still be subject to the separate Environmental Permitting regime and an Environmental Permit will be required which will control emissions to the air from the processes. The necessary conditions relating to noise/dust/ ground contamination etc. are still relevant and will still be applied to this varied permission.
- 8.20 By virtue of separation distances and existing and proposed landscaping the proposal would not result in any overlooking or overbearing impacts on any neighbouring dwellings. Subject to the recommended conditions the proposal would not result in any significant adverse impacts on the residential amenity or health of the occupiers of any neighbouring properties and would address any potential land contamination issues. The proposal would therefore be in accordance with Policies DM7 and DM10 of the adopted SADMP.

Impact upon highway safety

- 8.21 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. Paragraph 111 of the NPPF states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the cumulative impacts on the road network would be severe.

- 8.22 The proposed access has already received consent subject to condition, however, the variation of condition application includes changes to the internal road layout arrangement of the carpark by introducing a mini-roundabout south of the access at the entrance to the parking area. There was some initial concern from the LHA that this could lead to 'backing up' at the access and on to the A47. Therefore this internal arrangement was amended by moving the feature further in to the site, to avoid this from taking place, removing the LHA concern.
- 8.23 All other impacts with regards to access, parking and trip generation remain unchanged from the permission already granted.
- 8.24 The plans referred to by condition are those approved previously as the access arrangements in to the site are not altered. Only the layout within the site has changed and so these access plans are still relevant.
- 8.25 Overall, the proposal does not have a significant adverse impact upon highway safety with adequate mitigation, the submitted Travel Plan satisfies the need to encourage sustainable transport and parking is provided in accordance with guidance, therefore the proposal is in accordance with the requirements of Policy DM17 and DM18 of the SADMP.

#### Drainage and Flood Risk

- 8.26 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 and that development will not adversely impact the water quality, ecological value or drainage function of water bodies in the Borough.
- 8.27 The layout of the attenuation basins is proposed to be amended, along with the retention of existing drainage ditches on site. The retention of the ditches does not impact upon the approved drainage strategy as the outfall is to a field boundary ditch rather than the attenuation features. The change in design to the drainage ponds accords with the approved drainage strategy via conditions of application 1818/00751/DEEM.
- 8.28 The submitted details have been assessed by Leicestershire County Council (Drainage) as the Lead Local Flood Authority. The submitted details demonstrate that the site is capable of being satisfactorily drained by a sustainable drainage system incorporating attenuation basins within the site layout. It is not considered that the proposal would create or exacerbate flooding or adversely affect water quality or the ecological value or drainage function of the existing watercourses.
- 8.29 The proposal would therefore be in accordance with Policy DM7 of the adopted SADMP.

#### Ecology

- 8.30 Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.
- 8.31 The previous approval was supported by all of the relevant ecology surveys. As a result of this appropriate conditions were attached to the permission including a biodiversity management plan. Overall, the amendments to the scheme are minor,

however due to layout changes within the footpath area, an updated management plan will be required to ensure that the correct replacement grasslands are used in this amended location. All other relevant conditions will be carried forward to this permission.

- 8.32 Therefore, the proposals would not result in any adverse impacts upon protected species and therefore the application is in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016).

## **9. Equality implications**

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

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

- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this 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 principle of development has already been established and the development implemented on site (pre-commencement conditions have also been discharged). Therefore, the principle of the scheme is acceptable.
- 10.2. The proposed alterations to the attenuation basins, footpaths, parking area (mini roundabout) and elevations do not have any significant adverse impacts upon the character of the area, ecology, drainage, pollution or highway safety.
- 10.3. The proposal would contribute to the environmental, social and economic objectives of sustainable development identified in paragraph 8 of the NPPF (2021) and it has previously been found that any adverse impacts on the countryside or Green Wedge would be outweighed by the need for the facility and significant public benefits of the scheme in this case. The changes to the proposal do not alter this planning balance. Accordingly the proposal is considered to be a sustainable development and is therefore recommended for approval subject to conditions.

## **11. Recommendation**

- 11.1 **Grant planning permission** subject to

- Planning conditions outlined at the end of this report

- 11.2 That the Interim Head of Planning 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 - Drg No. 18016-02-91-004 received 08<sup>th</sup> February 2021  
Site Plan Drg No 18016-02-02-001G received 23<sup>rd</sup> August 2021  
Masterplan Drg No 02-01-001 Rev G received 23<sup>rd</sup> August 2021  
Site Section AA - Drg No. 18016-02-04-001B received 08<sup>th</sup> February 2021  
Site Section BB - Drg No. 18016-02-04-002B received 08<sup>th</sup> February 2021  
BuildSection AA - Drg No. 18016-02-04-010C received 08<sup>th</sup> February 2021  
Elevation AA - Drg No. 18016-02-05-001E received 08<sup>th</sup> February 2021  
Elevation BB - Drg No. 18016-02-05-002E received 08<sup>th</sup> February 2021  
Elevation CC - Drg No. 18016-02-05-003F received 08<sup>th</sup> February 2021  
Elevation DD - Drg No. 18016-02-05-004F received 08<sup>th</sup> February 2021  
Elevation EE - Drg No. 18016-02-05-005B received 08<sup>th</sup> February 2021  
Elevation FF - Drg No. 18016-02-05-006B received 08<sup>th</sup> February 2021  
Elevation GG - Drg No. 18016-02-05-007C received 08<sup>th</sup> February 2021  
Elevation HH - Drg No. 18016-02-05-008D received 08<sup>th</sup> February 2021  
Roof Plan - Drg No. 18016-02-03-001C received 08<sup>th</sup> February 2021  
Ground Floor Plan Drg No 02-03-000F received 08<sup>th</sup> February 2021

Ditch Diversion Layout Drg no. 075265 CUR 00 ZZ DR C 92601 P01 16<sup>th</sup> March 2021

**Reason:** To define the permission and ensure satisfactory impact of the development to accord with Policies DM1, DM6, DM7, DM10, DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

2. The development shall be carried out in accordance with the Construction Environmental Management Plan Rev 3 and SHEMS-FOR-CON-008 Environmental Management Plan (EMP) Hinckley - Rev 2 as agreed by the Council on the 28<sup>th</sup> January 2021 under reference 20/01331/DISCON.

**Reason:** To protect the residential amenity of neighbouring occupiers and to minimise potential sources of pollution in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Within 12 months of this permission an update to the Biodiversity Management Plan agreed by the Council on the 04<sup>th</sup> June 2020 under application 20/00222/DISCON, shall be submitted to the Council for agreement. The development shall then be maintained in accordance with the agreed details.

**Reason:** To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 15 of the National Planning Policy Framework (2016).

4. The development shall be carried out in accordance with the updated Badger Walkover received by the Council on the 28<sup>th</sup> February 2020 and agreed on the 04<sup>th</sup> June 2020 under reference 20/00222/DISCON.

**Reason:** To ensure appropriate conservation and protection of biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 15 of the National Planning Policy Framework (2016).

5. Site preparation and construction works shall be limited to the following hours: Mondays - Fridays inclusive: 07:30 - 18:00; Saturdays 08:00 - 13:00 and no working on Sundays and/or Public Holidays.

**Reason:** To protect the residential amenity of neighbouring occupiers and to minimise potential sources of pollution in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

6. The development shall be carried out in accordance with the drainage details received on the 28<sup>th</sup> February 2020 and agreed by the Council 04<sup>th</sup> June 2020 under reference 20/00222/DISCON;

SHE-0082-3000-1000-3000 Windes 11  
SHE-0082-3000-1000-3000 HydraulicData  
SHE-0082-3000-1000-3000 Causeway\_Flow\_ Data  
SHE-0082-3000-1000-3000\_Micro Drainage Data  
Technical Specification Dwg no. SHE-0082-3000-1000-3000  
Hydro brake Design Drawing Dwg no. SHE-0082-3000-1000-3000  
Drainage Constructions Details Sheet 3 Dwg no HCM-BWB-DDG-XX-DR-C-0561 (S4-P1) Rev P1  
Drainage Constructions Details Sheet 2 Dwg no HCM-BWB-DDG-XX-DR-C-0561 (S4-P1)  
Drainage Constructions Details Sheet 1 Dwg no HCM-BWB-DDG-XX-DR-C-0560 (S4-P1)  
Surface Water DB2 Network Details & Critical Storms  
Surface Water DB1P5 Network Details & Critical Storms  
Flood Routing Plan Dwg No. HCM-BWB-DDG-XXX-DR-C-0540 Rev P1  
Drainage Strategy Dwg No. HCM-BWB-DDG-CC-DR-C-0500

The scheme shall be implemented in accordance with the agreed details and completed before the development is first brought into use.

**Reason:** To ensure that the development is provided with a satisfactory means of surface water drainage to prevent flooding and minimise the risk of pollution by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. During construction the management of surface water shall accord with the Drainage Construction Management Plan Technical Note. Received 28 February 2020 and agreed 04<sup>th</sup> June 2020 under reference 20/00222/DISCON. The scheme shall be implemented in accordance with the approved details for the duration of the construction period.

**Reason:** To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The development shall be carried out in accordance with the existing and proposed ground levels and proposed finished floor level details agreed by

the Council on 28<sup>th</sup> January 2021 under reference 20/01331/DISCON as follows;

Received 15 December 2020

Drg no 02-04-001 Rev B

Drg no 02-04-002 Rev B

Received 6 January 2021

18016-BMA-SW-00-DR-GA-A-002 C1 Proposed Levels

18016-BMA-SW-00-DR-GA-A-001 (2) Existing Levels

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

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

**Reason:** To ensure safe development of the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The sustainable surface water drainage system within the development shall be maintained at all times in accordance with the SuDS Operation & Maintenance Guidance Manual Dwg No. HCM-BWB-DDG-RP-EN-D-0500 and Maintenance Responsibility Details agreed by the Council on the 04<sup>th</sup> June 2020 under reference 20/00222/DISCON.

**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 surface water drainage system within the proposed development to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to first use of the development hereby permitted the proposed site access and exit, shall be in general accordance with Highways Overview Drawing No. CDS\_HAB\_CRM\_53 Rev 00 (Sheet 2 of 5) and Highways Entrance and Exit Detail Plan Drawing No. CDS\_HAB\_CRM\_53 Rev 00 (Sheet 5 of 5) and shall include revisions as recommended by a Stage 2 Road Safety Audit and in accordance with engineering details which have first been submitted to, and approved in writing by, the local planning authority. Such details are to include construction, signing, surface, water drainage and street lighting details and thereafter shall be implemented in accordance with the approved details and be completed prior to the first use of any part of the development.

**Reason:** To ensure that vehicles enter and leave the site in a controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12. Prior to first use of the development hereby permitted the parking and turning facilities shall be implemented and completed in accordance with the details submitted on Highways Overview Drawing No. CDS\_HAB\_CRM\_53 Rev 00

(Sheet 2 of 5) and Highways Entrance and Exit Detail Plan Drawing No. CDS\_HAB\_CRM\_53 Rev 00 (Sheet 5 of 5) and once so provided shall be permanently so maintained at all times thereafter.

**Reason:** To ensure that adequate off-street parking and turning provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. Prior to the first use of the development hereby permitted full details of the proposed access and exit road security gates and any site boundary walls and/or fencing shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and permanently retained as such at all times thereafter.

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

14. The materials to be used on the external elevations of the crematorium buildings hereby permitted shall be in accordance with the details submitted on the approved Elevations Drawing Nos Elevation AA - Drg No. 18016-02-05-001E; Elevation BB - Drg No. 18016-02-05-002E; Elevation CC- Drg No. 18016-02-05-003F; Elevation DD - Drg No. 18016-02-05-004F; Elevation EE - Drg No. 18016-02-05-005B; Elevation FF - Drg No. 18016-02-05-006B; Elevation GG - Drg No. 18016-02-05-007C; Elevation HH - Drg No. 18016-02-05-008D received by the local planning authority on 08<sup>th</sup> February 2021.

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

15. Within 6 months of this permission a soft Landscape Plan, Planting Schedules Drawing and Landscape Management and Maintenance Plan shall be submitted to the council for agreement. The soft landscaping scheme shall then be carried out during the first appropriate planting season following the date when the crematorium hereby permitted is first ready for use and shall thereafter be managed and maintained in accordance with the approved Landscape Management and Maintenance Plan all times thereafter.

**Reason:** To ensure that the works are carried out within a reasonable time period and thereafter maintained and to conserve and enhance features of nature conservation and visual amenity within the site in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. Notwithstanding the provisions of Part 2 of Schedule 2 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 15 metres of the highway boundary and shall be open at all times when the crematorium building is in use.

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

17. The external lighting system to serve the building and wider site shall be carried out in accordance with Lighting Plan Drg No 2001052DNM agreed by the Council on the 12<sup>th</sup> April 2021 under reference 21/00057/DISCON. The lighting shall be completed prior to first use of the site and once provided shall be permanently so maintained at all times thereafter.

#### 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.
2. Application forms to discharge conditions and further information can be found on the planning portal website [www.planningportal.gov.uk](http://www.planningportal.gov.uk).
3. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a section 278 agreement. It is strongly recommended that contact is made at the earliest opportunity to allow time for the process to be completed to specify the new works and enable road space booking (to enable coordination of physical works on the highway) before works can start. 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>
4. Land Drainage Consent - If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under Section 23 of The Land Drainage Act 1991. This is in addition to any planning permission that may be granted. Guidance on this process and a sample application form can be found at the following: <http://www.leicestershire.gov.uk/Flood-risk-management>
5. The applicant/developers attention is drawn to the consultation response from National Grid/Cadent Gas: due to the presence of Cadent and/or National Grid apparatus in proximity to the application site, the contractor should contact Plant Protection team before any works are carried out to ensure the apparatus is not affected by any of the proposed works. E-mail: [plantprotection@cadentgas.com](mailto:plantprotection@cadentgas.com) Telephone: (0)800 688588.

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Planning Committee 19 October 2021  
Report of the Planning Manager

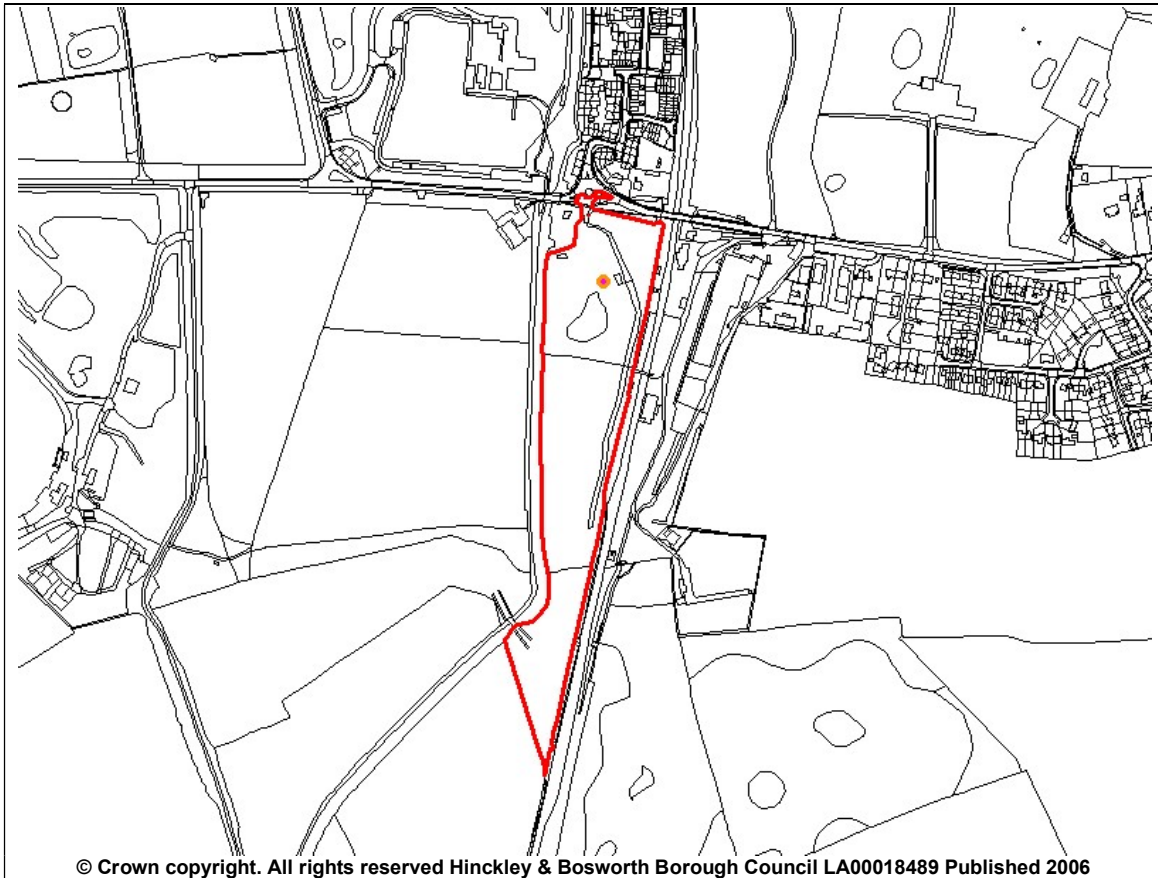
Planning Ref: 21/00379/FUL  
Applicant: Owl Homes Ltd  
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth  
Borough Council

Site: Sedgemere Station Road Market Bosworth

Proposal: Residential development of 73 dwellings with associated access and public open space (Resubmission of 20/00131/FUL).



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
  - 40% Affordable housing with a split of 75% affordable rented and 25% of the units shared ownership.
  - £3,616 towards Civic amenity
  - £378,438.32 - £537,491.12 towards primary and secondary education in Market Bosworth.
  - Provision of bus stop improvements to the two nearest bus stops on Station Road.
  - Travel Packs (one per dwelling)

- 6 month bus passes, (two application forms per dwelling to be included in Travel Packs and funded by the developer)
  - Play and open Space: £236,590
  - Planning conditions outlined at the end of this report
- 1.2. That the Planning Manager be given powers to determine the final detail of planning conditions.
  - 1.3. That the Planning Manager be given delegated powers to determine the terms of the S106 agreement including trigger points and claw back periods.

## **2. Planning application description**

- 2.1. This application seeks full planning permission for the construction of 73 new dwelling with associated access, parking and landscaping including public open space. The scheme proposes a mix of detached, semi-detached and terraced dwellings. The proposed development would also provide 29 of the 73 dwellings (40%) for affordable housing.
- 2.2. The scheme proposes residential development in the northern two thirds of the site and public open space in the southern third. The layout includes a central main access road with dwellings arranged along each side and small shared cul-de-sac driveways off either side and would feature a central crescent, which would provide open space and surface water attenuation.
- 2.3. This application is a resubmission of application 20/00131/FUL, which was previously refused. The previous application was refused for the following reasons:-
  1. *By virtue of the layout of the site, the proximity of built form to the western boundary and lack of a robust landscaped buffer, the proposal would result in less than substantial harm to the Ashby Canal Conservation Area, a designated heritage asset, and that harm would not be outweighed by the public benefits of the scheme. The proposal is therefore in conflict with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2019) with particular reference to Section 16 and paragraphs 193 and 196.*
  2. *Insufficient information has been submitted to demonstrate that the proposed development would not result in adverse impacts on protected species and their habitats or negative impacts on biodiversity. The proposal is therefore in conflict with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2019) with particular reference to Section 15 and paragraphs 170 and 175.*
  3. *By virtue of the proposed layout of the dwellings proposed, the development would fail to complement or enhance the character and visual appearance of the area contrary to Policy DM1 and Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching design principles of the National Planning Policy Framework (2019).*
  4. *Insufficient information has been submitted to demonstrate that the proposed development would provide a safe and suitable access and adoptable road layout to serve this major residential development. The proposal is therefore contrary to Policy DM17 of the adopted Site Allocations and Development*

*Management Policies Development Plan Document (2016) and paragraph 108 of the National Planning Policy Framework (2019).*

5. *Insufficient information has been submitted to demonstrate that a satisfactory surface water drainage strategy can be provided to serve the proposed development and that the development would not result in adverse impacts from flooding. The proposal is therefore contrary to Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the overarching principles of the National Planning Policy Framework (2019) with particular reference to paragraph 163.*
6. *The proposed scheme fails to provide an appropriate mix of affordable housing tenures contrary to Policy 15 of the adopted Core Strategy (2009) or an appropriate distribution of affordable housing units throughout the development site contrary to Policy BD1 of the Market Bosworth Neighbourhood Plan (2015) and the adopted Affordable Housing Supplementary Planning Document (2011).*

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

- 3.1. The application site is located within the settlement boundary of Market Bosworth on its western edge and to the south of Station Road. It is a designated residential allocation with planning permission for 57 dwellings (reference MKBOS04PP) within the adopted development plan. The site measures approximately 4.5 hectares and comprises areas of woodland, mature trees, a large pond and grassland/scrubland with boundary hedgerows and trees. The site is long and narrow in shape, lying between a canal and railway line. A small watercourse runs through the site.
- 3.2. The Ashby Canal Conservation Area runs immediately to the western boundary of the site with a designated sports and recreational facility (ref: MKBOS06), tourism facility (ref: MKBOS43 - water park) and countryside beyond. To the east there is a designated culture and tourism facility (ref: MKBOS31 - The Battlefield Line Railway), designated employment site (ref: MKBOS29) and designated mixed use allocation (ref: MKBOS02). There is a residential estate to the north and countryside to the south of the site. A major gas transmission pipe runs beneath the southern part of the site on a south east/north west axis.

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

#### **12/00597/FUL**

- Demolition of existing bungalow and associated outbuildings and erection of 57 no. dwellings and associated works, conversion of engine shed into visitor centre and formation of 10 no. allotments and an ecological mitigation area  
Permitted  
15.11.2012

#### **15/01331/CLUP**

- Certificate of proposed lawful development for the erection of 57 no. dwellings and associated works, conversion of engine shed into visitor centre and formation of 10 no. allotments and ecological mitigation  
Certificate issued  
03.06.2016

#### **20/00131/FUL**

- Residential development of 76 dwellings with associated access and public open space  
Refused

21.05.2020

**5. Publicity**

5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press and 10 letters have been received raising the following objections:-

- 1) The canal is one of the features of Market Bosworth and this detract
- 2) There is not a case that additional housing will make the area more attractive
- 3) The development would have lasting detrimental consequences
- 4) Historic market town will become less and less meaningful
- 5) Market Bosworth does not need a further 253 dwelling without significant improvements to local facilities
- 6) Town is already gridlocked twice every weekday and this would exacerbate ongoing problems
- 7) Market Bosworth has limited infrastructure and high levels of tourism visitors throughout the year, Market Bosworth is already overpopulated
- 8) Market Bosworth has a neighbourhood plan to direct development
- 9) Increased air pollution from developments

**6. Consultation**

6.1. No objections, some subject to condition have been received from:-

Ashby Canal Association  
National Grid  
Inland Waterways  
Natural England  
Canal and River Trust  
Network Rail  
HBBC (Waste)  
Environmental Health (Drainage)  
Environmental Health (Pollution)  
Lead Local Flood Authority  
Leicestershire County council (Highways)  
Leicestershire County council (Archaeology)  
Leicestershire County council (Minerals)  
Market Bosworth Society

6.2. Further updated comments are awaited from LCC (Ecology)

6.3. No Comments have been received from

Environment Agency

6.4. Market Bosworth Parish Council supports the planning application and comments that the layout appears to be well thought out. The Parish make the following additional comments:-

- 1) Would the nature trail be open to the public and who would be responsible for maintain the public accessible areas.
- 2) Sufficient S.106 would be expected to be paid to the Parish if they take on the adoption of the Play and Open Space.

6.5. Carlton Parish Council have made comments neither supporting nor objecting on the following matters:-

- 1) The introduction of a nature activity trail would be a significant enhancement if it does carry on to provide links to Jackson Bridge

- 2) The PC notes that Jacksons Bridge links the application site to the Ashby Canal towpath, 2 which is an important recreational route in its own right. The Parish Council C considers it highly desirable for the new dwellings to benefit from this important off-road link to the wider countryside.
- 3) The Ashby Canal Corridor is very rich in wildlife, and the amenity of the residents of the proposed dwellings would be greatly enhanced by access to a small area of the waterside, and a raised viewpoint from which to view the waterway. The PC considers that the additional disturbance to wildlife arising from these proposals would be insignificant in comparison with the habitat loss caused by the development and the disturbance which will be introduced by the activities of the occupants of the new dwellings and their pets.
- 4) In the longer term, there is clearly potential for an off road walking/cycling link from Sustrans 52 at Coton Bridge Lane, along the Ashby Canal towpath, over Jacksons Bridge, through this application site, across the Battlefield Line Railway, and through the Market Bosworth Station Road Masterplan site to Heath Road and Market Bosworth town centre. Carlton Parish Council considers it crucial to ensure that a suitable strip of land along this route is protected from development to enable this link to be fully implemented.

## **7. Policy**

### **7.1. Market Bosworth Neighbourhood Plan 2014-2026**

- Policy CE1: Character and Environment
- Policy CE4: Trees
- Policy BD1: Affordable Housing
- Policy BD2: Site allocation south of Station Road and Heath Road

### **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 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

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

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)
- Planning (Listed Buildings and Conservation Areas) Act (1990)

### **7.5. Other relevant guidance**

- Good Design Guide (2020)

- National Design Guide (2019)
- Open Space and Recreation Study (2016)
- Ashby Canal Conservation Area Appraisal (ACCA) (2009)
- Affordable Housing SPD (2011)
- Landscape Character Assessment (2017)
- Landscape Sensitivity Study (2017)
- Housing Needs Assessment (2019)
- Leicestershire Highways Design Guide

## **8. Appraisal**

### **8.1. Key Issues**

- Assessment against strategic planning policies
- Impact upon the Ashby Canal
- Design and impact upon the character of the area
- Impact on trees
- Affordable housing
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Impact on ecology
- Drainage
- Land Contamination
- Gas Pipeline
- Noise
- Archaeology
- Infrastructure Contributions

Assessment against strategic planning policies

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) (2021) 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.
- 8.4 The development plan in this instance consists of the 'made' Market Bosworth Neighbourhood Plan (MBNP) (2015), the adopted Core Strategy (2009) and the adopted Site Allocations and Development Management Policies (SADMP) DPD (2016).
- 8.5 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 adopted Core Strategy relates to 'Key Rural Centres' and supports housing development within the settlement boundaries of such centres that provides a mix of housing types and tenures as detailed in Policies 15 and 16 of the Core Strategy. Policy 11 of the adopted Core Strategy identifies Market Bosworth as a 'Key Rural Centre' where to support local services land is

allocated for a minimum of 100 new homes of an appropriate number, type and mix of housing to meet local housing needs and in line with Policies 15 and 16 of the Core Strategy.

- 8.6 The adopted SADMP defines the extent of the settlement boundary of Market Bosworth and identifies the application site as a residential allocation with planning permission for 57 dwellings (reference: MKBOS04PP) within the defined settlement boundary. It also allocates the alternative mixed use site identified in the MBNP for a minimum of 100 new dwellings (reference: MKBOS02). As the site lies within the settlement boundary and is identified as a residential allocation, the proposal does not conflict with the spatial policies of the SADMP and accords with policy SA1, safeguarding site allocations. 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.
- 8.7 The Council acknowledges that it cannot currently demonstrate a 5 year housing land supply. 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 the Borough is now 466 dwellings per annum (using the standard method and affordability ratio and with an additional 5% buffer). As at 1st April 2021, the Council can demonstrate a 4.46 year supply of housing land.
- 8.8 As the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure and the Council is unable to demonstrate a 5 year housing land supply. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.9 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.
- 8.10 Notwithstanding that Market Bosworth is identified as a Neighbourhood Plan Area 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 MBNDP was made in 2015 and has not been updated, therefore paragraph 14 cannot apply. Nonetheless, the weight to be afforded to the policies with the made MBNDP is derived from their degree of consistency with the NPPF.
- 8.11 The weight to be given to the neighbourhood plan review it 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

- 8.12 As such paragraph 11(d) of the NPPF is engaged and 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.
- 8.13 Overall, development of the site for residential accommodation is acceptable in principle in accordance with Policy SA1 of the SADMP (2016).  
Impact upon the Ashby Canal
- 8.14 The designated Ashby Canal Conservation Area (ACCA) lies immediately to the west of the application site and extends along its entire western boundary. The application site is therefore considered to be located within the immediate setting of the ACCA.
- 8.15 Section 72 of the Planning (Listed Buildings and Conservation Area) Act 1990 places a duty on the local planning authority in respect of conservation areas in the exercise of planning functions to require special attention to be paid to the desirability of preserving or enhancing the special character or appearance of a conservation area, including its setting.
- 8.16 Policies DM11 and DM12 of the adopted SADMP seek to protect, conserve and enhance the historic environment and heritage assets. Policy DM11 states that all development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate:
- a) An understanding of the significance of the heritage asset and its setting; and
  - b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
  - c) How the benefits of the proposal will outweigh any harm caused.
- 8.17 Policy DM12 states that all development proposals affecting heritage assets and their setting will be expected to secure their continued protection or enhancement, contribute to the distinctiveness of the areas in which they are located and contribute to the wider vibrancy of the borough. All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. In particular development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.18 Section 16 of the National Planning Policy Framework (NPPF) (2021) provides the national policy on conserving and enhancing the historic environment. Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. Paragraphs 199 – 202 require great weight to be given to an asset's conservation; for any harm to the significance of a designated heritage asset to have clear and convincing justification; and for that harm to be weighed against the public benefits of a proposal.
- 8.19 The proposed development has been laid out to ensure that the majority of the hedgerow screen along the length of the canal to the west of the application site is retained and enhanced. The proposed layout ensures a more robust and greater boundary along the west of the application site with the Ashby Canal, with built form set a greater distance away from the canal. From the canal glimpses of the roofscape of a small number of the proposed dwelling, especially in winter when hedgerows are not in full leaf, would be possible. However these glimpses would be



limited in nature and extent, and would not be considered to have an urbanising effect upon the canal.

- 8.20 In summary the proposal is considered to maintain a verdant character of the application site and the subsequent positive contribution these characteristics make to the adjacent Ashby Canal Conservation Area which is located within its immediate setting. The proposal will therefore preserved the significance of this designated heritage asset and consequently it complies with Policies DM11 and DM12 the SADMP and Section 16 of the NPPF. Accordingly the application overcomes the reason for refusal 1 of application 20/00131/FUL

#### Design Layout and housing mix

- 8.21 Policy CE1a of the Market Bosworth Neighbourhood Plan (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. Policy CE4 of the MBNP states that mature trees and woodland should be protected wherever possible.
- 8.22 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 and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally. The policy also seeks to ensure a high quality of landscaping.
- 8.23 Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 30 dwellings per hectare within key rural centres such as Market Bosworth. In exceptional circumstances and where individual site characteristics dictate and are justified, a lower density may be acceptable.
- 8.24 Paragraph 126 of the NPPF (2021) states that good design is a key aspect of sustainable development. Paragraph 130 states that planning decisions should ensure that developments:
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history including the surrounding built environment and landscape setting;
  - d) establish a strong sense of place, using arrangement of streets, spaces, building types and materials to create attractive places to live, work and visit;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible with a high standard of amenity for existing and future users and where crime and disorder, or the fear of crime, do not undermine quality of life.
- 8.25 The application site is located between Character Area A (Leisure and Tourism) and Character Area B (Industrial). To the north of the site, Character Area H relates to a 'wharf' style development of a former industrial site adjacent to the canal bank. Therefore in this case, Policy CE1a of the MBNP has limited application in respect of adjacent Character Areas.

- 8.26 The site is long and narrow in shape with significant constraints within and around the site including the Ashby Canal Conservation Area to the west, the Battlefield Line Railway and industrial engineering premises to the east, a gas transmission pipeline through the southern part of the site and an area of woodland and a water body within the northern part of the site. A Design and Access Statement and a LVIA has been submitted to support the scheme.
- 8.27 The proposed layout would comprise of a main road which would access the site running north to south off Station Road, with secondary accesses off, which would create a central crescent surrounding a green space and small cul-de-sac driveways. The layout retains the dominant tree line along the northern boundary of the site with Station Road and dwellings are set back from this frontage (which has elevated ground levels) to further reduce impact. Properties that are located on prominent corner plots have dual aspects, to ensure visual interest and natural surveillance of the street. Plot sizes vary according to house size but provide adequate private amenity areas to serve each dwelling, although some would be compromised by existing landscaping which is to be retained. By virtue of the interrelationship of dwellings within the site and separation distances, the scheme would provide satisfactory privacy and amenity with no overlooking between plots.
- 8.28 Centrally located would be an area of green space which would contain attenuation pond and green space, providing opportunities for biodiversity within the site to be carefully considered. To the south of the site would be a large area of public space which would be planted and include a nature trail and further attenuation pond. This is a welcomed feature given the application site is not in close proximity to existing play space, and this would provide an interesting play feature to serve the proposed development. This would also provide an opportunity for a potential link to the adjacent tow path along Ashby Canal. This would be subject to separate negotiation with the relevant land owners.
- 8.29 The proposed development would provide a variety of house types and designs, which would include detached, semi-detached and terraced dwellings. The scale of the dwellings would also vary and include single storey and two storey dwellings. Single storey and 1.5 storey dwellings have been included along the west edge of the proposal to reduce the impact upon the Ashby Canal.
- 8.30 The proposed dwellings would offer a variety of architectural features and include gable and hipped roof forms, plain fronted and projecting gable designs, integral and detached garaging, feature chimneys, bay windows, soldier headers and stone cills, formal and less formal entrance doors and timber detailing. Proposed construction materials include red facing bricks, render, grey/blue roof tiles, occasional composite cladding and stone and timber detailing. The proposed house designs and materials are considered to provide varied and attractive roof scape and street scenes that would reflect the character and traditional architectural styles found within Market Bosworth and are therefore acceptable.
- 8.31 This scheme seeks a reduced number of dwellings to that previously considered under application 20/00131/FUL, reducing from 76 to 73 dwellings to provide a more appropriate layout and relationship with the surrounding area and more specially with the Ashby Canal. Dwellings have been sited and scaled to ensure their presence from the canal is reduced from that from the previous scheme, with a greater buffer along this west boundary which would maintain the rural nature of this part of the canal. The proposed scheme also provides a greater buffer and off set from the Ashby Canal (with at least 10metre buffer proposed), which ensures that adequate screening and landscaping buffer is provided along this boundary to strengthen and mitigate the impact of the proposed development along the canal.

- 8.32 Across the site, the majority of the plots have in curtilage parking provided in close proximity to the front door, and some plots benefit from detached single storey garages, which have a roof design to reflect the main dwelling. There are an isolated number of plots when parking is not directly outside the front door (Plots 37-42) however these remain in close proximity to the dwellings, to ensure that the layout would not become dominated by on street parking, as set out in the Good Design Guide (2019).
- 8.33 The application site measures approximately 4.5 hectares and the scheme for 73 dwellings equates to a density of only approximately 16 dwellings per hectare. This has reduced from the previously refused scheme to achieve an improved layout within the application site. Policy 16 of the Core Strategy states that proposals for new residential development will be required to meet a minimum new density of at least 30 dwellings per hectares within Key rural centres. The proposed development would be providing a lower density than the Policy position. However application 20/00131/FUL which sought to provide 17 dwellings per hectare found harm. In this particular case, due to the constrained nature of the site and the requirement to avoid the gas transmission pipeline buffer in the southern part of the application site, which significantly reduces the developable area of the application site, it is considered that in this case a lower density is expected.
- 8.34 A number of mature trees within the interior of the site, in particular within the woodland around the pond in the northern section of the site are proposed to be removed. The visual impact of this removal will be noticeable both from the canal towpath and the wider area, although the level of impact will be reduced through the retention and strengthening of a greater extent of hedgerow along the canal, and offset to a degree through the proposed planting of trees within the amenity area in the southern section of the site. Overall the impact from the removal of these trees upon the rural character of the site and how this would be appreciated from the wider area is considered to be negligible and not adverse.
- 8.35 Accordingly it is therefore considered that the design, layout, scale and landscaping details as submitted along with the improvements to the existing landscaping would result in the development which would not result in being unduly intrusive to the character of the Ashby Canal, and the proposed development would complement the character of the surrounding area as required by Policy DM10 of the SADMP and the advice contained in the Councils Good Design Guide SPD and would overcome the reason for refusal 3 of the previously refused scheme application 20/00131/FUL.

#### Impact on Trees

- 8.36 The application has been accompanied by an Arboricultural report considering the impact that the development proposal may have upon the surrounding trees and providing any mitigating measures.
- 8.37 The proposed development, to facilitate the internal road network and centrally located dwellings, would result in the loss of trees, particularly within the northern developable area of the application site. The Arboricultural report identifies that the development would result in the removal of 43 individual trees (13 category B, 29 category C and 1 category U) 3 groups of trees (1 category B and 2 category C) and 9 further groups (3 category B and 6 category C). The trees on site present as a woodland and group. The Arboricultural report identifies that these trees which would be lost are identified as moderate and low quality trees. Although the development would result in the loss of trees the proposal includes the planting of

88 heavy standard trees within the development, as well as 1275m<sup>2</sup> of new woodland planting to the south of the application site, in addition to 150m of native hedge which would comprise of 296 individual native trees and 1104 individual native shrubs across the development.

- 8.38 The development would also retain existing tree stock especially to the northern boundary of the application site, and as such it is necessary to consider any conflicts with root protection areas. In instances where there are root protection area with infrastructure such as private driveways and footpaths, in such cases it would be necessary to secure a condition for a no dig approach where necessary in these instances, as well as a condition to ensure that tree protection as per the details contained within the Arboricultural report is erected and thereafter maintained during the construction of the development.
- 8.39 The development provides for the inclusion of a well-designed landscaping scheme on site, therefore more than compensating for the loss. The proposed landscaping mitigation measures also provide woodland planting which would have greater longevity within the landscape. The landscaping scheme would also provide opportunities species diversity for the site. It is therefore considered that the loss of trees would not provide a reason not to support the proposal given the on site mitigation that is to be provided and the significant social benefits of this development. It is therefore considered that the loss of trees would not provide a reason not to support the proposal given the on site mitigation that could be provided and the social benefits of this development.
- 8.40 Therefore it is considered that subject to the submission adequate mitigation for the loss of the trees and management of the existing tree stock, it is considered that the application would accord with Policy DM6 of the SADMP

#### Affordable Housing

- 8.41 Policy 15 of the adopted Core Strategy seeks the provision of 40% affordable housing on all sites in rural areas of 4 dwellings or more or 0.13 hectares or more with a tenure split of 75% for social or affordable rent and 25% for intermediate tenure. Policy BD1 of the Market Bosworth Neighbourhood Plan requires all residential developments of 11 dwellings or more to provide 40% affordable housing on site, prioritised for those with a local connection and evenly spread across a development in small clusters of four to six dwellings.
- 8.42 The development proposes to provide 40% affordable housing on site in accordance with Policy 15 of the Core Strategy. The proposed development seeks to provide 16 x 2 bedroomed 4 persons (including a bungalow) and 6 x 3 bedroomed 5 person dwelling for affordable rent. With the intermediate tenure proposing 5 x 2 bedroomed 4 persons houses and 2 x 3 bedroomed 5 persons dwellings.
- 8.43 The 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.

#### Impact upon neighbouring residential amenity

- 8.44 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, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion, and that the amenity of the future occupiers of proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.45 Wharf House located on Station Road to the west of the proposed access is the only neighbouring residential property in proximity to the site. However, by virtue of separation distances of over 30 metres to the nearest proposed dwelling and landscaping the proposed scheme would not result in any significant adverse overbearing impact on the residential amenity or privacy of the occupiers. Wharf House is also set approximately 12 metres within the boundary of its plot therefore the vehicle movements generated from the proposed residential development are unlikely to result in any significant adverse impacts on residential amenity from noise or disturbance, particularly given the close proximity of Station Road.
- 8.46 In respect of the amenity of the future occupiers of the site the proposed relationship of dwellings would provide satisfactory separation distances of a minimum of 21 metres between opposing habitable room windows and 12 metres between habitable room windows and blank side gables as required by the adopted Good Design Guide. The scheme would also provide satisfactory private amenity space for each plot in relation to the size of the dwelling that it is to serve with no significant overlooking between plots. In respect of residential amenity, the scheme is considered to be in accordance with Policy DM10 of the adopted SADMP.

#### Impact upon highway safety

- 8.47 Policy DM17 of the adopted SADMP supports development where they demonstrate that there is not a significant impact on highway safety and where it can be demonstrated that the cumulative impacts of development on the transport network are not severe. All proposals for new development should reflect the highway design standards set out in the most up to date guidance adopted by the relevant highway authority. Policy DM18 requires new development to provide an appropriate level of parking provision to serve the development proposed. Policy 111 of the NPPF (2021) 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. The application has been accompanied with a Transport Statement.
- 8.48 The proposed development would be accessed off a new arm to the existing Wellsborough Road/Station Road/Pipistrelle Drive roundabout. This works is being delivered through a Section 278 agreement based on the extant planning permission reference 12/00597/FUL. As part of the application consideration has been had to the Personal Injury Collision (PICs) data surrounding the site access roundabout obtained from the Local Highway Authority for five years up to December 2019. There have been no PICs identified as part of the study area during that period of time. As the application has been submitted in 2021 it is not considered the most up to date, however based on the available records to the LHA there have been no PICs recorded within the within the study area since December 2019 to present time.
- 8.49 In order to ascertain the level of vehicular trips likely to be generated by the proposed development, the Applicant has undertaken a TRICS assessment as well as a traffic survey of the Pipistrelle Drive development on the opposite side of the

roundabout, which the Applicant has calculated contains approximately 101 dwellings. The traffic survey was carried out in December 2019. The results indicated a higher morning peak based on the traffic survey and a higher PM peak based on the TRICS results. The LHA has carried out its own TRICS analysis and considers the proposed trip rates to be acceptable. The LHA has also accepted this approach as part of other recent residential developments within the village. The proposed level of trips generated by the proposed development when having regard to the trip distribution based on Pipistrelle Drive traffic survey is considered to be acceptable.

- 8.50 In terms of junction capacity, consideration of the proposed development traffic on the surrounding network has been carried out, and the application carried out a capacity assessments at the site access / Station Road/Wellsborough Road/Pipistrelle Drive roundabout. There are is one committed development within the surrounding area (Kyngs Golf Club, Station Road, Market Bosworth ref: 19/01437/FUL, and an appeal has been submitted for Land at Station Road Market Bosworth (Reference 20/01021/OUT. Kyngs Golf course application should have been considered within the submitted capacity assessment and Land at Station Road given it is to be determined by the Secretary of State should be included as a sensitivity test.
- 8.51 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 2027, suggesting the junction would continue to operate with minimal queuing and delay. It should be noted this is however without the inclusion of the nearby committed and live developments. However notwithstanding this, there is an extant planning permission for 57 dwelling, which could be built out. Therefore based on the submitted trip rates this would result in the proposed development generating an additional 10 two way trips in the AM peak and 9 two way trips in the PM peak over and above that which could be generated through the extant planning permission reference 12/00597/FUL. Given this fall back position the LHA considers the additional level of traffic which could be generated by the proposals would not warrant a detailed capacity assessment of the roundabout and could therefore would not justify further work by the Applicant such as surveys undertaken in traffic neutral months or revised capacity assessments including recent developments. Therefore the LHA considers that the proposed development would not have a detrimental impact on the capacity of the roundabout.
- 8.52 In terms of the internal layout of the site the LHA consider the parking provision across the site to be acceptable. The LHA have advised that the current internal layout would require some technical alterations to allow the site to be adopted however these matters would be subject to the detail design stage of the Section 38 process should permission be approved which would seek to ensure that the scheme could be offered for adoption.

#### Transport Sustainability

- 8.53 The application site is in walking distance 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.
- 8.54 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.

- 8.55 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).
- 8.56 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 and therefore the proposed revised scheme would overcome reason for refusal 4 of application reference 20/00131/FUL.

Impact on ecology and protected species

- 8.57 Policy DM6 of the adopted SADMP requires development proposals to demonstrate how they conserve and enhance features of nature conservation. The policy states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create valuable habitats, ecological networks and ecosystem services. On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. If harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused. Paragraph 174 of the NPPF (2021) seeks to enhance the natural and local environment by protecting and enhancing sites of biodiversity value, recognising the benefits of trees and woodland, minimising impacts on and providing net gains for biodiversity.
- 8.58 A Phase 1 Preliminary Ecological Appraisal and Tree Survey Report have been submitted to support the application. These have been assessed by Leicestershire County Council (Ecology). The submitted Ecology Appraisal identifies that the site supports a number of protected species and has the potential to support a number of other protected species.
- 8.59 The application site is situated in a sensitive ecological network, sandwiched between the Ashby Canal to the west and a former railway to the east, both of which are locally important wildlife corridors. The Ashby canal to the north of Market Bosworth is designated as a SSSI, of national importance. The value and robustness of both these corridors should therefore be protected from any arising harm.
- 8.60 The application has been accompanied with a reptile survey and a Great Crested Newt mitigation statement. The reptile survey identifies there are likely to be a low number of grass snakes present, and proposes a strategy to translocate any from the site. GCNs were present in two ponds to the south, around 180m away from the site. It is however considered likely that GCN are on site and the on site habitats are suitable terrestrial foraging. The southern portion of the application site, which is closest to the GCN pond, would be retained as a wildlife area, which would be acceptable in principle, however would require careful consideration of any landscaping scheme to maximise the potential to provide suitable GCN habitat.
- 8.61 A water vole and otter survey has also been carried out which confirm the presence of both species along the canal bank section adjacent to the application site to the west. The habitats along the canal bank of the development site are sub optimal, being scrub and trees. Otter were also recorded from spraints left under bridges to north and south of the section adjacent to the development site, and it is clear they are using the canal. A Water Vole mitigation plan has been submitted which includes cat and dog proof fencing between the back garden boundaries and the canal, required to prevent disturbance to any Water Voles. Final details of this

would be required prior to commencement to ensure the boundary treatment is robust enough to protect the canal from construction impacts and to withstand any encroachment from neighbouring dwellings extending gardens.

- 8.62 A bat survey recorded activity within the site, however cannot be considered conclusive as it was carried out when the trees were in leaf. As such further surveys of any trees to be removed will be required, and secured by condition to ensure that any potential bat roosts are thoroughly inspected prior to any works.
- 8.63 Within the site is also a badger sett to the south of the application, but appears to be in minor use and possibly disused, and therefore if no longer in use could be closed down, which may require a separate license.
- 8.64 The predominant habitat on site is a mosaic of rough grassland and scrub, with a large pond and small area of woodland in the northern part. It is described in the Preliminary Ecological Appraisal, (Bodnar2019). Despite its potential and value there is no evidence to show that it would meet the Local Wildlife Survey Criteria and therefore Ecology have no in principle objection to development on site. However given the loss of habitat on set, further landscaping detailing and a biodiversity net gain assessment requires further revisions. This has been received and will be reported by way of late item following formal response from LCC (Ecology). However the impacts upon protected species are considered to be overcome subject to conditions.

#### Drainage

- 8.65 Policy DM7 of the adopted SADMP requires that development does not create or exacerbate flooding. Paragraph 167 of the NPPF (2021) states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. It also states that the systems used should take account of advice from the lead local flood authority, have appropriate operational standards, maintenance arrangements to ensure an acceptable standard of operation for the lifetime of the development and where possible, provide multifunctional benefits.
- 8.66 A Flood Risk Assessment/Drainage Strategy has been submitted to support the application. This has been assessed by Leicestershire County Council (Drainage) as the Lead Local Flood Authority (LLFA) for the area. Although the site is located in Flood Zone 1 being at low risk of flooding from main rivers, the LLFA considers that parts of the site are at high risk of surface water flooding primarily associated with the ordinary watercourse passing through the south of the site.
- 8.67 The application has been supported with a Drainage Strategy, which proposes to integrate sustainable drainage features with traditional drainage systems for buildings and road. The drainage strategy would include the use of attenuation basin which would be situated centrally within the development, and a second one positioned within the southern part of the application site. The proposed strategy has been designed to discharge to the local drainage network rates equivalent to greenfield conditions. The surface water strategy has also been designed to ensure that flood storage volumes are retained onsite for critical storm events up to the 1 in 100-year return period plus an allowance for the effects of climate change.
- 8.68 The foul water drainage strategy proposes that all properties would be drained via gravity to a new pumped system, due to the topography and its relationship to the available outfall from the site. The nearest point of connection to the public sewer network is the pump station present to the east of the railway. This would be subject to formal agreement with Severn Trent.



- 8.69 The Lead Local Flood Authority (LLFA) and Environmental Health (Drainage) have considered the strategy and have no objection to the proposed development subject to the imposition of conditions relating to the detailed design of the drainage scheme and its maintenance which are considered necessary and reasonable. According the proposed development would be in accordance with Policy DM7 of the SAMP and would overcome the reason for refusal 5 of application 20/00131/FUL.

Land contamination

- 8.70 Policy DM7 of the SADMP seeks to ensure that adverse impacts from pollution are prevented, this include impacts from noise, land contamination and light.
- 8.71 The scheme has been assessed by the Environmental Health (Pollution) team who advise that during investigations carried out for previous applications on this site land contamination was found and gas protection measures were required. It is therefore recommended that conditions should be imposed, in the event of planning permission being granted, to require the investigation of land contamination and landfill gas together with the submission of any necessary remediation measures for prior approval and for the measures to be implemented as part of the development to ensure accordance with Policy DM7 of the adopted SADMP. The imposition of conditions to secure a construction environmental management plan for prior approval and to restrict the hours of site construction are also recommended.

Gas transmission pipeline

- 8.72 There is a high pressure gas pipeline which runs through the south part of the application site from east to west.
- 8.73 The previous application sustained an objection from National Grid due to the layout including drainage attenuation within the easement. Following consultation on the application National Grid have considered the proposed layout and development, and have no objections to the proposed development, subject to the imposition of conditions that prior to the constructions of the proposed footpaths within the easement and associated landscaping they are consulted to allow a watching brief.

Noise

- 8.74 Policy DM10 of the adopted SADMP requires that the amenity of the future occupiers of proposed development would not be adversely affected by activities in the vicinity of the site.
- 8.75 The site is located immediately to the east of the Battlefield Railway Line and an industrial/employment site to the east. The industrial site includes an engineering operation which operates machinery on a 24 hour/7 days a week shift pattern basis.
- 8.76 An objection has been received raising concerns in respect of the Impact of a residential scheme, with dwellings in closer proximity to the works, on the future operation and viability of a long standing engineering operation as a result of noise generation from 24/7 operations.
- 8.77 A condition for a noise survey and mitigation was imposed on the previously approved scheme to safeguard the amenity of future residents of the site and ensure compatible development with the neighbouring engineering use to protect the viability of its future continued operation. The current scheme proposes an increase in the number of dwellings closer to the works.
- 8.78 The scheme has been assessed by the Environmental Health (Pollution) team who consider that, notwithstanding the close proximity of dwellings in relation to the previously approved scheme, subject to satisfactory noise impact assessment and any necessary mitigation measures being implemented as part of the scheme (e.g.

use of mechanical ventilation/higher glazing specification/acoustic fencing etc.) it is likely that the amenity of the future occupiers of the site would not be significantly adversely affected by activities in the vicinity of the site. It is recommended that a noise impact assessment, appropriate mitigation measures and their implementation could be secured through the use of a planning condition in this case.

#### Archaeology

- 8.79 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.
- 8.80 LCC (Archaeology) have reviewed the proposal against the Leicestershire and Rutland Historic Environment Record and do not believe that the proposal would result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. Therefore no further archaeological action is required. Therefore, the proposal accords with Policy DM13 of the SADMP.

#### Infrastructure contributions

- 8.81 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.
- 8.82 The request for any planning obligations (infrastructure contributions) must be considered against the requirements contained within the Community Infrastructure Levy Regulations 2010 (as Amended) (CIL). 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.

#### Public 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, 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 73 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	262.8	139	£87,800.00	£24,408.40	None

Casual/ Informal Play Spaces (including LAP)	16.8	1226.4	6009	£64,897.20	None	None
Outdoor Sports Provision	38.4	2803.2	None	None	None	None
Accessibility Natural Green Space	40	2920	5908	£83,893.60	None	None

- 8.84 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 LAP and a Trim Trail within an area of Casual/Informal play space.
- 8.85 The policy requirement would be for 262.8sqm of onsite equipped play, the proposed development would provide 139sqm of equipped play. However the minimum size requirement of a LEAP is 400sqm which will have to be provided. The figures above reflect the maintenance cost of 139sqm the. 1226.4sqm of casual informal play space should be provided on site, the proposed development would be providing 6009sqm, and for accessible natural green space 2920sqm should be provided with the proposal providing 5908sqm being delivered, which would be an over provision.
- 8.86 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.
- 8.87 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.
- 8.88 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 layout of the proposed development includes the provision of open space around the site to include a LAP, a Trim Trail, informal space and a large amount of natural green space. The proposed development would under provide on equipped play space, however it would significantly over provide on informal and casual play space and therefore in this instance the level and mix of on site provision would be acceptable in this instance and would afford sufficient play 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.

#### Education

- 8.89 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.
- 8.90 The site falls within the catchment area of St Peters Church of England Primary Academy. The school has a net capacity of 252 and 268 pupils are projected on the roll should this development be granted, which would result in a deficit of 16 pupil places. A total of 5 pupil places are included in the forecast for this school from S106 agreements from other developments and have to be deducted, reducing the deficit for this school to 11 pupil places. The 22 pupils generated by the application site can be partly accommodated at the nearby schools and a claim for 11 pupil places is justified.
- 8.91 Accordingly based on the number of deficit places created by the development (11) multiplied by the DFE cost multiplier the contribution sought would be £160,512.00. However within the same catchment and close proximity to the application site, is an appeal for 63 dwellings at Station Road, Market Bosworth (Reference 20/01021/OUT) which should this development be approved prior this application would be afforded the 11 surplus places forecasted. In such case the Contribution for the primary school sector would be £319,564 based on 22 pupil spaces multiplied by the DFE cost multiplier.
- 8.92 If the two development are determined and approved at the same time, Leicestershire County Council would propose to apportion the 11 surplus places to the developments as follows:
- 21/00379/FUL Sedgemere = 73 dwellings  
 20/01021/OUT Station Road = 63 dwellings  
 Total = 136 dwellings  
 21/00379/FUL Sedgemere = 54% of total dwellings  
 20/01021/OUT Station Road = 46% of total dwellings  
 11 surplus places  
 Sedgemere =  $11 \times 54\% = 6 \text{ places (5.94)}$   
 Station Road =  $11 \times 46\% = 5 \text{ places (5.06)}$
- 8.93 Therefore 6 surplus places would be apportioned to the Sedgemere development
- 8.94 In that case the County Council would request a contribution for the Primary School sector of £232,012.80. This is calculated the number of deficit places created by the development, rounded to 2 decimal places (15.9) multiplied by the DFE cost multiplier in the table above (£14,592.00) which equals £232,012.80.
- 8.95 The application site is situated within the catchment area of The Market Bosworth School. The school has a net capacity of 695 and 874 pupils are projected on roll should this development proceed, a deficit of 179 pupil places. A total of 25 pupil places are included in the forecast for this school from S.106 agreements from other development in this area which have to be deducted, this reduces the deficit to 154 pupil places. There is 1 other school within the three mile walking distance,

Bosworth Academy, which has a deficit of 23, resulting in an overall deficit of 177 pupil places. Accordingly when calculating the number of deficit places resulting from this development (12.19) multiplied by the DFE cost multiplier in the table above (£17,876) a contribution of £217,926.32 would be sought towards secondary schools.

- 8.96 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.

#### Civic Amenity

- 8.97 LCC Waste Management requested a contribution of £3616.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate 15 tonnes per annum of additional waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.
- 8.98 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.
- 8.99 No requests for contributions have been received from NHS West Leicestershire CCG – Health Care or Libraries

### **9. Equality implications**

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

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

## **10. Conclusion**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5 year housing land supply.
- 10.3. Notwithstanding that Market Bosworth is identified as a Neighbourhood Plan Area, by virtue of the MBNP being almost 5 years old, being based on the NPPF (2012) and out of date housing figures together with significant changes to the planning system since it was 'made', it would not meet all the requirements of paragraph 14 of the NPPF (2021).
- 10.4. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.5. The site lies within the settlement boundary of Market Bosworth and is allocated for residential development within the adopted SADMP (reference MKBOS04PP). The site also benefits from an extant planning permission for 57 dwellings. Therefore the proposal would not conflict with the spatial policies of the development plan which has significant weight in favour of the scheme.
- 10.6. Paragraph 11 of the NPPF identifies the three strands of sustainable development broken down into social, economic and environmental benefits.
- 10.7. The Government is committed to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of 73 new dwellings of high quality house type designs (including 40% affordable homes) and public open space. These social benefits have significant weight in the planning balance as they would assist in addressing the current shortfall of housing and affordable housing in the area and contribute to public play and open space in Market Bosworth.
- 10.8. The proposal would result in moderate economic benefits through the construction of the scheme through creation of jobs and constructions spend, albeit for a temporary period. Additionally the residents of the proposed development would provide ongoing support to local services. As discussed above the proposal would deliver 73 dwellings on an allocated site, of which 40% would be affordable which is afforded significant weight. 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. The proposal would also involve the

provision of areas of public open space and provide opportunities for connections to the Ashby Canal tow path to be explored to provide a benefit to the wider area.

- 10.9. 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 and trees around the site and the provision of SUDS which can be designed to include benefits to biodiversity, secured via condition.
- 10.10. The revised scheme has been designed to ensure that the previous environmental harm found to the Ashby Canal has been overcome through greater separation distances and consideration of scale within the development site. This ensures that the development would not result in visual intrusion on the rural character of the canal. The scheme has also demonstrated that the development can be provided without adverse harm to any protected species, and would provide adequate surface water drainage strategy to serve the development. The revised proposal is considered to complement the character of the surrounding area and would not have a significant adverse impact on neighbouring amenity, highway safety/parking nor drainage
- 10.11. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. However given that no harm has been identified, and having regard to the significant weight to the social benefits the proposal is found to be sustainable development.
- 10.12. 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 SA1, DM1, DM6, DM7, DM10, DM11, DM13, DM17 and DM18 of the SADMP (2016) and is therefore recommended for approval subject to the conditions and planning obligations listed below.

## **11. Recommendation**

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

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
  - 40% Affordable housing with a split of 75% affordable rented and 25% of the units shared ownership.
  - £3,616 towards Civic amenity
  - £378,438.32 - £537,491.12 towards primary and secondary education in Market Bosworth.
  - Provision of bus stop improvements to the two nearest bus stops on Station Road.
  - Travel Packs (one per dwelling)
  - 6 month bus passes, (two application forms per dwelling to be included in Travel Packs and funded by the developer)
  - Play and open Space: £236,590
- Planning conditions outlined at the end of this report

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

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

#### 11.4 Conditions and Reasons

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

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

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

Location plan drg no. 1010-AD-001

Proposed Floor Plans and Elevations Plot no. 1 The Sheridan drg no. 7765 250

Proposed Floor Plans and Elevations Plot no. 2, 5, 7 The Barkley drg no.7765

Proposed Floor Plans and Elevations Plot no. 10 The Crompton (Render)

Proposed Floor Plans and Elevations Plot no. 4 The Wilson (Brick) drg no.7765

Proposed Floor Plans and Elevations Plot no. 6 The Wilson (Render) drg no.7765

Proposed Floor Plans and Elevations The Greenwood

Proposed Floor Plans and Elevations The Crompton Premier

Proposed Floor Plans and Elevations Plot no. 9, 11 The Crompton Premier drg no. 7765 278 A

Proposed Floor Plans and Elevations Plot no. 39 The Hazel drg no. 7765 277

Proposed Floor Plans and Elevations Plot no. 40 The Hazel drg no. 7765 276

Proposed Floor Plans and Elevations Plot no. 51, 63 The Lawrence drg no.

Proposed Floor Plans and Elevations Plot no. 22, 23, 31, 32, 55, 56, 57, 58 The Dawson 7765

Proposed Floor Plans and Elevations Plot no. 27, 28, 29, 30, 33, 34, 35, 36,37,38,41,42,53,54,59,60,61,62 The Bracken 7765

Proposed Floor Plans and Elevations Plot no. 26 The Greenwood drg no. 7765 271 A

Proposed Floor Plans and Elevations Plot no. 14, 15 The Healey drg no. 7765

Proposed Floor Plans and Elevations Plot no. 18, 19 The Ashton drg no. 7765

Proposed Floor Plans and Elevations The Croft

Proposed Floor Plans and Elevations The Bentley

Proposed Floor Plans and Elevations Plot no. 43, 68 The Cole drg no. 7765

Proposed Floor Plans and Elevations Plot no. 69 The Cole drg no. 7765 2

Proposed Floor Plans and Elevations Plot no. 64 The Ford drg no. 7765 264

Proposed Floor Plans and Elevations Plot no. 48 The Ford drg no. 7765 2

Proposed Floor Plans and Elevations Plot no. 49, 50, 67, 70, 71 The Ford

Proposed Floor Plans and Elevations Plot no. 66, 72 The Worsley drg no. 7765 260 A Proposed Floor Plans and Elevations Plot no.13 The Attwood (render) drg no.7765

Proposed Floor Plans and Elevations Plot no. 20, 65 The Attwood drg no.7765

Proposed Floor Plans and Elevations Plot no. 17, 47, 73 The Attwood drg no.7765

Proposed Floor Plans and Elevations - Garages drg no. 7765 303

Proposed Floor Plans and Elevations Plot no. 46, 52 The Lawrence

Storey Height Plan drg no. 1010-AD-0012A

Materials Plan drg no. 1010-AD-004B

Received by the Local Planning Authority on the 15 March 2021

Site Layout Plan (2 of 2) Drg No 1010-AD-202E

Site Layout Plan (1 of 2) Drg No 1010-AD-102E Received on the 1 July 2021

Whole Site Layout Drg No 1010-AD-002L Received on the 28 September 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. No works shall commence on site until full details of the finished floor levels for each of the approved dwellings has been submitted to and approved in writing by the local planning authority. The scheme shall be implemented in full accordance with the approved details.

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

4. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The approved scheme shall be completed in accordance with the details and operations prior to first occupation of the development hereby approved.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site, 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).

5. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been 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.

6. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. Details of the 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.

7. Before any development commences on the site, including site works of any description, a Tree Protection Plan prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the local

planning authority. The plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012 Trees in relation to design, any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed. The development shall be implemented in accordance with the approved Tree Protection Plan.

**Reason:** To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016).

8. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as maybe specified in writing by the Local Planning Authority.

**Reason:** To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies Development Plan Document (2016) and paragraph

9. No works to any trees identified within the Bat Report as being moderate to high bat roost potential shall take place until an inspection by a suitably qualified ecologist has taken place.

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

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

**Reason:** To ensure that the development has a satisfactory external appearance, and appropriate ecological mitigation in accordance with Policies, DM6, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Prior to commencement on site, a pre clearance search of all areas of the site shall be conducted by a suitably qualified ecologist or Ecological Clerk of Works (ECoW). The habitats on site should be manipulated through

vegetation clearance in order to make the habitat unsuitable for reptiles and terrestrial Great Crested Newts and the ECoW shall carry out a phased hand search of suitable habitat and supervision of refuge destruction during vegetation clearance in order to ensure reptiles are safely removed from the area. This should be carried out in suitable weather conditions and in early spring when the sward is low. Increasing the number of artificial refugia on site will enhance the likelihood of capture. If either grass snake or Great Crested Newts are located, then they will be moved to the identified habitat away from the construction area in the southern conservation area. Following the hand search, a suitably qualified ecologist will undertake a Watching Brief of the soil stripping operations which will be carried out by mechanical digger. If any remaining grass snake or GCN are located, then the ecologist will signal to the digger operator to cease works and the GCN will be removed to safety before operations recommence.

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

12. Development shall be carried out in strict accordance with the mitigation details contained within the Grass Snake and Great Crested Newt Mitigation Statement by RedKite received on the 22 July 2021.

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

13. Development shall be carried out in strict accordance with the mitigation details contained within the Water Vole mitigation Statement by RedKite received on the 22 July 2021.

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

14. No development shall commence until a scheme for detailed construction of the footpath and landscaping works across the easement within the site, has been submitted to and agreed in writing. The detailed design and scheme shall include a watching brief. The agreed scheme shall be carried completed in strict accordance with the details.

**Reason:** To ensure that any necessary works within the easement are carried out safely, to accord with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. The development hereby permitted shall be carried out in accordance with the recommendations contained within the Noise Impact Assessment Ref: 20.0706/2/DRK dated 25 February 2021. The works shall be completed prior to the site first being occupied.

**Reason:** In the interests of the amenity of the future occupiers of the dwellings to ensure acceptable amenity standards are provided having regard to the neighbouring uses, in accordance with Policy DM7 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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

17. 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).

18. 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).

19. Upon completion of the remediation works a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

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

20. No development shall be commenced until a scheme for the monitoring of landfill gas on the site has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any landfill gas 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 landfill gas 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).

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

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

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

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

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

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

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

24. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on RLRE drawing number 19453-RLL-19-00-DR-C-1002 have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the SADMP (2016).

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

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users and in accordance with Policy DM17 of the SADMP (2016).

26. No residential dwelling shall be occupied until the parking and turning facilities associated with that dwelling have been completed in accordance with Owl Homes drawing number: 1010-AD-102, 'Site Layout 1 of 2', Revision E, dated 30 June 2021 or Owl Homes drawing number: 1010-AD-202, 'Site Layout 2 of 2', Revision E, dated 30 June 2021. Thereafter the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policies DM17 and DM18 of the Site Allocations and development Management Plan DPD (2016)

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

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and to accord with Policy DM17 of the Site Allocations and Development Management Plan Policies DPD (2016).

28. 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 Site Allocations and Development Management Plan Policies DDP (2016).

29. 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 all private accesses 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 Site Allocations and Development management Plan Policies DPD (2016)

30. Notwithstanding the submitted plans, any garage doors shall be set back from the Footway and or carriageway boundary a minimum distance of 5.5 metres for sliding or roller/shutter doors, 6.1 metres for up-and-over doors and 6.5 metres for doors opening outwards and thereafter shall be so maintained.

**Reason:** To enable a vehicle to stand clear of the highway whilst the garage / car port doors are opened/closed, to protect the free and safe passage of

traffic, including pedestrians, in the public highway, to ensure that adequate off street parking provision is available to reduce the possibility of on street parking problems locally and in accordance with Policies DM17 and DM18 of the Site Allocations and Development Management Plan DPD and the National Planning Policy Framework (2021).

#### 11.5 Notes to applicant

1. This decision is also conditional upon the terms of the planning agreement which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended). The Agreement runs with the land and not to any particular person having an interest therein.
2. Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.
3. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.
4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. A 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](mailto:road.adoptions@leics.gov.uk) to progress an application.
6. 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 Design Guide which is available at <https://resources.leicestershire.gov.uk/environment-and-planning/planning/leicestershire-highway-design-guide>.
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 QBar 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, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 10 year plus climate change storm events.

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.
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.
10. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative approach.



Planning Committee 19 October 2021  
Report of the Planning Manager

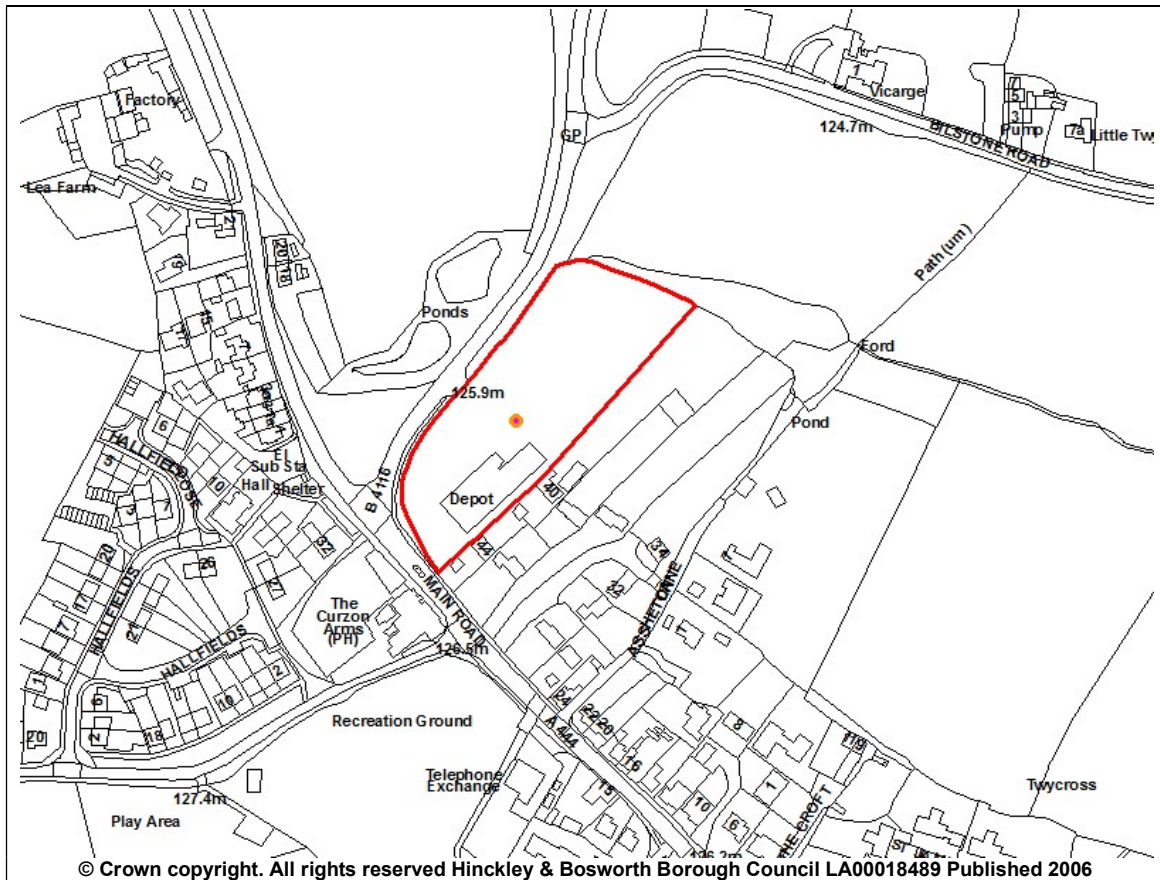
Planning Ref: 21/00427/FUL  
Applicant: Mr Startin  
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth  
Borough Council

Site: 2 Ashby Road Twycross Atherstone

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



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

## 2. Planning application description

- 2.1. The proposal seeks to construct a new two-storey workshop/sales and office building comprising a single span portal framed building finished in a mixture of red facing brickwork, vertical timber cladding and glazed wall curtain walling and composite sheet cladding. A further detached portal framed structure finished in

profile sheet cladding would be used to wash and prepare vehicles. Both buildings would be sited to the north-east of the existing workshop within the area currently used as a display area.

- 2.2. Part of the field to the north of the site (an area of approximately 3,000sqm) would be used as an agricultural machinery display area and storage area for the business known as “Startin Tractors Limited”. The land would be surrounded by fencing and landscaping. An area of field to the north-east of the proposed new agricultural machinery display area and storage area would be planted with a woodland tree belt.
- 2.3. Vehicular access to the site would continue from the existing access onto Ashby Road which is subject to the national speed limit.
- 2.4. This application is a revision to a previous application (20/00400/FUL) that was for a similar proposal. That application was refused by Planning Committee at the meeting of 12 January 2021 for three reasons, relating to sustainable development in the countryside, impact on the setting of heritage assets and insufficient information on ecological impacts. This application seeks to address and overcome the previous reasons for refusal. This is fully discussed in the relevant sections below.
- 2.5. This application is supported by:
  - Landscaping Strategy
  - Planning Statement
  - Noise Impact Assessment
  - Flood Risk and Runoff Assessment
  - Lighting Strategy
  - Ecology Report
  - Heritage Statement
  - Archaeological Desk-Based Assessment

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

- 3.1. The application site is a rectangular area, located on the north-eastern edge of Twycross village. The site is located on the corner of Main Street (A444) to the south-west, Ashby Road (B4116) to the north-west, Bilstone Road to the north-east and the dwellings numbers 44 and 40 Main Street (and their gardens) and agricultural land to the south-east. The site has an existing vehicular access from Ashby Road.
- 3.2. The application site comprises two distinct areas. Area A is an area adjoining Main Road to the south-west and Ashby road to the north-west, and 40 and 44 Main Street to the south-east which is an allocated employment site and includes an existing agricultural vehicle yard, workshop and showroom occupying the corner of the A444 and the B4116 Ashby Road. This part of the site occupies a prominent location and is currently defined by a steel palisade fence along with coniferous hedging for the majority of its boundary. There is a native hedgerow with mature trees to its north eastern boundary and this defines the boundary of Area A from the open countryside beyond. This section of the site is within the settlement boundary of Twycross.
- 3.3. The remainder of the application site (Area B) lies outside of the settlement boundary of Twycross and forms the western section of a larger field which is located within a rural area surrounded by gently undulating countryside. The field separates the village of Twycross from the houses within Little Twycross. This field is bound by native hedgerows. The land slopes gently downwards from Area B to the remainder of the field. Extensive views of the site are provided from Bilstone

Road to the north-east, Ashby Road to the north, and the public footpaths to the east (S96 and S95 which run from Main Road to Little Twycross) and the settlement of Twycross to the south east.

- 3.4. There are a network of historic footpaths within the vicinity of the application site including two from Twycross that converge at Little Twycross with both crossing the field within which the application site lies. Whilst there are no designated or non-designated heritage assets within the site boundary, but there are a number within the vicinity of the application site, including the Twycross Conservation Area to the south-east, the scheduled monument (Moated site and fishponds NNW of grade I listed St James' Church), and various grade II listed buildings within the Conservation Area and 3 Bilstone Road and the pump at 3 Bilstone Road.

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

##### **20/01249/CLE**

- Certificate of (existing) lawful development relating to the sale of goods/vehicles beyond the range authorised by Condition 6 of Planning Permission 78/1187/4  
Certificate  
08.03.2021

##### **20/00400/FUL**

- Erection of a new workshop and ancillary services building, new wash bay building and change of use of land to create an agricultural machinery display area  
Refused  
13.01.2021

##### **13/00213/FUL**

- Extension and alterations to building  
Permission  
08.05.2013

##### **12/00454/FUL**

- Retrospective application for the erection of camera (cctv) and lighting columns  
Permission  
18.10.2012

##### **04/00018/GDOT**

- Erection of 12m telecommunication mast with antenna and ancillary cabinets and equipment  
Permission  
26.02.2004

##### **92/00010/4**

- Erection of 2 1 metre high fence  
Permission  
08.04.1992

##### **91/01103/4**

- Retention of storage containers  
Permission  
30.12.1991

**86/01127/4**

- Storage of two containers adjacent to existing building  
Permission  
23.12.1986

**77/01059/4**

- Change of use to include with present use the storage and sale of animal feeds and farming requisites (officer note – ‘present use’ was storing and repair of agricultural machinery)  
Permission  
27.09.1977

**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. A total of 2 letters of support have been received, raising the following issues:

- 1) Useful and necessary business
- 2) Extra space needed for modern machinery and engineers
- 3) Have increased staff during lockdown
- 4) Wash area moving away from residential areas
- 5) Site will be greatly improved and enhanced

5.3. A total of 11 letters of objection have been received raising the following issues:

- 1) Rural hamlet not the right place for an industrial warehouse
- 2) Outside the village boundary
- 3) Intrusion into the field
- 4) Blight the area
- 5) The economic benefit will not be to the local area
- 6) The business has outgrown the site
- 7) Roads cannot sustain more traffic
- 8) Pollution of the brook from machinery
- 9) Noise – need to condition their assessment, noise from vehicle storage area not considered
- 10) Do not believe 15 new jobs will be created – need further details
- 11) Scale of the new building is too big and tall
- 12) Fencing and lighting will be intrusive
- 13) Display areas will distract drivers
- 14) Visual impact of the new display area (area B)
- 15) Landscaping (trees and hedges) will not screen area B
- 16) Adverse impact on setting of ancient monument, footpaths and residential properties
- 17) Development of the gap between Twycross and Little Twycross
- 18) Why does the display area need to be located adjacent to the site and not on industrial land elsewhere
- 19) Contrary to DM20 and DM10 a to e, DM4, DM11 and DM12
- 20) Site notice not erected with regard to not in accordance with the development plan
- 21) Ecological survey does not list all species on the site
- 22) Landscape strategy does not show the 2.4m noise barrier
- 23) Impact on historic hedgerows
- 24) Heritage assessment does not consider the noise barrier or 3 Bilstone Road

- 25) Concern that Ward Cllr Morrell has conflict of interest on the application as a customer and friend of the applicant
- 26) Site is now an Izusu dealership, not appropriate for the village
- 27) Impact on the character of the countryside
- 28) Amenity impact on 1 Bilstone Road – noise, air quality, odour and visual intrusion
- 29) Less than substantial harm to heritage not outweighed by public benefits
- 30) Concern about change of use process regarding selling of cars and retrospective permission
- 31) Concern about conduct and lack of transparency of/from parish councillors
- 32) Previous refusal reasons not overcome
- 33) Impact on view from residential properties
- 34) Concern about loss of already poor water pressure

## **6. Consultation**

- 6.1. No objections, some subject to conditions have been received from:
  - HBBC Environmental Services (conditions)
  - LCC Ecology (conditions)
  - LCC Highways (conditions)
  - Historic England (conditions)
  - HBBC Drainage (conditions)
  - LCC Archaeology (conditions)
  - Leicestershire Police
  - HBBC Waste
- 6.2. Twycross Parish Council – Support the revised application as a reasonable compromise to support local business and retain substantial green wedge between Twycross and Little Twycross. Encourage further dialogue to address any remaining issues.
- 6.3. LLFA – The application provides insufficient information for the LLFA to provide a substantive response.

## **7. Policy**

- 7.1. Core Strategy (2009)
  - Policy 12: Rural Villages
  - Policy 17: Rural Needs
- 7.2. Site Allocations and Development Management Policies DPD (2016)
  - Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM3: Infrastructure and Delivery
  - Policy DM4: Safeguarding the Countryside and Settlement Separation
  - Policy DM6: Enhancement of Biodiversity and Geological Interest
  - Policy DM7: Preventing Pollution and Flooding
  - Policy DM10: Development and Design
  - Policy DM11: Protecting and Enhancing the Historic Environment
  - Policy DM12: Heritage Assets
  - Policy DM13: Preserving the Borough's Archaeology
  - Policy DM17: Highways and Transportation
  - Policy DM18: Vehicle Parking Standards
  - Policy DM19: Existing Employment Sites
  - Policy DM20: Provision of Employment Sites

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

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

**8. Appraisal**

8.1. Key Issues

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

Assessment against strategic planning policies

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) 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 Policy 12 of the CS defines Twycross as a rural village, where the Council will support small scale employment uses, to support existing services. Area A (land between the A444 and in line with the rear garden boundaries of the adjoining properties) lies within the settlement boundary of Twycross. This part of the site is also allocated as an employment site in the SADMP under designation TWY09. The Employment Land and Premises Study (2020) categorises the employment site, Startin Tractor Sales, as a Category B site. This study recommends that the site should be retained for 100% employment use. However, it also recognises that the business is primarily a retail facility with some light industrial use. The retail facility on the site being the sale of agricultural machinery and tractors, which is a sui generis use as defined in The Town and Country Planning (Use Classes) Order 1987 (as amended).

8.4 Planning permission was granted in 1977 for the change of use of this site to a use restricted to the sale and storage of animal feeds and farming requisites only (condition 6). Since the determination of the previous application 20/00400/FUL, a certificate of existing lawful use has been granted (20/01249/CLE) for car and commercial vehicle sales and for the sale of vehicle parts and spares (sui generis use) on the existing site. This is the lawful use of the existing Startin Tractors site.

8.5 The Startin Tractors site provides the only employment space in the village of Twycross and should be retained for an employment use. Policy DM19 of the SADMP applies for the proposed workshop building which would fall within a B2 Use Class and so the principle of the construction of a workshop on this part of the site would be accepted.

- 8.6 However, Area B (from the settlement boundary of Twycross north-east up to Bilstone Road) is located outside of the settlement boundary for Twycross. This part of the site is also located outside of the employment site allocation for TWY09. Whilst Policy DM20 of the SADMP (2016) includes criteria where it may be demonstrated that new employment sites for B1, B2 and B8 uses adjacent to existing employment areas/settlement boundaries are supported outside of allocated employment areas, the proposal is for the use of this land for the storage and display of agricultural machinery. The land in area B would be used in relation to the storage and retail of tractors, as part of the overall sui generis use of the site.
- 8.7 Therefore, Policy DM4 in the SADMP applies to area B of the site. This policy allows for sustainable development within the countryside providing it meets certain criteria. The criteria that would apply to this proposal would be:
- c) [the proposal] significantly contributes to economic growth, job creation and/or diversification of rural businesses.
- 8.8 Policy 17 of the CS permits small scale developments that meet a 'local need' for employment facilities adjacent to the settlement boundary, provided that certain criteria are met. Although the site is an existing business and the proposed extension to the site is adjacent to the settlement boundary, the sui generis use proposed would not be classed as a small scale employment development to meet 'local need'.
- 8.9 The submitted Planning Statement sets out that the business currently employs 26 full time staff. The provision of the new buildings will allow for the opportunity to provide 15 additional staff members. The existing workshop offers no capacity for additional recruitment and creates problems for staff recruitment and retention. At the site visit it was noted by the case officer that the internal space in the existing buildings is limited and it does not allow for staff vehicles (which contain their tools/equipment) to be inside the workshop building. The Planning Statement notes that staff are required to work outdoors for this reason. Modern facilities and comfortable working conditions will aid recruitment and staff retention. The dated workshop and sales facilities also make it much more difficult for the company to strike up new franchise agreements and attract new customers.
- 8.10 The previous application 20/00400/FUL was refused for the following reason:
1. *The proposal relating to the storage and display of agricultural equipment and machinery for retail purposes (sui generis use) would not constitute sustainable development as defined in Policy DM4 of the SADMP. As such the principle of this retail proposal in a countryside location would be contrary to Policies DM1 and DM4 of the SADMP.*
- 8.11 Letters have been received regarding the application. There is support for helping the business to expand and modernise, but concerns that the expansion into greenfield, outside the village boundary is not appropriate and that alternative sites should be sought. The Planning Statement states that company is reluctant to leave the site as it is an established business and ideal location.
- 8.12 National policy in the NPPF is a material consideration. Paragraph 81 states that planning decisions should help create conditions in which businesses can invest, expand and adapt. To support a prosperous rural economy, paragraph 84 clearly states that decisions should enable the sustainable growth and expansion of all types of business in rural areas including through well-designed new buildings. Paragraph 85 states decisions should recognise that sites to meet local business needs may have to be found adjacent to or beyond existing settlements. In these circumstances it will be important to ensure that development is sensitive to its

surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make the location more sustainable.

- 8.13 In conclusion, it is considered that the additional buildings for the existing business proposed on the existing employment site, within the settlement boundary are a significant investment in the local economy and can be supported in principle. Due to the nature of the business, outside storage and display of vehicles is required. Due to the scale of the new buildings proposed on the existing site, the business requires further land to store the vehicles. The change of use of the agricultural land to a sui generis use is contrary to policy DM4 as the change of use does not in itself amount to a significant contribution to economic growth, job creation and/or diversification of the rural business. However, the scale of the expansion into the countryside has been reduced from the previous application, and the proposed development overall represents an expansion and investment in the rural economy. This is clearly supported in national policy and this is material consideration that is given great weight in favour of the proposal. Therefore, the proposal as a whole is considered to be acceptable in principle subject to the proposal being sensitive to its surroundings, having an unacceptable impact on local roads and exploiting any opportunities to make the location more sustainable, as required by national policy, and subject to the development meeting all other relevant policy and material considerations.

Design and impact upon the character of the area

- 8.14 Policy DM10(c) and (d) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally.
- 8.15 The Good Design Guide SPD provides guidance upon how to design an appropriate commercial building. This includes guidance on scale and massing, layout and character. The SPD states the design objectives for Twycross include to protect the visual integrity of the main approaches through the retention of landscaping and to orientate blank elevations away from the road.
- 8.16 Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.17 Existing buildings on the site are a mix of 1 and 2 storey, in brick and pale grey cladding. The surrounding area is predominantly brick built with some use of render.
- 8.18 Public comments raise concerns that the proposed largest building is too large and tall and that it is out of scale with the village. The buildings proposed are the same as the previous application and they were not refused for design reasons.
- 8.19 The two proposed buildings are located within the settlement boundary and the employment allocation and as such the siting is appropriate. The larger building is adjacent to the site entrance and so the new offices and main entrance will be visible on entering the site. The layout shows new allocated customer parking close to the site entrance and new offices, with employee parking beyond. This improves the site layout for both visitors and employees. The new office/workshop building will be a modern design and measure approximately 30.5m wide by 48m length and a height of 7m to the eaves and 9.5m to the ridge. The roof is a low pitch to minimise the height of the building. The front (south) elevation contains the offices and is heavily glazed with exterior materials of brick and timber cladding. The glazing continues onto the western (road facing) elevation to break up the length of



the building and materials are a mix of brick with composite cladding above. This elevation will be approximately 5.0m from the site boundary and screened to some extent by the existing hedgerow and trees. The rear (north) and side (east) elevations will be more functional with brick and composite cladding and large bay doors. The roof will be profiled sheeting. Final external materials details and colour can be secured by condition.

- 8.20 The smaller vehicle wash building will be located to the north-east of the site and will not be visible from the public domain. It will measure approximately 12m by 9.5m and be 7m to the eaves and 7.6m to the ridge. The materials proposed are vertical cladding and profiled roof sheeting. Final external materials details and colour can be secured by condition.
- 8.21 The external vehicle storage area will be located to the north-east of the new buildings. Vehicles will be stored on hardstanding and the land will be secured by security fencing. The area will be accessed from the existing site via a gap created in the existing hedgerow. The area is already heavily screened to the western boundary by existing hedgerow and trees. It will be screened from view to the south-east by an existing plantation area and further boundary planting. A new boundary fence will be erected to the north and new hedgerow and trees planted along the boundary. In addition, a woodland tree belt will be added within the land to the north (agricultural land) to further screen the site.
- 8.22 The site lies within the Landscape Character Area H: Twycross Open Farmland. This character area has a generally open landscape, traditional small villages with historic origins and distinctive red brick vernacular and its small pasture fields surrounding settlements with their continuous hedgerows reinforcing the rural character of the villages. The key sensitivities in the area relevant to the proposal are the areas of smaller fields surrounding the settlement which provide valuable visual interest, the distinctive rural character of the villages with strong local vernacular and the extensive distant views across the open rural landscape. This means that any change/development has the potential to be widely visible from this area and views from surrounding counties. The landscape strategies for this area relevant to this proposal are to conserve field patterns of historic or visual interest and to retain this area of remoteness, rural character and dark night skies ensuring that development respects the rural context.
- 8.23 At present the building and machines on the site are not visible from the nearest dwelling at Little Twycross (number 1 Bilstone Road) or from surrounding roads, due to existing trees and hedgerows. The proposed landscaping will take time to establish and this will increase the site's visibility in the short term. However, the landscaping scheme is considered appropriate to the character area and will ensure the site is appropriately screened and the character of the rural area is not harmed. Public comments have raised that the landscaping does not include the noise mitigation fence, as details of this are yet to be finalised. Therefore, final landscaping and boundary treatment details can be secured by condition.
- 8.24 Overall, the design is considered appropriate to the rural context. Subject to the final landscaping and boundary treatment details being secured by condition, the proposal satisfies the requirements of policy DM10 and the Good Design Guide SPD and the NPPF.

#### Impact on heritage assets

- 8.25 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications to pay special attention to the desirability of preserving or enhancing the character or appearance of any Conservation Area. Section 66 of the same Act places a duty

on the local planning authority when determining applications that affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

- 8.26 Policy DM11 states that the Council will protect, conserve and enhance the historic environment throughout the Borough. Development with the potential to affect a heritage asset or its setting will be required to demonstrate an understanding of the significance of the asset and its setting, the impact of the proposal on the asset and its setting, how benefits of the proposal may outweigh any harm caused and any impact on archaeology in accordance with policy DM13.
- 8.27 Policy DM12 states that all development proposals affecting the significance of heritage assets and their setting will be assessed against policy DM11 and will need to accord with DM10. The policy requires that development in the setting of listed buildings will need to be compatible with its significance. Proposals should ensure that the significance of a conservation Area is preserved and enhanced. Proposals which adversely affect the setting of a scheduled monument should be wholly exceptional and be accompanied by a clear and convincing justification.
- 8.28 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.
- 8.29 Paragraph 194 states that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. On sites with potential archaeological interest, a desk based assessment should be submitted and where necessary a field evaluation.
- 8.30 Paragraphs 199-203 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm (substantial or less than substantial) to be weighed against the public benefits of a proposal.
- 8.31 Local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably (paragraph 206).
- 8.32 The Twycross Conservation Area is located to the south-east of the application site and includes the historic core of the settlement. At its closest point the field boundary forming the north-western corner of the Conservation Area is approximately 120m from Area B. There is a scheduled monument (Moated site and fishponds NNW of St James' Church) located within the north-western corner of the Conservation Area and a small number of listed buildings are located within the wider Conservation Area. All listed buildings are grade II (The War Memorial, The Hollies, Twycross House School, Manor Farmhouse and two memorials within the church yard) other than the grade I Church of St James. Outside the Conservation Area there are two further listed buildings sited within the vicinity of the application site which are 3a Bilstone Road and the pump at 3a Bilstone Road. Both of these structures are grade II listed buildings located approximately 100m east of Area B.

- 8.33 The committee report for the previous application 20/00400/FUL included an assessment of the heritage assets close to the site using the Historic England five step approach to assessing change in the setting of heritage assets. This concluded that the site was not considered to fall within their setting and due to the form of the proposal it is considered this position would not be altered following the development. The northern part of the application site was considered to fall within the setting of the Conservation Area and scheduled monument, as this area is visible and can be experienced when travelling along the historic footpaths between Twycross and Little Twycross. The significance of these assets was assessed by the case officer as the application was not supported by a heritage statement. The conclusions of that assessment are still considered appropriate for this revised proposal.
- 8.34 The previous application was refused for the following reason:
2. *The area proposed for the storage and display of agricultural equipment and machinery would affect the significance of the scheduled monument known as "Moated site and fishponds NNW of St James' Church" and the Twycross Conservation Area by virtue of its location within the wider setting of these designated heritage assets. Based on the evidence submitted the level of harm is considered to be less than substantial. The level of the public benefits demonstrated by the proposal are insufficient to outweigh the harm caused to the identified heritage assets. Such a use along with the engineered bund would also constitute an incongruous feature in this rural landscape. The proposal would thus fail to protect, conserve and enhance the historic environment and would not protect the open character and landscape character of this rural area which would be contrary to Policies DM4, DM11 and DM12 of the SADMP and to advice in the NPPF.*
- 8.35 The application is supported by an Archaeological Desk-Based Assessment. The Assessment confirms that the application area has potential to contain below ground archaeological remains relating to medieval and post-medieval settlement. The development proposals include works (e.g. foundations, services and landscaping) likely to impact upon those remains, therefore the developer should be required to record and advance the understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance. A condition is therefore recommended to secure an appropriate programme of archaeological mitigation, including as necessary intrusive and non-intrusive investigation and recording.
- 8.36 To address the reason for refusal, the application is supported by a Heritage Statement (March 21). This agrees with the case officer assessment of the previous application (20/0040/FUL) that the relationship to the setting of the Conservation Area and Scheduled Monument is "arm's length", and the level of harm was judged to be at the lower end of "less than substantial". The Statement agrees that the previous landscape bund proposal was not suitable in this open rural area. The Statement considers that the setting of 3a Bilstone Road is affected, as the whole of the field between the Twycross Conservation Area and Little Twycross, in the applicant's ownership and traversed by footpaths, is part of the setting of the listed building, and is also important to the structure and setting of Little Twycross in general. The Statement supports the more natural and substantial landscape belt previously suggested by Historic England. The proposal is to thicken out an existing triangular area of scrub and add further tree planting to the north, to form a curved woodland edge to the west end of the field that would echo the game coverts and screen belts of country house parks, such as are found a little further north. The Statement considers that subject to careful choice of species and proper management, this would satisfactorily close the views looking west from the public

footpaths. In terms of the view from the Ashby Road B4116 / Bilstone Road junction, there is already planting on highway land here, which would screen the development, and could be further augmented if desired with isolated trees to “filter” any remaining views. The Statement considers that the view from this direction is much less sensitive than views from the east. The Statement concludes that the proposed screen belt will form a natural-looking edge to the retained field. It will maintain the rural character of the field between Little Twycross and the Conservation Area, and maintain the tranquil character of the setting of the village and Scheduled Monument. It would be also sufficient to preserve the character of the hamlet of Little Twycross and the Grade II listed building there (3a Bilstone Road).

- 8.37 Historic England advise that they have no concerns about the proposed buildings on the southern half of the site. Although the development on the northern part of the site has been reduced in size, the loss of historic landscape over the northern half of the application is still likely to have some negative impact. There would also be some visual impact on the scheduled monuments setting, particularly before the proposed landscaping scheme is fully established. It would be less impact than the previous scheme and the impact would be a low level of harm. The impact and harm would reduce over time as the proposed landscaping develops. Historic England therefore have no objections to this application. They advise that landscaping is important and that its implementation and on-going maintenance should be firmly secured on any permission. In addition, Historic England advise:

- Early implementation of the landscaping scheme, to allow its establishment, and
- Careful consideration of the type, height and colouring of the security fencing to ensure it is appropriate and as discrete as possible in this more exposed rural setting; and
- Addition of a native hedgerow and further tree planting along the eastern boundary of the application site, to help better screen and reduce the visual impact on views from the Twycross to Little Twycross footpath.

The above recommendations of Historic England can be secured by condition.

- 8.38 The Conservation Officer advises that subject to the implementation and management of the proposed landscape strategy the proposal is considered to have a neutral impact causing no harm to the setting of the scheduled monument, Twycross Conservation Area and 3a Bilstone Road, thus preserving their significance.
- 8.39 Therefore, consultees advise that there will be between a neutral and low level of harm to the significance of the designated heritage assets from the proposed development within their setting. The consultees do not object to the proposal. In accordance with NPPF paragraph 202, the harm is to be weighed against the public benefits. In this case, the public benefits are the support of a local business and the increase in employment opportunities.
- 8.40 Overall, the low level of harm is considered to be outweighed by the public benefits of the proposal. Subject to the imposition of conditions to secure appropriate landscaping and boundary treatment the development will accord with policies DM11 and DM12 of the SADMP and the NPPF.
- Impact upon neighbouring residential amenity
- 8.41 Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters

of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

- 8.42 Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.
- 8.43 The proposal relates to a workshop building and vehicle wash building in close proximity to residential properties, and thus has the potential to affect the residential amenity of the occupiers of the immediate neighbouring properties on Main Road (number 40 and 44) along with properties on the opposite side of Burton Road (A444) and to the northeast of the site on Bilstone Road (number 1 is the closest property).
- 8.44 A Noise Impact Assessment (March 2019) has been submitted with the application. This provides information on the proposed workshop operation which would have space for up to 12 tractors to be worked on simultaneously. Noise impacts are calculated based upon the roller shutter doors on the workshop building being closed. The offices would be located to the southwest of the workshop and the vehicle wash building is located separately to the north-east. The report contains the normal hours of operation for the site which are:
- Monday – Friday: 0800 – 1800  
Saturdays: 08:00 – 12:00
- 8.45 The Assessment recommends that internally, noise is reduced by an acoustically absorbent liner incorporated into the fabric of the buildings. Externally, it is recommended that a 2.4m acoustic barrier (brick wall or timber fencing) is constructed along the southeast and northeast boundaries of part A of the site.
- 8.46 The Assessment considered the noise impact of the development with the above mitigation, on the nearest residential properties; 40 Main Road, 1 Bilstone Road and 32 Burton Road. The noise at these properties was calculated to be 35sBLAeq,1hr, 35sBLAeq,1hr and 33sBLAeq,1hr respectively. The noise from plant was also considered and determined that there would be a low impact. No details of external plant are available at this stage, but the Assessment recommends that the cumulative noise from any external plant installed to serve the new buildings should not exceed 25 dBLAeq,1hr at the closest residential property during the daytime 07:00-18:00hrs.
- 8.47 Objections have been received from residents with regards to the potential for noise and disturbance from the new buildings and the new vehicle storage area.
- 8.48 The Council's Environmental Health Officer (EHO) advises that further work is needed at the detailed design stage. The scheme should include full details of the design of noise control measures and include that doors be kept closed to the workshop as per the assessment in the Noise Impact Assessment. A pre-commencement condition is recommended and can be secured.
- 8.49 The EHO further confirms that the proposed noise levels for fixed plant on the site are acceptable and that a further condition is required that fixed plant should only be operational during the proposed hours of use. They agree with the hours of working included in the Report and recommend that these hours are conditioned in

order to protect the residential amenity of the occupiers of surrounding residential properties.

- 8.50 The proposed conditions are reasonable and necessary, therefore, subject to the imposition of noise mitigation measures, the proposal would not have a significant adverse effect on the amenity of nearby residents by virtue of noise and disturbance.
- 8.51 Objections have been received regarding potential odour and air quality impacts. The EHO does not state any concerns in this regard. Objections have also been raised about the adverse effect the proposal would have on surrounding residential properties by virtue of additional lighting that may be required for the buildings and for the equipment storage area.
- 8.52 The applicant has submitted a Lighting Scheme, and revisions were made following comments made by the EHO. The revised scheme is considered appropriate by the EHO, as the spill shield has improved light spill and the levels are within guideline criteria for the correct Environmental Zone. The EHO recommends a condition to secure the lighting as per the submitted plan, and the hours of use of the lighting to the sites operating hours. The county ecologist has raised concerns regarding the lighting scheme, in relation to light spill onto hedgerows. A further revision to the Lighting Scheme was received 5/10/21 and members will be updated at Committee regarding consultee responses to this revised scheme.
- 8.53 Therefore, subject to the imposition of planning conditions the proposal would not have a significant adverse effect on the amenity of nearby residents by virtue of noise, disturbance and lighting and so the proposal would be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.54 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.55 Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.56 Paragraph 111 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.57 The proposal is to use the existing access located on the B4116 Ashby Road which is derestricted and subject to a 60 mph speed limit. The Highway Authority (LHA) advise that given the scale of development and land use then the applicant is not required to provide any transport assessment to support the application based on Part 2 Table of the Leicestershire Highway Design Guide (LHDG).
- 8.58 The LHA state that whilst the existing access exits onto a 60mph road, vehicle speeds tend to be markedly lower due to the proximity of the A444 junction. They confirm that there has been one Personal Injury Collision at the junction of the A416

and A444 and this was an isolated incident and the development would not exacerbate the situation.

- 8.59 At present flatbed trailers which deliver and collect from the site reverse in from Ashby Road as there is insufficient room for them to manoeuvre within the site. This causes delay on the Ashby Road which can back up to the A444. The LHA confirm that the proposed layout would allow these trailers to enter and leave the site in a forward gear which would result in a net improvement in terms of the safe and efficient use of Ashby Road and the A444.
- 8.60 Whilst the applicant has indicated that there would be an increase in employees in the future, the current proposal would not increase staffing levels on the site. As such, the LHA is unable to demonstrate that there would be a material increase in trips to/from the site.
- 8.61 The parking on site will increase from 25 to 35 and the layout is acceptable. Parking and turning provision can be secured by condition. Electric vehicle charging points and a cycle parking area are proposed within the site. Further details of cycle parking can be secured by condition.
- 8.62 Therefore, subject to the imposition of conditions, the impact of the proposed development on the road network would not be severe and the proposal meets the requirements of policy DM10(g), DM17 and DM18 of the SADMP and the NPPF.

#### Ecology

- 8.63 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.
- 8.64 Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.65 The previous application was refused for the following reason:
- ‘3. *Insufficient evidence has been submitted with the application to substantiate that the area proposed for the storage and display of agricultural equipment and machinery would not harm protected species including badgers and hedgerows on the site. Such a proposal would thus be contrary to Policy DM6 of the SADMP and to guidance in the NPPF.*
- 8.66 This application is supported by a Preliminary Ecological Appraisal (Dec 2020). The Appraisal concludes that the site contains no habitats of conservation concern. The Appraisal recommends a site enhancement including hedgehog nestbox, a bat sensitive lighting scheme (consultee comments on the revised lighting scheme are awaited) and tree/hedgerow removal outside of the bird breeding season and a herptile method statement.
- 8.67 LCC Ecology considers the submitted survey is satisfactory and does not object to the proposal. No badger setts or other evidence of protected species was recorded, and no habitats of conservation concern were recorded on the site. No further survey work is required. The ecology report recommends that a herptile method statement should be produced, and this can be secured by condition. The proposed native planting is welcomed, this will likely provide a net gain in biodiversity at the site. The recommendations in the Appraisal can be secured by condition.
- 8.68 The previous reason for refusal has been overcome. With the imposition of conditions the development would satisfy policy DM6 of the SADMP and the NPPF.

### Flood Risk and Drainage

- 8.69 Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.70 Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.71 The application is supported by a Flood Risk and Runoff Assessment. The Assessment concludes that the site is within flood zone 1 with a low residual flood risk potential. There is a brook within the site, which bisects the site and flows west to east (between areas A and B). The proposal is to drain the new impermeable areas with sustainable urban drainage as this will provide the required level of treatment, amenity and biodiversity net gain.
- 8.72 The Council's Drainage Officer recommends conditions to secure a sustainable surface water drainage system, details of surface water management and details of long term maintenance.
- 8.73 The LLFA state that the site is proposed to be drained by via infiltration, and so the results of infiltration testing should be provided at this stage to demonstrate feasibility. Otherwise the site has not been shown to have a viable outfall for surface water drainage. The previous application recommended conditions, and surface water drainage was not a reason for refusal.
- 8.74 The agent has advised that they have instructed infiltration testing of the site and that this information will be submitted prior to committee. An update will be provided to committee.
- 8.75 Subject to the submission of the infiltration testing results and the LLFA confirming that they are satisfied that the site can be satisfactorily drained and subject to any conditions that are deemed necessary, the development is considered to satisfy policy DM7 of the SADMP and the NPPF.

### Other Matters

- 8.76 Public comments have raised concerns about the conduct and lack of transparency of councillors with regards the application. This is not a material consideration and should be raised with the Parish Council or Borough Council separately.
- 8.77 Public comments have raised that a site notice not erected with regard to not in accordance with the development plan. A revised site notice was erected on 20/9/21 and revised newspaper advert placed on 20/9/21. Both expire 14/10/21.
- 8.78 Public comments have raised that the views from residential properties will be adversely affected. There is no right to a view over private land. The landscape impact of the proposal has been considered above.
- 8.79 Comments have raised concern about the impact on already poor water pressure. Severn Trent have not raised concerns regarding this application.

## **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 additional buildings for the existing business proposed on the existing employment site, within the settlement boundary are a significant investment in the local economy and can be supported in principle. The change of use of the agricultural land to a sui generis use is contrary to policy DM4, however, the scale of the expansion into the countryside has been reduced from the previous application, and the NPPF is a material consideration which supports the proposal.
- 10.2 The design of the buildings is acceptable and the development will not have a severe impact on the road network and will provide sufficient parking provision. With noise mitigation, control of external lighting and control of working hours, the amenity impact will be acceptable. The ecological impact is also acceptable subject to conditions. Subject to confirmation that the site can be satisfactorily drained, the development will not create or exacerbate flooding.
- 10.3 The development will require new landscaping and boundary treatment measures to ensure that the development will be appropriate to the rural location. The development will have low level impact on the significance of designated heritage assets through development within their setting. The harm identified has been weighed against the public benefits of the proposal, and the low level of harm is considered to be outweighed by the public benefits of the proposal in this instance.
- 10.4 Overall, the revised proposal is considered to have overcome the 3 previous reasons for refusal and is recommended for approval, subject to the imposition of conditions.
- 10.5 Therefore, the development is considered to meet policies DM6, DM7, DM10, DM11, DM12, DM17, DM18 and DM19 of the SADMP. Paragraphs 81, 84 and 85 of the NPPF are material considerations in favour of the proposal.

## **11. Recommendation**

- 11.1 **Grant planning permission** subject to:
  - The submission of further info regarding infiltration and the LLFA confirming this is acceptable, and

- Planning conditions outlined at the end of this report, and any further conditions as recommended by the LLFA.
- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions.
- 11.3 **Conditions and Reasons**
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
  2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:  
Site Location Plan 888-01 Rev B received 01/04/21  
Site Layout 888-02 Rev C received 01/04/21  
Proposed Floor Plans and Elevations Workshop/Offices 888-03 Rev A received 01/04/21  
Proposed Floor Plans and Elevations Vehicle Wash Building 888-04 received 01/04/21  
Noise Impact Assessment (NoiseAssess, Ref 12657.01.v1 dated March 2019) received 01/04/21  
Preliminary Ecological Appraisal (Elite Ecology, December 2020) received 01/04/21  
Lighting Scheme D43864/LC/D dated 4 October 21 received 05/10/21 (\*\*to be updated)  
**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1, DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
  3. The defined area shown as 'Agricultural Machinery Storage/Display Area' on approved Site Layout Plan 888-02 Rev C received 1/4/21 shall be used for the storage and display of agricultural machinery only and for no other purpose whatsoever.  
**Reason:** To safeguard the visual amenities of the area in accordance with policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and to ensure the impact of other uses would be fully assessed.
  4. Notwithstanding the recommendations within the submitted Noise Impact Assessment by NoiseAssess (reference 12657.01.v1 dated March 2019) development shall not begin until a scheme for protecting nearby dwellings from noise from the development has been submitted in writing to and approved by the Local Planning Authority. The scheme shall include full details of the design of noise control measures and include that doors be kept closed to the workshop and washroom. All works which form part of the approved scheme shall be completed before the permitted development first comes into use.  
**Reason:** To ensure that the proposed use does not become a source of annoyance to nearby residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development above foundation level shall commence on site until representative samples of the types and colours of materials and full details of windows, doors and roller shutter doors to be used on the external elevations of the buildings hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

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

6. Notwithstanding the submitted Landscape Strategy (ref: 184/LA/WS/00/01 Rev C), no development shall take place until a scheme of hard and soft landscaping works, including security fencing and boundary treatments, for the site and the adjacent existing plantation, including an implementation scheme, has been submitted in writing to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

7. A landscape management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted in writing to and approved in writing by the Local Planning Authority prior to the first use of the land shown as 'Agricultural Machinery Storage/Display Area' on approved plan 888-02 Rev C . The landscape management plan shall be carried out as per the approved details.

**Reason:** To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. The external lighting of the site shall be installed in accordance with approved plan D43864/LC/D by Kingfisher Lighting dated 4 October 21 received 5/10/21 (\*\*to be updated) by the Local Planning Authority. The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**Reason:** To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM6, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

9. The operational use of the buildings hereby permitted shall be restricted to the following times:-

08:00 to 18:00 Monday - Friday  
08:00 to 12:00 Saturday

No operational use at any time on Sundays and Bank 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).

10. No fixed plant shall be operated within the buildings hereby permitted outside the operating hours of:-

08:00 to 18:00 Mondays - Fridays

08:00 to 12:00 Saturdays and not at all on Sundays or Public Holidays.

Before any fixed plant is used within the buildings hereby permitted, it shall be enclosed with sound-insulating material and mounted in a way which will minimise transmission of structure borne sound in accordance with a scheme to be agreed with the Local Planning Authority in accordance with condition 4.

**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).

11. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a precautionary herptile method statement, which shall include timing of works, methods of working and any ecological supervision required shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

**Reason:** To ensure that the development does not cause harm to any protected species or their habitats in accordance with policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document 2016 and the NPPF.

12. The development shall be carried out in full accordance with the mitigation strategy, specified in Section 5 of the Preliminary Ecological Appraisal, Elite Ecology December 2020, received 1/4/21.

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

13. 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 by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and
- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
  - The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

14. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Steve D Pearce drawing number: 888-02 Revision C. Thereafter the on-site parking provision shall be so maintained in perpetuity.

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

15. Prior to first use of the development hereby permitted details of the secure (and under cover) cycle parking shall be submitted in writing to and agreed in writing by the Local Planning Authority. Thereafter the cycle parking shall be maintained and kept available for use.

**Reason:** To promote travel by sustainable modes in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

#### 11.4 **Notes to applicant**

1. The Written Scheme of Investigation (WSI) must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.

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.

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Planning Committee 19 October 2021  
Report of the Planning Manager

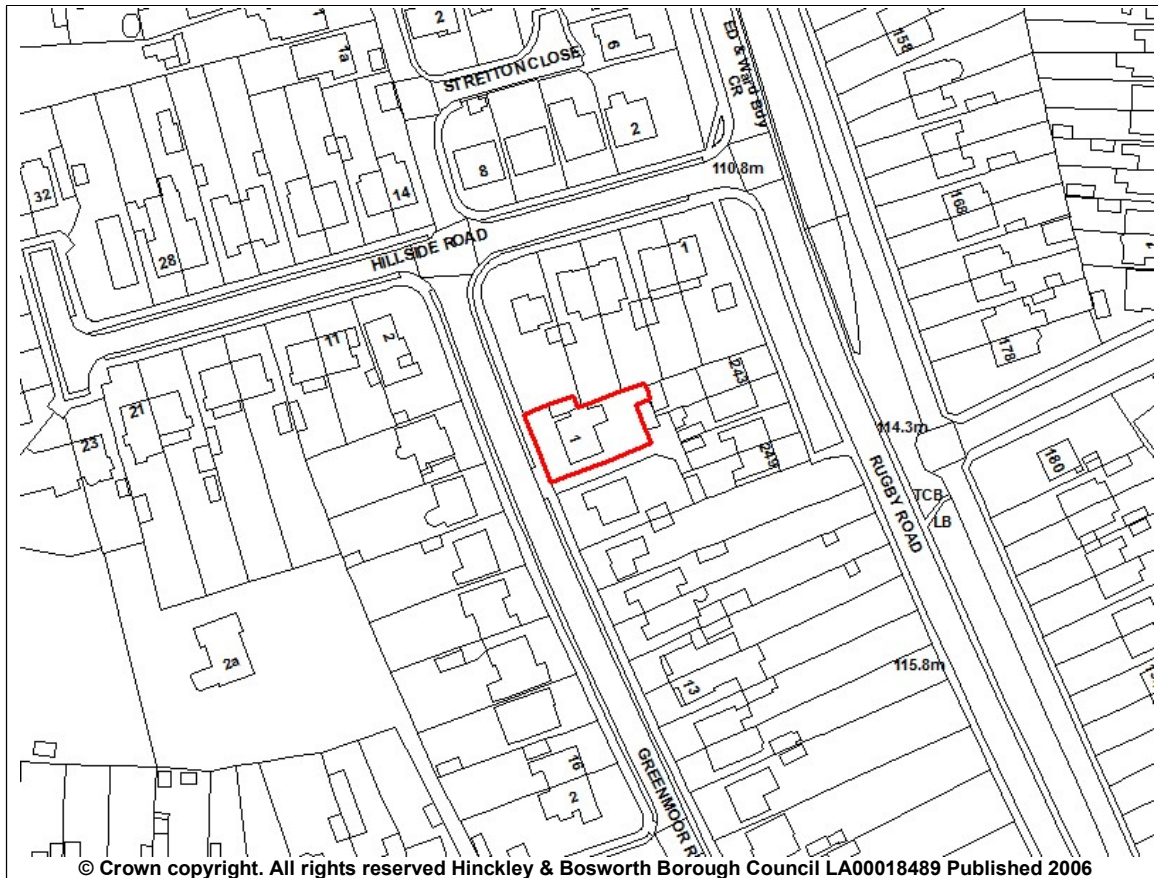
Planning Ref: 21/00400/HOU  
Applicant: Mr Gavin Dixon  
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth  
Borough Council

Site: 1 Greenmoor Road Burbage Hinckley

Proposal: External step lift



## 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 an external step lift to the front of 1 Greenmoor Road, Burbage. The lift would be built up with a brick retaining wall, and would be used to aid a disabled person(s) residing at the property.

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

- 3.1. The application site comprises a detached bungalow in the settlement boundary of Burbage. The dwelling is designed with a hipped roof and finished in red brick, white uPVC and brown roof tiles.
- 3.2. There is already an existing ramp with handrail to the front of the property.
- 3.3. Greenmoor Road is characterised by residential properties set up from the highway on the west side. The character of the properties is varied.

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

- 4.1. None relevant.

### **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. Four letters of objection have been received from three separate addresses with the following comments:
  - 1) The lift would be an unsightly and uncharacteristic addition to the street scene by virtue of its design and appearance.
  - 2) A better location would be to the rear of the property.

### **6. Consultation**

- 6.1. Burbage Parish Council have objected to the design and appearance of the scheme and have asked whether a personal condition could be imposed should planning permission be granted. It has also been requested that a suitably coloured frame is used for the lift to minimise its impact upon the appearance of the street scene.

### **7. Policy**

- 7.1. Burbage Neighbourhood Plan 2015-2026 (BNP)
  - Policy 1: Settlement Boundary
  - Policy 2: Design and Layout
- 7.2. Core Strategy (2009)
  - None relevant.
- 7.3. Site Allocations and Development Management Policies DPD (2016)
  - Policy DM1: Presumption in Favour of Sustainable Development
  - Policy DM10: Development and Design
  - Policy DM18: Vehicle Parking Standards
- 7.4. National Planning Policies and Guidance
  - National Planning Policy Framework (NPPF) (2021)
  - Planning Practice Guidance (PPG)
- 7.5. Other relevant guidance
  - Good Design Guide (2020)
  - National Design Guide (2019)

### **8. Appraisal**

- 8.1. Key Issues
  - Design and impact upon the character of the area



- Impact upon neighbouring residential amenity
- Impact upon Highways and Parking

Design and impact upon the character of the area

- 8.2 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.
  - 8.3 Policy 2 of the BNP advocates residential development which respects its surroundings in terms of design and layout.
  - 8.4 The proposed step lift to aid the disabled occupants of the host dwelling would be located to the front of the host dwelling, forward of its principal elevation. It would be set upon a small brick retaining wall finished to match the host dwelling. In its entirety, the development would cover approximately 5.4m<sup>2</sup>, with the lift itself having a floor area of approximately 1.9 metres. The development would be set down from the entrance into the host dwelling to be accessed from the public highway.
  - 8.5 At its highest point, by virtue of the sloping land levels to the front of the site, the proposed development would have a height of approximately 1.7 metres above ground level. The development would also include a lift call point on a small propriety post forward of the lift itself. The proposal would follow the specification of a Wessex Open Liberty Platform lift, with glass sides. Solid panels edging the glass would be polyester powder coated. No detail has been provided as to the colour of these panels, however, it is considered that assessment of this by the local planning authority could be addressed via a suitably worded pre-commencement condition should planning permission be granted.
  - 8.6 Notwithstanding, the proposed development would have a largely transparent appearance, would be set down from the principal elevation of the host dwelling, and by virtue of its proportions, would be subordinate the form, scale and massing of the host dwelling. It is not considered that the development would significantly alter the appearance or character of the principal elevation of the host dwelling. For this reason also it is not considered that the proposed development to serve the needs of the disabled person(s) would have an adverse impact upon the visual amenity of Greenmoor Road.
  - 8.7 On this basis it is not considered that a personal condition requiring the removal of the lift should the applicant no longer reside at the property is justified.
  - 8.8 The proposed development would satisfy Policy DM10 of the SADMP and Policy 2 of the BNP subject to a condition requiring the approval of materials prior to commencement.
- Impact upon neighbouring residential amenity
- 8.9 Policy DM10 of the SADMP seeks to ensure that development proposals shall not harm the amenity of neighbouring residential properties.
  - 8.10 By virtue of its location forward of and set down from the front elevation of the host dwelling, along with its modest proportions, largely transparent finish, and sufficient separation distance from any habitable elevations at neighbouring properties, it is not considered that the proposed development would have an adverse impacts upon the enjoyment of private residential amenity for neighbouring properties surrounding the application site,
  - 8.11 The proposed development would satisfy Policy DM10 of the SADMP in this regard.

## Impact upon Highways and Parking

8.12 The proposed lift is located in an area to the front of the property which is currently stepped access. The introduction of a lift in this location does not impact upon the parking arrangements or access to the property.

8.13 Therefore, the proposal accords with Policies DM17 and DM18.

## 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, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 The equality implications arising from this application relate to the protected characteristics of a disabled person(s). The application has been considered by officers with this in mind against the relevant planning policies and national guidance, notably Policy DM10 of the SADMP of Policy 2 of the BNP. It is not considered that the proposed development would be detrimental to the protected characteristics of its intended user and is therefore considered acceptable.

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 proposed development is for a property located within the settlement boundary of Burbage. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP and Policy 1 of the BNP, as long as the proposal is in accordance with the relevant policies of the SADMP.

10.2. The proposed development would have no adverse impacts upon the character and appearance of the host dwelling, and would not cause any adverse impacts upon the visual amenity of the surrounding area, the neighbouring amenity of adjacent properties or up highway safety. On this basis, the proposal is therefore considered to be in accordance with Policy DM1, DM10, DM17 and DM18 of the SADMP and Policy 1 and 2 of the BNP. The proposal and is recommended for approval subject to conditions.

## 11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

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

11.3 **Conditions and Reasons**

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

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

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

Site Location Plan received 21 October 2020

- Existing and Proposed Elevations, Drg No. 2109(08)05 received 22 March 2021
- Existing and Proposed Site Plan, Drg No. 2109(08)04 received 22 March 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 development shall accord with the approved Existing and Proposed Elevations, Drg No. 2109(08)05 received 22 March 2021.

**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 details of the colours of materials to be used on the step lift hereby permitted have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM10, DM11 and DM12 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

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Planning Committee 19 October 2021  
Report of the Planning Manager

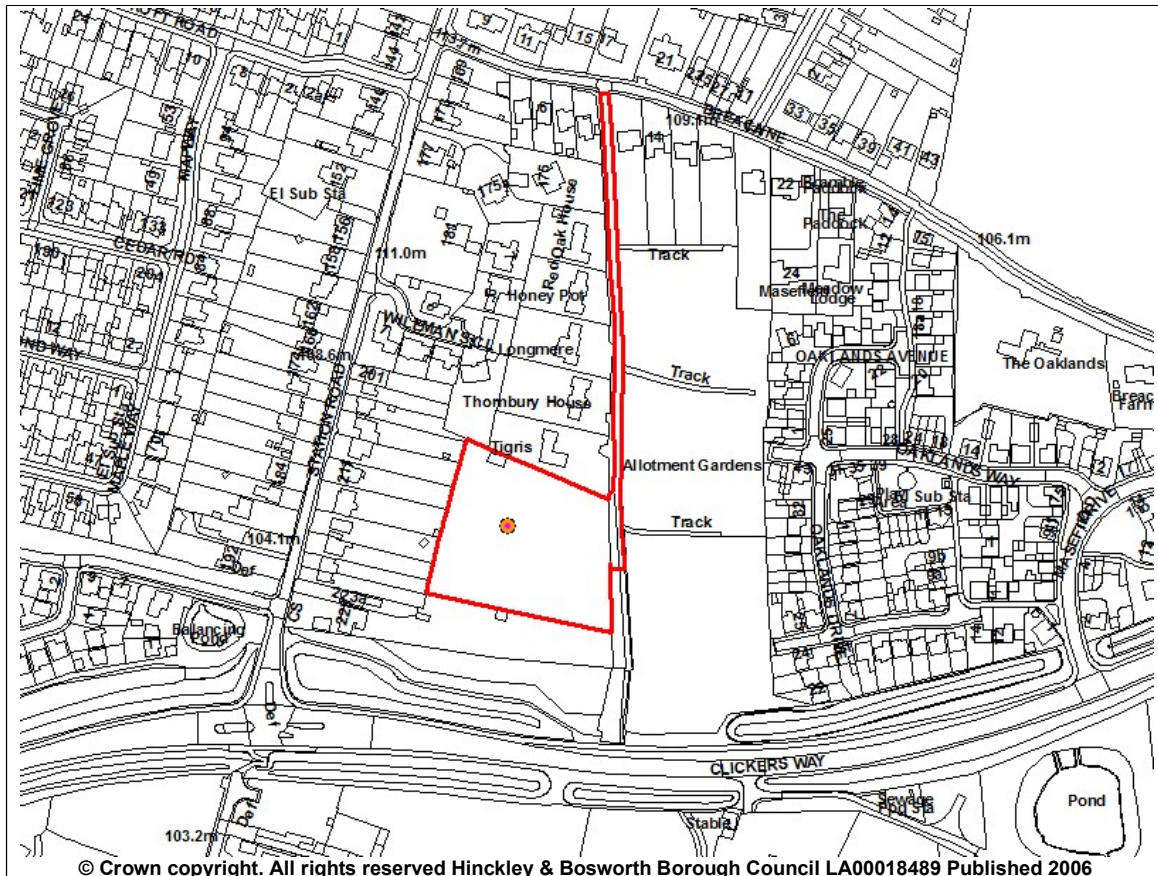
Planning Ref: 21/00607/FUL  
Applicant: Mr Hudson  
Ward: Earl Shilton



Hinckley & Bosworth  
Borough Council

Site: Land West Of Breach Lane Earl Shilton

Proposal: Erection of 9 detached dwellings



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The completion of a legal agreement to secure off site play and open space contributions
- 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 and legal agreement

## 2. Planning application description

- ### 2.1.
- This application seeks full planning permission for the erection of 9 detached dwellings, comprising 5 four-beds and 4 five-beds. Full planning permission was granted in 2020 under 19/00607/FUL for 3 detached two storey dwellings on the same application site, extending south of an existing line of residential

development. The dwellings approved followed the linear pattern of existing dwellings off the adopted highway. Permission was granted subject to the completion of a legal agreement to secure off site play and open space contributions and 14 other planning conditions including but not limited to those which relate to materials, landscaping plans, drainage details and archaeological reports.

- 2.2. The proposed dwellings would be accessed via an unadopted, private highway off the adopted Breach Lane. Each dwelling would have in-curtilage turning and parking facilities. Development would be arranged at depth with dwellings orientated around a shared private driveway that would extend into the site.
- 2.3. Amendments were received during the course of the application to the elevations of Plots 1, 2, 8 and 9. The application is also supported by drawings for House Types A-E. It was originally proposed that Plot 9 would comprise House Type E and Plot 1 would comprise House Type A. During the course of the application officer concerns were expressed for Plot 1's design and lack of active frontage. An amended site plan has been received showing Plot 1 as a handed version of House Type E as updated, whereby full height glazing characterises the side elevation fronting the highway. Plot 1 and 2 have also been orientated to become square on to the shared private driveway and a native hedgerow added to the southern boundary of the site. An obscurely glazed partition wall has also been added to the first floor balconies on Plots 2 to mitigate adverse overlooking impacts upon Plots 1 and 9. The drawing for House Type A has been updated accordingly.

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

- 3.1. The application site comprises a disused paddock in Earl Shilton, 1.8 acres (0.7 hectares) in area and located off the adopted highway known as Breach Lane via an un-adopted, private road.
- 3.2. The application site is situated outside the settlement boundary (with the exception of the Breach Lane junction) but surrounded by existing dwellings to the north, dwellings along Station Road to the west and allotments to the east. The Clickers Way bypass south of the application site runs east to west and encloses the south of Earl Shilton, severing the application site from the wider countryside.
- 3.3. The existing private highway that the application site is accessed from is characterised by ribbon development. The existing dwellings fronting the highway occupy large plots set back from the roadway and comprise detached two storey dwellings of varied designs and finishes. The un-adopted, private highway also provides pedestrian access to the Clickers Way bypass and the countryside beyond.
- 3.4. Land levels adjoining the un-adopted, private highway gradually decline towards the south.

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

#### **17/00532/OUT**

- Erection of five dwellings (Outline - access only)  
Withdrawn  
10.08.2017

#### **18/00530/OUT**

- Erection of three dwellings (Outline - access only)  
Outline planning permission granted  
15.11.2018

## 19/00607/FUL

- Erection of 3 detached dwellings  
Planning permission granted  
19.03.2020

### 5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. 22 letters of objections have been received, from 19 separate addresses raising concerns relating to the following:
- 1) More intensive development than previously approved
  - 2) The excessive and unjustified height and bulk of the houses, the first floor balconies and the proximity to the boundaries will harm the enjoyment of existing private amenity
  - 3) If development goes ahead it should be conditioned to ensure no overlooking
  - 4) Assurance should be given that the proposed re-routing of the sewer will not result in a blockage and the backing-up of water in manholes in the highway or in private curtilage
  - 5) The application site is in the countryside which is not land to be developed for housing
  - 6) The development would lead to the eventual loss of the allotments to the east
  - 7) Lorries will have difficulty reaching the site due to the narrow lane and cars parked along it (i.e. allotment users)
  - 8) Harm to the tarmacadam single track which residents along Breach Lane pay to maintain. Who will pay for any damage to it during construction? A condition should be added should permission be granted ensuring that the developer is liable for fixing any damage
  - 9) Visibility is poor at the top of Breach Lane
  - 10) Overdevelopment of the land
  - 11) The development would remove the lane as an accessible walking route and would impact the health and wellbeing of users
  - 12) The development would harm the open character and appearance of the countryside and is contrary to Policy DM4 of the SADMP
  - 13) The proposed dwellings are poorly designed and proportioned, boxy in appearance with a square floorplan and significant depth resulting in dark interiors and very bulky and dominant roof forms and height
  - 14) The 9 metre height of the proposed dwelling will inevitably become three storey, however the previous approval said that only two storey would be acceptable here
  - 15) The scheme has unnecessarily excessive driveways for most of the plots
  - 16) The development will cause a safety hazard along Breach Lane
  - 17) Breach Lane is not wide enough to serve existing dwellings, the allotment, walkers, vehicle users trying to cut out the traffic calming measures along adopted roads and the new dwellings
  - 18) The development would exacerbate already problematic traffic levels along a substandard lane
  - 19) The extra traffic will cause a lot more cars, vans & lorries to either reverse into or out of the lane from or onto the main road
  - 20) The proposal for new passing places will be used as parking spaces for allotment users
  - 21) The proposed development will result in the continued and increased use of access drives being used as passing places
  - 22) Existing sewers won't cope with the additional houses

- 23) Breach Lane has already seen a lot of change, the proposal would ruin what is left
- 24) The development is unnecessary. With the Earl Shilton SUE Action Plan for approximately 1600 homes do we need to cram in houses wherever there is the smallest of space
- 25) The site has ecological value and the proposal would dispose of any wildlife
- 26) More vehicles onto the main Breach Lane and Station Road which is a rat run already being investigated by LCC for heavy traffic and speeding
- 27) Plans propose piled foundations which will entail heavy machinery, excessive vibration and noise
- 28) This parcel of land was known to have a Japanese knot weed problem on its edge. Hopefully, this has been eradicated for the sake of any potential future residents
- 29) Each dwelling would likely have at least 3 cars, meaning a minimum of 27 extra cars using the private lane
- 30) Unsociable delivery hours during construction phase
- 31) Will the site be secure out of hours during construction so as not to attract undesirables
- 32) There is no public lighting down the lane

## **6. Consultation**

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

- HBBC ES Pollution
- LCC Archaeology
- LCC Ecology
- HBBC Monitoring Officer
- HBBC Waste
- HBBC Drainage
- LCC Highways

6.2. No comments have been received from Cadent/National Grid or Earl Shilton Town Council.

## **7. Policy**

7.1. Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy 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

7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) 2021
- Planning Practice Guidance (PPG)

7.4. Other relevant guidance



- Housing and Economic Development Needs Assessment (HEDNA)
- Earl Shilton and Barwell Area Action Plan (AAP)
- Open Space and Recreation Study (2016)
- Good Design Guide (2020)
- National Design Guide (2019)

## **8. Appraisal**

### **8.1. Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Ecology
- Developer Contributions
- Other matters
- Planning Balance

Assessment against strategic planning policies

- 8.2. Paragraph 2 of the NPPF (2021) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF (2021) also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF (2021) states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.3. The development plan in this instance consists of the Core Strategy (2009), Earl Shilton and Barwell Area Action Plan (2014) and the Site Allocations and Development Management Policies (SADMP) Development Plan Document (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.
- 8.5. Third parties have expressed an objection to the development on the grounds that residential development is not acceptable or necessary in the countryside. Third parties are of the opinion that when an sustainable urban extension in Earl Shilton is planned, there is no need to cram houses into smaller spaces.
- 8.6. However, the housing policies in the development plan are considered to be out-of-date as they focus on delivery of a lower housing requirement than required by the up-to-date figure and the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by MHCLG. Therefore, the application should be determined against Paragraph 11(d) of the Framework whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The status of the plan is weighed in the balance of the merits of any application and considered alongside policies in the SADMP and the Core Strategy which are still attributed significant weight by virtue of their consistency with the spirit and objectives of the NPPF (2021).

- 8.7. The site is immediately adjacent to the defined settlement boundary of Earl Shilton in an area of countryside, and therefore Policy DM4 of the SADMP is applicable. 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.
- 8.8. The site does not fall under any of the categories identified in DM4 as sustainable development and as such the principle of residential development on the application site is not supported. This conflict shall be carefully weighed in the planning balance along with detailed assessment of all other relevant planning considerations. Planning permission 19/00607/FUL is extant and therefore carries weight in the planning balance.
- Design and impact upon the character of the area
- 8.9. 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.
- 8.10. 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. Any harm to the intrinsic value, beauty, open character and landscape character of the countryside would be unjustified by virtue of the proposal's in-principle conflict with Policy DM4 of the SADMP.
- 8.11. The application site is located to the south of existing residential dwellings off the adopted Breach Lane. Dwellings along Station Road abut the western boundary of the application site and allotments are located to the east. To the south is a planting buffer that lines the A47 (Clickers Way). The application site comprises an undeveloped paddock with the exception of a small stable block building. The existing boundary treatment comprises mature trees and hedgerows which shield it from view within the street scene. The track serving the land and existing properties narrows as it extends towards the application site entrance.
- 8.12. The application seeks to extend development along the un-adopted, private highway by constructing 9 detached dwellings. Whilst third party objections to the scale and size of the proposed dwellings have been submitted, the dwellings would be similarly sized to those within the vicinity and two storeys in height to reflect the wider character of the area and the properties existing to the north. Each dwelling would be served by a garage either integral or detached to the side.
- 8.13. The application seeks to infill an existing area of unused paddock separating the settlement boundary from Clickers Way. The dwellings would be arranged around a private driveway, built form extending back to the western side of the paddock.

Plots 1, 2, would be oriented to face north towards the private driveway, Plots 8 and 9 to the south, and Plots 3, 4, 5, 6 and 7 to the east set along the western boundary of the site. The gardens serving Plots 3, 4, 5, 6 and 7 would abut the gardens serving dwellings along Station Road, those serving Plots 1 and 2 would abut Tigris, the neighbouring property to the north and the gardens serving Plots 8 and 9 would face out on to the countryside to the south. The application seeks to increase the number of dwellings on site from the 3 approved previously under 19/00607/FUL to 9. The 3 dwellings previously approved reflected the linear plan form and plot size of dwellings north along the private highway. Whilst increasing the density of development proposed and no longer reflecting this linear pattern, the current application would still reflect the arrangement of dwellings within Wileman's Close north west of the application site. The transition from linear dwellings fronting Station Road set on long narrow plots to development at depth within Wileman's Close is mirrored in the contrast between the existing linear dwellings along the private Breach Lane highway and the arrangement of dwellings proposed. Plots 1 and 9 would still be set back from the private highway alike properties to the north, albeit orientated differently. In this regard, the existing building line to the north would still be respected. Concern has been raised by third parties that 9 dwellings on the site would result in its overdevelopment. However, it is considered that despite the increased density proposed, the application site could still provide for nine reasonably sized plots occupied by spacious 4/5 bed dwellings. In this regard it is not considered that the density or arrangement of the proposed development would be detrimental to the character of surrounding built form.

- 8.14. Third party concern has been raised for the design and proportions of the proposed dwellings, including their bulky, dominant roofs designs. Each dwelling would be designed with both two storey and single storey elements, featuring both dual and mono-pitch roofs. Each dwelling would be characterised by gable projections and staggered building lines, whilst providing spacious internal amenity. The dwellings would feature floor to ceiling glazing bars and would be finished in materials to complement one another. It is recommended that a condition be imposed requiring the submission of material samples prior to commencement should permission be granted. The application site is surrounded by two storey dwellings of varied design and finishes. In this regard, it is not considered that the proposed dwellings as shown on the submitted floor plan and elevation drawings would constitute poor design.
- 8.15. A single point of access to the 9 dwellings is proposed. The existing access would be replaced with native hedge species and the new access located just to the south of the existing.
- 8.16. The private highway provides pedestrian access south to Clickers Way bypass and the countryside beyond. To the south of Breach Lane, the Clickers Way bypass runs east to west and encloses the south of Earl Shilton, and severs the application site from the wider countryside. To the west of the application site, dwellings along Station Road extend up to the boundary of Clickers Way, as well as dwellings within the Masfield Drive development to the east beyond the allotments. Third party concern has been raised for changes that have already been made to Breach Lane and the need to preserve its remaining undeveloped land. Although the development would introduce development in the countryside, the development proposed on the application site would not result in significant adverse harm given the surrounding built form, and its close relationship with the immediately adjoining neighbouring settlement boundary. The positioning of Clickers Way bypass ensures that the perceived separation between the settlement and the wider countryside is observed and maintained.
- 8.17. Third party concern has been raised for the prospect of a third floor being created in the dwellings at a later date if planning permission is granted. However, the current

application only proposes two storey and the LPA must assess each planning application on its own merits using the information submitted. Speculation is not a material planning application.

- 8.18. In summary, the proposed development of 9 dwellings would not result in a significant adverse impact upon the character and landscape character of this area of countryside, having regard to the wider pattern of development. It is considered that this would not be significantly harmful in this instance for the reasons set out above. Therefore, the proposal would not significantly conflict with Policy DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.19. Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighbouring properties. It is also necessary to ensure that sufficient amenity is provided for future occupiers of the development.
- 8.20. The nearest neighbouring dwelling to Plots 7, 8 and 9 is Tigris, Breach Lane, which is situated to the north of the application site. Tigris is a two storey detached dwelling with a south facing side gable. Plot 9 would be forward of the principal elevation of this neighbouring property, its rear elevation facing onto its private drive. The garden serving Plot 9 would be approximately 13 metres in depth, above the minimum depth advised in the Council's Good Design Guide. Bearing in mind this relationship, land levels, and the 13 metre separation distance between Plot 9 and the shared boundary, it is not considered that this Plot would have any adverse overbearing, overlooking or overshadowing impacts upon the habitable areas serving Tigris.
- 8.21. The width of Plot 8 would align with the side elevation of Tigris. There would be approximately 22 metres from principal windows along the rear elevation of Plot 8 (including balcony) and the side elevation of Tigris. According to the Council's Good Design Guide, this distance is acceptable to ensure no adverse overlooking, overshadowing or overbearing impact.
- 8.22. Facing towards to east, the depth of Plot 7 would run parallel with Tigris' rear garden. It would be set approximately 10 metres beyond the rear elevation of this neighbouring property and would be set approximately 3 metres away from the shared boundary. Located to the south of Tigris, views of Plot 7 from the rear of Tigris would be at an oblique angle and therefore there would unlikely be any direct overlooking. Bearing this in mind, along with the separation distances identified and the spacious rear garden serving Tigris, it is not considered that the impacts upon the enjoyment of private amenity for this neighbouring property would be significantly harmful to warrant the application's refusal. The northern boundary of the application site shared with Tigris would be lined with a hedgerow.
- 8.23. In the interests of adequate amenity, it is recommended that the submission of a landscaping plan prior to commencement is conditioned should planning permission be granted, to ensure that landscaping across the entire site is sufficient to further maintain privacy and sufficient amenity.
- 8.24. The proposed new dwellings would be largely aligned with one another with the exception of some shallow rear projections. The principal part of each dwelling would be separated by around 7 metres, and where less, windows along side elevations are secondary or arranged to serve inhabitable rooms. Notwithstanding, in the interests of ensuring acceptable levels of private amenity, all windows serving cloakrooms, family bathrooms, ensuites, master ensuites and shower rooms should be conditioned to be fitted with obscure glazing should planning permission be granted.

- 8.25. A first floor balcony is proposed on Plots 2 and 8 (House Type A). It is acknowledged that the balconies would overlook the private rear gardens serving Plots 1 and 2. To overcome this without significantly altering the external appearance of House Type A as originally designed, a 1.8 metre (approx.) obscurely glazed partition wall has been proposed, set in 3 metres (approx.) from boundaries shared with Plots 1 and 9 respectively. Combined with the shallow depth of the balconies, it is considered that this amendment would mitigate any adverse overlooking impacts upon the gardens serving Plots 1 and 9, subject to a condition requiring the partition to be retained in perpetuity.
- 8.26. Each dwelling would be served with private gardens of acceptable sizing as per the Council's Good Design Guide. Bearing the above in mind, along with securing the use of acceptable boundary treatments between dwellings via a conditioned landscaping plan, it is considered that the proposed development would ensure sufficient amenity for future occupiers of the site. No concerns have been raised by HBBC Environmental Health in relation to noise disturbance from Clickers Way.
- 8.27. To the west of the application site the rear gardens of dwellings No.207 to 219 Station Road, Earl Shilton, back onto the application site. The rear garden depths of these properties are in excess of 40 metres and therefore given this significant distance this proposal would not result in any loss of amenity to these properties.
- 8.28. Residential development has already been established in the vicinity of the application site. As such, any noise/disturbance currently experienced by properties neighbouring the application site is largely domestic in nature. By virtue of the quantity of development proposed, it is not considered that any long term noise/disturbance to the amenity neighbouring properties would be over and above that already experienced.
- 8.29. In light of the above, the proposal is considered to be in accordance with Policy DM10 of the SADMP in terms of residential amenity.
- Impact upon highway safety
- 8.30. Policy DM17 of the SADMP states that all new development should be in accordance with the highway design standards. Policy DM18 ensures that development provides appropriate parking provision.
- 8.31. Third party objections have been received on the grounds of adverse impacts on highway and pedestrian safety as a result of the constrained nature of the un-adopted highway and the increased traffic movements along the stretch of Breach Lane affected by the proposal. There is concern for the poor visibility at the Breach Lane junction, the insufficient width of the un-adopted, private highway to serve existing and proposed users, the use of the proposed passing places by allotment users and thus the continued use of existing access drives as passing places. Objections to the development also relate to exacerbating already problematic traffic levels.
- 8.32. The section of Breach Lane affected by the proposal is an un-adopted single width private track used by vehicles and pedestrians to access the allotments, the existing dwellings and the public right of way. The proposed development site would be situated approximately 250 metres to the south of the publically maintained highway.
- 8.33. Previously under 19/00607/FUL Leicestershire County Council (Highways) advised that their concerns with the development relate to how the development may interrelate to traffic on the adopted highway, Due to the limited number of dwellings proposed, the Highway Authority did not deem it necessary that passing places were required along the private road.

- 8.34. The adopted highway junction was advised previously to be widened to 4.8 metres for the first 12 metres due to a concern for an increase in the potential for conflict between vehicles and non-motorised users using the un-adopted section of Breach Lane, There are currently no formal passing places, or kerbed pedestrian footways along the un-adopted track.
- 8.35. The currently proposed development includes the widening of the carriageway at the Breach Lane junction to 4.8 metres for the first 12 metres and also a widening of the carriageway in the vicinity of the site access. Whilst the application proposes passing places, due to the un-adopted nature of the track, LCC Highways is not in a position to advise this be secured by condition. It is also noted that there is a dashed line shown running along Breach Lane on the submitted site plans, possibly to delineate a pedestrian route, however this is worn and overgrown. As such, any use of the proposed planning passing for parking would need to be resolved between vehicle owner/owners of the private, un-adopted highway.
- 8.36. LCC Highways have recommended that the widened access at the Breach Lane junction, including visibility splays and the cutting back of hedgerows along the eastern boundary of the site where required to accommodate the proposed new access are conditioned should planning permission be granted.
- 8.37. The private drive through the site would be approximately 5.8 metres wide which would be sufficient to allow two vehicles to pass.
- 8.38. A minimum of 3 parking spaces would be required for each plot according to LCC Highways design guidance. The proposed garages in respect of all plots do not meet minimum internal dimensions to be counted as a parking space. Nevertheless, the majority of plots would have sufficient driveway space to accommodate three vehicles and, in any case, overflow parking is likely to occur on the internal access road, rather than the un-adopted/adopted highway. Sufficient turning provision would also be provided within the site to allow for vehicles to enter and exit in a forward gear.
- 8.39. LCC Highways have provided no further comments in relation to the adopted highway and do not object to the scheme proposed subject to conditions related to a construction traffic management plan, access arrangements and parking and turning facilities in accordance with the submitted drawings.
- 8.40. It is considered that the residual cumulative impacts of development upon the adopted highway would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. The proposed development would not conflict with Policies DM17 and DM18 of the SADMP.

#### Drainage

- 8.41. Policy DM7 of the SADMP seeks to ensure that development does not exacerbate or create flooding.
- 8.42. Third party concern has been raised in relation to the existing sewers being able to cope with the proposed additional dwellings.
- 8.43. The Environment Agency flood maps identify the site as being located within Flood Zone 1 and do not highlight any concerns relating to surface water flooding. No evidence has been provided to demonstrate that the proposed dwellings would adversely impact on flood risk. A new sewage line across the site is proposed including easements. A third party has requested that there be assurances the new line would not result in blockages in private curtilage or the highway. HBBC Drainage has advised further drainage details be provided through a condition

should planning permission be granted to ensure surface water and foul sewage is discharged appropriately, incorporating sustainable urban drainage systems.

- 8.44. It is considered that the development would be in accordance with Policy DM7 of the SADMP subject to this condition.

#### Pollution

- 8.45. Policy DM7 of the adopted SADMP seeks to prevent adverse impacts from all forms of pollution. The application has been submitted with a Geoenvironmental assessment.
- 8.46. HBBC Environmental Health (Pollution) have not objected to the proposal subject to the development being carried out in accordance with the findings of the submitted report, further remediation work to be carried out as required and restrictions on operating hours for development to ensure that disturbance is controlled. A third party has brought to the LPA's attention that the application site has previously experienced problems with Japanese knot weed. The applicant should seek advice from the Environment Agency for any further instances.
- 8.47. Accordingly, the proposed development would comply with Policy DM7 of the SADMP.

#### Ecology

- 8.48. Policy DM6 of the SADMP seeks to ensure no adverse impacts upon biodiversity.
- 8.49. LCC Ecology have been consulted on the application and consider that due to the existing paddock having been overgrazed, it is unlikely to be species rich. The existing stable building on site has an open roof space constructed in the 90s and therefore falls outside the scope of requiring a bat survey. LCC Ecology therefore has no objection to the proposed development. Accordingly the proposed development would comply with Policy DM6 of the SADMP.

#### Developer Contributions

- 8.50. 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. To support the provision of mixed, sustainable communities. Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements.
- 8.51. The proposed development seeks to erect 9 large detached dwellings on a site of 0.7 hectares. As a result it is necessary to require from the applicant a Unilateral Undertaking legal agreement to ensure that the local planning authority secure contributions towards off-site play and open space in accordance with Policy 2 and 19 of the Core Strategy and Policy DM3 of the SADMP.
- 8.52. Core Strategy 19 and the open space recreation study seeks that provision for children should be within a catchment area of 400 metres and Provision for young people within a catchment of 500 metres from the application site. The application site is located within 400 metres of Jubilee Drive, which provides amenity space and children play space. The quality score Jubilee Drive is 68% within the Open Space and Recreation Study 2016, which is below the 80% quality target score. It is considered that the future occupiers would use the facilities of this site. Within 500 metres of the application site is Maple Way, which provides space for young people, which has a quality score of 74%, which is below target score of 80%. As such the proposed development would attract the following contributions:-

	Provision per dwelling (2.4 people per dwelling)	Number of dwellings	Sqm to be provided	Off site provision per square metre	provision contribution	Maintenance contribution per square metre	Maintenance contribution
Equipped Children's Play Space	3.6	9	32.4	£181.93	£5,894.53	£87.80	£2,844.72
Casual/Informal Play Spaces	16.8	9	151.2	£4.44	£671.33	£5.40	£816.48
Outdoor Sports Provision	38.4		0	£9.05	£0.00	£4.30	£0.00
Accessibility Natural Green Space	40		0	£4.09	£0.00	£7.10	£0.00
				Provision total	£6,565.86	Maintenance total	£3,661.20

- 8.53. A contribution of £10,227.06 (provision and maintenance) is considered reasonable in mitigating the impact of the proposed development upon the existing facilities. Therefore the above contributions would be deemed necessary and reasonable.

#### Other matters

- 8.54. No detail has been provided regarding waste management. When bearing in mind the location of the application site off an un-adopted, private highway, should planning permission be granted it is recommended that a condition requiring a waste management plan to be submitted for approval by the local planning authority prior to commencement.
- 8.55. Third party concern has been raised regarding the potential for the development to damage the surfacing of the private highway. It is not within the LPA's powers to enforce liability upon the developer should any damage to the highway occur as a result of construction. Any issues will need to be resolved as a civil matter seeking legal advice where necessary.
- 8.56. Third party concern has been raised for the piled foundations proposed and the noise and vibration likely to result from this. It is recommended that construction hours be conditioned and therefore any disturbance should not be outside of sociable hours. Any noise during sociable hours is an inevitable temporary consequence of construction work. A condition restricting construction hours will also ensure no unsociable delivery hours. Should the developer work outside of the conditioned hours then this should be reported to the Planning Enforcement team for investigation.
- 8.57. Concern has been raised with regards to site security should planning permission be granted. It is not within the LPA's powers to enforce site security. Any concern for this should be raised directly with the site owner/developer.
- 8.58. A third party comment has brought the lack of street lighting along the un-adopted highway to the LPA's attention. However, it is not within the local planning authority's power to enforce street lighting for a proposed land use that already exists along the highway. The un-adopted highway is privately owned and therefore the need for street lighting should be negotiated with the land owner(s) and the relevant consents and permissions applied for.



- 8.59. Third party concern has been raised for the eventual loss of the existing allotments if the proposed development is approved. However, speculation is not a material planning consideration.

Planning Balance

- 8.60. The NPPF (2021) is a material consideration in determining applications. Paragraph 11 of the NPPF (2021) identifies that plans and decisions should apply a presumption in favour of sustainable development, and for decision taking this means approving development proposals that accord with an up to date development plan. Policies in the local plan relating to the supply of housing are now considered out of date and the Council is unable to demonstrate a 5 year housing land supply when using the standard method set out by MHCLG. Therefore the presumption in favour of sustainable development within paragraph 11(d) of the NPPF (2021) is triggered.
- 8.61. Paragraph 8 of the NPPF (2021) states that sustainable development has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The assessment of the three dimensions relative to this proposal are as follows:-
- 8.62. Economic – The scheme would provide some, but not significant benefits to the local economy through the creation of jobs and demand for services and materials for the construction of the development itself. Benefits would also come from the future occupation of the development supporting businesses in the wider rural area.
- 8.63. Social – The scheme would provide a moderate contribution to the overall housing supply within the Borough through the provision of 9 new dwellings. The proposal would however provide dwellings in an area where there is no additional housing allocation outside the defined settlement boundary of Earl Shilton other than the proposed Sustainable Urban Extension to the south of the settlement boundary.
- 8.64. Environmental - Although the proposal is situated outside the settlement boundary, it is immediately adjacent to it, and not in an isolated position, with development positioned to the north, east and west of the site and Clickers Way severing the application site and the settlement boundary from the wider countryside. The development would be in close proximity to the local services of Earl Shilton. Given the positioning of the site in relation to the wider area, the proposal would not result in a significant adverse impact upon the countryside.
- 8.65. Although the benefits of the scheme would be moderate, it is not considered that the proposed development would result in any adverse impacts that would significantly and demonstrably outweigh these, and thus justify the application's refusal when assessed against the NPPF.

**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 seeks development on land west of Breach Lane, Earl Shilton for the erection of 9 dwellings. The site is currently a grassed paddock area, immediately adjacent to the defined settlement boundary of Earl Shilton. Notwithstanding, the site is still outside of the settlement boundary and the principle of residential development on the application site would accord with Policy DM4 of the SADMP.
- 10.2. Nevertheless, by virtue of existing surrounding development and Clickers Way to the south, the existing application site is not considered to reflect the open landscape character of the countryside or serve as a physical and perceived separation between settlements. It is neither considered that the proposal would significantly exacerbate ribbon development.
- 10.3. In addition, the proposal would not have any significant adverse impacts upon residential amenity, local infrastructure, vehicular or pedestrian safety, ecology, drainage or pollution, subject to conditions and the completion of a Unilateral Undertaking agreement.
- 10.4. Having regard to the NPPF (2021) and the status of the local plan's housing policies, paragraph 11 (d) of the NPPF is triggered and a presumption in favour of sustainable development is applied. Taking this into account, along with relevant local plan policies and material planning considerations, it is considered, on balance, that the proposed development constitutes sustainable development. In this instance, the provision of 9 dwellings on the application site would not result in a significantly and demonstrably adverse impact which would outweigh the benefits, albeit moderate, when assessed against the policies in the NPPF (2021) taken as a whole. It is considered that the proposed development is in accordance with Policies 2 and 19 of the Core Strategy, DM1, DM3, DM4, DM6, DM7, DM10, DM17 and DM18 of the SADMP and paragraph 11 of the NPPF (2021). This full application is therefore recommended for approval subject to conditions.

## **11. Recommendation**

- 11.1 **Grant planning permission** subject to:
  - Planning conditions outlined at the end of this report.
  - The completion of a Unilateral Undertaking to secure play and open space contributions
- 11.2 That the Planning Manager be given powers to determine the final detail of planning conditions and legal agreement.
- 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:  
House Type A Floor Plans drg no. 008 A  
House Type A Elevations drg no. 009 A  
Site Layout Drg No: 007 C  
All received 29.09.2021  
Location and Block Plan Drg No 006B  
Proposed Plans House Type E Drg No 016A  
Proposed Elevations House Type E Drg No 017A  
All received 31.08.2021  
House Type B Floor Plans drg no. 010  
House Type B Elevations drg no. 011  
House Type C Elevations drg no. 013  
House Type C Floor Plans drg no. 012  
House Type D Floor Plans drg no. 014  
House Type D Elevations drg no. 015  
House Type E Elevations drg no. 017  
House Type E Floor Plans drg no. 016  
All received 11.05.2021  
**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 windows serving cloakrooms, family shower rooms, family bathrooms, ensembles and master ensuite across all dwellings hereby approved shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable below 1.7m from internal floor level. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.  
**Reason:** To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).
4. No development shall commence until surface water drainage details, incorporating sustainable drainage principles (SuDS) and plans for the disposal of foul sewage have been submitted to and approved by the Local Planning Authority and the scheme shall subsequently be implemented in accordance with the approved details before the development is completed.  
**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 108 and 110 of the National Planning Policy Framework (2021).
5. No development above foundation level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been

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

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

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

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

7. 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).

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

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

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

**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).

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

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

10. The development hereby permitted shall not be occupied until such time as off street car parking provision (with turning facilities) has been provided, hard surfaced and demarcated in accordance with Site Layout Drg No: 007 C received 29.09.2021. Thereafter the onsite parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies DPD (2016) Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Plan Drg No 007B and Location and Block Plan Drg No 006B both received 31.08.2021 have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

12. The remediation measures recommended in the Geoenvironmental Assessment Report No: 19097/1 dated April 2019 document and received 11.05.2021 shall be implemented in accordance with the approved report and verification provided to the local planning authority for approval prior to the first dwelling on site 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).

13. 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).

14. Construction work of the development, hereby permitted, shall not take place outside the hours of 07:30 hrs to 18:00 hrs on weekdays and 08:00 hrs to 13:00 hrs on Saturdays. No construction work shall take place at any time on Sundays and Bank Holidays unless other agreed in writing by the LPA.

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

15. The 1.8 metre balcony partition as shown on House Type A (Drg No:) shall be obscurely glazed to a minimum of level 3 of the Pilkington scale. Once so provided the partition as approved should be permanently maintained at all times thereafter.

**Reason:** To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

#### 11.4 Notes to applicant

1. Severn Trent Water advises that there is a public sewer 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. Severn Trent Water will seek to assist you in obtaining a solution which protects both the public sewer and the proposed development. If the applicant proposes to divert the sewer, the applicant will be required to make a formal application to the Company under Section 185 of the Water Industry Act 1991. They may obtain copies of our current guidance notes and application form from either our website ([www.stwater.co.uk](http://www.stwater.co.uk)) or by contacting our Developer Services Team (Tel: 0800 707 6600).
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. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
3. The proposed road layout does not conform to an acceptable standard for adoption and therefore it will not be considered for adoption and future maintenance by the Local Highway Authority. The Local Highway Authority will, however, serve Advance Payment Codes in respect of all plots served by (all) the private road(s) within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please note that the Highway Authority has standards for private roads which will need to be complied with to ensure that the Advanced Payment Code may be exempted and the monies returned. Failure to comply with these standards will mean that monies cannot be refunded. For further details please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk). Signs should be erected within the site at the access advising people that the road is a private road with no highway rights over it.

4. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
5. In relation to conditions 12 and 13 advice from Environmental Health should be sought via [esadmin@hinckley-bosworth.gov.uk](mailto:esadmin@hinckley-bosworth.gov.uk) to ensure that any investigation of land contamination is in accordance with their policy.

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Planning Committee 19 October 2021  
Report of the Planning Manager

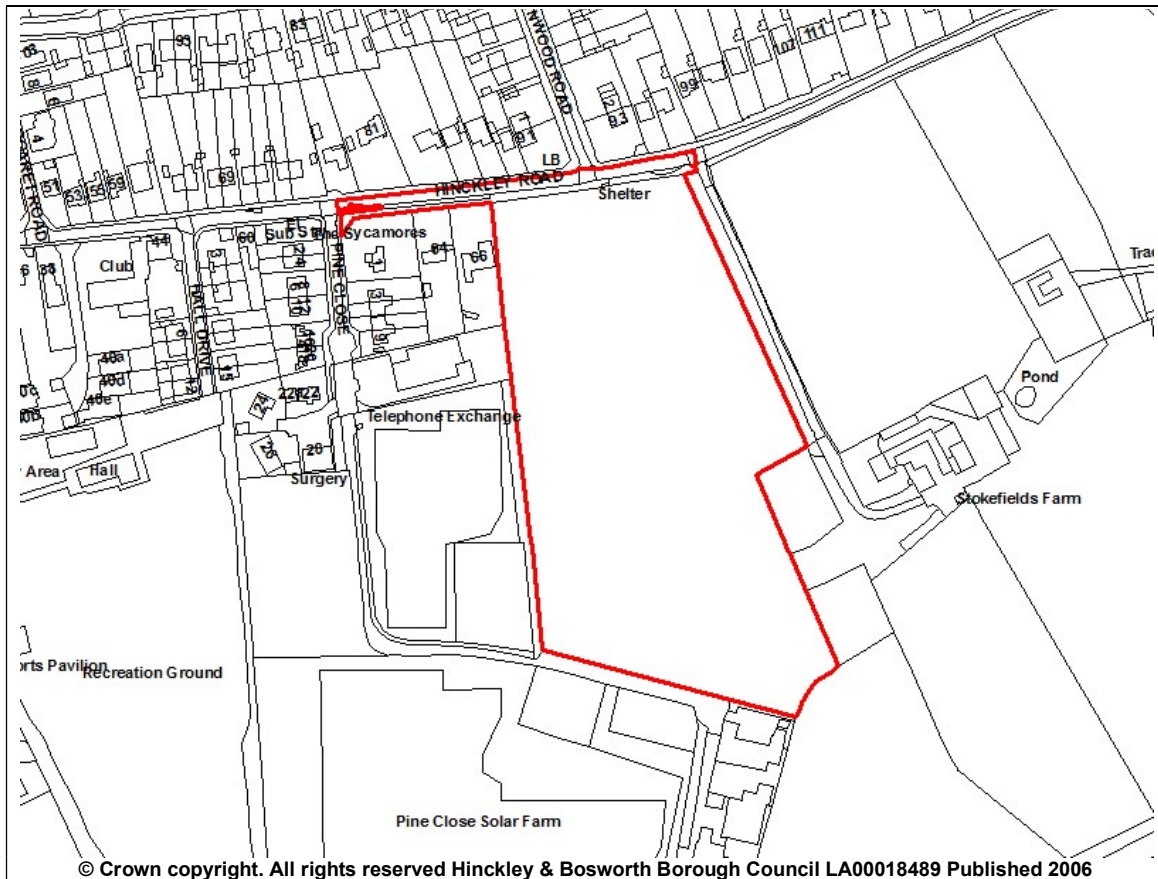
Planning Ref: 21/00656/OUT  
Applicant: Richborough Estates  
Ward: Ambien



Hinckley & Bosworth  
Borough Council

Site: Stoke Fields Farm Hinckley Road Stoke Golding

Proposal: Residential development up to 70 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 3 months of this resolution a S106 agreement to secure the following obligations:
  - On-site Open Space minimum requirement of 1176sqm casual/informal play spaces and a 20 year maintenance cost (minimum of £12,700.80), a minimum of 2800sqm of natural green space along with a 20 year maintenance cost (minimum of £39,760.00)
  - Off-site equipped children's play space contribution of £45,846.36 towards site STG10 and 10 year maintenance of £22,125.60 and

- outdoor sports provision contribution of £24,326.40 towards site STG10 and 10 year maintenance contribution of £11,558.40.
    - 40% Affordable Housing (28 units) with a split of 75% of the units as social/affordable rented and 25% of the units as intermediate tenure
    - Affordable rented mix shall comprise: 6 x 1 bedroomed 2 person maisonettes or quarter houses, 8 x 2 bed 4 person houses and 7 x 3 bedroomed 5 person houses.
    - The intermediate tenure should consist of a mixture of 2 and 3 bedroomed houses.
    - Location connection requirement for the affordable housing and cascade mechanism.
    - £3,467 civic amenity contribution towards Barwell Household Waste Recycling Centre
    - £2,120 towards provision of additional resources at Hinckley Library, Lancaster road, Hinckley.
    - £417,039.81 towards Education facilities (St Margaret's Church of England Primary School Stoke Golding £306,432.00, Redmoor Academy £65,962.44 and Hinckley Academy and John Cleveland Sixth Form Centre £44,645.37).
    - 1 x travel pack per dwelling along with provision of application forms for 2 x 6 month bus passes (currently Arriva)
    - Replacement flags at the nearest two bus stops on Hinckley Road opposite Greenwood Road and outside number 87 (ID's 2571 & 2566).
  - 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 final details of the S106 agreement including trigger points and claw back periods.
- 2. Planning application description**
- 2.1. The application seeks outline planning permission for up to 70 dwellings with associated works. The only matter to be determined at this stage is access. The proposal includes a new access from Hinckley Road, opposite number 91 Hinckley Road. The proposal includes areas of open space, including a Local Area of Play (LAP), community orchard and flood attenuation basin. The proposal includes ecological enhancements to the site.
- 2.2. The application is supported by:
- Illustrative Layout
  - Design and Access Statement
  - Planning Statement
  - Tree Survey and Constraints Advice
  - Geophysical Survey Report
  - Desk Study Report (geotechnical)
  - Flood Risk Assessment
  - Preliminary Ecological Appraisal Report (March 2021)
  - Addendum to the Preliminary Ecological Appraisal Report (May 2021)
  - Heritage Statement
  - Biodiversity Calculation Metric Tool results
  - Landscape and Visual Assessment (LVA)
  - Statement of Community Involvement
  - Transport Assessment

- Transport Plan
- 2.3. During the application a revised LVA was sought from the applicant and was received 31/8/21.
  - 2.4. The applicant sought pre-application advice from the Local Planning Authority on the proposal under reference 21/10049/PREMAJ in March 2021. Before written advice could be provided the applicant chose to submit this current application.
  - 2.5. The applicant has confirmed that the site will be brought forward in a timely manner to help deliver the housing needs of the Borough. The applicant has offered that the standard 3 year period for the submission of a reserved matters application, could be reduced to 2 years for that reason.

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

- 3.1. The site is a roughly rectangular parcel of agricultural land, 2.92 hectares in size. The site is located on the southern side of Hinckley Road, Stoke Golding. The site abuts Hinckley Road to the north, agricultural land and Skokefields Farm (farm house and farm buildings) to the east, 1, 2 and 3 The Stables Pine Close and caravan storage and telecoms mast to the south and a solar farm, Telephone Exchange and telecoms mast and number 66 Hinckley Road to the west. Adjacent to the site on Hinckley Road is an existing bus stop and shelter.
- 3.2. Along the eastern boundary is a row of overhead electricity power lines. The site boundaries are mostly hedgerows interspersed with a few trees. The site is relatively level ground.
- 3.3. The site is outside the defined settlement boundary of Stoke Golding and therefore is open countryside. The site is within a SSSI Impact Risk Zone and Mineral Consultation Area. The site is within the impact zone of a great crested newt breeding pond, located to the east.
- 3.4. The site is within the area covered by the Stoke Golding Neighbourhood Plan (SGNP). The SGNP is an emerging plan and has progressed to examination stage. The SGNP was submitted to the Borough Council in May 2021 and consultation was undertaken in June/July 2021. The examination began on 2 August 2021 and the Report on Independent Examination was received on 6 September 2021. In accordance with the NPPF paragraph 48, weight may be given to policies in emerging plans according to the stage of preparation, the extent of unresolved objections and the degree of consistency between the policies in the emerging plan and the NPPF. This is discussed in further detail within this report.

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

#### **02/01413/GDO**

- Erection of pole barn, GDO, 06.02.2003

#### **08/00893/GDO**

- Proposed agricultural building, GDO, 08.10.2008

### **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. 33 letters of objection have been received in total (at 25/8/21) 30 from addresses within the village, raising the following issues:
  - 1) Site is not identified in the Neighbourhood Plan.

- 2) The Village has met its housing needs - 65 permitted on Roseway and 55 at Wykin Lane.
- 3) Village has grown from 738 households (201 census) by 272 dwellings 37%
- 4) Outside the village boundary
- 5) Infrastructure cannot cope with 70 more dwellings (schools oversubscribed, doctors busy and bus service not in the evening, 1 small shop and post office, play areas at capacity, policing)
- 6) Traffic increase and Hinckley Road is already busy/congested/dangerous at peak times
- 7) Wish to see brownfield development not greenfield
- 8) Environmental impact of building on greenfield
- 9) Rural historical villages are not the place for large developments
- 10) Countryside is being decimated.
- 11) Flooding and drainage concerns – land drain adjacent to the site
- 12) Utilities are at capacity and there are regular power cuts, low water pressure and slow broadband speeds.
- 13) Noise pollution would increase
- 14) Impact of construction vehicles on the rural roads and older houses
- 15) Concerns about the capacity of and impact on Main Street (parking and safety).
- 16) Would ruin views to Hinckley
- 17) More housing would destroy the rural feel of the village
- 18) Will ruin natural habitats
- 19) Residents will have to travel out of the village for schools, shopping, work, post office, leisure/sports.
- 20) No sustainable transport options
- 21) Piecemeal development will not deliver infrastructure
- 22) Green spaces required on the edges within the development
- 23) Village separation to Dadlington and Wykin is being eroded.
- 24) TPO required on the mature oak on the site.
- 25) New residents will need to drive to schools elsewhere, increasing car usage
- 26) This field is an important natural feature/landscape on this side of the road and transition point to open countryside

5.3 An objection has been received from Cllr Jonathan Collett (Ambien Ward) raising the following issues:

- 1) Wish to call in the application to planning committee
- 2) The adopted Core Strategy allocated a minimum of 55 new homes to Stoke Golding, over 3 times as many have been built since then, including major schemes at Roseway and Wykin Lane.
- 3) The development should wait for the Neighbourhood Plan to allocate any site for new housing.
- 4) The site will strain the existing school and doctor's surgery, which have no spare capacity.
- 5) Brownfield land should be built on first, a brownfield capacity study is required for the village.
- 6) A viability report is required to demonstrate that the 40% affordable housing will be delivered.
- 7) No effort has been made to address the concerns raised in the pre-application community consultation
- 8) The village is becoming over-developed and there are already major traffic issues.

## **6. Consultation**

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

- Environmental Services (conditions)
  - Leicestershire Fire and Rescue Service
  - LCC Ecology (conditions)
  - LCC Highways (conditions)
  - HBBC Drainage (conditions)
  - Leicestershire Police
  - LLFA (conditions)
  - HBBC Waste (condition)
  - HBBC Conservation
  - HBBC Planning Policy
  - Cadent Gas (informative)
- 6.2. No response has been received from:
- NHS England
  - Cycling UK
  - Severn Trent Water
  - Stoke Golding Heritage Group
  - Western Power Distribution
- 6.3. Stoke Golding Parish Council object for the following reasons:
- Overdevelopment
  - The village has already exceeded its housing allocation in the Core Strategy
  - The Neighbourhood Plan consultation supported development on brownfield not greenfield
  - The Neighbourhood Plan should be taken into consideration
  - More pressure on services such as the school and doctors surgery
- 6.4. S106 Officer - The scheme includes a community orchard and a LAP, the legal agreement would need to ensure the relevant square-metreage is secured according to the number of dwellings proposed. The Parish Council could be nominated to own and control the open spaces or a management company used. Off-site contribution required towards to the open space at the convent site to make the necessary improvements and or additional provision to the equipped element and outdoor sports to the nearest place within the development location.
- 6.5. HBBC Affordable Housing - Requirement for 40% of the housing to be affordable (28 homes). 75% social or affordable rent and 25% intermediate tenure. An indicative mix of properties for the affordable rented housing on this site would currently be for 6 x 1 bedroomed 2 person maisonettes or quarter houses, 8 x 2 bed 4 person houses and 7 x 3 bedroomed 5 person houses. The intermediate tenure should consist of a mixture of 2 and 3 bedroomed houses. As this site is in the rural area, the section 106 agreement will contain a requirement for applicants in the first instance to have a local connection to Stoke Golding, with a cascade in the second instance for a connection to the Borough of Hinckley and Bosworth.
- 6.6. LCC Developer Contributions request:
- £3,467.00 towards civic amenities at Barwell
  - £2,120.00 towards library services at Hinckley Library on Lancaster Road
  - £306,432.00 primary school contribution for the area
  - £65,962.44 secondary school contribution towards Redmoor Academy
  - £44,645.37 post-16 contribution towards Hinckley Academy and John Cleveland Sixth Form Centre or other school in the locality

- 6.7. LCC Archaeology – Recommend that trial trenching is undertaken prior to a decision on the planning application so that an informed decision can be made, and the application refused or modified in the light of the results as appropriate..

## **7. Policy**

- 7.1. Stoke Golding Neighbourhood Plan 2020-2039 (submission version May 2021) (as proposed to be amended by the Report of the Inspector)

Emerging policies:

- SG1: Housing Requirement
- SG2: Housing Reserve Site
- SG3: Windfall Housing Development
- SG4: Housing Mix
- SG5: Affordable Housing
- SG6: Countryside
- SG10: Locally Important Views
- SG11: Ecology and Biodiversity
- SG12: Trees and Hedgerows
- SG15: Design
- SG19: Infrastructure
- Policies Map

- 7.2. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of biodiversity and geological interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy 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) (2021)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

- 7.5. Other relevant guidance/documents

- Good Design Guide SPD (2020)
- Landscape Institute Technical Guidance Note 'Reviewing Landscape and Visual Impact Assessments and Landscape and Visual Appraisals' January 2020.

- Hinckley and Bosworth Landscape Character Assessment 2017.
- Stoke Golding Neighbourhood Plan Site Assessment Framework Results and Site Selection and Evaluation Process
- Stoke Golding Parish Neighbourhood Plan – Report of the Independent Examination (6/9/21)

## **8. Appraisal**

### **8.1. Key Issues**

- Assessment against strategic planning policies
- Housing mix and density
- Design and impact upon the character of the area (inc. landscape)
- Impact upon heritage assets
- Impact upon neighbouring residential amenity
- Impact on ecology and trees
- Impact upon highway safety
- Flood risk and Drainage

#### Assessment against strategic planning policies

##### The Development Plan

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) July 2021) 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) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP). The Stoke Golding Neighbourhood Plan is not yet part of the Development Plan as it has not been made.
- 8.4 The Emerging Local Plan for 2020-39 has reached Regulation 18 draft stage (June-August 2021) and thus can be given only limited weight at this stage as it will be further revised before submission. The Emerging Local Plan sets out a presumption that each key rural centre (including Stoke Golding) will provide for a minimum of 200 dwellings (paragraph 4.19). This draft requirement can be given limited weight at this stage.
- 8.5 The CS sets out the settlement hierarchy for the Borough. The urban area is the focus for development and within the rural area the hierarchy of settlements is as follows; Key Rural Centres, Rural Villages and rural Hamlets. Policy 11 of CS identifies Stoke Golding as a Key Rural Centre. To support local services and maintain rural population levels, the policy states that the Council will allocate land for at least 60 new homes. Developers will be required to demonstrate that the number, type and mix proposed will meet the needs of the village, taking account of the latest evidence, in line with policies 15 and 16 of the CS. These policies are considered in later sections of this report.
- 8.6 The SADMP explains that at 1 September 2014, the 60 dwelling minimum had been met and so no housing sites were allocated in that plan.

- 8.7 The site is located outside the settlement boundary of the village as set out in the SADMP inset map and the emerging Stoke Golding Neighbourhood Plan. Policy DM4 of the SADMP states that the countryside will first and foremost be safeguarded from unsustainable development, to protect its intrinsic value, beauty, open character and landscape character. The policy sets out the circumstances (a to e) where development in the countryside will be considered sustainable and such development needs to also meet certain criteria (i to v). The proposed development does not meet any of the criteria a to e.
- 8.8 The Stoke Golding Neighbourhood Plan (SGNP) has reached examination stage and the Report of Independent Examination (RIE) has been received. The report recommends that the SGNP proceed to referendum. Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in emerging plans according to: (a) the stage of preparation, (b) the extent to which there are unresolved objections to relevant policies, and (c) the degree of consistency of the relevant policies in the emerging plan to the NPPF. The Good Practice Guidance refers to section 70(2) of the Town and Country Planning Act 1990 (as amended) which states: that in dealing with an application for planning permission, the local planning authority shall have regard to a post-examination draft neighbourhood development plan, so far as material to the application. The Guidance also states that where the local planning authority publishes notice of a referendum, the emerging neighbourhood plan should be given more weight, while also taking account of the extent of unresolved objections to the plan and its degree of consistency with the NPPF.
- 8.9 Emerging policy SG1 of the Submission Draft SGNP sets a housing requirement of 57 dwellings minimum in the period 2020 to 2039. This will be met by the committed development of 65 dwellings at Roseway (20/00779/OUT) and windfall development in accordance with policy SG3. The emerging SGNP allocates a reserve site at Mulberry Farm for around 25 dwellings. The RIE recommends that the housing requirement is increased to 158 dwellings, as per the Borough Council's suggestion. Paragraph 94 of the RIE states:
- "I am satisfied it is appropriate for Policy SG1 to indicate the scale of development that is being planned for and that this should reflect the method of calculation recommended by the Borough Council. I am satisfied the policy will not preclude sustainable development schemes in accordance with Policy SG3 that result in the achievement of a greater total number of dwellings. This is consistent with the fact the Neighbourhood Plan places no cap or limit on the number of dwellings that can be provided within the Settlement Boundary nor on the number of dwellings that can be provided outside the Settlement Boundary subject to it being of types that are consistent with Policy SG2 or Policy SG6 of the Neighbourhood Plan, and national and strategic planning policy. In the context of the characteristics of the Neighbourhood Area those policies relevant to housing provision will significantly boost the supply of housing."*
- 8.10 The RIE recommends that the reserve housing site (policy SG2) should be identified as available for development now, and that as a consequence:
- "As a matter of planning judgement, on the basis of the scale of allocation and other provision for new housing made in the Neighbourhood Plan, I am content there is no necessity to allocate housing sites or reserve housing sites additional to those in the Neighbourhood Plan, as recommended to be modified, to meet emerging evidence of housing need."* (RIE paragraph 97)
- 8.11 Emerging policy SG3 of the SGNP (as proposed to be amended by the RIE) states that windfall housing development outside the settlement boundary will be limited.



The proposed development does not meet any of the 7 circumstances as set out in the policy.

- 8.12 Emerging policy SG6 of the SGNP states that the countryside (land outside the settlement boundary) will be protected for the sake of its intrinsic character, beauty, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. The policy is proposed to be amended by the RIE, with new wording and criteria to set out what development is supported in countryside locations. The submission version of the wording, would not permit the current housing proposal. The policy as proposed to be amended by the RIE, would allow:

“4. Development that is otherwise in accordance with: national policies; or strategic planning policies or allocations; or with the other policies of the Neighbourhood Plan.” (RIE paragraph 143)

- 8.13 This is an important change to the policy, as it would support development that conflicts with this policy, but otherwise accords with national policy.

- 8.14 The housing requirement position for Stoke Golding is illustrated below in table 1.

Table 1: Housing requirement for Stoke Golding and delivery position

Minimum housing requirement identified for the Borough 2020-39	Minimum requirement for Stoke Golding 2020-39 (inc.10% buffer)	Windfall allowance for 2020-39	Permissions granted and emerging allocation SG2
8,588	158	(38 dwellings provided 2006-2020 = 2.7 per year)  51 dwellings in the period 2020-39	East of Roseway (20/00779/OUT) = 65 dwellings  Wykin Lane (19/01324/OUT) = 55 dwellings  SG2 allocation = 25 dwellings
TOTAL requirement:	158	158-51= 107	107- (65+55+25) = 38 dwellings in excess of the minimum requirement

- 8.15 The above table shows that, taking account of anticipated windfall development, permissions granted and the emerging allocation, the minimum 158 requirement for Stoke Golding will be exceeded by 38 dwellings.

- 8.16 It is considered that significant weight can be given to the SGNP at this stage in its production, as the RIE has recommended that the plan is modified and should proceed to referendum. It is considered that it can be given significant weight because the plan is unlikely to change any further, there were hardly any public objections to the plan at submission stage and so is likely to be ‘made’ at the referendum, and the RIE resolves the objections and concludes that the plan has had regard to national policy.

- 8.17 It is noted that the earlier pre-submission version of the SGNP (Dec 2020) included the northern part of the application site as a reserve housing site for 25 dwellings. The site was identified using a site assessment process and the results were

published in the Site Assessment Framework Results Nov 2019. The site (AS540) was ranked 3<sup>rd</sup> of 15 in the assessment. This demonstrates that the site was considered to have good development potential by the Neighbourhood Plan Advisory Committee. The RIE has not recommended that the site be allocated within the SGNP.

The presumption in favour of sustainable development

- 8.18 The Council acknowledges that it cannot currently demonstrate a 5 year housing land supply. 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 the Borough is now 466 dwellings per annum (using the standard method and affordability ratio and with an additional 5% buffer). As at 1<sup>st</sup> April 2021, the Council can demonstrate a 4.46 year supply of housing land.

- 8.19 Footnote 8 to paragraph 11 of the 2021 NPPF states that the housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five year supply of deliverable housing sites and therefore paragraph 11(d) of the NPPF is triggered. The NPPF is a material consideration. Paragraph 11(d) states:

*“Plans and decisions should apply a presumption in favour of sustainable development.”*

*For decision taking this means:*

- (d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless*
- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
  - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 8.20 Paragraph 219 of the Framework states that existing policies should not be considered out-of-date simply because they were adopted prior to the publication of the Framework. Due weight should be given to them according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). Furthermore, it is recognised by the courts that out-of-date policies can still be given some weight, particularly where their overall strategic aims might be designed to operate on a longer time scale than a particular plan period.

- 8.21 Both the CS and the SADMP are over 5 years old, and paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary. Therefore, this report sets out the relevant CS and SADMP policies and refers to the NPPF and notes any inconsistencies between them.

Strategic policies conclusion

- 8.22 In conclusion, the proposed development is outside the village boundary of Stoke Golding and the village has exceeded the 60 dwelling minimum for 2006-26 as set out in CS policy 11. The proposal is contrary to policy DM4 of the SADMP as it

- does not meet any of the criteria (a to e) to be considered sustainable development in the countryside.
- 8.23 The proposal is also contrary to emerging policies SG1 and SG3 (as proposed to be modified by the RIE) of the SGNP. Policy SG6 (as proposed to be modified by the RIE) of the SGNP, would support development outside the settlement boundary where it is in accordance with national policies.
- 8.24 The emerging SGNP (as proposed to be modified by the RIE) can be given significant weight at this stage, and the Development Plan is out of date. The emerging Local Plan for 2020-39 is at an early stage of production and can be given very little weight.
- 8.25 The NPPF in paragraph 49(b) advises that arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both the following are met:
- (a) *“the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
  - (b) *the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.”*
- 8.26 The current proposal for 70 dwellings is not considered to undermine the plan-making process. The allocations in the emerging SGNP are committed, and emerging policy SG2 will make a further allocation. Emerging policy SG6 (as proposed to be modified by the RIE) supports development in the countryside that is in accordance with national policies.
- 8.27 The presumption in favour of sustainable development part (d) ‘the tiled balance’ applies. Paragraph 14 of the NPPF states that when this applies, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that all parts (a to d) apply. However, as the SGNP is not yet ‘made’ (likely to occur in December 2021), the SGNP cannot satisfy criterion (a). NPPF paragraph 14 therefore does not apply.
- 8.28 The presumption in favour of sustainable development in paragraph 11d of the NPPF ‘the tiled balance’ applies. Therefore, in principle, planning permission should be granted unless the presumption in favour of sustainable development can be displaced by any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal. To achieve sustainable development, the NPPF states that the planning system has three overarching objectives; economic, social and environmental, which are interdependent. The housing delivery position as set out in table 1 above is a material consideration in the planning balance.
- Housing mix and density
- 8.29 Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also required to meet a ‘very good’ rating against Building for Life, unless unviable. A minimum density of 30 dwellings per hectare is required in rural areas, a lower density may be required where individual site circumstances dictate and are justified.
- 8.30 The Good Design Guide SPD advocates the use of the Building for Life assessment.

- 8.31 Emerging policy SG4 of the SGNP (as proposed to be modified by the RIE) requires that developments of more than 4 dwellings shall provide for a mix of house types that reflect the recommendations of the Housing Needs Study 2019, or other variations where justified.
- 8.32 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. The above policy allows for the most recent evidence to be taken into account in decisions and thus policy 16 is considered up to date in this regard.
- 8.33 The Planning Statement states that the final number and mix of dwellings will be determined at reserved matters stage, but the Illustrative Layout shows that the mix of 1 to 4 bed units could be accommodated. The density proposed is 38 dwellings per hectare (based upon the site area of 1.82ha). The density is higher than the surrounding dwellings and above the 30dph policy requirement, but this reflects the local and national policy changes and the need to make best use of the land available. The development is for up to 70 dwellings and the appropriate density and layout will be determined at reserved matters stage. The eastern edge of the development will be the village edge and should be softened by landscaping, and less dense and with a varied building line.
- 8.34 The applicant has undertaken a brief Building for Healthy Life Assessment (the replacement for Building for Life). The assessment is noted and a further detailed assessment should be provided at reserved matters stage.
- 8.35 In conclusion, the illustrative layout shows that a mix of dwellings can be provided on site and a detailed scheme for housing mix can be secured by condition to be submitted at reserved matters stage, to secure compliance with policy 16 of the CS and emerging policy SG4 of the SGNP.

#### Affordable Housing provision

- 8.36 Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%.
- 8.37 Emerging policy SG5 of the SGNP (as proposed to be modified by the RIE) requires 40% affordable provision on sites of over 10 dwellings. A local connection will be required for affordable homes when allocated or sold.
- 8.38 The Borough has an unmet affordable housing need and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.
- 8.39 The development will meet the 40% requirement (28 homes) and the affordable housing officer has no objection to the proposal. The housing officer requires 75% social or affordable rent and 25% intermediate tenure. An indicative mix of properties for the affordable rented housing on this site would currently be for 6 x 1 bedroomed 2 person maisonettes or quarter houses, 8 x 2 bed 4 person houses and 7 x 3 bedroomed 5 person houses. The intermediate tenure should consist of a mixture of 2 and 3 bedroomed houses.
- 8.40 The location of the site is adjacent to the existing settlement boundary and the design and access statement shows that the site is close to local facilities, for example approximately 300m from the surgery and village hall, 400m from the park and play area and 750m to shops and pubs.

- 8.41 The application will deliver 40% affordable housing and therefore meets the requirements of policy 15 of the CS and emerging policy SG4. The affordable housing provision will be secured by the S106 agreement. As this site is in the rural area, the section 106 agreement will contain a requirement for applicants in the first instance to have a local connection to Stoke Golding, with a cascade in the second instance for a connection to the Borough of Hinckley and Bosworth.

Design and impact upon the character of the area (including landscape)

- 8.42 Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.43 The Good Design Guide SPD provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing. The SPD advocates the use of a Building for Life Assessment. The SPD sets out minimum separation distances between dwellings and a general guideline for garden sizes of 7.0m minimum length and size of 60sqm for a 2 bed house, and 80sqm for a 3 bed house. The SPD states the design objectives for Stoke Golding including to protect the setting of the canal and battlefield; the northern and western approaches that mark the entrance to the village.
- 8.44 Emerging policy SG10 of the SGNP identifies important local views. Proposals will not be supported if potential impacts on landscape cannot be adequately mitigated through design and landscaping. The local views have been included and assessed in the submitted Landscape and Visual Appraisal. The RIE recommends the removal of viewpoints B and D from the policy.
- 8.45 Emerging policy SG12 of the SGNP states that new and existing trees should be integrated into new developments, and the RIE proposes to add 'unless this is demonstrated not to be possible'.
- 8.46 Emerging policy SG15 of the SGNP states that only development that reflects the traditional character of Stoke Golding will be supported unless the development is of exceptional quality or innovative design. The policy has 12 criteria the development must comply with. The policy is proposed to be largely unaltered by the RIE.
- 8.47 Paragraph 134 of the NPPF states development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance. Local policy is considered to accord with the NPPF.
- 8.48 The site is located in open countryside. The development to the north and west of the site consists of a mixture of detached bungalows and two storey dwellings. Materials used in the locality are red brick and render, with roofs of brown tile and brown or white windows. The existing pattern of development in this part of the village has a spacious feel with dwellings set back from the road behind landscaping and parking areas. The site itself is relatively flat, with a rise of only 3.0m from south to north.
- 8.49 The application is supported by a Design and Access Statement (DAS) and a Landscape and Visual Assessment (LVA). The DAS identifies the site as adjacent an area of post 1955 housing. The illustrative layout focuses the housing to the

north of the site adjacent to the existing dwellings on the northern and western boundaries. The layout provides a landscaped edge to the east facing the open fields. The south of the site contains open space, landscaping, flood attenuation and trees. Existing trees on the site boundaries are retained.

- 8.50 The Landscape and Visual Appraisal has been revised in light of comments made by the case officer in relation to the content and clarity of the original report. The Appraisal has been assessed using the Landscape Institute Technical Guidance Note 'Reviewing Landscape and Visual Impact Assessments and Landscape and Visual Appraisals' January 2020.
- 8.51 The revised Appraisal sets out that the site is not subject to any landscape designations. The Appraisal identifies a study area and a zone of theoretical visibility (based upon a maximum height of 8.5m above ground level), based on a desk based assessment and the topography of the area. The site is located within the Leicestershire Vales National Character Area and is in pastoral use, typical to this area. The site is within the Stoke Golding Rolling Farmland character area, as identified in the Council's Landscape Character Assessment 2017. The features of the character area that the site exhibits are its small rectilinear field pattern divided by low hedgerows and mature hedgerow trees, with sporadic farmsteads on the outer edges of villages.
- 8.52 The Appraisal concludes that the site has a medium susceptibility to the landscape change proposed. In terms of value, there is nothing associated with the site that makes this land as a whole more than ordinary and valued no higher than of local importance. The main way in which the site could be considered locally valued is in the role the boundary hedgerows play within the wider green infrastructure network surrounding the village. The site is undeveloped and 'open' but public views are limited by the boundaries. Combining the susceptibility and value of the landscape of the site, the landscape on-site is considered to be of medium sensitivity to change as it has some aspects of positive landscape character, a small number of locally valued aspects (historic field boundaries that contribute to the green infrastructure network and its currently open farmed use). The proposed development would be consistent with the existing scale, pattern, grain and land use of the prevailing character immediately adjoining the site, although mitigation would be appropriate to enhance assimilation so as to respect the character of the landscape to the south and east. The Appraisal therefore recommends the following (at paragraph 2.35):
- Retain existing hedgerows and hedgerow trees and manage them using traditional methods, a feature of the character area
  - Incorporate a landscape buffer to the south to protect the rural character of the adjoining countryside and filtering views from the south and providing a softened edge to the settlement
  - Maintain any visibility of the Church spire within the internal layout
  - Include new tree planting
  - Prioritise local distinctiveness
  - Consider prominent buildings at corners
  - Include buildings fronting the pavements or behind brick boundary walls
- 8.53 The visual Appraisal identifies that the site is much less visible than the theoretical zone of visibility suggested. The fieldwork analysis undertaken showed that there is little opportunity to view the site from anywhere other than close proximity locations. 20 viewpoints within the zone were identified, and all were external spaces within the public domain, and not from buildings or private spaces. Overall, this represents a very limited visual envelope and a small number of potential visual receptors. The Appraisal notes (para 3.11) that when the site is visible, it is viewed

within a context of the adjacent Pine Close Solar Farm and the housing at Hinckley Road and Pine Close. The site is also well contained by its own boundary vegetation, and where more distant visibility does occur, intervening trees serve to filter views. There are no views within which the site is seen as an important component of the landscape in its current usage, and even for the more sensitive of visual receptors, the development of the site would still only represent a slight foreshortening of views rather than a loss of any important scenic qualities or valued visual features. Table 2 below summarises the results of the visual appraisal.

Table 2: Summary of visual appraisal (taken from pages 32-35 and paragraph 6.31 of the Landscape Visual Appraisal)

Visual Receptor & viewpoint	Sensitivity of user	Comments	Magnitude of change	Operation phase effects
<b>RECREATIONAL USERS</b>				
Users of footpath U2 to east of site (views 3 & 5)	High sensitivity	Most of site visible. Views partially filtered by intervening vegetation. Views are sequential and changes to the view will be consistent with the backdrop of the existing residential edge of Stoke Golding, albeit brought closer to the foreground of users. Visual composition post-development will be a mix of consistent and at odds with the current visual composition.	High	Moderate adverse
Stoke Golding Park (view 13)	High sensitivity	Partially visible. Views partially filtered by intervening vegetation. Changes to the view will be consistent with the existing backdrop of views from this location, which feature filtered views of the settlement edge of Stoke Golding. Visual composition post-development will be a mix of consistent and at odds with the current visual composition.	Low to negligible	Neutral
<b>PRIVATE RESIDENTS</b>				
Hinckley Road residents (views 1-4)	High sensitivity	Private views. Most of the site visible in close proximity. Views will be direct and partially filtered at ground floor level. Views will be consistent with the adjacent residential context and planning policy acknowledges that there is no right to a residential view. Visual composition post-development will be consistent with the current visual composition but	High to medium	Moderate adverse

Visual Receptor & viewpoint	Sensitivity of user	Comments	Magnitude of change	Operation phase effects
		there will be an inevitable curtailment of views across the field on site for users directly opposite the site.		
Pine Close residents (view 8)	High sensitivity	Private views. Most of the site visible in close proximity. Views will be direct and partially filtered at ground level by site boundary for a small number of residents. Partially screened at ground level by the intervening Pine Close Solar Farm – albeit the solar farm is temporary. Views will be consistent with the adjacent residential context and planning policy acknowledges that there is no right to a residential view. Visual composition post-development will be a mix of consistent and at odds with the current visual composition.	Medium to low	Moderate adverse
Arnold Drive residents (view n/a)	High sensitivity	Private views Views will be distant and partially filtered at ground level by the western site boundary and within Stoke Golding Park. Views will be partially screened at ground level by the intervening Pine Close Solar Farm – albeit the solar farm is temporary. The development will be partially visible, in the background of views. Views will be consistent with the adjacent residential context. Visual composition post-development will be a mix of consistent and at odds with the current visual composition.	Low to negligible	Neutral
Convent Drive residents (view n/a)	High Sensitivity	Private views Views will be distant and partially filtered at ground level by the eastern site boundary, within the intervening fields and by the buildings and grounds of St Martins school. The development will be partially visible, in the background of views. Views will be consistent with the adjacent and background residential context. Visual composition post-development will be a mix of consistent and at odds with the current visual composition.	Low to negligible	Neutral



Visual Receptor & viewpoint	Sensitivity of user	Comments	Magnitude of change	Operation phase effects
USERS OF PUBLICLY ACCESSIBLE LOCAL FACILITIES				
Stoke Golding Village Hall (view n/a internal space)	Low sensitivity	Largely indoor based activities. Where users enter the premises, views are filtered by intervening vegetation, the development will be partially visible, but partially screened by intervening built form along Pine Close and Hall Drive. Changes to the view will be consistent with the existing filtered views of the settlement edge. Visual composition will be in harmony with the existing.	low	Neutral
St Martin's Catholic Voluntary Academy (view n/a internal space)	Low sensitivity	Largely indoor based activities. Where users enter the premises and use the grounds, views will be distant and partially filtered at ground level by the intervening vegetation. The development will be partially visible, in the background of views. Views will be consistent with the adjacent and background residential context. Visual composition will be in harmony with the existing.	Low to negligible	Neutral
USERS OF LOCAL ROADS (transitional users)				
Hinckley Road (views 1-4)	Low sensitivity	Development will be visible to the side whilst users travel along a short length of the Hinckley Road. Residential development along the route is a common and frequent component, so the visual composition post-development will be in harmony with the existing.	medium	Minor adverse
Stoke Road (views 12 & 16)	Low sensitivity	Development will be distantly visible, partially visible beyond intervening field boundaries. The development will be viewed against the backdrop of the existing settlement edge that that extends along Hinckley Road already. The visual composition post-development will be in harmony with the existing.	low	neutral
USERS OF BUSINESS PREMISES				
Pine Close Solar Farm (views 6 & 7)	Low sensitivity	Views will be direct and in close proximity, partially filtered by the hedgerow vegetation along the southern and western site boundaries. The view/overall visual amenity is unlikely to be part of the receptor's experience or reasons for being there and therefore is of low	High to medium	Neutral
Caravan storage facility (views 6 & 7)	Low sensitivity		High to medium	Neutral

Visual Receptor & viewpoint	Sensitivity of user	Comments	Magnitude of change	Operation phase effects
		susceptibility to the development proposed. The proposed development will curtail existing views northwards beyond the site towards the existing settlement edge along Hinckley Road, therefore bringing development into closer proximity. Given the backdrop, and lack of focus on the landscape for visual amenity reasons from these users, this change is considered to be consistent with the existing composition of their views.		
AGRICULTURAL USERS				
Stokefields Farm (view n/a private land)	Medium sensitivity	Views will be direct and in close proximity. Parts of the development will be filtered by intervening hedgerow vegetation along the western site boundary. Views across the site play a lesser part in the reason for the receptor being there as the primary function for this receptor is work-based as opposed to on an appreciation of the wider landscape. The proposed development would be viewed against the existing backdrop of housing along Pine Close and Hinckley Road. Although in closer proximity, the view post-development would not be inconsistent existing.	medium	Minor adverse

- 8.54 From the site visit, it is considered that the key views of the site have been assessed. As shown in table 2 above, the greatest impacts (a moderate adverse impact) will be on public footpath users immediately to the east of the site and residents/users of Hinckley Road and Pine Close.
- 8.55 Overall the visual element of the Appraisal recommends (paragraph 3.19):
- Retain existing visual screening features (hedgerow and hedgerow trees)
  - The development frontage onto Hinckley Road should respect the adjoining street-scene, the prevailing vernacular style of the village, and comply with the Townscape Strategies for the Stoke Golding Urban Character Area.
  - Retention the existing roadside hedgerow and front properties onto Hinckley Road, with landscaped entrance
  - Minimise views from the south through the retention of the established southern boundary hedgerow and add landscape buffer area and open space to transition from urban development to adjoining countryside to the south of the site.
- 8.56 The Appraisal includes a review of relevant national and local policy and recommendations are made to inform the future development (paragraph 4.28). The

recommendations include using a local materials palette, reflect local densities and planting new trees.

- 8.57 The Appraisal concludes that the magnitude of landscape change to the site itself will be high, but that the magnitude of change to the landscape character area will be neutral as the development will complement the local townscape edge, and will only result in a localised loss of an area of land exhibiting typical, but not notable, characteristics. From the site visit it is considered that this is a fair assessment.
- 8.58 The revised Appraisal acknowledges that the site context will change in the future as the adjacent solar farm is a temporary 25 year permission (12/00873/FUL) after which time it will be removed and the permitted developments at Wykin Lane (19/01324/OUT) and East of Roseway (20/00779/OUT) will be built out. The Appraisal assesses these cumulative impacts and concludes that there will be no change to most viewpoints. View 13 (from the playing fields) will change but not enough to result in any increased effects. The effect on landscape character will remain the same.
- 8.59 The final design of the development is not to be determined at this stage, as all matters except access are reserved matters and would be subject to a further application. It is considered that the illustrative layout could be further improved by:
- locating the play space more centrally in the scheme so it is better connected to the village and more accessible for all village residents
  - Softening the eastern edge of the scheme (lower density, further landscaping, with a varied building line and dwellings facing east)
  - Bring built development away from the existing hedgerows boundaries and trees
  - Tree lined streets and additional hedgerow planting, for example for boundary treatments
  - Minimise use of frontage parking in the street scene.
  - Maximum height of 2 storey to reflect the local context unless fully justified.
- 8.60 In conclusion, the proposal will have a limited impact on the landscape character of the area, and a moderate adverse impact on local views of the site. The impacts can be minimised and mitigated by the recommended measures as set out in the Landscape and Visual Appraisal. Therefore, subject to a condition to secure the compliance with the Landscape and Visual Appraisal, the proposal is considered to comply with policy DM10 (c, d & e), emerging policies SG10, 12 and 15, the Good Design Guide SPD and the NPPF.

#### Impact upon heritage assets

- 8.61 Sections 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications to pay special attention to the desirability of preserving or enhancing the character or appearance of any Conservation Area. Section 66 of the same Act places a duty on the local planning authority when determining applications that affect a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Policy DM11 states that the Council will protect, conserve and enhance the historic environment throughout the Borough. Development with the potential to affect a heritage asset or its setting will be required to demonstrate and understanding of the significance of the asset and its setting, the impact of the proposal on the asset and its setting, how benefits of the proposal may outweigh any harm caused and any impact on archaeology in accordance with policy DM13.
- 8.62 Policy DM12 states that development proposals which adversely affect the Bosworth Battlefield or its setting should be wholly exceptional.

- 8.63 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.
- 8.64 Emerging policy SG14 of the SGNP identifies features of local heritage interest. None are within or close to the site. The proposed amendments in the RIE do not impact the application.
- 8.65 The NPPF requires applicants to describe the significance of any heritage assets affected, including any contribution made by their setting. The NPPF states that 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 (the more important the asset, the greater weight should be given to the asset's conservation). The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application.
- 8.66 There are no designated heritage assets within the site. The Stoke Golding Conservation Area is approximately 430m west of the site and the Ashby Canal Conservation Area is approximately 640m north-west of the site. The Scheduled Monument Hlaew and Medieval farmstead immediately south west of Park House (NHLE 1017678) is located within the historic core of the village of Stoke Golding approximately 540m to the west and the Battle of Bosworth Field Registered Battlefield (EHLE 1000004) is to the north-west of Stoke Golding approximately 560m north-west of the site. There are Listed Buildings within the village, including the Church of St Margaret (Grade I Listed Building) located approximately 540m north-west of the site.
- 8.67 The application is accompanied by an Archaeological desk-based assessment and a Geophysical Survey Report and a Heritage Statement.
- 8.68 The Heritage Statement considers that the site is not inter-visible with the Conservation Areas, Scheduled Monument, Battlefield or Listed Buildings and, there is no indication that the site has any historic functional association with any designated heritage assets. As such, no designated assets were assessed as sensitive to development within the study site, and these assets are were not considered further.
- 8.69 The Conservation Officer considers that the Heritage Statement is proportionate and agrees with the conclusions regarding the potential impact of the proposal upon designated heritage assets. There is no inter-visibility between the application site and any of the designated heritage assets identified above, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal it is considered that none of the designated heritage assets would be sensitive to or affected by appropriate development within the application site. It is therefore considered that the proposal will have no effect upon the significance of any designated heritage assets.
- 8.70 The Heritage Statement concludes that based on the results of the geophysical survey within the site, the LiDAR data and the archaeological data for the surrounding area, the site is considered to have a low/negligible potential for significant (i.e. non-agricultural) archaeological remains of all periods. Any such evidence that is present would be significant for its evidential value and is likely be of local importance depending on its potential to contribute to relevant research agendas.
- 8.71 The County Archaeologist welcomes the submitted information. Although the survey has not identified any positive evidence for archaeological activity here, it has not

established their absence either. The report shows a number of linear anomalies for which an archaeological origin has not been ruled out by the surveyor, which should be tested by trial trenching. The aim of this work is to identify and locate any archaeological remains of significance, and propose suitable treatment to avoid or minimise damage by the development. Without the information that such a programme of trial trenching would provide, it would be difficult in their view for the planning authority to assess the archaeological impact of the proposals. The applicant is not willing to undertake trial trenching of the site prior to determination of this outline application. The County Archaeologist considers that in this circumstance the application should be refused.

8.72 Taking account of the information submitted, it is considered that a trial trenching condition is certainly required, but that this could secure that trial trenching is undertaken prior to the submission of the reserved matters application, to inform the layout and design of the scheme. A formal brief for the trial trenching would be provided by the County Archaeologist and a Specification for the Assessment would be subject to approval.

8.73 In this instance, with the imposition of conditions to secure appropriate trial trenching investigation, the application is considered to meet policies DM11, DM12 and DM13 and national policy in the NPPF.

Impact upon neighbouring residential amenity

8.74 Policy DM10 (a) and (b) of the SADMP states development will be permitted provided that it would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting and noise and that the amenity of occupiers would not be adversely affected by activities within the vicinity of the site.

8.75 The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.

8.76 Emerging policy SG15(5) of the SGNP requires that the amenities of residents in the area should not be significantly adversely affected, including by loss of daylight/sunlight, privacy, air quality, noise and light pollution. No amendments to this part of the policy are recommended by the RIE.

8.77 Paragraph 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

8.78 Paragraph 185 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. Development should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development, and avoid noise giving rise to significant adverse impacts on health and the quality of life.

8.79 Paragraph 187 of the NPPF states that decisions should ensure that new development can be integrated effectively with existing businesses and community facilities. Existing businesses and facilities should not have unreasonable

restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.

- 8.80 The nearest residential properties to the site are number 66 Hinckley Road to the west, dwellings on Hinckley Road to the north and Stokefields farm house to the west. The illustrative layout demonstrates that 70 dwellings can be accommodated on the site and that the minimum standards in the SPD can be achieved.
- 8.81 The proposed dwellings on the site could be impacted by existing neighbouring uses. The site is adjacent to the telecoms station and solar farm to the west, Stokefields Farm to the east and caravan storage, agricultural storage and stables to the south. The farm and uses to the south may generate some noise and light that could impact the new dwellings, but the illustrative layout shows that the dwellings could be located away from these uses, minimising any potential impacts.
- 8.82 The Environmental Health officer raises no objection to the proposal and suggests conditions to secure noise and light attenuation measures.
- 8.83 The public comments have raised concerns about the impact of construction traffic on the village. The Environmental Health officer recommends a Construction Environment Management Plan is secured by condition, and specified working hours.
- 8.84 With the imposition of conditions, the proposal is considered to meet policies DM10(a) and (b) of the SADMP, the Good Design Guide SPD, and emerging policy SG15 of the SGNP and national policy in the NPPF.

Impact upon ecology and trees

- 8.85 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.
- 8.86 Emerging policy SG11 states that development should not harm the network of local ecological features and habitats. The policy is proposed to be amended by the RIE to read 'To be supported, development proposals that cannot avoid harm to the biodiversity or the geological significance of the following sites must include adequate mitigation, or as a last resort compensate for that harm:'. The list of sites in the policy, does not include the application site or any adjoining land.
- 8.87 Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.88 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.
- 8.89 Public comments have raised concerns regarding the development of greenfield land, the loss of countryside, the impact on habitats and the potential loss of mature trees.

- 8.90 The applicant has submitted a Tree Survey and a Preliminary Ecological Appraisal Report (PEAR) and Addendum and Biodiversity Impact Appraisal. A revised PEAR was submitted in September 2021 which corrected a typo error to the numbering of the hedgerows. The PEAR concludes that the site is formed of improved grassland, with hedgerow boundaries with scattered trees and a ditch along the southern and western boundaries. The hedgerow boundaries qualify as HPIs (habitats of principal importance under Section 41 of the NERC Act 2006). The site lies within 1.2km of Kendall's Meadow SSSI and 4.3km of Burbage Common and Woods. The site has some connectivity to the wider landscape via hedgerows along the site boundary; which are commuting and foraging habitat and nesting habitat. It is likely that badgers are using the site for foraging, that reptiles may use the site and that hedgehogs and brown hare may use the site also. The report recommends mitigation measures for the hedgerows (3m buffer from wet ditches and 1m root protection zone during construction and avoid loss where possible), a sensitive bat lighting strategy, and precautionary measures for reptiles, badgers and small mammals. The ecology addendum concludes that the risk of an offence regarding great crested newts (GCN) resulting from the proposals is unlikely. To ensure a net gain for biodiversity, the PEAR recommends mixed species hedgerow and tree planting, bat and bird boxes and hedgehog holes in fencing.
- 8.91 The addendum to the PEAR concludes the trees with bat roost potential (2 trees on the southern boundary and 1 to the western boundary) should be avoided and buffers provided if roosts are present. A precautionary Method of Works for GCN is suggested.
- 8.92 County Ecology advise that the biodiversity net gain calculations provided are satisfactory and show a net gain in biodiversity. The strategic masterplan shows where and how proposed enhancements will be achieved within the site boundary. A detailed Landscape and Ecological Management plan will be required at reserved matters in order to ensure delivery of net gain. This can be secured by condition. The lack of buffer for H4 (the western hedgerow boundary) is disappointing, but acceptable on the grounds that it appears to currently be in poor condition, and the development is providing an overall net gain in biodiversity. County Ecology agree as the site is dominated by managed grassland and c. 100m away from the nearest pond. The addendum recommends that a precautionary Method of Works for GCN is produced, and this can be secured by condition. In addition, the recommendations from the ecology report (Table 10) for the production of a sensitive bat lighting strategy and an update to the badger survey prior to works commencing can also be secured by condition.
- 8.93 The hedgerow boundaries are important to the landscape and the biodiversity of the site and therefore their retention, with a 5m buffer to the north, east and south boundaries will be secured by condition for those reasons.
- 8.94 The submitted Tree Survey identified 14 trees on and around the site, 5 tree groups and 5 hedgerows. Of these, 2 ash trees are recommended for removal (T4 and T6 on the southern boundary) and T1 (oak on the eastern boundary) and T5 (oak on the southern boundary) and T13 (ash with 66 Hinckley Road) are category A and B meaning they are of high and moderate retention priority. All hedgerows are in fair condition recommended to be retained. A public comment was received that queried if the mature oak should be protected by a Tree Preservation Order (TPO).
- 8.95 The Arboricultural Officer advises that T1 and T5 are suitable for a TPO and the other trees should be retained as per the Survey. The tree retention and their protection during construction can be secured by condition. In addition, a TPO has been drafted for consultation.

- 8.96 In conclusion, subject to the conditions, the proposal is considered to satisfy policy DM6 of the SADMP, emerging policy SG11 and paragraph 174 of the NPPF.
- Impact upon highways safety
- 8.97 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.98 Policy DM18 of the SADMP seeks to ensure parking provision appropriate to the type and location of the development. Developments within the town centre should demonstrate that they would not exacerbate existing problems in the vicinity with increased on-street parking. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible. This would be assessed and secured at reserved matters stage.
- 8.99 Paragraph 111 of the NPPF (2019) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 112(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.100 The emerging SGNP notes issue of congestion, parking issues and road safety concerns at the school and inconsiderate parking. The objections to the application also raise concerns about the increase in traffic on Hinckley Road and Main Street which is already busy/congested/dangerous at peak times. Comments also raise concern about the lack of sustainable transport options for the site.
- 8.101 The applicant has submitted a Transport Statement and Travel Plan in support of the proposal. The applicant submitted a road safety audit and provided vehicle tracking for a refuse vehicle. The site access is proposed from Hinckley Road which has a 30mph limit. The access design and visibility splays (2.4m by 73m in each direction) are considered suitable by the Highways Authority.
- 8.102 The Local Highways Authority (LHA) notes 4 personal injury collisions occurred in Stoke Golding 1/1/15 to 31/12/20 with one serious close to the proposed access. The Highways Authority consider that the proposals are unlikely to exacerbate an existing road safety concern within the area.
- 8.103 The LHA accept that the development would generate approximately 45 two-way vehicular trips in the AM peak and 42 two-way trips in the PM peak. The analysis indicates that 62% of development traffic would head east on Hinckley Road to/from the site access and the remaining 38% would head to/from the west. Of the 62% that are expected to head east, 58% would then head south on Stoke Road. All 38% of traffic predicted to head west from the site would continue in a westerly direction along Main Street then Station Road. The Transport Assessment considered the impact of the additional traffic the development could generate may have on the following junctions during the peak hours:
- Site access/ Hinckley Road/ Greenwood Road staggered junction
  - Hinckley Road/Stoke Road mini roundabout
- 8.104 The assessment also considered the impact of other nearby development (Land east of Roseway 20/00779/OUT 65 dwellings, Land at Wykin Lane 19/01324/OUT 55 dwellings, Mulberry Farm draft allocation in the SGNP 25 dwellings and Land at Normandy Way Hinckley 15/00188/OUT 850 dwellings). The LHA is therefore



satisfied both of the above junctions will operate within capacity with little impact on queuing or delays.

- 8.105 The Applicant is proposing a 2m wide footway across the site frontage as detailed on Hub drawing number T21511.001 Rev D, which is welcomed by the LHA. This would also improve connectivity to the existing nearby Public Right of Way which connects to Stoke Road.
- 8.106 The Applicant has submitted a TP outlining measures to encourage sustainable travel to and from the site. While this is welcomed by the LHA and the Applicant is encouraged to implement the measures proposed, the LHA are unable to condition the TP as the quantum of development proposed is below the threshold set out in Part 2, Table PDP1 of the LHDG (i.e. 80 dwellings).
- 8.107 Bus stops serving an hourly bus service between Hinckley and Nuneaton are an approximate 120 metre walk from the centre of the site. St Margaret's C of E Primary School is an approximate 800 metre walk along with other amenities such as a church and a public house. In order to encourage sustainable travel, the LHA would require the provision of 1 x travel pack per dwelling along with provision of application forms for 2 x 6 month bus passes (currently Arriva) as part of any future Section 106 agreement. The LHA also advises replacement flags should be provided at the nearest two bus stops on Hinckley Road opposite Greenwood Road and outside number 87 (ID's 2571 & 2566).
- 8.108 The LHA advise 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. Based on the information provided, the development therefore does not conflict with the National Planning Policy Framework, subject to the conditions to secure a construction traffic management plan, the access, pedestrian footway improvements, visibility splays, site drainage details and the permanent closure of the redundant access and planning obligations to secure travel packs and 6 month bus passes for new residents and improvements to the two nearest bus stops.
- 8.109 The concerns of the local residents are noted. However, with the suggested conditions and the S106 obligations the proposal is considered to satisfy policies DM17 and DM18 of the SADMP and the NPPF.

#### Flood risk and Drainage

- 8.110 Policy DM7 of the SADMP seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.111 Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.112 The site is located within flood zone 1 indicating a low risk of surface water flooding. The public comments have raised concerns regarding the flooding and drainage and note that there is a land drain adjacent to the site.
- 8.113 The applicant has submitted a Flood Risk Assessment (FRA) dated May 2021. The site slopes gradually from the northeast down towards the southwest with a high point of approximately 109mAOD and a low point at approximately 106mAOD (excluding ditches). A ditch runs along the southern boundary, flowing from West to

East. This is set at a lower elevation than the remainder of the developable site and accepts existing greenfield flows from the site. It does not pose a significant risk to the site and is proposed as the surface water outfall for the site, mimicking the existing flow direction. A surface water drainage strategy has been produced and it is proposed that on-site attenuation is provided up to the 1 in 100 year plus climate change event in an open attenuation basin, using sustainable drainage systems with a network of pipes to provide suitable flow transmittance and attenuation prior to discharging to an existing ordinary watercourse via a swale for the provision of additional water treatment prior to outfall. It is proposed that the basin and swale be incorporated into a single, multifunctional SUDS feature incorporating permanent water for additional water treatment and ecological benefit. This is to be located to the south of the site. Detailed design will be considered at reserved matters stage.

- 8.114 The FRA recommends that finished floor levels of dwellings should be set at 150mm above surrounding ground levels to deter any overland flow from entering dwellings and that ground levels should be profiled to encourage pluvial runoff and overland flows away from the built development and towards the nearest drainage point. This should provide sufficient mitigation to address any residual groundwater risks.
- 8.115 The FRA states that foul drainage is proposed via a pumping station to the existing foul sewer to the north of the site.
- 8.116 The LLFA advise that the proposals are acceptable and conditions are recommended to secure details of a surface water drainage scheme, surface water management, long-term maintenance details and infiltration testing. The Borough Councils Drainage Officer also recommends the similar conditions.
- 8.117 Therefore, subject to the conditions, the proposal is considered to accord with policy DM7 and national policy in the NPPF.

#### S106 Obligations

- 8.118 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.
- 8.119 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 and paragraph 57 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:
  - a) necessary to make the development acceptable in planning terms;
  - b) directly related to the development; and
  - c) fairly and reasonably related in scale and kind to the development.

The contributions sought are detailed below.

- 8.120 Emerging policy SG19 of the SGNP states that major new development will be supported by the provision of new or improved infrastructure, together with financial contributions for off-site infrastructure where appropriate. The RIE amends the text of the policy to read 'Any locally determined element of developer contributions will be utilised for new or improved infrastructure relating to the following:'. Off-site infrastructure is listed in the policy as the primary school, surgery, recreation ground and village hall, environmental improvements to the village centre, open spaces typologies, green infrastructure and community infrastructure.

Play and Open Space

- 8.121 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.

Table 3: Open space requirements

	Policy requirement per dwelling (sqm) based upon 2.4 people per dwelling using Census average	Requirement of open space for the proposed development of 70 dwellings (sqm)	Provided on site	On site maintenance contribution (20 years)	Provision contribution	Off site maintenance (10 years)
Equipped children's play space	3.6	252	0	0	Yes, £45,846.36 towards site STG10	£22,125.60
Casual/informal play spaces	16.8	1176	1276 (includes LAP)	£13,780.80	0	0
Outdoor sports provision	38.4	2688	0	0	Yes, £24,326.40 towards STG10	£11,558.40
Accessibility natural green space	40	2800	5050	£71,710.10	0	0

- 8.122 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 deficiency in formal open space, amenity green space and facilities for teenagers in Stoke Golding.
- 8.123 The illustrative site layout shows that the residents of the development would be within 400m of an existing LEAP and so on-site only a LAP is provided. The other areas of open space on site are areas of casual/informal play and accessible green space.
- 8.124 The policy requirement would be for 252sqm of on-site equipped play, but there is existing provision nearby (STG10 – Hall Drive Park) with a quality score below the required 80%. Therefore, a financial contribution towards that site, plus maintenance is recommended.

- 8.125 The policy requirement of 1176sqm is to be overprovided on site, and will include a LAP. An on-site maintenance contribution is applicable for the 1276sqm of provision.
- 8.126 No on-site outdoor sports provision is made and so a contribution is required towards off-site provision at STG10 – Hall Drive Park plus maintenance, which has a quality score below the required 80%.
- 8.127 The majority of the open space on site is to consist of accessible natural green space. A total of 2800sqm is required from 70 dwellings, but 5050sqm is to be provided. An on-site maintenance contribution is applicable for the 5050sqm of provision.
- 8.128 Given that the application is for outline planning permission, 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.
- 8.129 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.
- 8.130 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 Stoke Golding 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 LAP, causal informal play and a large area of natural green space.
- 8.131 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

- 8.132 LCC Waste Management requested a contribution of £3,467.00 towards Barwell Household Waste Recycling Centre. It is calculated that the proposed development would generate over 14 tonnes per annum of additional waste and the contribution is to maintain level of services and capacity for the residents of the proposed development.
- 8.133 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

- 8.134 LCC Library services have requested a sum of £2,120.00 towards provision of additional resources at Hinckley Library, Lancaster road, Hinckley, which is the nearest local library facility to the development.
- 8.135 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. The Hinckley Library is within 3.98km of the site, the request states that the proposed development will add 210 to the existing library's catchment population which would have a direct impact upon the local library facilities, this is accepted in this instance as the library is a reasonable distance away and bus access is available from the site boundary, 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.

#### Education

- 8.136 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 £417,039.81 to be used to accommodate the capacity issues created by the proposed development by improving, remodelling or enhancing existing facilities at St Margaret's Church of England Primary School Stoke Golding (£306,432.00), Redmoor Academy (£65,962.44) and Hinckley Academy and John Cleveland Sixth Form Centre (£44,645.37).
- 8.137 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.

#### NHS West Leicestershire CCG – Health Care

- 8.138 No contributions have been requested.

#### Affordable Housing

- 8.139 See details in earlier section above.

Highways

- 8.140 See details in earlier section above.

Viability issues

- 8.141 The applicant has not raised viability as an issue for this proposed development.

Other matters

- 8.142 The Environmental Health Officer recommends the imposition of Contaminated land conditions.

- 8.143 HBBC's Agricultural Quality of Land Surrounding the Settlements in the Hinckley and Bosworth District Report (2020) states that the site is estimated to be mostly grade 2 agricultural land, with grade 3a and 3b land to the east of the site. Grade 2 is very good quality land with minor limitations which affect crop yield, cultivations or harvesting. Housing and the flood attenuation will be located on this land. In Stoke Golding this land is slightly limited by droughtiness, as the soils have limited moisture storage capacity which can lead to reduced crop yields in dry years. Grade 3a and 3b land is good and moderate quality land with moderate/strong limitations that affect the crop, timing and type of cultivation/harvesting or level of yield. Grade 3a land can produce moderate to high yields of a narrow range of crops or moderate yields of a wide range of crops. In Stoke Golding the moderately high topsoil clay content of the topsoil in combination with the impeded drainage of the lower subsoil can cause land access restrictions for spring cultivations during wet years. Grade 3b land produces moderate yields of a narrow range of crops, low yields of a wide range of crops and high yields of grass. In Stoke Golding the high clay content of the topsoil and impeded drainage of this land combine to restrict access by farm machinery in spring, constraining arable land use to autumn-sown crops in most years. The housing and landscaped areas will be on the grade 3a/3b land. The loss of this land should be weighed in the balance of the merits of the scheme.

- 8.144 The applicant has submitted a Statement of Community Involvement, setting out details of how local residents were consulted on the proposal in April 2021. The NPPF supports pre-application local community engagement. A response rate of approximately 25% was received. Many comments received stated that there should be no development on the site. The consultation responses raised that bungalows, smaller homes, semi-detached and family homes would be the most suitable for the site. The applicant response stated that the housing mix will be determined at reserved matters stage, subject to viability and demand. The Illustrative layout includes bungalows. In terms of the illustrative layout, consultation responses raised that no housing should be built, or fewer homes and a lower density. Further comments raised the need for a landscaped frontage to the site, green areas, gardens and sufficient parking provision. The location and provision of a LEAP was also raised. The applicant response is that the scale and density is appropriate and that the location of the green areas will provide a soft edge to the site edges and frontage. The size of gardens and the location of the play areas will be considered at reserved matters stage. Consultation responses raised concerns about the capacity of the local doctors and school and the need for further retail and recreational facilities. The applicant response is that the development would contribute to any shortfall in capacity created by the development. Consultation responses raised concerns regarding the impact on highways. The applicant response was that the Transport Assessment confirms that the development will not have a severe impact on the operation of the highway network or an unacceptable impact on highway safety. Consultation responses raised concerns about the cumulative impact of new dwellings in the area and the overdelivery against the

minimum Core Strategy housing requirement. The applicant states that the infrastructure required to support the development will be delivered and that the housing requirement is out of date.

## **9. Equality implications**

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

## **10. Conclusion**

- 10.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2 The 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 and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 10.3 In principle, the proposed housing development is outside the settlement boundary of Stoke Golding and is thus contrary to policies 7 and 11 of the CS and DM4 of the SADMP. Although out of date, these policies are in accordance with the Framework and have significant weight. The proposal is also contrary to emerging policies SG1 and SG3 of the SGNP (as proposed to be modified by the RIE) as the housing needs of the area have been met and the development does not meet any of the specified circumstances where development in the countryside will be supported. However, emerging policy SG6 of the SGNP (as proposed to be modified by the RIE) would support development outside the settlement boundary where it is in accordance with national policies. The emerging SGNP is not yet 'made' but can be given significant weight, in accordance with paragraph 48 of the NPPF.

- 10.4 The emerging Local Plan for 2020-39 proposes a higher housing target than that in the emerging SGNP, but the plan is at an early stage of production and can thus be given very little weight.
- 10.5 Weighed against the conflict with the Development Plan is the Government's commitment to significantly boosting the supply of housing through the Framework. The proposal would result in the delivery of up to 70 houses (including up to 28 affordable homes). These additional houses and affordable housing have significant weight in the planning balance as they would assist in boosting the supply of housing in the borough.
- 10.6 The proposal, whilst involving development in the countryside, could be designed to be appropriate to the area, and it would have a limited impact on landscape character and a moderate adverse impact upon local views of the site. This would accord with policy DM10 of the SADMP and emerging policies SG10, 12 and 15, the Good Design Guide SPD and the NPPF.
- 10.7 With the imposition of conditions and S106 contributions, the development will secure an appropriate mix and density of housing and provide 40% affordable housing. This would accord with policies 15 and 16 of the CS and emerging policy SG4 of the SGNP.
- 10.8 The proposal will not have any impact on designated heritage assets of their setting. The site has not been subject to trial trenching investigation at this stage, so the archaeological impact of the proposals are based upon the desk-based assessment and geophysical survey report. It is considered that trial trenching is not necessary at this stage, but should be secured before reserved matters submission. This would accord with policies DM11, DM12 and DM13 of the SADMP and the NPPF.
- 10.9 The proposed development will not have an unacceptable impact upon amenity and would accord with policy DM10(a) and (b) of the SADMP, the Good Design Guide SPD, and emerging policy SG15 of the SGNP and national policy in the NPPF.
- 10.10 The ecological impact of the proposal has been assessed and a net gain in biodiversity can be achieved. Existing trees and hedgerows will be retained. This would accord with policy DM6 of the SADMP, emerging policy SG11 of the SGNP and paragraph 174 of the NPPF.
- 10.11 The highways impact of the proposed development and the proposed access is acceptable and this would accord with policies DM17 and DM18 of the SADMP and the NPPF.
- 10.12 The development will not have an adverse impact on flooding and surface water and foul drainage can be satisfactorily accommodated. This would accord with policy DM17 and the NPPF.
- 10.13 The site is a mix of grade 2 and grade 3a and 3b agricultural land. The loss of this land is weighed in the balance of the merits of the scheme.
- 10.14 The proposed development will secure on-site and off-site open space provision, and contributions to civic amenity provision, libraries, local education services and highways infrastructure. This would accord with policy DM3 of the SADMP and emerging policy SG19 of the SGNP and the NPPF.
- 10.15 Therefore, although there is clear conflict with strategic policies 7 and 11 of the Core Strategy and DM4 and DM10 of the adopted SADMP, there has only been minor harm found.
- 10.16 On balance, the limited adverse impacts on the landscape character and moderate adverse impact upon local views are not considered to significantly and



demonstrably outweigh the benefits of the development. Therefore, in accordance with paragraph 11(d) of the NPPF, it is considered that planning permission should be granted, subject to the conditions and S106 contributions set out in this report.

## **11. Recommendation**

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

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
  - On-site Open Space minimum requirement of 1176sqm casual/informal play spaces and a 20 year maintenance cost (minimum of £12,700.80), a minimum of 2800sqm of natural green space along with a 20 year maintenance cost (minimum of £39,760.80)
  - Off-site equipped children's play space contribution of £45,846.36 towards site STG10 and 10 year maintenance of £22,125.60 and outdoor sports provision contribution of £24,326.40 towards site STG10 and 10 year maintenance contribution of £11,558.40.
  - 40% Affordable Housing (28 units) with a split of 75% of the units as social/affordable rented and 25% of the units as intermediate tenure
  - Affordable rented mix shall comprise: 6 x 1 bedroomed 2 person maisonettes or quarter houses, 8 x 2 bed 4 person houses and 7 x 3 bedroomed 5 person houses.
  - The intermediate tenure should consist of a mixture of 2 and 3 bedroomed houses.
  - Location connection requirement for the affordable housing and cascade mechanism.
  - £3,467 civic amenity contribution towards Barwell Household Waste Recycling Centre
  - £2,120 towards provision of additional resources at Hinckley Library, Lancaster road, Hinckley.
  - £417,039.81 towards Education facilities (St Margaret's Church of England Primary School Stoke Golding £306,432.00, Redmoor Academy £65,962.44 and Hinckley Academy and John Cleveland Sixth Form Centre £44,645.37).
  - 1 x travel pack per dwelling along with provision of application forms for 2 x 6 month bus passes (currently Arriva)
  - Replacement flags at the nearest two bus stops on Hinckley Road opposite Greenwood Road and outside number 87 (ID's 2571 & 2566).
- Planning conditions outlined at the end of this report

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

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

### **11.4 Conditions and Reasons**

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

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

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
- a) Appearance of the development including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
  - b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges
  - c) Layout of the site including the location of electric vehicle charging points, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside the development. This should include a design statement that sets out how consideration has been given to lower density to edges of site and higher density along main routes.
  - d) Scale of each building proposed in relation to its surroundings have been submitted to and approved, in writing, by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

3. 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.

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

Location Plan 001-A received 19/5/21

Proposed site Access Layout T21511.001 Rev D (page 52 of the Transport Assessment, Hub Transport Planning, Ref: T21511, 5/5/21) received 19/5/21  
Landscape and Visual Appraisal Rev A received 31/8/21

Desk Study Report (PJS Geotechnical Engineers 14/3/21 ref: PJSG21-08-R01) received 19/5/21

Flood Risk Assessment (PJS Land Development May 2021 ref: PJSL21-02-FRA-01) received 19/5/21

Preliminary Ecological Appraisal (Ramm Sanderson ref: RSE\_4704\_R1\_V2, March 2021) received 3/9/21

Addendum Ecological Impact Assessment and Biodiversity Impact Appraisal (Ramm Sanderson 14/5/21) received 19/5/21

Tree Survey and Constraints Advice (Midland Forestry 9/4/21) received 19/5/21

**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).

5. The layout submitted at reserved matters shall provide a natural vegetation buffer zone of at least 5 metres alongside all retained hedgerows.  
**Reason:** To retain the historic landscape features, provide a soft edge to the development and to secure a net gain in biodiversity in accordance with DM6 and DM10 of the Site Allocations and Development Management Policies DPD.
6. The existing hedges along the southern, eastern and northern boundaries of the site shall be retained at a minimum height of not less than two metres and any trees or plants which die, are removed or become seriously damaged or diseased within 5 years from the completion of the development shall be replaced in the next planting season with others of similar size and the same species, unless the Local Planning Authority gives written consent to any variation. All existing trees as specified The Tree Survey and Constraints Advice (Midland Forestry, 9/4/21) received 19/5/21, other than T4 and T6, shall be retained.  
**Reason:** To provide an effective and attractive screen for the development in the interests of visual amenity and to accord with policies DM6 and DM10 of the Site Allocations and Development Management Policies DPD.
7. No development shall commence on site until such time as the existing and proposed ground levels of the site, and proposed finished floor levels have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.  
**Reason:** To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
8. Any reserved matters application shall be accompanied by an updated Badger Survey. The findings of the survey including a method statement for the clearance of the site, shall be submitted to and approved in writing by the local planning authority. The site clearance shall be carried out in accordance with the approved details.  
**Reason:** To ensure that the development does not cause harm to any protected species or their habitats in accordance with DM6 and DM10 of the Site Allocations and Development Management Policies DPD and the NPPF.
9. Any reserved matters application shall be accompanied by a Building for Healthy Life Assessment of the proposal.  
**Reason:** To ensure the development is appropriate to the local area and meets amenity standards in accordance with policy DM10 of the Site Allocations and Development Management Policies DPD and the Good Design Guide SPD.
10. Any reserved matters application shall be in accordance with the recommendations in the Landscape and Visual Appraisal (Rev A received 31/8/21).  
**Reason:** To ensure the development complements and enhances the character of the area and the local landscape and incorporates a high standards of landscaping in accordance with policy DM10 of the Site Allocations and Development Management Policies DPD and the NPPF.

11. No development shall take place/commence until a programme of archaeological work, comprising further post-determination trial trenching, specific metal-detecting and as necessary targeted archaeological investigation. The full programme and timetable will be detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
- The programme and methodology of site survey, investigation and recording (including assessment of results and preparation of an appropriate mitigation scheme)
  - The programme for post-investigation assessment
  - Provision to be made for analysis of the site investigation and recording
  - Provision to be made for publication and dissemination of the analysis, interpretation and presentation of the site investigation
  - Provision to be made for archive deposition of the analysis and records of the site investigation
  - Nomination of a competent person or persons/organisation to undertake the works, with particular reference to the metal detecting survey, as set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved through condition. The programme of archaeological work shall be undertaken prior to the submission of any reserved matters application and the post investigation assessment submitted with any reserved matters application.

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

12. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition XXX and provision has been made for analysis, publication and dissemination of results and archive deposition has been secured. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

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

13. A landscape and Ecological management plan, including long term objectives, management responsibilities and maintenance schedules for all landscape areas, other than small privately owned, domestic gardens, shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The management plan shall be in accordance with the approved Preliminary Ecological Appraisal (v2 Ramm Sanderson March 2021, received 3/9/21), the Addendum Ecological Impact Assessment and Biodiversity Impact Appraisal (Ramm Sanderson 14/5/21, received 19/5/21) and the Landscape and Visual Appraisal (Rev A received 31/8/21). The landscape management plan shall be carried out as per the approved details.

**Reason:** To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

14. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a method of works for great crested newts, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the method of works shall be carried out in accordance with the approved details.

**Reason:** To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework.

15. No external lighting of the site shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles) and demonstrate that the lighting will not cause harm to protected species or their habitats (bats). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

**Reason:** To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM6, DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

16. During the construction period, the existing tree(s) to be retained (as identified in the Tree Survey and Constraints Advice (Midland forestry 9/4/21) received 19/5/21) have been protected in accordance with the a Tree Protection Plan that has been submitted to and approved in writing by the Local Planning Authority. The barriers shall be erected before any equipment, machinery or materials are brought onto the site for the purposes of development and shall be maintained until all equipment machinery and surplus material has been removed from the site. Nothing shall be stored or placed within the areas protected by the barriers erected in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made, without the written consent of the Local Planning Authority.

**Reason:** To ensure the continued health of retained trees/hedges and to ensure that they are not adversely affected by the construction works, in the interests of the visual amenity of the area, to ensure the integration of the development into the existing landscape in accordance with policy DM6 and DM10 of the Site Allocations and Development Management Policies DPD.

17. 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).

18. 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).

19. 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).

20. Upon completion of the remediation works a verification report shall be submitted to and approved by the Local Planning Authority. The verification report shall include details of the proposed remediation works and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.

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

21. Development shall not begin until a scheme for protecting the proposed dwellings from noise from the adjacent solar farm and commercial/agricultural uses has been submitted to and approved by the Local Planning Authority; and all works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

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

22. Development shall not begin until a scheme for protecting the proposed dwellings from light from the adjacent solar farm and commercial/agricultural

uses has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

**Reason:** To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

23. Prior to commencement of development a Construction Environmental Management Plan shall be submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, 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 minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

24. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

25. No development approved by this planning permission shall take place until such time as details in relation to the management of surface water on site during construction of the development has been submitted to, and approved in writing by the Local Planning Authority.

**Reason:** To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

26. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority.

**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 surface water drainage system (including sustainable drainage systems) within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

27. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.
- Reason:** To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).
28. No development shall commence on the site until such time as a construction traffic management plan, including as a minimum details of the routing of construction traffic, wheel cleansing facilities, vehicle parking facilities, and a timetable for their provision, has been submitted to and approved in writing by the Local Planning Authority. The construction of the development shall thereafter be carried out in accordance with the approved details and timetable.
- Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic uses suitable roads and lead to on-street parking problems in the area in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.
29. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Hub drawing number T21511.001 Rev D have been implemented in full.
- Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.
30. No part of the development shall be occupied until such time as the offsite works (pedestrian footway improvements) shown on Hub drawing number T21511.001 Rev D 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 adopted Site Allocations and Development Management Policies DPD and the NPPF.
31. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres by 73 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 and the NPPF.
32. No part of the development hereby permitted shall be occupied until such time as site drainage details have been provided to and approved in writing by the Local Planning Authority. Thereafter surface water shall not drain into the Public Highway and thereafter shall be so maintained.
- Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with



policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

33. The new vehicular access hereby permitted shall not be used for a period of more than one month from being first brought into use unless the existing vehicular access on Hinckley Road that becomes redundant as a result of this proposal has been closed permanently and reinstated in accordance with details first submitted to and agreed in writing by the Local Planning Authority.

**Reason:** In the interests of highway and pedestrian safety in accordance with policy DM17 of the adopted Site Allocations and Development Management Policies DPD and the NPPF.

34. Prior to the occupation of each dwelling/unit on site full fibre broadband connection should be available and ready for use.

**Reason:** To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with paragraph 112 of the National Planning Policy Framework (2021).

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Planning Committee 19 October 2021  
Report of the Planning Manager

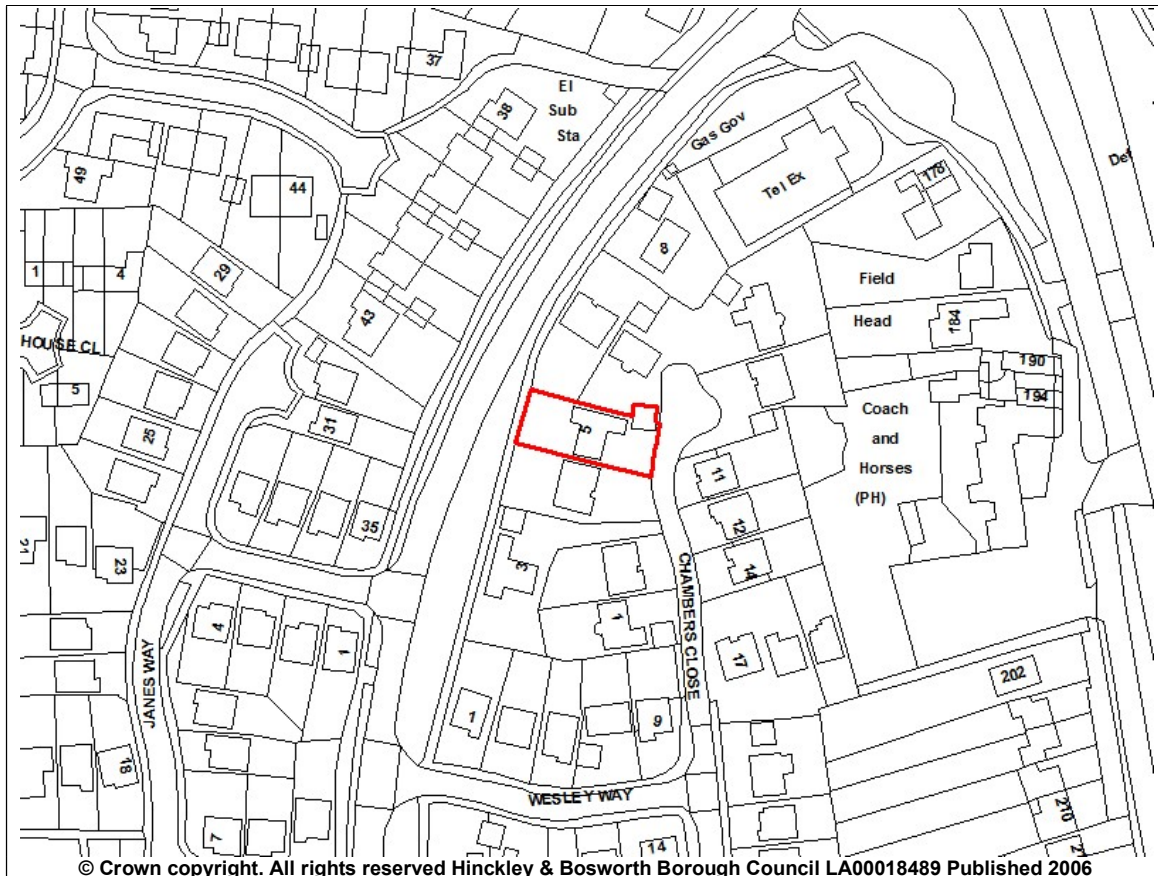
Planning Ref: 21/00765/HOU  
Applicant: Mr Tony Cook  
Ward: Markfield Stanton & Fieldhead



Hinckley & Bosworth  
Borough Council

Site: 5 Chambers Close Markfield

Proposal: Two storey front extension



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## 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 a two storey front extension to no.5 Chambers Close in Markfield.

### 2.2. The proposed extension would have a maximum depth of 3.6m from the original principal elevation, yet would extend no further than the furthest part of the original dwellinghouse. This would have a maximum width of roughly 7.2m.

- 2.3. The proposed development would be finished in matching brickwork.
- 2.4. A boundary wall, gates, and an extension to the garage were originally proposed. However, following officer and neighbour concerns, these have been removed from this application.
- 2.5. It should be acknowledged that a previous planning permission for the site (99/00929/FUL) granted permission for a similar two storey front extension. This permission was implemented, albeit not in full. Consequently there is an established fall-back position to implement the earlier planning permission which included a front extension of the same depth.

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

- 3.1. The application site relates to a large two storey detached dwellinghouse within a traditional David Wilson homes development of similar properties dating from the 1990s. As a result, there is a good level of coherence to the properties within the cul-de-sac, with the majority of sites being in their original form.

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

#### **02/00583/FUL**

- ERECTION OF SUMMER HOUSE  
Permission  
21.06.2002

#### **99/00294/FUL**

- EXTENSION TO DWELLING  
Permission  
14.05.1999

#### **99/00929/FUL**

- ALTERATIONS AND EXTENSIONS TO DWELLING  
Permission  
30.11.1999

#### **08/01165/FUL**

- EXTENSIONS AND ALTERATIONS TO DWELLING  
Permission  
26.01.2009

### **5. Publicity**

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Representations have been received from six addresses raising concerns for the following:
- 1) Continuous building work
  - 2) Overdevelopment of the site
  - 3) Privacy and overlooking
  - 4) Inaccurate submission details
  - 5) Overbearing and overshadowing
  - 6) Out of keeping with the character of the area
  - 7) Breach of the original planning for the homes on this estate
  - 8) Parking
  - 9) Against the original design concept
  - 10) Use of garage
  - 11) Decrease in garden size

## **6. Consultation**

- 6.1. Markfield Parish Council was consulted and raise no objections.
- 6.2. LCC Highways have referred to standing advice.

## **7. Policy**

- 7.1. Markfield Neighbourhood Plan 2020-2039
  - Policy M10: Design
- 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) (2021)
  - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
  - Good Design Guide (2020)
  - National Design Guide (2019)

## **8. Appraisal**

- 8.1. Key Issues
  - Design and impact upon the character of the area
  - Impact upon neighbouring residential amenity
  - Impact upon highway safety

Design and impact upon the character of the area
- 8.2. 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.
- 8.3. Policy M10 of the Markfield Neighbourhood Plan requires development to be sympathetic to local character and history, unless the development is of exceptional quality or innovative design.
- 8.4. The proposed front extension would extend upon an existing gable end to the front of the property and would include decorative brickwork, similar to that which is found upon the gable end of no. 9 Chambers Close. The original character of the twin gables would be retained, and an original architectural feature of the cul-de-sac would be carried across onto the proposed design.
- 8.5. The proposed brickwork would be to match that of the existing property, which would also match the appearance of the brickwork of nos.10 & 14 Chambers Close. The proposed tiles would match that of the existing property, and the immediately adjacent nos.4 & 6 Chambers Close. The existing render finish is not a feature of any other property within the cul-de-sac. Consequently, the proposed materials to be used are considered to be an entirely harmonious addition to the application site and wider area.
- 8.6. The proposed enclosed balcony area, which forms part of the two storey front extension, is not an original feature of the dwellings within the area. However, due to the enclosed nature of this new feature, this would not appear prominent or

incongruous. The balcony would have a depth of roughly 0.8m, and would be set back from the principal elevation by roughly 0.8m. The pitched roof above the front entrance would cover the lower portion of the balcony, which would result in this appearing similar in appearance to that of a standard window in keeping with the character of the area.

- 8.7 The proposed balcony and front extension would also increase the natural surveillance of the street, by retaining an active frontage. This passive surveillance would discourage any wrong-doing by the ability of people to see out of the proposed windows to ensure security.
- 8.8 As a result of the above assessment, the proposed development is considered to enhance the appearance of the application site and would retain the character of the cul-de-sac. Therefore can be considered to be in accordance with Policy M10 of the MPNP, and Policy DM10 of the SADMP in regard to design.

Impact upon neighbouring residential amenity

- 8.9 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.
- 8.10 The Hinckley and Bosworth Borough Council's Good Design Guide SPD (2020) states that principal windows to habitable rooms on the rear of neighbouring properties should not be less than 21m apart, unless they are across a road. In this instance, the separation distance would be roughly 18.7m. The existing separation distance between the first floor bedrooms is roughly 19.2m. There are separation distances to principal windows on the front elevation of less than 21m found in the area. In the case of the proposed extension, it is considered that due to the separation across the road, and that the windows are on the front of the house where lower levels of privacy can be expected compared with to those rooms on the rear of a property. The existing level of perceived overlooking between the principal windows on the existing front elevations is not considered to be increased to an unacceptable level as a result of the proposed development.
- 8.11 The HBBC Good Design Guide (2020) also states that extensions to the front should take the form of the existing building, mirroring the roof pitch, and replicate the eaves height.
- 8.12 The proposed balcony, as part of the front extension would be fully enclosed to both sides, and covered by a roof. The pitched roof above the entrance would extend to a height matching the cill height of the first floor windows. Consequently, it is considered that the proposed enclosed balcony would provide no additional overlooking than the existing first floor bedroom.
- 8.13 The proposed extensions would not result in any conflict with the 45 degree rule to the adjacent no.4 Chambers Close. Furthermore there are no ground level windows of which the extension would obstruct, the extension would not obstruct the 45 degree line from the nearest first floor window. Furthermore, the proposed development is located to the north of no.4 Chambers Close, as such there is not considered to be any significant overshadowing to this neighbouring property.
- 8.14 The additional windows on the south elevation would be obscurely glazed to limit the level of overlooking to an acceptable level, moreover these can be installed without the need for planning permission. No windows are proposed to the north elevation. Consequently it is considered that there would be no significant adverse overlooking to the occupants of nos. 4 & 6 Chambers Close.
- 8.15 The proposal would therefore be in accordance with Policy DM10 of the adopted SADMP in regard to impact upon neighbouring residential amenity.

#### Impact upon highway safety

- 8.16 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.
- 8.17 Policy DM18 requires new development to provide an appropriate/justified level of parking provision.
- 8.18 The proposed development would see a reduction in the number of bedrooms provided at the site, changing from five to four. The proposed front extension is not considered to result in the loss of existing parking spaces, as the extension would be built over an area of lawn.
- 8.19 The application site includes a double garage, and at least two parking spaces on the driveway. Double garages should preferably be 6m by 6m in order to be counted towards off street car parking provision. However, the LHA and LPA appreciate this garage is an existing situation. The existing internal dimensions of roughly 5.4m by 5.9m, and can be considered to be adequate in this instance.
- 8.20 The development is therefore not considered to have any severe adverse impact upon highway safety, and an appropriate level of off street parking is considered to be provided in accordance with Policies DM17 and DM18 of the SADMP and the provisions of the NPPF.

#### Other matters

- 8.21 Concern has been raised in regard to the proposed development resulting in yet more construction within the cul-de-sac. As a domestic extension, the principle of carrying out construction works is considered to be sustainable and acceptable.
- 8.22 Concern has been raised for the size of the garden. There would be no change to the size of the rear garden.
- 8.23 Concern has been raised in regard to the accuracy of the submitted details. Section 6 of the application form states that no trees or hedges would be affected. The proposed front extension would be built on an area of lawn and a small section of hardstanding, with no impact upon any trees or hedgerows. Secondly, the existing plans show the garage with two separate doors, where in reality one full width door exists. This is not considered to have any material impact upon the consideration of this application which does not affect the garage.
- 8.24 Concern has been raised for the proposed use of the garage, this application does not affect the garage.
- 8.25 Concern has been raised that the proposed development would be a breach of the original planning permission. Authorised modifications to an earlier planning permission can be granted with a new planning permission. This may result in multiple planning permissions being lawful for one site. Notwithstanding the original planning permission for the residential development, the proposed development would remain consistent with the earlier implemented permission.

## **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 is located within the settlement boundary of Markfield, therefore the presumption in favour of sustainable development applies as set out in Policy DM1 of the SADMP and Paragraph 11 of the NPPF.
- 10.2. The proposed development is considered to complement the character of the existing dwellinghouse, and there are not considered to be any significant adverse impacts to neighbours. Therefore the proposal complies with Policy DM10 of the SADMP.
- 10.3. The application site has a sufficient parking area for two cars, as well as a double garage. Consequently the proposal is not considered to result in any significant adverse impacts upon highway safety, and there is a justified level of parking. Consequently is in accordance with Policies DM17 and DM18 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 be begun before the expiration of three years from the date of this permission.

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

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

Site Location Plan - received 06/09/2021

Site Plan - received 06/09/2021

Proposed Floor Plans & Elevations - Drg. No. 404/01 Rev.B - received 06/09/2021



**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 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).

#### 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

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Planning Committee 19 October 2021  
Report of the Planning Manager

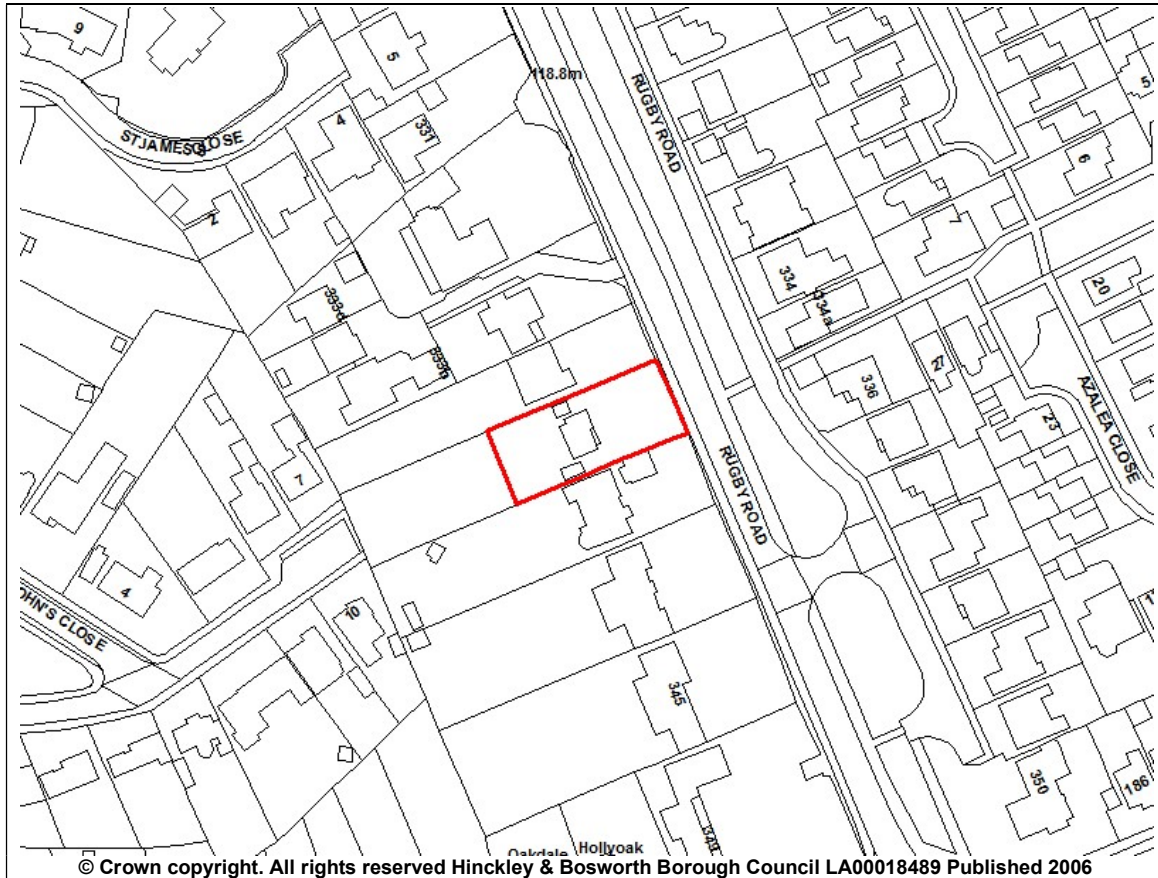
Planning Ref: 21/00632/CONDIT  
Applicant: Ricky Child  
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth  
Borough Council

Site: 339 Rugby Road Burbage Leicestershire

Proposal: Variation of condition 2 (plans) attached to planning permission  
19/00413/FUL



- 1) This application was taken to the previous Planning Committee on the 21<sup>st</sup> September 2021. The previous report and accompanying late items are attached to this report as Appendix A and B.
- 2) At the committee the item was deferred for a site visit to assess the alterations to the roof.
- 3) Since the previous planning committee a further objection letter has been received making the following points:
  - a) Increased mass and scale of the building
  - b) The total glazed area has increased at the rear allowing for longer and lingering sight lines into neighbours properties
  - c) The rear kitchen pod roof could be used as a balcony severely impacting on privacy

- d) Overbearing impact from the rear gables
  - e) The application should have been submitted as a new full application not a non-material amendment
- 4) With regards to the last point made in the objection letter the proposal hasn't been submitted as a non material amendment. Whilst a new application could have been submitted for the changes proposed a variation of condition application (section 73) is an appropriate type of application to submit for the proposed changes. This type of application does allow for amendments for additional conditions to be imposed if it is deemed to be necessary.
- 5) The recommendation hasn't changed since the previous committee.

## APPENDIX A

Planning Committee 21 September 2021  
Report of the Planning Manager

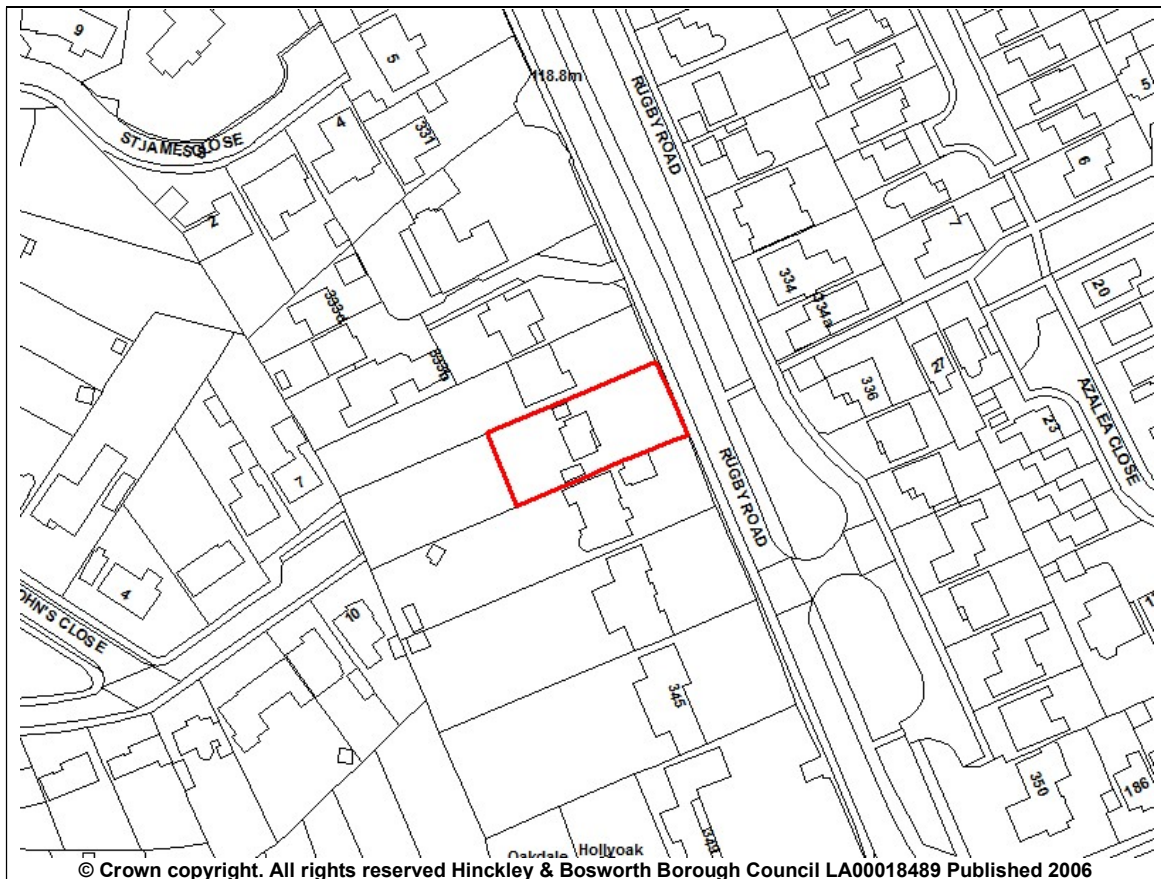
Planning Ref: 21/00632/CONDIT  
Applicant: Ricky Child  
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth  
Borough Council

Site: 339 Rugby Road Burbage Leicestershire

Proposal: Variation of condition 2 (plans) attached to planning permission  
19/00413/FUL



### 1. Recommendations

#### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

### 2. Planning application description

- 2.1. The application seeks to vary the plans condition (condition 2) attached to planning permission 19/00413/FUL, which was an application for a replacement dwelling of which construction work is ongoing. The main changes from the original application are:

- Removal of front porch
  - Addition of roof light to side elevation and to front elevation
  - Increased length of first floor rear facing windows to full length
  - Addition of timber cladding to rear elevation
  - Addition of side facing utility door
  - Increased width of a first floor rear facing window
  - Reduction in width of dwelling from 16.5 metres to 16.4 metres
  - Increase in length of dwelling along southern elevation from 10 metres to 10.080 metres
- 2.2. Details of levels have now been provided with the application. The proposal has been amended by reducing the single storey rear extension back to 1.65 metres in depth, the same as application 19/00413/FUL.
- 3. Description of the site and surrounding area**
- 3.1. The application site is located on the western side of Rugby Road, surrounded by residential properties within the settlement boundary for Burbage. This side of Rugby Road is characterised by individually designed dwellings of varying but predominantly two storey scale set within large plots and set back from the road.
- 4. Relevant planning history**
- 14/01160/OUT**
- Demolition of Existing Dwelling and Erection of two new dwellings (outline - access only)  
Outline permission  
16.01.2015
- 17/00648/CONDIT**
- Variation of condition 2 of planning permission 15/01212/FUL to allow the development to be implemented in accordance with amended plans for amendments to fenestration and internal layout  
Permitted  
23.08.2017
- 18/00122/FUL**
- Demolition of existing dwelling and the erection of a detached two storey dwelling and a detached double garage (re-submission).  
Permitted  
04.07.2018
- 19/00413/FUL**
- Demolition of existing dwelling and the erection of a replacement detached dwelling and detached double garage (revised scheme)  
Permitted  
26.06.2019
- 19/00882/DISCON**
- Application to discharge conditions 3 and 5 attached to planning permission 19/00413/FUL  
Discharged  
18.09.2019

#### **19/01079/CONDIT**

- Removal of condition 9 (removal of permitted development rights) of planning permission 19/00413/FUL  
Refused (Allowed on appeal)  
18.11.2019

#### **21/00230/DISCON**

- Application to re-discharge conditions 3 (materials) attached to planning permission 19/00413/FUL  
Discharged  
09.03.2021

### **5. Publicity**

5.1. The application has been publicised by sending out letters to local residents. There have been 5 objection letters from 3 separate addresses received as a result of the publicity making the following points:

- 1) There are more changes to the property being carried out than what is being applied for
- 2) The rear kitchen extension will reduce the open space to the rear of the property to the detriment of the neighbourhood
- 3) The rear window designs diminish privacy to neighbouring properties
- 4) The flat roof kitchen extension gives rise to the possibility of a balcony above it
- 5) The front roof light is out of keeping with the area
- 6) The property could be being built higher than shown on the plans
- 7) The separation of the house to the boundaries is now shorter
- 8) The house fails to respect the existing building lines
- 9) Overpowering nature of the design
- 10) Not being built in accordance with the plans. The build is showing a second floor being built up vertically from the house

### **6. Consultation**

6.1. Burbage Parish Council objects to the application on the following grounds:

- 1) Contravenes planning policy DM10
- 2) Increased mass and extended footprint would make it overbearing on the street scene and neighbouring properties
- 3) Adverse impact on neighbouring properties due to reduced side access
- 4) Concerns over the buildings height which was raised in the original application

6.2. Councillor Walker objects to the application on the following grounds:

- 1) Overdevelopment of the plot
- 2) Incongruous in the street scene

### **7. Policy**

7.1. Burbage Parish Neighbourhood Plan (BPNP) (2021)

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout

7.2. Core Strategy (2009)

- Policy 4: Development in Burbage

7.3. 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
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2021)
  - Planning Practice Guidance (PPG)
- 7.5. 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
- Assessment against strategic planning policies
- 8.2 The principle of the development has been established through the granting of planning permission 19/00413/FUL. The proposal is therefore acceptable subject to the assessment of other material considerations discussed below.
- Design and impact upon the character of the area
- 8.3 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.
- 8.4 Policy 2 of the BPNP supports residential proposals that respects its surroundings and follows the existing pattern of development.
- 8.5 The Good Design Guide outlines that building plots should be a similar size to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built development should also be of similar scale, mass and roof form to the wider context, allowing it to sit comfortably within the streetscene.
- 8.6 This side of Rugby Road is characterised as mainly larger dwellings, set back from the road with varying designs. The overall mass, scaling and design of the dwelling was largely established within the original application.
- 8.7 The change to the design of the dwellings shows a roof light, three windows wide to the front elevation. Whilst it would be visible from the road the property is set well back. This would be a minor alteration to the dwelling that would not have a significant visual impact on the character and appearance of the dwelling. As permitted development rights are now allowed on the replacement property this alteration could be carried out as permitted development. The porch to the front has been removed from the previous approved scheme. A roof light in the side elevation is also proposed however this is a minor addition that would be well screened from the street scene by the existing building and the neighbouring property. Timber cladding is proposed to the rear elevation above the first floor windows. This element would not be viewed from the main street scene and would only cover part of the rear elevation. It would not significantly impact upon the appearance of the dwelling. The increased glazing to the rear windows and the side utility door are considered to be minor changes to the dwelling.



- 8.8 Overall the proposed changes would not have a significant visual impact on the character and appearance of the dwelling and the wider street scene in compliance with policy DM10 of the SADMP, policy 2 of the BPNP and the Good Design Guide SPD.
- Impact upon neighbouring residential amenity
- 8.9 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.
- 8.10 The Good Design Guide SPD outlines that development may be acceptable unless there is a detrimental impact on the adjacent properties as assessed by the 45 degree rule. The Good Design Guide SPD recommends a minimum garden length of 7 metres.
- 8.11 The proposed side facing roof light is a high level roof light serving the en suite and is to be obscure glazed so its impact upon privacy would be minimal. The front facing roof light is set away from any neighbouring residential properties.
- 8.12 The flat roof kitchen pod has been amended to the same depth as the original application (1.7 metres). Concern has been raised that as this is flat roof it could be used as a balcony for the room above it. Given the small depth of the rear extension and that it contains a roof light the area around it is highly unlikely to be used for walking or sitting on. In any case now this has been amended it is the same design as the original application where no condition preventing this area from being used as a balcony was attached.
- 8.13 Concern has been raised over privacy due to the increased length of the first floor rear facing windows. The increased length of the windows is lower down at floor level therefore there will be no greater level of overlooking from the proposed windows at eye level. There would be a slightly increased view from the neighbouring property at the rear on Johns Close into the proposed windows however this would be minor given the separation distance to the rear boundary is approximately 14 metres, approximately 29 metres to the rear windows to the neighbour and the view would be at foot level.
- 8.14 Concern has been raised regarding over development of the site. However now the flat roof rear extension is remaining in its original depth the overall size and scale of the property is staying the same as the original application and no loss of amenity space is occurring as a result of the changes.
- 8.15 Work is currently ongoing for the replacement dwelling. Concerns have been raised that the building is being built higher than shown on the approved plans and that at the rear it is being built up vertically at roof level to provide a second floor. As work is ongoing there is no evidence that it is being built separate from the submitted plans as the areas in question are not yet finished. If it was found to be the case that the works are different to what is being proposed it would be a matter for the planning enforcement team.
- 8.16 Overall the proposed changes would have a minimal impact on residential amenity in compliance with policy DM10 of the SADMP and the Good Design Guide SPD.
- Impact upon highway safety and parking
- 8.17 Policy DM17 of the SADMP supports development proposals where they demonstrate that there would be no adverse impacts on highway safety and that development is located where the use of sustainable transport modes can be maximised. Policy DM18 of the SADMP seeks an appropriate level of parking provision within sites to serve the development.

8.18 No changes are proposed to the access or parking arrangements. The property has a large front drive that can accommodate the required three off street parking spaces. It is not expected that the changes proposed would result in a significantly increased demand for parking on the site.

8.19 The proposal would result in a minimal impact on parking and highway safety in compliance with policies DM17 and DM18 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 principle of the development has already been established through the previously approved and extant planning permission (19/00413/FUL).

10.2. The proposed changes would not result in a significant visual impact on the character and appearance of the existing house and the main street scene. The proposal will result in a minimal impact on residential amenity and parking/highway safety. The proposal is therefore in compliance with policies DM10, DM17 and DM18 of the SADMP, policy 2 of the Burbage Parish Neighbourhood Plan and the Good Design Guide SPD.

## **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 30th April 2019  
 Block plan received 30th April 2019  
 Site Plan/Landscaping Drawing No. 13/01/19 Rev A received 30th April 2019  
 Garage Elevations and Floor Plan Drawing No. 15/08/18 Rev A received 30th April 2019  
 Block plan received 24th June 2021  
 Second floor plan received 27th July 2021  
 Amended floor plans received 12th August 2021  
 Amended elevations received 12th August 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 materials to be used on the external elevations of the proposed dwelling shall accord with the details submitted under application 21/00230/DISCON.

**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).

3. The development shall accord with the submitted finished floor levels submitted with the approved plans.

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

4. Measures to protect the trees on site and adjacent to boundaries from damage shall accord with the details submitted under application 19/00882/DISCON.

**Reason:** To ensure that the development has a satisfactory external appearance and protects existing trees to be retained on site in the interests of visual amenity to accord with Policy DM10 of the Site Allocations and Development Management Policies DPD (2016).

5. The development hereby permitted shall not be occupied until such time as the existing gates to the vehicular access have been permanently removed. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 5 metres of the highway boundary, and any gates or barriers shall be hung to open away from the highway.

**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 adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraphs 108 and 110 of the National Planning Policy Framework (2021).

7. The approved hard and soft landscaping scheme shall be carried out in accordance with the details submitted on Landscaping Plan Drawing No. 13/01/19 Rev A received by the local planning authority on 30 April 2019 in the first planting season following the first occupation of the dwelling hereby permitted. 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.

**Reason:** To ensure that the work is carried out within a reasonable period and thereafter maintained 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](mailto:buildingcontrol@hinckley-bosworth.gov.uk) or call 01455 238141.

## APPENDIX B

ITEM 11

21/00632/CONDIT

Ricky Child

**Site:- 339 Rugby Road, Burbage**

**Proposal:- Variation of condition 2 (plans) attached to planning permission 19/00413/FUL**

### **Introduction:-**

Since the publication of the main report amended plans have been received removing the roof lights to the front and side elevations and the timber cladding from the rear elevation. The changes from the previous approval are now:

- Removal of front porch
- Increased length of first floor rear facing windows to full length
- Addition of ground floor side facing utility door
- Increased width of a first floor rear facing window
- Reduction in width of dwelling from 16.5 metres to 16.4 metres
- Increase in length of dwelling along southern elevation from 10 metres to 10.080 metres

### **Recommendation:-**

The amended plans do not change the recommendation from the report, subject to the below amended condition.

Amend condition 1 to read as follows:

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 30th April 2019

Block plan received 30th April 2019

Site Plan/Landscaping Drawing No. 13/01/19 Rev A received 30th April 2019

Garage Elevations and Floor Plan Drawing No. 15/08/18 Rev A received 30th April 2019

Block plan received 24th June 2021

Second floor plan received 27th July 2021

Amended floor plans received 12th August 2021

Amended elevations received 17th September 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).

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## PLANNING APPEAL PROGRESS REPORT

Situation as at: 08.10.21

### WR – WRITTEN PRESENTATIONS

### IN – INFORMAL HEARING

### PI – PUBLIC INQUIRY

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
		21/00581/OUT (PINS ref 3284379)	PI	Mr David Thornton-Baker Barwell Capitol Ltd Harris Lamb Ltd 75-76 Francis Road Birmingham	Land At Crabtree Farm Hinckley Road Barwell (Residential development of up to 25 dwellings with associated public open space and infrastructure (outline - access to be considered))	Awaiting Start Date	
	EC	21/00889/CLE (PINS Ref 3283791)	WR	Mr & Mrs Alec Moore 78 Main Street Bagworth	78 Main Street Bagworth (Certificate of Lawful Existing Use for the use of the outbuilding (only) to the rear of 78 Main Street, Bagworth as a maintenance, service and repair workshop (resubmission of 20/01141/CLE))	Awaiting Start Date	
	OP	21/00022/FUL (PINS Ref 3282342)	WR	Mr & Mrs E Orme 6 Highfields Thornton	Land Rear Of 70 To 74 Main Street Thornton (Construction of one dwelling)	Awaiting Start Date	
	EC	21/00070/FUL (PINS ref 3282352)	WR	Everards Brewery Limited	The White Swan 47 High Street Stoke Golding (Proposed development of 6 detached dwellings with associated access, parking and landscaping (resubmission of 19/01244/FUL))	Awaiting Start Date	

	SW	21/00692/OUT (PINS Ref 3281844)	WR	Onyxrose Ltd 19 Station Road Hinckley LE10 1AW	Factory Units 23 Wood Street Hinckley Leicestershire LE10 1JQ (Redevelopment of existing site to residential)	Appeal Valid Awaiting Start Date  Application was returned. Awaiting information from PINS on how to proceed	01.10.21
	SW	19/00464/OUT (PINS Ref 3281840)	WR	Onyxrose Ltd 19 Station Road Hinckley LE10 1AW	Factory Units 23 Wood Street Hinckley Leicestershire LE10 1JQ (Residential development of existing industrial site (Outline - access, layout and scale only))	Awaiting Start Date	
	HW	21/00655/CONDI T (PINS Ref 3281831)	WR	Mr & Mrs Jackson Sutton Ridge Barn Sutton Lane Cadeby Nuneaton Leicestershire CV13 0AR	Sutton Ridge Barn Sutton Lane Cadeby Nuneaton Leicestershire CV13 0AR (Removal of condition 4 of of planning permission 14/00400/FUL (permitted development rights))	Appeal Valid Awaiting Start Date	30.09.21
	EC	21/00237/OUT (PINS Ref 3281772)	WR	Mr T Barton Northwood Farm Wood Lane Higham on the Hill Nuneaton	Northwood Farm Stud Wood Lane Higham On The Hill Nuneaton (Erection of a bungalow (Outline - access only))	Appeal Valid Awaiting Start Date	01.10.21
	GS	21/00251/FUL (PINS Ref 3281616)	WR	Mr N Aponso Nilz & Harley Pet Services 5 Queen Street Barwell	Land East Of Higham Lane Stoke Golding (Erection of building and change of use of land to form a dog day care facility (part-retrospective) (revised scheme))	Awaiting Start Date	



	AH	21/00688/HOU (PINS Ref 3279925)	WR	Mr Jason Stray	98 Hollycroft Hinckley (Proposed extension to existing garage, and replacing existing flat roof with a tiled pitched roof to improve the aesthetics. Existing gates to drive to be removed)	Appeal Valid Awaiting Start Date	04.08.21
21/00024/PP	SW	20/01021/OUT (PINS Ref 3279808)	PI	Richborough Estates & Messrs Vero	Land At Station Road Market Bosworth (Residential development up to 63 dwellings with associated access, landscaping, open space and drainage infrastructure (Outline - access to be considered))	Start Date Proof of Evidence Inquiry (6 Days) (TBC)	19.08.21 09.11.21 07-16.12.21
21/00028/PP	SG	20/00400/FUL (PINS Ref 3278670)	WR	Mr James Startin	2 Ashby Road Twycross Atherstone Leicestershire CV9 3PW (Erection of a new workshop and ancillary services building, new wash bay building and change of use of land to create an agricultural machinery display area)	Start Date Statement of Case Final Comments	30.09.21 04.11.21 18.11.21
21/00023/NONDET	AH	21/00590/FUL (PINS ref 3278545)	WR	Mrs Rita Morley	5 White House Close Groby (Erection of detached dwelling in side garden)	Start Date Final Comments	17.08.21 14.10.21
21/00027/NONDET	GP	21/00813/CLP (PINS Ref 3281105)	WR	Ms Joanne Haddon	Fairways Cottage Leicester Road Hinckley (Certificate of Lawful Proposed Development for detached outbuilding)	Start Date Statement of Case Final Comments	22.09.21 03.11.21 24.11.21
21/00029/PP	GP	21/00257/HOU (PINS Ref 3277395)	WR	Ms Joanne Haddon	Fairways Cottage Leicester Road Hinckley (Two storey rear extension)	Start Date Statement of Case Final Comments	22.09.21 03.11.21 24.11.21

21/00020/FTPP	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)	Start Date Awaiting Decision	21.06.21
	OP	21/00290/OUT (PINS Ref 3281222)	WR	Mrs Hannah Ladkin-Berry	14 Chesterfield Way Barwell (Residential development for four dwellings (Outline- access and scale))	Start Date Statement of Case Final Comments	16.09.21 21.10.21 04.11.21
21/00025/PP	OP	20/00919/OUT (PINS Ref: 3272986)	WR	DHASC Limited	14 Chesterfield Way Barwell (Residential development for five dwellings (Outline- access and scale))	Start Date Statement of Case Final Comments	16.09.21 21.10.21 04.11.21
21/00022/PP	JB	21/00531/HYB (PINS Ref 3279939)	PI	Ms Harriet Moloney	Wood Farm Stanton Lane Ellistown (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 (Revised Scheme))	Start Date Inquiry (5 days) Decision Due	04.08.21 19.10.21 22.11.21

21/00019/PP	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)	Start Date Inquiry (5 days) Decision Due	14.06.21 19.10.21 22.11.21
	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	
21/00016/PP	SW	20/00249/OUT (PINS Ref 3272931)	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))	Start Date Awaiting Decision	28.05.21
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
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### Decisions Received

21/00021/RPAGDO	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)	<b>DISMISSED</b>	<b>17.09.21</b>
21/00018/PP	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))	<b>ALLOWED</b>	<b>06.10.21</b>

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Designation Period 1 April 2020 - 31 March 2022

Appeal Decisions - 1 April 2020 – 30 September 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
5	1	3	0	1	0	0	1	1	0	2	0	0	0

August – Total No of Major decisions made 65/Total No of appeals allowed 1 = 1.53%

September – Total No of Major decisions made 67/Total No of appeals allowed 1 = 1.49%

### 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
29	9	20	0	0	6	0	20	2	0	0	1	0	0

August – Total No of all Minor/Other decisions made 1141/Total No of appeals allowed 9 = 0.78%

September – Total No of all Minor/Other decisions made 1229/Total No of appeals allowed 9 = 0.73%

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
12	4	7	0	1	0	0	3	3	0	2	1	0	2

August – Total No of Major decisions made 90/Total No of appeals allowed 4 = 4.44%

September – Total No of Major decisions made 90/Total No of appeals allowed 4 = 4.44%

### 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
62	21	41	0	0	15	0	40	5	0	0	1	0	1

August – Total No of all Minor/Other decisions made 1706/Total No of appeals allowed 21 = 1.23%

September – Total No of all Minor/Other decisions made 1706/Total No of appeals allowed 21 = 1.23%

### Enforcement Appeal Decisions

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

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