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Hinckley & Bosworth
Borough Council

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

Date: 17 July 2023

To: Members of the Planning Committee

Cllr MJ Crooks (Chair)	Cllr C Gibbens
Cllr J Moore (Vice-Chair)	Cllr CE Green
Cllr CM Allen	Cllr E Hollick
Cllr RG Allen	Cllr KWP Lynch
Cllr CW Boothby	Cllr LJ Mullaney
Cllr SL Bray	Cllr H Smith
Cllr MA Cook	Cllr BR Walker
Cllr DS Cope	Cllr A Weightman
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, 25 JULY 2023 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

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

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Thank you

PLANNING COMMITTEE - 25 JULY 2023

A G E N D A

1. **APOLOGIES AND SUBSTITUTIONS**

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

To confirm the minutes of the meeting held on 27 June.

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. **22/00224/FUL - LEICESTER ROAD FOOTBALL CLUB, LEICESTER ROAD FOOTBALL GROUND, LEICESTER ROAD, HINCKLEY (Pages 3 - 16)**

Application for development of a multi-use games area with associated floodlighting and fencing

8. **23/00445/OUT - LYNDALE, LINDRIDGE LANE, DESFORD (Pages 17 - 28)**

Outline application for erection of four dwellinghouses with associated garages (all matters reserved except for access)

9. **23/00148/OUT - LAND TO THE SOUTH WEST OF LUTTERWORTH ROAD, BURBAGE (Pages 29 - 56)**

Outline application for the erection of up to 80 residential dwellings (use class C3), open space provision and associated infrastructure, with all matters reserved except access

10. **APPEALS PROGRESS (Pages 57 - 62)**

To report on progress relating to various appeals.

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

27 JUNE 2023 AT 6.30 PM

PRESENT: Cllr MJ Crooks - Chair
Cllr J Moore – Vice-Chair
Cllr RG Allen, Cllr CW Boothby, Cllr SL Bray, Cllr MA Cook, Cllr REH Flemming,
Cllr C Gibbens, Cllr DT Glenville (for Cllr DS Cope), Cllr CE Green, Cllr E Hollick,
Cllr KWP Lynch, Cllr H Smith, Mr BE Sutton (for Cllr CM Allen), Cllr BR Walker
and Cllr A Weightman

Also in attendance: Councillor WJ Crooks

Officers in attendance: Emma Baumber, Chris Brown, Rebecca Owen and
Michael Rice

22. **Apologies and substitutions**

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

Councillor Glenville for Councillor Cope
Councillor Sutton for Councillor Allen.

23. **Minutes**

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

RESOLVED – the minutes of the meeting held on 6 June be confirmed as a correct record.

24. **Declarations of interest**

Councillors Allen and Bray stated they had been members of Markfield Parish Council when application 20/00887/FUL was considered but had not taken part in the debate and decision.

25. **Decisions delegated at previous meeting**

It was reported that decisions had been issued on those items that were not subject to a S106 agreement.

26. **22/00277/OUT - Land east of The Windmill Inn, Brascote Lane, Newbold Verdon**

This application had been withdrawn from the agenda for this meeting.

27. **23/00298/FUL - 223 Station Road, Earl Shilton**

Application for erection of four dwellings with associated parking and landscaping.

The applicant spoke on this application.

Whilst in support of the application, it was requested that a note to applicant be added to ensure maintenance of the private road by owners of the new properties. It was moved by Councillor Bray, seconded by Councillor Cook and

RESOLVED – permission be granted subject to the conditions contained in the officer’s report with the abovementioned note to applicant.

28. **20/00887/FUL - The Islamic Foundation, Markfield Conference Centre, Ratby Lane, Markfield**

Application for demolition of existing conference centre and a residential building and erection of a new conference centre, including indoor sports facility and new residential building with associated landscaping.

An objector and the agent spoke on this application.

Whilst in support of the application, it was suggested that the applicant be requested to set up a liaison group with residents, the ward councillors and the parish council to address ongoing noise concerns. It was also requested that a note to applicant be added to request consideration of an acoustic fence and that condition be reviewed to mention planting to the western boundary of the site. It was moved by Councillor Bray, seconded by Councillor Allen and

RESOLVED – permission be granted subject to:

- (i) The completion of a S106 agreement to secure a contribution of £209,182 towards the Coalville Transport Strategy to enable required highway works at the A50 / Field Head junction;
- (ii) The conditions contained in the officer’s report and late items.

(The Meeting closed at 7.15 pm)

CHAIR

Planning Committee 25th July 2023
Report of the Head of Planning (Development Management)

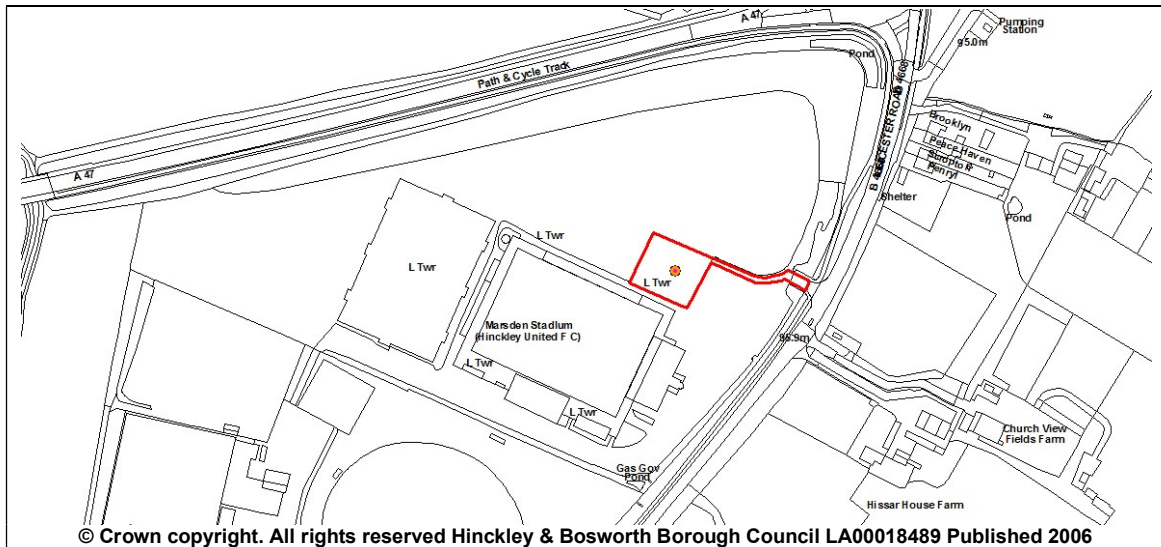


Hinckley & Bosworth
Borough Council

Planning Ref: 22/00224/FUL
Applicant: Leicester Road Football Club Ltd
Ward: Barwell

Site: Leicester Road Football Club, Leicester Road Football Ground. Leicester Road,
Hinckley, Leicestershire

Proposal: Proposed development of a multi-use games area with associated
floodlighting and fencing



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The proposed development is for the erection of a multi-use games area (MUGA) sports pitch. The MUGA pitch would measure 36m in length by 30m in width and would have a synthetic surface.
- 2.2. The MUGA would be bound by mesh fencing on all sides at a height of 4.5m, with a pedestrian access gate and separate vehicle access for pitch maintenance. The pitch would be lit by 10m floodlights for evening training. No parking is proposed as part of the proposals as there is considered to be sufficient provision at the wider site.

3. Description of the site and surrounding area

- 3.1. The application site extends to 0.1ha and comprises a vehicle access with tarmac surface alongside a grassed area which has lawful use (F2(c)) as an outdoor sports facility. The site forms part of the wider site which is an existing football club accessed from the B4668 Leicester Road. The site is located outside of the settlement boundary for Hinckley and within the area defined as Green Wedge.

- 3.2. The wider site is to the west of Leicester Road and includes a stadium and associated stands along with changing facilities, a gym and lounge/bar facilities. The site is bounded to the east by the Leicester Road, north by the A47, west by grass football pitches and south by the Hinckley Town Cricket club ground. Mature hedgerows mark the northern and southern boundaries. The site is relatively level apart from a gentle slope which falls north to south adjacent to the southern elevation of the eastern single storey building that currently contains the club house.

4. Relevant Planning History

18/00164/FUL

- Erection of a bund and refreshments hut (part retrospective)
- Refused
- 21.11.2018

15/00887/FUL

- Two storey extension to east annex and first floor extension to west annex by south stand to form additional function rooms.
- Planning Permission
- 23.11.2015

14/00042/FUL

- Extension to existing club house to provide additional changing, social facilities and additional parking
- Planning Permission
- 06.03.2014

05/00752/FUL

- Netball Court with fencing and floodlighting
- Planning Permission
- 04.10.2005

02/00863/FUL

- Change of use to football ground and erection of stadia and ancillary buildings including car parking
- Planning Permission
- 01.10.2003

5. Publicity

- 5.1. The application has been publicised by erecting a site notice at the access to the site. There are no neighbouring properties in the vicinity of the site. No representations have been received.

6. Consultation

- 6.1. Sport England – Objection

02.08.2022 (summarised)

The proposed MUGA involves the loss of playing field area and appears to impact on the ability to use the wider playing field.

To aid our assessment Sport England has consulted the Football Foundation who advise:

Whilst there is undoubtedly need for additional full size 3G FTP provision in Hinckley and Bosworth. The 2018 Playing Pitch Strategy indicated the need for five full size 3G FTPs. Both the PPS and Local Football Facilities Plan (LFFP) note the uncertainty around the ownership and access of the Leicester Road AGP site and it has thus been discounted in both.

Ownership issues have since been resolved and the Football Foundation is currently working with Hinckley Rugby Club (HRC) to resurface the existing AGP which was developed in 2006. The PPS notes it is starting to age although the overall quality of the facility remains standard. As part of any investment the FF would require that HRC consult and engage with other clubs in the community and ensure that community use is made available.

Unlocking the potential of the existing full size facility by improving the surface and securing community access would bring a greater benefit the widest range of affiliated game users as well as offering multi-sport opportunities through the inclusion of a shockpad., which would allow full contact rugby.

- In terms of the impact on the playing field, the FF appreciate the Club has sought to minimise the impact. However, FF notes that 4no. pitches have been marked at the site and the development of the MUGA would result in the loss of the capacity for the playing field to accommodate this number of pitches. In this regard the PPS also highlights significant overplay of adult 11v11, youth 11v11, 9v9 and 7v7 pitches so it is important that access is protected. A more detailed drawing would be required to show the impact in relation to pitches currently marked at the site.*
- The FF is concerned that the proposed size of the pitch 36 x 30m would not meet the needs for 7v7 nor 5v5 as the recommended pitch sizes are as follows: U7 and U8 (5v5) 37 x 27m (43 x 33m including safety run-off area) U9 and U10 (7v7) 55 x 37m (61 x 43m including safety run-off area) This therefore limits the facility in terms of potential affiliated use. Whilst there is potential for the facility to cater for training opportunities the FF believe that the size of the facilities will be a limiting factor.*
- It is also important to note that within a 10 minute drive time there are several smaller sized 3G pitches which supplement the stock of full size facilities and provide training opportunities for local clubs, as well as a range of informal five a side opportunities. These include pitches at Battling Brook Primary School and Hinckley Club for Young People.*
- The applicant has also been advised by LRCFA that the FF / FA would not be supportive of this proposal due to the lack of strategic evidence and the proximity to the project being developed at HRC. There will be a need for a community usage agreement with HRC as part of the application to FF in which the Leicester Road Football Club would be engaged and consulted upon and provided with access to at partner rates.*

Sport England's and National Planning Playing field policy is based on a presumption against development – that is, it starts from a position where development on playing field isn't acceptable. Para 99 of the NPPF states that '...including playing field, should not be built on unless: the benefits outweigh the loss and with respect to our policy, there are 5 exceptions to this position, and the proposed AGP falls under exception E5' which states;

'The proposed development is for an indoor or outdoor facility for sport, the provision of which would be of sufficient benefit to the development of sport as to outweigh the detriment caused by the loss, or prejudice to the use, of the area of playing field.'

Our policy with respect to exception E5 advises;

'There may be occasions when the development of a new or extended indoor or outdoor facility for sport, which is to be fully or partly located on an area of playing field, can be judged to be sufficiently beneficial to the development of sport in the local area as to outweigh the detriment caused by the loss of the area playing field, or the impact on the use of the remaining playing field or pitches. However, such proposals require a careful assessment of the benefits they may secure against any detriment they may cause.'

National planning policies give significant protection to playing fields because they are the single most adaptable and useable resource for sport and whilst artificial surfaces have a role in providing for sport, their design and specification cannot replicate the adaptability of grass with particular surfaces only being suitable for some activities and not others. Moreover properly maintained playing field regenerates its quality naturally during the growing season and should last indefinitely whereas artificial surfaces have to be completely replaced periodically.

The proposal is unclear as reference is made to 3G and 4G. It is assumed therefore that the proposal is for a football specific long pile Artificial Grass Pitch (AGP) facility (with rubber crumb infill). However, this is not clear as the submission advises a 4G synthetic surface (this description does not feature in our guidance). The proposals do not include a specification of the proposed facility. Insufficient information is therefore available to understand if the facility would meet the stated needs.

Paragraph 5.1 advises that the pitch would be capable of hosting 7v7 football practice matches but as advised by the FF the pitch proposed does not meet pitch size guidance. The submission states 'and could also be used for sports including tennis, hockey and basketball.' A long pile AGP is not a suitable surface for tennis, hockey or basketball (training or matches). The references to football in the submission suggest that this would be primarily a football facility.

The Design and access Statement makes several references to the framework but does not assess the proposal against paragraph 99 or Sport England Playing Field Policy. Sport England does not consider therefore that that sufficient justification has been submitted for the loss of playing field area.

In addition, no specification has been provided for the MUGA to fully understand the proposals, no details have been submitted to show how the proposals impacts on existing and future pitch layouts, the proposed pitch size does not meet appropriate guidance.

In light of the above, Sport England objects to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.

25.10.2022 (summarised)

In our initial response we referenced pitches as currently marked out, it is our role to protect the whole of the playing field not just those areas which happen to be marked out at any given time.

It is for the council to apportion weight to an overspill car parking layout required by condition or car parking layout under plan ref no. 02 18 52. It is not clear, save for the access to the highway, which of the car parking layouts has been implemented.

It appears that given the approval of the netball pitch, application ref 05/00752/FUL, there was no intention to implement the car park plan on layout 01 18 52. In addition, it appears from aerial photographs over time that neither parking layout has been fully implemented. Indeed, the overspill car park looks to have been lost.

The applicant's agent advises, in the submission, that the netball court application is 'highly material' (planning permission ref: 05/00752/FUL) as this forms a fallback position having been implemented on site. Clearly netball courts were shown on the 02/00863/FUL approval, but then not shown on the parking layout ref 01 18 52. A separate application was then made for the netball courts under 05/00752. It is not clear why that application was made in 2005, given that netball courts were shown on the 2002 application. No information has been provided to confirm that the 2005 Netball Court approval was implemented, save the access to the highway which was, as far as we understand, required (conditions 8, 9 and 10 of 02/00863) and implemented under the 2002 consent for the wider development.

If your council is, however, content, that the Netball Court approval is the fallback position, then Sport England would accept this opinion. However, based on the aerial photographs and comments above we would seek confirmation of this reasoning (although it appears that the council has accepted this position, para 2.19 DAS). Is this acceptance on the basis that the red line application boundary extends to the highway? The description of development does not include the construction of access to the highway.

The parking provision on site in the location of the proposed MUGA has remained consistent since 2006, the proposal would therefore be constructed partly on an area of car parking as provided and part on the usable playing field area.

In this regard the Football Foundation (FF) advise;

The FF remains concerned that the loss of playing field is not acceptable and reiterate the points set out previously:

In 2011 4no. pitches were marked at the site and the development of the MUGA would result in the loss of the capacity for the playing field to accommodate this number of pitches.

In this regard the Playing Pitch Strategy also highlights significant overplay of adult 11v11, youth 11v11, 9v9 and 7V7 pitches so it is important that access is protected.

The applicant has confirmed both the size of the proposed AGP and that the facility would have a 3G carpet, which is now clear.

In this regard the Football Foundation (FF) advise;

The applicant makes reference to youth academy. The FF is concerned that a 5V5 pitch would be a significantly limiting factor. However, appreciate that it is now the correct dimension for 5v5.

There is an existing AGP at the Leicester Road site. In this regard the Football Foundation (FF) advise;

Unlocking the potential of the existing full-size facility by improving the surface and securing community access would bring a greater benefit the widest range of affiliated game users as well as offering multi-sport opportunities through the inclusion of a shockpad (to improve the facility for Rugby use).

The Football Foundation is currently working with Hinckley Rugby Club (HRC) to resurface the existing AGP which was developed in 2006. The PPS notes it is starting to age although the overall quality of the facility remains standard. As part of any investment the FF would require that HRC consult and engage with other clubs in the community and ensure that community use is made available.

There will be a need for a community usage agreement with HRC as part of the application to FF in which the Leicester Road Football Club would be engaged and consulted upon and provided with access to at partner rates.

Whether the proposals would complement or compete with existing and planned facilities - in our view this matter has not been fully assessed in the submission the applicants have not identified a strategic need for the proposed facility. Given the current position with the potential improvements to the adjacent facility as referenced above. We are not aware of any discussion with the County Football Association or the Football Foundation to establish if the proposal would complement the proposed works to the existing AGP.

In this regard the Football Foundation (FF) advise;

The FF reiterate that the evidence of need should be taken from the PPS which is for full size 3G FTP provision and note several smaller sided facilities in the area.

Consideration also needs to be given to developments in neighbouring authorities to understand the availability of facilities.

Sport England does not consider that the case for the proposal has been established by the additional information submitted. The submission does not adequately deal with the proposal having regard to NPPF and our playing field policy on the basis that the Netball courts can be implemented the validity of which is not clear.

Notwithstanding the potential to implement the netball court consent, the applicants have not in our view sufficiently addressed the strategic need for the facility particularly given the adjacent facility and the potential for wider community use through investment from the Football Foundation.

We agree with the football foundation that, unlocking the potential of the existing full-size facility by improving the surface and securing community access would bring a greater benefit the widest range of affiliated game users as well as offering multi-sport opportunities.

Our policy advises that, there may be occasions when the development of a new or extended indoor or outdoor facility for sport, which is to be fully or partly located on an area of playing field, can be judged to be sufficiently beneficial to the development of sport in the local area as to outweigh the detriment caused by the loss of the area playing field, or the impact on the use of the remaining playing field or pitches. However, such proposals require a careful assessment of the benefits they may secure against any detriment they may cause.'

In our view the additional information does not evidence sufficient benefit to the development of sport in the area to meet the requirements of exception E5.

In light of the above, Sport England maintains an **objection** to the application because it is not considered to accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF.

18.04.2023 (summarised)

The additional information mainly concentrates on the planning permission granted under ref: 02/00863/FUL for the change of use to a football ground and erection of a stadia and ancillary buildings including car parking and whether there is a fallback position to build netball courts on the site.

As stated by the applicant's agent, the Pitch Layout Plan submitted under permission ref: 02/00863/FUL shows the application site (under application ref: 22/00224/FUL) as grassed playing field. This plan appears on the Council's website under permission ref: 02/00863/FUL. It is assumed that the plan was submitted after the decision notice for this permission was issued as a requirement of one of the pre-commencement conditions attached to this notice.

In addition to the above, as discussed in Sport England's consultation letter dated 25 October 2022, the netball courts formed part of a later planning application (ref: 05/00752/FUL). This 2005 application was submitted by the same applicant and agent as the 2002 planning application submission (under ref: 02/00863/FUL). Sport England maintains its view that the evidence submitted does not clearly indicate that these netball courts were extant as part of permission ref: 02/00863/FUL as there was a need for a further application to be submitted for their construction. Sport England has already discussed in detail its view that there is insufficient evidence to demonstrate that the 2005 permission is extant (consultation response dated 25 October 2022) and so is of the view that this permission has lapsed.

As included in Sport England's previous response the decision as to whether the netball court approval is a fallback position is one for the Council. However, the Council will be aware that for a fallback position to be given significant weight in the determination of a planning proposal then there must be a realistic prospect of it occurring. Two netball courts have been constructed elsewhere in the vicinity of the site and these are in use by Hinckley Ladies Netball Club. Sport England is unaware of the need for additional netball courts to be built on this part of the site

and so would question whether there is a realistic prospect of these two courts being constructed.

Based on the above, there is ambiguity around planning permission 02/00863/FUL, a lack of evidence to demonstrate that permission ref: 05/00752/FUL is extant and a lack of evidence that there is a realistic prospect of two netball courts being constructed if the Council did conclude that permission was extant.

Part of the application site comprises playing field. The proposal would result in the loss of playing field in an area where there is a deficit. It is not considered that the proposal would accord with any of the exceptions to Sport England's Playing Fields Policy or with Paragraph 99 of the NPPF which state that playing fields should not be built on. As such Sport England **maintains its objection** to this proposal for the reasons outlined in its previous consultation responses (copies attached).

- 6.2. LCC Highways – No objections subject to conditions.
- 6.3. HBBC Drainage – No objection.
- 6.4. LCC Ecology – No surveys required, no objection.
- 6.5. Barwell Parish Council – No comment.
- 6.6. HBBC Environmental Health – No objection – external lighting and hours of use conditions recommended.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- Policy 6: Hinckley/Barwell/Earl Shilton/Burbage Green Wedge
- Policy 19: Green Space and Play Provision

7.2. 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 DM8: Safeguarding Open Space, Sport and Recreational Facilities
- 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)
- National Design Guide
- Good Design Guide (2020)

8. Appraisal

Assessment against strategic planning policies

- 8.1 The Leicester Road Football Club site is an allocated open space, sports and recreation facility, reference HIN189 and therefore falls under Policy DM8 of the SADMP. Policy DM8 states that planning permission will not be granted for

proposals that result in the loss of land or buildings in recreational or sporting use except where:

a) A replacement of an equivalent typology is provided, as defined by the most recent Open Space, Sport and Recreational Facilities Study, in an appropriate location serving the local community; or

b) It is demonstrated that there is a surplus of recreational land, facilities or open space of the same typology exceeding the needs of the local community; or

c) The development of a small part of a larger site in recreational use would result in the enhancement of recreational facilities on the remainder of the site, or on a nearby site serving the same community.

8.2 The site is located within the Hinckley, Barwell, Earl Shilton and Burbage Green Wedge. Recreation is a use that is encouraged within the Green Wedge, as dictated under Policy 6 of the Core Strategy, subject to full accordance with the requirements of criteria a-d of the Policy. The policy requires development within the Green Wedge to retain the function of the Green Wedge, retain and create green networks between the countryside and open spaces within urban areas, retain and enhance public access to the Green Wedge, especially for recreation, and retain the visual appearance of the area. The proposals would retain the function of the Green Wedge and would promote recreation and sport within the area, making use of a site located in a sustainable location to deliver recreational benefits to the surrounding area.

8.3 The proposals will be delivering an additional 4G artificial grass pitch on the site designated for open space, sports and recreation, which has a lawful use for F2(c) outdoor sports facilities, thereby contributing towards the future sustainability of a local community sports facility. The SADMP notes in the supporting commentary to Policy DM8 that the benefits arising from the provision of these facilities are clear, providing and facilitating “social cohesion, providing play opportunities, reducing private car dependence, demonstrating the virtues of sustainable development and health awareness, and encouraging employment and inward investment.”

8.4 The Council acknowledges the objections from Sport England relating to the loss of playing field associated with the proposal, and the assertion that the previous relevant planning applications (02/00863/FUL and 05/00752/FUL) have either expired or were not implemented. The Council agrees that there is a degree of ambiguity around whether the previous permissions represent fall-back positions in relation to this proposal.

8.5 It is considered common ground that planning permission 02/00863/FUL has been implemented on-site, and that, after the grant of planning permission, a series of subsequent plans were submitted providing additional details. It is therefore considered that the use of the application site cannot be straightforwardly considered as loss of playing field, as an extant permission exists on the site which would result in a similar loss of playing field land in any case. Officers therefore consider that the proposals would involve the development of a small part of a larger site in recreational use which would result in the enhancement of recreational facilities on the remainder of the site, thus complying with Policy DM8 of the SADMP.

8.6 Whilst the comments received from Sport England are a material consideration, the Council considers that in this instance the harm caused in terms of the identified loss of usable sports pitch area would be outweighed by the provision of a purpose-built all-weather sports pitch facility. There is to be no change of use on the site,

and any such “loss” would be substantially offset by the proposals offering a MUGA pitch of an appropriate size and surface. The pitch will be accessible all year round and will not be affected by inclement weather unlike grass pitches, a key problem identified within the Council’s Playing Pitch Strategy Assessment Report. The Council has also added a condition for a Community Use Agreement as suggested by the Football Foundation, to enable and implement well-managed safe community access to the facility to ensure sufficient benefit to the development of sport in the area. These are public benefits which are given weight in the planning balance, under paragraph 99 of the Framework, when considered against any alleged loss of provision.

- 8.7 Overall, the proposals are considered to be suitable for the site and its location and would contribute towards the aims set out within the Core Strategy in terms of the provision of community facilities and the enhancement of the wider sporting hub. Notwithstanding the objection from Sport England, it is considered that the proposal would result in the enhancement of recreational facilities on the remainder of the site, thus justifying the loss of playing field associated with the development in compliance with SADMP Policy DM8. Therefore, on balance, the proposal is considered to be acceptable in principle, subject to the detailed matters below.

Design and impact upon the character of the area

- 8.8 Policy DM4 allows for sustainable development within the countryside for outdoor sport or recreational facilities which do not have a significant adverse impact on the intrinsic value, beauty, open character, and landscape character of the countryside. Policy DM6 seeks to conserve and enhance features of nature conservation and Policy DM8 seeks to prevent the loss of land in sporting use and /or areas of open space. Policy DM10 requires all development to be in-keeping with the character and design of the local area.
- 8.9 The proposed MUGA will be constructed within the existing sports and recreation facility on land that is partially used as a car park and partly an existing playing field area. Regarding its visual appearance, the applicant has stated that the MUGA would have a 4.5-metre-high mesh fence on all sides, with six 10m high floodlights surrounding the pitch. The design of the MUGA and the materials used are typical of this type of development and its scale would not be out of keeping with the overall site. The MUGA would be viewed within the context of the wider recreational facility and would sit directly adjacent to the existing larger football stadium. It is not considered that the proposed development would have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and it would not undermine the physical and perceived separation and open character between Hinckley and Earl Shilton/Barwell.
- 8.10 Overall, it is considered that the proposed scheme would meet the requirements Policies DM4, DM6, DM8 and DM10 of the adopted SADMP and the general principles of the adopted Good Design Guide.

Impact upon neighbouring residential amenity

- 8.11 Policy DM10 of the adopted SADMP and the adopted Design Guide require that development would not have a significant adverse effect on the privacy and/or amenity of nearby residents and occupiers of adjacent buildings.
- 8.12 There are no immediate neighbouring residential uses that abut or surround the site, with the closest dwelling separated by more than 120m to northeast of the proposed MUGA.

- 8.13 The details regarding the proposed external floodlighting is to be agreed by condition to ensure that there are no adverse amenity impacts on neighbours. Similarly, a condition has been included to ensure reasonable operational hours.
- 8.14 Overall, subject to conditions the proposed development would accord with policies DM7 and DM10 regarding noise/pollution and residential amenity.

Impact upon highway safety/parking provision

- 8.15 Policy DM17 of the adopted SADMP supports development where there would be no significant adverse impact on highway safety. Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.16 The proposed MUGA would utilise the existing access from Leicester Road. LCC Highways requested further information regarding trip generation and whether the existing parking situation was adequate for the additional visits to the facility relating to the MUGA.
- 8.17 The applicant has suggested through the TRICS database that that the MUGA pitch would be expected to generate an additional 12 two-way vehicle trips during the typical weekday peak hour (8 am to 9 am) and an additional nine two-way vehicle trips during the typical Saturday peak hour (11 am to noon). The Applicant has also considered the level of trips generated if all MUGA players were to travel to the site separately by car. On the basis each team will have two substitutes a maximum of 28 two-way trips would be generated within a 60-minute period. The LHA accept the modal split indicated by the TRICS database that shows a single occupancy rate of less than 40% for five-a-side football and acknowledge that it is very likely players will car share or use methods of sustainable transport. On this basis, the LHA concluded that the impact on the highway network would not be severe.
- 8.18 The proposed access is considered safe and suitable to serve the MUGA and the proposed parking provision is adequate. The proposal is therefore considered to accord with Policies DM17 and DM18 of the adopted SADMP and the general principles of the local highway authority design guidance subject to conditions.

Flood risk and drainage

- 8.19 Policy DM7 of the SADMP seeks to ensure that development does not create or exacerbate flooding. The Council's drainage officer was consulted and has no objections to the proposal. The proposed development is therefore considered to accord with Policy DM7 of the SADMP and would not create or exacerbate flooding and is in a suitable location in respect of flood risk.

Other matters

- 8.20 The proposal does not involve any felling of trees and there is no ecological or biodiversity interest on the existing site, which is a regularly mowed playing field and part of a car park. The proposal is therefore judged to accord with Policy DM6 of the SADMP in this regard.

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. Notwithstanding the objection from Sport England, the proposal for the development of a multi-use games area with associated floodlighting and fencing is, on balance, considered acceptable in principle. The development would lead to the enhancement of recreational facilities on the site, ensure the implementation of an all-weather playing facility which will be accessible for the Football Club and the wider community through the implementation of a Community Use Agreement. Furthermore, the pitch will not be affected by inclement weather unlike grass pitches, a key problem identified within the Council's Playing Pitch Strategy Assessment Report. In summary, the loss of the playing field is considered to be justifiable due to the benefits of the development outweighing the harm caused and is therefore in compliance with SADMP Policy DM8 and the NPPF.
- 10.2. Additionally, by virtue of the design, siting and scale of the proposal, the development would not result in any harm to, or have any significant adverse impacts on, the privacy or residential amenities of the occupiers of any neighbouring dwellings and would be appropriate in terms of design and visual impact. The proposal would retain safe and suitable access and acceptable off-street parking and turning facilities and would not lead to any flooding issues or ecological harm. The proposed development is therefore considered to be in general accordance with the principles of Policy 6 of the Core Strategy, Policies DM1, DM4, DM6, DM7, DM8 DM10, DM17 and DM18 of the adopted SADMP, the general principles of the Council's adopted Good Design Guide and the general principles of the local highway authority design guidance 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 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: Nigel Dutton. Drawing Number. ND21.16501 Rev.B.

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) and to ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety in accordance with Policy DM18 of the SADMP.

3. The materials to be used on the proposed development shall accord with the information submitted within the application documentation. The fencing and floodlights should be dark green in colour with white goal areas.

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).

4. No external lighting of the site shall be installed until details have been submitted in writing 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). 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 DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. The facility shall not be used outside of the following hours:

0900 – 2100 Monday to Friday
1000 – 2000 Saturday and Sunday and Bank Holidays

Reason: To protect the amenities of the occupiers of nearby 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 DPD (2016).

6. The use of the development shall not commence until a community use agreement prepared in consultation with Sport England and the Football Foundation has been submitted in writing to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the multi-use games area and shall include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review. The development shall not be used otherwise than in strict compliance with the approved agreement.

Reason: To secure well managed safe community access to the sport facility to ensure sufficient benefit to the development of sport in accordance with Policy DM8 of the SADMP.

11.4 **Notes to applicant**

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

Planning Committee 25th July 2023
Report of the Head of Planning (Development Management)

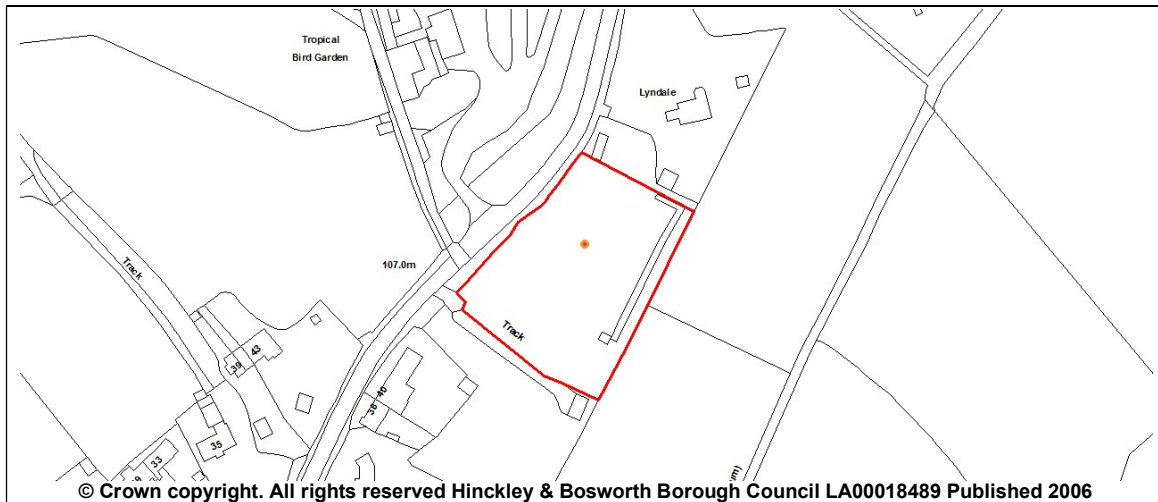
Planning Ref: 23/00445/OUT
Applicant: Mr and Mrs Kelly
Ward: Newbold Verdon with Desford and Peckleton



Hinckley & Bosworth
Borough Council

Site: Lyndale, Lindridge Lane, Desford, Leicester

Proposal: Outline Application for proposed erection of 4 dwellinghouses with associated garages (all matters reserved except for access)



1. Recommendations

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

2. Planning application description

2.1. The application seeks outline planning permission for the erection of four detached dwellings and detached garages on land at Lyndale, Lindridge lane, Desford. The only matter for detailed consideration at this stage is access. All other details are reserved.

2.2. A new vehicular access is proposed from Lindridge Lane, and the indicative layout suggests that a pedestrian footpath would be extended to link the site to the existing network.

2.3. The application is accompanied by the following reports and documents:

- Transport Assessment
- Tree Survey, Tree Report and Constraints Plan
- Biodiversity Net Gain Assessment
- Design and Access Statement

3. Description of the site and surrounding area

3.1. The site is located to the North of Desford and is accessed via Lindridge Lane. It has an area of approximately 1.16 Acres and is broadly rectangular in shape, lying approximately 700m north of Desford Village Centre. Directly opposite the site is

Tropical Birdland, with dwellings occupying the land on both sides of Lindridge Lane to the southwest. To the north is Lyndale, farm buildings and a redundant sewerage works. The site lies within the countryside and outside of the settlement boundary of Desford.

- 3.2. The site currently occupies a dense line of trees across the boundary with Lindridge Lane and the southern boundary of the site, along with groups of mature trees and bushes dispersed around the site. Along the eastern boundary there is an existing ditch, barbwire fence and hedgerows overlooking open fields with the existing outbuildings of the Cattery. The Lyndale Boarding Cattery was trading for numerous years but has now ceased operation.

4. Relevant planning history

- 4.1. The application site has the following relevant planning history:

22/00569/OUT

- Outline application for proposed erection of up to 4 no. dwellinghouses with associated garages (all matters reserved except for access)
- Withdrawn
- 05.01.2023

5. Publicity

- 5.1. Neighbours of four neighbouring properties have been notified of the application. In addition, the application has been advertised by means of a site notice.

- 5.2. One objection has been received making the following comments:

- Outside the settlement boundary
- Exacerbates ribbon development along Lindridge Lane
- No footpath to the proposed development
- Poor visibility on access

6. Consultation

- 6.1. Desford Parish Council – supports the application: If this had been submitted for the call for sites, we would have carried out an Strategic Site Analysis and extended the settlement boundary to accommodate this plot as it aligns with our desire for small developments. The neighbouring plot is already included as an allocated site in the draft review of the Neighbourhood Plan.

- 6.2. LCC Highway Authority – No objection subject to conditions: The applicant proposed the formation of a new access onto Lindridge Lane which is an adopted 'C' classified road subject to a 60-mph speed limit. Approximately 50 metres to the south of the proposed access Lindridge Lane becomes subject to a 30-mph speed limit as the lane enters the village of Desford. The new access is proposed to be approximately 20 metres south of the existing access and approximately 17 metres north of the access for the Tropical Birdland centre on the opposite side of the carriageway.

The Applicant has advised of the intention to retain the existing access which will serve the existing dwelling only as the cattery business is to cease trading. Ardent Consulting Engineers drawing No. 2202690-001 shows a 15-metre-wide access where it meets the public highway which then reduces to five metres in width upon

entering the site and a six metre junction radii. Within the site the private drive widens to 6.2 metres as it turns to head south in order to accommodate refuse vehicles which the Applicant proposes will enter the site to serve the dwellings. The LHA confirm that the proposed access accords with Part 3, Paragraph 3.192 of the Leicestershire Highways Design Guide (LHDG) and is suitable to serve four dwellings.

Also shown on the aforementioned drawing is a vehicular visibility splay of 75 metres from a setback distance of 2.4 metres to the south and 84 metres from a setback distance of 2.4 metres to the north. The above visibility splays have been informed by a speed survey undertaken 19 May 2022 by Ardent Consulting Engineers which recorded a northbound 85th percentile speed of 37.7mph and a southbound 85th percentile speed of 40.7mph. The LHA accept the proposed vehicular visibility splays. Approximately 40 metres south of the new access the Applicant proposes the formation of a pedestrian access into the site. Also proposed is the creation of nine metres of public footway with dropped kerbs and tactile paving on either side of the carriageway to enable pedestrians to cross Lindridge Lane and join the existing footway into Desford. The LHA request that the footway is designed and constructed in accordance with Leicestershire County standard drawings.

- 6.3. LCC Ecology – No objection subject to condition requiring an ecological mitigation, compensation and enhancement strategy. The proposals do not achieve the 10% net gain but are close (especially when combining hedgerow and area habitats). Whilst in the future it will become mandatory to achieve a 10% net gain, in this circumstance given the small scale of the development (and the relatively low value habitats present), suitable attempts have been made to achieve net gain and 10% net gain is not enforced. Enhancements for protected and priority species should be incorporated within the development in addition to the habitat enhancements to maximise biodiversity.
- 6.4. LCC Archaeology – A condition requiring a programme of archaeological work is required prior to any development, including demolition, taking place.
- 6.5. HBBC Waste – No objections subject to a condition regarding waste and recycling storage and collection.
- 6.6. HBBC Drainage – No objection subject to pre-commencement condition regarding surface water drainage.
- 6.7. HBBC Environmental Services – no objection
- 6.8. LCC Arboricultural Officer – The proposed development does not impact on any LCC Tree Preservation Orders, as such no comments are made in support or opposition to the proposal.

7. Policy

- 7.1. Core Strategy (2009)
 - Policy 7: Key Rural Centres
 - Policy 16: Housing Density, Mix and Design
- 7.2. Site Allocations and Development Management Policies DPD (SADMP) (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 DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM25: Community Facilities

7.3. Desford Neighbourhood Plan (Made May 2021)

- Policy H1: Settlement Boundary
- Policy H5: Housing Mix
- Policy H6: Windfall Site Development
- Policy H7: Housing Design
- Policy ENV3: Biodiversity General
- Policy ENV7: Renewable Energy Infrastructure
- Policy T1: Traffic Management
- Policy T3: Electric Vehicles

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

- Good Design Guide (2020)
- Highway Design Guide
- Landscape Character Assessment (2017)

8. Appraisal

8.1. It is considered that the key issues in the determination of this application are:

- Principle of Development
- Design and Impact upon the Character of the Area
- Residential Amenity
- Highway Safety
- Flood Risk and Drainage
- Ecology, Biodiversity and Trees

Principle of Development

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) and the Desford Neighbourhood Plan.

- 8.4. According to paragraph 14 of the NPPF, in situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided that a number of criteria apply. One of these criteria is that the Neighbourhood Plan became part of the development plan two years or less before the date on which the decision is made. In this case, as the neighbourhood plan was made in May 2021, it is now more than two years old and therefore paragraph 14 does not apply.
- 8.5. Following two recent planning inquiries in November//December 2022 (Land at Sketchley Lane, Burbage) and February 2023 (Land east of The Common, Barwell) the Council has agreed through a statement of common ground a revised position on its 5-year housing land supply. The current figure is 4.76-year supply as of 31 March 2022. This is below the current published figure of 4.89-years as of 31 March 2022, with it being demonstrated that a single site of 61 dwellings is not currently considered to be deliverable within the 5-year period. This revised figure of 4.76 years was agreed through the Inquiries and accepted by the Inspectors.
- 8.6. Desford is defined as a Key Rural Centre within the Borough of Hinckley. The Core Strategy sets out that Key Rural Centres are villages with populations over 1,500 and have a primary school, local shop, post office, GP, community facilities, employment opportunities, and a 6 day/week bus service.
- 8.7. As set out above the site lies adjacent to but outside of the settlement boundary for the village. Therefore, the site lies within the countryside and Policy DM4 of the SADMP is applicable. Policy DM4 states that 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, 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; or
 - It relates to the provision of accommodation for a rural worker;
And
 - It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and
 - It does not undermine the physical and perceived separation and open character between settlements; and
 - It does not create or exacerbate ribbon development

- 8.8. Policy H1 of the Desford Neighbourhood Plan states that land outside of the defined settlement boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policy.
- 8.9. The proposed development does not fall within any category of sustainable development that is considered acceptable in the countryside. The proposal is not supported by either Policy DM4 of the SADMP or Policy H1 of the DNP. The purpose of these policies is to protect the intrinsic beauty, open character, and landscape character of the countryside, and therefore the proposal is in direct conflict with these policies.
- 8.10. Furthermore, although this proposal is in outline, the shape of the site and submitted indicative layout plan suggest that the dwellings would form a linear development which would exacerbate ribbon development along Lindridge Lane to the north/north east. This is directly in conflict with Policy DM4 of the SADMP.
- 8.11. Although there is clear conflict with the spatial policies of the development plan paragraph 11(d) of the NPPF is engaged and therefore a 'tilted balance' assessment must be made. This must take into account all materials considerations and any harm arising from the conflict with Policies DM4 and H1 must therefore be weighed in the planning balance along with the detailed assessment of the other relevant planning considerations in this case. Other material considerations are set out within the next sections of the report.

Design and Impact upon the Character of the Area

- 8.12. 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.
- 8.13. 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.
- 8.14. 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.
- 8.15. The site lies beyond the northern edge of the village and is part of the countryside surrounding the settlement of Desford. The proposal would extend the built form into the countryside beyond the settlement boundary in a form of linear/ribbon development which would not follow the existing pattern or grain of development in the village. Whilst, the LCC Tree Officer has no objection as none of the trees on the site are protected and although there are some hedges and trees to be retained, there would be a notable change to the character of the site due to the removal of trees and introduction of residential dwellings. The indicative layout suggests that a modern cul-de-sac type of development would be inevitable, which would not reflect the character and appearance of the area and would appear incongruous in this context.

- 8.16. The proposed development would therefore have a significantly harmful effect on the character of the site and surrounding area contrary to the requirements of Policy DM10 of the SADMP, the Good Design Guide SPD and the requirements of the NPPF.

Residential Amenity

- 8.17. 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.
- 8.18. 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.
- 8.19. Policy H6 (e) of the DNP states that development should not adversely impact the amenity of neighbours and the existing and future occupiers of the dwelling(s).
- 8.20. 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.
- 8.21. 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.
- 8.22. Paragraph 186 of the NPPF states that: "Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. [...] Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan".
- 8.23. There are no neighbouring dwellings close to the site which are considered to be adversely impacted by the proposed development judging by the indicative layout. Additionally, the illustrative layout demonstrates that 4 dwellings can be accommodated on the site and that the minimum standards in the SPD can be achieved.
- 8.24. The site is located opposite Tropical Birdland, a popular visitor attraction within the Borough. It is acknowledged that car journeys and general activity in the vicinity of the site would be greater than what would be expected of a residential area, therefore some degree of noise and disturbance may arise due to the relationship between the site and this visitor attraction. Nevertheless, the Council's Environmental Health officer raises no objection to the proposal, and the LPA

consider that there would be a sufficient separation and buffer between the two sites to mitigate any harmful noise or disturbance impacts upon the proposed dwellings.

- 8.25. With the imposition of conditions, the proposal is considered to meet policies DM10(a) and (b) of the SADMP, the BNP, the Good Design Guide SPD and national policy in the NPPF.

Impact upon highway safety

- 8.26. 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 highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.27. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.28. 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.
- 8.29. The Local Highway Authority have confirmed that the proposed new site access accords with the LHDG and would achieve adequate vehicular visibility splays for the proposal. The internal layout is also acceptable as shown in the indicative plans, and would be suitable for a development of 4 dwellings whilst accommodating refuse/emergency vehicles.
- 8.30. The applicant also proposes the formation of a pedestrian access into the site and the creation of nine metres of public footway with dropped kerbs and tactile paving on either side of the carriageway to enable pedestrians to cross Lindridge Lane and join the existing footway into Desford. The LHA request that the footway is designed and constructed in accordance with Leicestershire County standard drawings.
- 8.31. It is considered that the proposal will not have any negative impact on the highway network and the proposal satisfies Policy DM17 and DM10(g) of the SADMP and the NPPF in this regard.

Flood Risk and Drainage

- 8.32. 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.
- 8.33. 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.

- 8.34. The site lies within Flood Zone 1 of the Environment Agency Flood Maps. Part of the site is shown to be at low risk of surface water flooding. HBBC Drainage raises no objection, and it is considered that given the circumstances surface water drainage can be adequately dealt with via the suggested condition should permission be granted. Subject to this condition the development is considered to be acceptable with respect to flooding and surface water runoff issues and satisfies Policy DM7 of the SADMP and the NPPF.

Ecology, Biodiversity and Trees

- 8.35. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value. The policy states that on-site features should be retained, buffered and managed favourably.
- 8.36. Paragraph 174 of the NPPF states that planning decisions should contribute to and enhance the natural environment by recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services which includes trees. Paragraph 180 states that development resulting in the loss of veteran trees should be refused unless there are wholly exceptional reasons.
- 8.37. Despite the quantity of trees that would need to be removed to enable development, the LCC Tree officer has no objection as none of the trees on the site are protected. Any prospective reserved matters scheme would be expected to provide compensatory planting and a full landscaping scheme which could mitigate this loss.
- 8.38. County Ecology consider that although there is a shortfall in terms of policy compliant Biodiversity Net Gain, this would not be disputed due to the size of the site and the margin of the shortfall.
- 8.39. In summary, subject to conditions, the proposed development would not adversely impact upon the habitat of protected species and subject to provision of biodiversity net gain complies with Policy DM6 of the SADMP.

Other Issues

- 8.40. Archaeology – the County considers that the interests of the archaeology of the site can be secured via condition.

Planning Balance

- 8.41. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.42. This application relates to the erection of four dwellings on a site within the countryside where just a very small part of the site can be considered previously developed land. The most recent housing land monitoring statement for the period indicates that the Council cannot demonstrate a 5-year housing land supply. This is

also a key material consideration and under these circumstances, the NPPF 2021 sets out, in paragraph 11d) that, for decision makers:

“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), 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 proposed⁷; 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”*

- 8.43. Footnote 8 in the NPPF states that the application of this approach *“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”*.
- 8.44. Therefore, currently 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. The degree to which the proposed development conflicts with Policy DM4 of the SADMP and H1 of the Desford Neighbourhood Plan is significant, and it is considered that the impact on the character and appearance of the area would be severe given the nature of the site currently and the proposed development which would result in the loss of a significant number of existing trees on the site.
- 8.45. Furthermore, the submitted indicative layout suggests that the proposed development would exacerbate ribbon development along Lindridge Lane which is an additional criterion set out in Policy DM4 of the SADMP. Additionally, due to the nature of the site, a modern cul-de-sac type of development would be inevitable, which would not reflect the character and appearance of the area and would appear incongruous in this context.
- 8.46. Paragraph 8 of the NPPF sets out three overarching objectives for sustainable development which are interdependent and need to be pursued in mutually supportive ways.
- 8.47. The scheme would provide economic benefits through the creation of jobs and demand for services during the construction phases and from the future occupation of the development supporting the local economy. Socially, the scheme would provide a modest contribution towards housing supply within the Borough. Environmentally, as the site lies within the countryside and is not allocated, there would be conflict with the spatial strategy of the development plan and the NPPF which is clear that the planning system should be genuinely plan led with plans acting as a platform for local people to shape their surroundings. There would be some harm caused to character and appearance of the countryside and the proposal would exacerbate ribbon development along Lindridge Lane.
- 8.48. In terms of locational sustainability, it is acknowledged that although the site is located within a rural area, it is within walking and cycling distance to a range of services within Desford and is located less than 1km from the centre of the village.

The indicative layout also indicates that the current public footpath would be extended to be linked to the site, which would enable less of a reliance on the use of private cars for trips to and from the site.

- 8.49. Having assessed the application it is considered that the adverse impacts of the proposal significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the development plan and the NPPF as a whole. Consequently, the presumption in favour of sustainable development set out within policy DM1 and the NPPF does not apply, the proposal is not judged to be sustainable, and material considerations do not indicate that planning permission should be granted for a scheme that is not in accordance with the development plan. As such the application is recommended for refusal.

9. Equality implications

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

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.

- 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. Recommendation

- 10.1. **Refuse planning permission for the reason set out below.**

1. By virtue of the location of the application site within the open countryside, the proposed scheme would represent unsustainable and unjustified ribbon development of new dwellings in the designated countryside beyond the settlement boundary of Desford. Additionally, the proposed development would have a significantly harmful effect on the character of the site and surrounding area. In the absence of a five-year housing land supply, paragraph 11 of the NPPF is engaged. However, the adverse impacts would significantly and demonstrably outweigh the benefits. The proposal would therefore be contrary to Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan

Document (2016), Policies H1 of the Desford Neighbourhood Plan, and the overarching principles of the National Planning Policy Framework (2021).

Committee Report 25th July 2023
Report of the Head of Planning (Development Management)

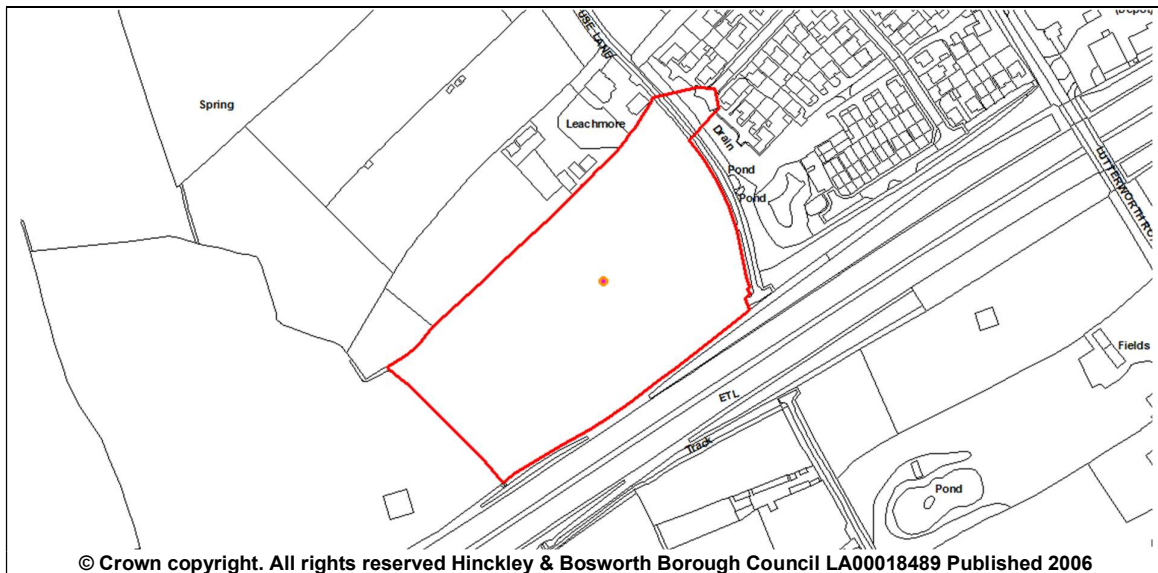


Hinckley & Bosworth
Borough Council

Planning Ref: 23/00148/OUT
Applicant: Redrow Homes and Peter Andrew Farmer
Ward: Burbage Sketchley and Stretton

Site: Land To The South West Of Lutterworth Road Burbage Leicestershire

Proposal: Outline planning application for the erection of up to 80 residential dwellings (Use Class C3), open space provision and associated infrastructure, with all matters reserved except access.



1. Recommendations

1.1. Grant planning permission subject to:

- S.106 (as per the Heads of Terms set out in this report), and;
- Planning conditions outlined at the end of this report

2. Planning application description

- 2.1. The application seeks outline permission for the erection of up to 80 dwellings, open space and associated infrastructure, with all matters reserved except for access.
- 2.2. 20% of the dwellings would be affordable housing.
- 2.3. The Council has worked proactively with the applicant to overcome various issues during the planning process
- 2.4. The applicant sought pre-application advice on the proposal under reference 20/10146/PREMAJ. An application was made in 2021 ref 21/00502/OUT and refused by Planning Committee in August of 2022. An appeal has been lodged.

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

- 3.1. The application site is located to the south of Burbage town centre and to the west of Lutterworth Road and Workhouse Lane. The site includes access from Flanders Close (off Lutterworth Road) but the site lies to the west of Workhouse Lane. The site access will be made through the existing site boundary to the Flanders Close development, and require the removal of part of the approved noise mitigation fencing and bund.
- 3.2. The site is approximately 3.01 hectares in size and roughly rectangular in shape. The site is currently in agricultural use. The site abuts the M69 to the south and agricultural land to the west and north. Also to the northern boundary, the site abuts the dwelling 'Leachmore' and its curtilage.
- 3.3. The application site is located within flood zone 1. The site's topography slopes from east to west down to the watercourse, with the lowest part of the site in the south-west corner. Here, overhead cables from a pylon in the adjacent field cross the corner of the site.

4. **Relevant planning history**

21/00220/SCOPE

- Screening Opinion for Residential development of up to 80 dwellings.
- Opinion Issued
- 05.03.2021

21/00502/OUT

- Outline application for up to 80 dwellings. All matters reserved except for access
- Refused

Relevant planning history for the adjacent site (from which the access is proposed):

20/01085/DISCON

- Application to fully discharge condition 13 (noise) attached to planning permission 15/01292/OUT
- Discharged
- 23.12.2020

18/01296/NOMAT

- Residential development for up to 80 dwellings open space and associated works (outline access only) - 15/01292/OUT
- Application Returned
- 03.01.2019

18/00918/CONDIT

- Variation of Condition 4 of planning permission reference 15/01292/OUT to enable the extension of construction working hours to 8:00-18:00 hours Monday to Friday and 8:00-13:00 hours on Saturdays with no working on Sundays or Bank Holidays. construction for up to 80 dwellings, open space and associated works (15/01292/OUT)
- Withdrawn
- 13.12.2018

17/00795/REM

- Approval of reserved matters (appearance, layout, scale and landscaping) of outline planning permission 15/01292/OUT for residential development of 72 dwellings).
- Approval of Reserved Matters
- 10.11.2017

15/01292/OUT

- Residential development for up to 80 dwellings, open space and associated works (outline - access only) (resubmission)
- Outline Planning Permission
- 27.01.2016

15/00028/PP

- Residential development for up to 80 dwellings, open space and associated works (outline - access only)
- Withdrawn
- 28.01.2016

14/01205/OUT

- Residential development for up to 80 dwellings, open space and associated works (outline - access only)
- Refused
- 02.04.2015

5. Publicity

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

11 Letters of objection have been received, raising the following concerns:

- The use of an originally planned cul de sac estate road being used as an access to a further 80 houses would leave the estate and join Lutterworth Road where there have already been several accidents just outside the estate
- New builds do not have sufficient off road parking, meaning many residents and visitors have to park on the road as it stands today. So one can only imagine how traffic will build up trying to get through to the larger, new estate
- Redrow sold this existing development on the grounds it was complete and all cul de sac homes.
- Insufficient capacity in local schools
- Insufficient capacity in local GP surgeries and Dentists
- Too much development
- Noise impact
- Construction traffic damage
- Impact on safety for users of Flanders Close and children
- Contrary to Burbage Neighbourhood Plan
- Out of character
- Air quality/pollution
- Lack of transparency relating to future developments to the west
- Loss of green corridor
- Impact on play area – The existing development does not have enough open space
- Removal of native trees and woodland

6. **Consultation**

6.1. No objection has been received from:

- LCC Ecology – subject to conditions in respect of Biodiversity Net Gain, Recommendations within the Ecological Appraisal, Construction and Environmental Management Plan, Breeding Birds and a Badger Survey
- LCC Minerals and Waste
- LCC Tree Officer
- LCC Archaeology
- National Highways – subject to conditions in respect of geotechnical risk (noise bund) and drainage details
- Leicestershire Police
- Environment Agency
- HBBC Waste – subject to a waste/recycling condition
- HBBC Environmental Health – subject to conditions in respect of contaminated land, construction hours, noise attenuation and a Construction Environmental Management Plan
- HBBC Conservation Officer
- HBBC Drainage – subject to drainage conditions
- S106 Monitoring Officer – Subject to suitable provision of play and open space areas and an off-site sports contribution

6.2. Burbage Parish Council – Objection. It is deemed that the development would contravene planning policy DM10 (a) in that it would have a significant adverse effect on the privacy and amenity of existing residents. The proposed access via Flanders Close is felt to be unacceptable for reasons of highway safety, noise and air pollution, and loss of privacy, as it would generate high levels of extra traffic to the proposed new development, along what is currently a closed cul-de-sac. The proposed removal of a section of the acoustic screen and established trees behind it would also open residents to increased levels of noise pollution. The extra traffic generated by the proposed new development would exacerbate already excessive levels of traffic on Lutterworth Road, where the existing junction with the A5 is especially dangerous, and the proposed new properties would be subject to unacceptable levels of noise and air pollution, being so close to the motorway. Members do not agree with the supporting documentation assessment that the proposed highway arrangement would not be dangerous. It is already difficult and dangerous for traffic turning right out of Lutterworth Road and this development would only compound the issue and likely encourage more traffic to travel back into the village to find an alternative route. Traffic data presented in support of the application is out-dated and no longer relevant. The addition of up to 80 new households in this area would add pressure of demand on already over-subscribed community provision, including GP surgeries, dentists, veterinary practices and schools. Figures provided by Hastings High School (secondary school) on the day the application was considered recorded a total of 846 pupils on roll - 31 more than the maximum approved pupil capacity of 815. In addition, the school had already received 388 applications for only 165 available places for the 2023 September term. Following the national formula for estimating the number of school pupils likely to be generated by a new development, this proposed development would add an extra 14 pupils to the parish, without any proposed supporting provision. It is expected that similar extra pressure would be put on other schools in the parish.

6.3. LCC Drainage (LLFA) – Further Information required.

Further response received from the LLFA 22/06/2023 – No objection subject to conditions.

- 6.4. LCC Developer Contributions – Financial Contributions sought towards the following:
Waste - Barwell HWRC = £3,962.40
Libraries - Burbage Library = £2,415.82
Primary Education - Burbage Church of England Infant School and Burbage Junior School = £440,544.00
Secondary Education (11-16) Hastings High School - No requirement = £0.00
Post 16 Education - The Hinckley School - No requirement = £0.00
- 6.5. NHS Health Response – Financial contribution sought towards the Burbage Surgery and Station View Health Centre = £38,645.76
- 6.6. HBBC Affordable Housing Officer - 20% of the dwellings in the urban areas should be for affordable housing comprising:

4x properties should be provided as First Homes
8x properties for affordable rent and
4x for shared ownership.
- This would satisfy the requirements in NPPF that 25% of all affordable housing should be provided as First Homes, and meet the requirement for 10% of all dwellings for affordable home ownership. The preference would be for the affordable housing to be split between 2 bed 4 person and 3 bed 5 person houses and to meet Nationally Described Space Standards. The properties should be spread across the site and not clustered in one location. As this site is in the urban area, the section 106 agreement should contain a requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection. The Borough Council is following national guidance with respect to First Homes properties, therefore the local connection will be set as people who have current residency, employment requirements, family connections or special circumstances, such as caring responsibilities. The level of discount for the First Homes properties will be at 30% discount from open market values.
- 6.7. Local Highway Authority – Awaiting comments, any comments received will be reported..

7. **Policy**

- 7.1. Core Strategy (2009)
- Policy 4: Development in Burbage
 - Policy 5: Transport Infrastructure in the sub regional centre
 - Policy 15: Affordable Housing
 - Policy 16: Housing Density, Mix and Design
 - Policy 19: Green Space and Play Provision
 - Policy 20: Green Infrastructure
 - Policy 24: Sustainable Design and Technology
- 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

7.3. Burbage Neighbourhood Plan

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking
- Policy 5: Footpaths and Cycleways

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

- Good Design Guide (2020)
- Leicestershire Highway Design Guide
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2019)
- Affordable Housing SPD (2011)
- Leicestershire Minerals and Waste Local Plan

8. **Appraisal**

8.1. As this is an outline planning application with all matters reserved except for access, the number of detailed considerations relevant at this stage are limited. Nonetheless, the following represent the key issues

- Principle of Development
- Housing Land Supply
- Housing Mix and Supply
- Impact upon Highway Safety
- Landscape and Visual Impact
- Design and Layout
- Residential Amenity
- Flood Risk and Drainage
- Ecology and Biodiversity
- Heritage
- Archaeology
- S106 Heads of Terms
- Planning balance

Principle of Development

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).
- 8.4. The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The latest Local Development Scheme (LDS), was approved at Full Council on 13 December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 19 Consultation which is not scheduled until May-June 2024. The Replacement Local Plan is therefore delayed. Therefore little weight can be given to this.
- 8.5. The Core Strategy identifies housing allocations in a hierarchy of settlements within the Borough. Policy 4 relates to Burbage and seeks to support Burbage as a local centre and its role in supporting Hinckley as a sub-regional centre. The Neighbourhood Plan updated the settlement boundary identified in the Hinckley and Bosworth Site Allocations and Development Management Policies (SADM) DPD (2016). Policy 1 of the Neighbourhood Plan (below) should be considered alongside DM1 of the SADMP and the presumption in favour of sustainable development will apply when development has been found to be sustainable. Policy 1 of the BNP states that:

'Residential development on land within or adjacent to the settlement boundary, as shown on Figure 2, page 19 will be supported, subject to complying with other development plan policy.'
- 8.6. The site is adjacent to the settlement boundary, with the proposed access for this development crossing the settlement boundary from the end of a cul de sac, Flanders Close.
- 8.7. Policy DM4 of the 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.
- 8.8. Development in the countryside will be considered sustainable where:
 - a) 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
 - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
 - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or

- d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation”.
- 8.9. Despite the proposal not complying with Policy DM4, the proposal does accord with the Burbage Neighbourhood Plan Policy 1 and therefore it is considered that it does represent sustainable development in this location, subject to the material considerations set out below.
- Housing Land Supply
- 8.10. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.11. The Council has acknowledged at Public Inquiry in 2022 and 2023 and in public documents that it cannot currently demonstrate a deliverable 5-year housing land supply. As of 1st April 2022, the deliverable supply was 4.76 years.
- 8.12. The strategic housing policies are considered to be out-of-date and paragraph 11(d) of the NPPF is triggered. Planning permission should therefore be granted unless any adverse impacts which would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is a material planning consideration to weigh in the context of the statutory requirement to determine applications and appeals in accordance with the Development Plan unless material considerations indicate otherwise.
- 8.13. Paragraph 60 of the NPPF relates to the government’s objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The number of dwellings built in England between 2021-22 dropped to 232,816 well below the Government target for England of 300,000 pa.
- 8.14. The NPPF sets out, in paragraph 11d) that, for decision makers:
- “where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), 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”*
- 8.15. Footnote 8 in the NPPF states that the application of this approach *“includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years”*.

- 8.16. Paragraph 77 of the NPPF sets out that *“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under delivery and identify actions to increase delivery in future years.”*
- 8.17. The 2021/ 22 housing land monitoring statement is currently being prepared but on the basis of the previous years’ assessment, section 2.2 of the aforementioned monitoring statement required an action plan to be produced to set out how the Council will deal with under delivery in light of achieving 86% of the Housing Delivery Test (HDT).
- 8.18. Therefore, currently 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.
- 8.19. The provision of up to 80 dwellings, 20% of which is to be Affordable Housing, is considered to be a significant benefit of the proposal and weighs heavily in favour of the scheme and would positively contribute towards the Council’s need for a 5 year housing land supply.

Housing Mix and Supply

- 8.20. 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.
- 8.21. The Good Design Guide SPD advocates the use of the Building for Life assessment.
- 8.22. 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.
- 8.23. Final number and mix of dwellings will be determined at Reserved Matters stage, but the illustrative layout shows a mix of types and sizes can be accommodated. The development is for up to 80 dwellings and the appropriate layout and density will be determined at Reserved Matters stage.
- 8.24. The Council’s Housing Officer has requested 20% of units on the site to be affordable, comprising:
- 4x properties should be provided as First Homes
 8x properties for affordable rent and
 4x for shared ownership.

The Housing Officer has stated that this affordable housing mix would satisfy the requirements in NPPF that 25% of all affordable housing should be provided as First

Homes, and meet the requirement for 10% of all dwellings for affordable home ownership. The preference would be for the affordable housing to be split between 2 bed 4 person and 3 bed 5 person houses and to meet Nationally Described Space Standards. The properties should be spread across the site and not clustered in one location. As this site is in the urban area, the section 106 agreement should contain a requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection. The Borough Council is following national guidance with respect to First Homes properties, therefore the local connection will be set as people who have current residency, employment requirements, family connections or special circumstances, such as caring responsibilities. The level of discount for the First Homes properties will be at 30% discount from open market values.

- 8.25. Subject to these requirements being met through the completion of a Section 106 legal agreement, this proposal is deemed to be acceptable with respect to housing mix and affordable housing.

Impact upon Highway Safety

- 8.26. 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)).
- 8.27. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.28. 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.
- 8.29. Policy 4 of the Burbage Neighbourhood Plan (BNP) requires that new dwellings of 2 or more bedrooms accommodate at least two off-street car parking spaces within the curtilage of the dwelling.
- 8.30. Vehicular access to the site is proposed by seeking to extend the existing carriageway of Flanders Close (within Redrow's Ambion Way development) into the application site, which will in turn provide access onto Lutterworth Road. A combination of adopted road and private drives (built to adopted standards) will provide vehicular access to all of the proposed dwellings. Pedestrian/cycle access will be made available onto Workhouse Lane.
- 8.31. National Highways have no objection to the scheme, but have requested conditions in relation to drainage and geotechnical details in respect of the noise bund in order to ensure that the M69 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.
- 8.32. A consultation response from the Local Highway Authority is expected imminently, but at the time of writing the Committee report was not available. Commentary on this, with a list of Heads of Terms and/or conditions will be provided to Members of

the Planning Committee by way of an update. However, comments received from LCC Highways dated July 2022 for the previous application 21/00502/OUT stated the following:

'Based on the additional information submitted the applicant has demonstrated that a safe and suitable access to serve the development could be delivered in accordance with Paragraph 110 of the NPPF. The applicant has also tested the impact of the proposed development on the local highway authority and the LHA considers that the residual cumulative impacts of the development can be mitigated subject to the following conditions and contributions'.

The previous highway contributions sought by the LHA amounted to the following:

- £6,000.00 for the monitoring of the residential travel plan
- Appointment of a residential travel plan co-ordinator from commencement of development until 5 years after occupation of the last unit
- Travel packs for all new residents (one per dwelling) £52.85 per pack
- 2x 6 month bus passes per dwelling to encourage new residents to use bus services and make behavioural changes

Four conditions were also requested as part of the previous application by the LHA:

- Construction Traffic Management Plan
- Access arrangements for the site
- Scheme of highway improvements for Burbage Road/Hinckley Road and Sapcote Road
- Implementation of the Residential Travel Plan

Landscape and Visual Impact

- 8.33. Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.34. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the outline planning permission.
- 8.35. The site lies within a number of character areas at national, regional and local level. With respect to the national designation, it lies within the NCA 94 (Leicestershire Vales National Character Area), which is defined as large, relatively open, uniform landscape composed of low-lying clay vales interrupted by a range of varied river valleys. Its sense of place comes less from its overall landform, and more from its visually dominant settlements and views towards surrounding higher ground.
- 8.36. With respect to its regional designation, it is situated within the character area 5a (Village Farmlands) of the East Midlands Regional Landscape Character Assessment; which is defined as gently undulating lowlands dissected by stream valleys, localised steep slopes, moderately fertile loamy and clayey soils, mixed agricultural regime, small and moderately sized woodlands, hedgerows, and localised influence of large estates.
- 8.37. The site lies within the local landscape character area of LCA F (Burbage Common Rolling Farmland); defining characteristics of which include large scale, gently

rolling arable and pasture farmland, some pockets of ancient woodland, medium to large scale rectilinear field patterns, urban fringe influences as a result of exposed settlement edges, major transport corridors dissecting the landscape and introducing noise, and green wedges providing green infrastructure to Burbage, Hinckley, Barwell and Earl Shilton.

- 8.38. The Landscape Sensitivity Assessment (2017) (HBBC) assesses the key sensitivities and values of the character area (8 – Burbage South and East) as being:
- Low hedgerows to field boundaries reflecting the post-medieval field pattern and form part of the overall ecological network
 - The semi-rural character of the area and its role as the setting to Burbage historic core
 - Woodland spinneys, streams and small water bodies in the area around Lutterworth Road provide ecological interest
- 8.39. It suggests that new development should:
- seek to avoid development on the higher ridge top area adjacent to the cemetery which forms the immediate rural setting to the historic core of Burbage – and maintain this area as a rural green wedge
 - Plan for successful integration of development in the landscape through sensitive design and siting, including use of appropriate materials & landscape mitigation to enhance sense of place.
 - Seek to retain historic field patterns where distinctive s-shaped or dog-leg boundaries remain.
 - Retain the pattern of hedgerows and hedgerow trees and incorporate further buffer planting to major transport corridors and new development.
 - Promote opportunities to maintain and enhance the network of rights of way and consider opportunities to create and promote integrated green infrastructure network around the Burbage, Hinckley, Barwell and Earl Shilton edge.
 - Protect localised areas that retain a natural character, notably the small areas of semi-natural woodland, plus the streams and small waterbodies.
- 8.40. Overall, the landscape in this character area is considered to have a low-medium sensitivity to residential development due to the strong influences of the existing settlement edge and the M69 on the rural agricultural character. Part of the area makes a positive contribution to the setting of Burbage (not this site). Hedgerows and hedgerow trees demarcate a historic piecemeal enclosure pattern and provide visual containment. The M69 restricts intervisibility with the wider landscape to the south.
- 8.41. It is of materiality to note that the area is not a 'valued landscape' for NPPF purposes. Indeed there are no landscape or environmental designations or sensitivities or notes for the site and its immediate surroundings.
- 8.42. The LVIA submitted as part of the application assesses the proposal's impact on landscape as such:
- Ordinary Quality (not a good example of the character area)
 - Poor/Ordinary Landscape Value (based on scenic quality and landscape intactness)
 - Ordinary/good landscape value (site context - wider study area, particularly further south across the M69)
 - Low/medium sensitivity (some potential to accommodate change, particularly due to urban fringe and M69)

- Medium/high sensitivity (site context – wider study area)
- Minor/moderate adverse magnitude of change (i.e. the development would not constitute a significant effect on the character area)

8.43. The LVIA proposes 8 points of mitigation, which if integrated into the scheme at Reserved Matters stage would remove any significant negative effects. These are as follows:

1. Development set back from Workhouse Lane behind retained hedgerow and trees to preserve the existing rural character of the street.
2. Development set back from the southern boundary of the site in order to maintain a physical and visual buffer to the M69.
3. Development set back from the south western boundary of the site to allow the creation of a drainage area.
4. The retention of mature trees and hedgerows on the perimeter of the site, particularly to the north and east.
5. The provision of additional tree planting on plot and along streets to soften the character of the proposals and filter through views.
6. Provision of open space and appropriate planting throughout the site.
7. Consideration should be given to minimising any street lighting along the access road and if and where required, this should be low level lighting to reduce and visual impact during the day and evening.
8. Provision of a landscape bund along the southern site boundary.

8.44. The application has demonstrated that it will not have an unacceptable impact on the surrounding area from a landscape character or visual impact perspective. This is considered as such when taking into account the council's lack of 5-year housing land supply and because this scheme will provide 80 dwellings comprising 20% affordable housing.

Design and Layout

8.45. 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.

8.46. Policy 2 of the Burbage Neighbourhood Plan (BNP) requires new development to respect its surroundings, follow the existing street pattern and retain existing important natural features on site.

8.47. 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.

8.48. Paragraphs 124-132 of the National Planning Policy Framework (NPPF) emphasises the importance of design of the built environment, stating that planning policies and 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, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets spaces, building types and materials to create attractive, welcoming and distinctive 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 and which promote health and well-being, with a high standard of amenity for existing and future users; and
- g) where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience

8.49. This is an outline application and therefore detailed layout and appearance considerations are not being assessed at this stage - however, they will form details at the Reserved Matters stage if the outline application is approved. Notwithstanding this, the indicative plans illustrate that the development will be accessed through Redrow's recent 'Ambion Way development'. As such, the immediate context that the proposed development will sit within comprises Redrow's "Heritage" collection of homes. These dwellings feature design cues inspired from the Arts and Crafts movement of the early 20th century. Architectural features include:

- Bay Windows
- Brick Detailing
- Canopy Porches
- Traditional Brick, Render and Tile Palette
- Brick Detailing
- Mixed "Front" and "Gable" Elevations

The masterplan indicates that the development will comprise housing set back from the southern and western boundaries. A corridor of open space is proposed along the southern boundary with a larger area of open space proposed to the west of the site, where children's play equipment will be provided. The details submitted with the application indicate that dwellings will back / side on to the existing northern and eastern boundaries of the site, whilst dwellings facing out on to the western and southern boundaries will by their orientation help to provide natural surveillance over the public realm.

8.50. It is considered at this outline stage that the indicative design and layout proposals are acceptable and accord with the Development Plan Policies set out above.

Impact upon Residential Amenity

8.51. 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.

8.52. 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.

- 8.53. 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.
- 8.54. 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.
- 8.55. A baseline noise survey was undertaken to establish the existing noise levels across the site, this demonstrated that the site is constrained by noise from the M69 and that mitigation measures would be required in order to develop the site for housing and protect the amenity of future occupants.
- 8.56. The Environmental Health Officer has requested additional information with respect to a Noise Impact Assessment, Construction Environmental Management Plan and Land Contamination. These are all reasonable requests for information that can be appropriately sought through condition.
- 8.57. The concerns raised by the neighbours to the scheme are noted, but it is considered that the proposed conditions to be placed on the scheme (particularly those relating to noise, air quality and construction management), together with the Council's continued role in approving detailed plans at Reserved Matters stage, will ensure that sufficient scrutiny and control will be retained to ensure all concerns are addressed in full.
- 8.58. Subject to conditions and receipt of amended plans this application is considered to be acceptable in amenity terms and in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

Flood Risk and Drainage

- 8.59. 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.
- 8.60. 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.
- 8.61. Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 3ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a medium to high risk of surface water flooding due to an on-site watercourse reaching the upstream end of a culvert. The proposals seek to discharge at 10.1 l/s via an attenuation basin to the on-site watercourse.

- 8.62. Subsequent to the previous LLFA response requesting further information the applicant has submitted surface water drainage strategy plans and accompanying calculations. The information provided is considered to be acceptable.
- 8.63. The watercourse connectivity is dependent on a culvert under the highway. The applicant should consider a condition assessment of this structure in the site's detailed design to ensure the long-term viability of the outfall.
- 8.64. Therefore subject to conditions, the proposal is considered to satisfy Policy DM7 of the SADMP and the requirement of the NPPF.

Ecology and Biodiversity

- 8.65. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. 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.
- 8.66. LCC Ecology have been consulted on the application. They have responded to say that the Ecological Appraisal submitted with the application has identified relatively low prevailing habitat value and potential for notable and protected species. The layout and habitat plan includes a considered ecological mitigation and enhancement strategy given the scale and context of the proposed development.
- 8.67. Therefore subject to conditions as recommended by LCC Ecology the application is considered to be acceptable and in accordance with Policy DM6 of the SADMP and the requirements of the NPPF.

Heritage

- 8.68. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. In determining planning applications, local planning authorities should take account of paragraph 197 of the NPPF and:
- a) The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) The desirability of new development making a positive contribution to local character and distinctiveness.
- 8.69. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. All development proposals affecting the significance of heritage assets and their setting will be assessed in accordance with Policy DM11 and will require justification as set out in this policy. Policy DM12 requires all development proposals to accord with Policy DM10: Development and Design. Policy DM12 also states that all proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.70. The application site consists of an agricultural field to the west of Workhouse Lane situated to the south of the settlement of Burbage. There are no designated

heritage assets within the site but some are located within a proportionate study area from this application site (particularly to the north) including the Burbage Conservation Area which is c.750m from the site boundary. Within the historic core of the conservation area there are also a small number of listed buildings which includes The Church of St. Catherine, this being a Grade II* Listed building with a spire that is a prominent feature within the landscape, although this asset is c.1.4km north of the application site.

- 8.71. Local (non-designated) heritage assets are identified within the Burbage Neighbourhood Plan and there is a small cluster of assets along Lutterworth Road c.350m to the north of the application site and a building known as The Hollies on Lutterworth Road is c.400m to the south-east of the application site.
- 8.72. There is no inter-visibility between the application site and any of the designated and non-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 heritage assets would be sensitive to or affected by appropriate development within the application site.
- 8.73. It is therefore considered that the proposal will have no effect upon the significance of any designated heritage assets nor the non-designated heritage assets identified above and accords with Policies DM11 and DM12 of the SADMP and the requirements of the NPPF.

Archaeology

- 8.74. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.
- 8.75. In line with the NPPF Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 199 states that where loss of the whole or a material part of the heritage asset's significance is justified., local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.
- 8.76. Discussions between the applicant and LCC Archaeology led to the following actions being taken with respect to the previous application 21/00502/OUT:
- 15 trial trenches were excavated (3% of the total site area using a 13 ton tracked excavator (1.8m wide trenches)
 - Trenches re 30m in length to give as even a distribution as possible
 - Trenches 4, 7, 8 and 13 are placed to also intersect field boundary anomalies.
- 8.77. LCC Archaeology have responded to this application to say that they do not consider the proposal as submitted would result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. As such they have advised that the application warrants no further

archaeological action. The application is therefore considered to be acceptable with respect to archaeological considerations and accords with Policy DM13 of the SADMP and the requirements of the NPPF.

S106 Heads of Terms

- 8.78. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the Core Strategy 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.
- 8.79. 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.
- 8.80. The contributions sought are detailed below:
- Open Space – on site equipped children’s play space provision = **£52,395.84** (to be maintained by a management company)
 - Off site outdoor sports contribution provision = **£27,801.60** and maintenance = **£13,209.60** (towards Hinckley Road or Britannia Road)
 - Affordable Housing – **20% (16 units)**
4x properties should be provided as First Homes
8x properties for affordable rent and
4x for shared ownership
(The preference would be for the affordable housing to be split between 2 bed 4 person and 3 bed 5 person houses and to meet Nationally Described Space Standards. The properties should be spread across the site and not clustered in one location. The section 106 agreement should contain a requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection).
 - Primary Education - Burbage Church of England Infant School and Burbage Junior School = **£440,544.00**
 - Burbage Library Services = **£2,415.82**
 - LCC Waste Management Barwell HWRC = **£3,962.40**
 - Healthcare Burbage Surgery and Station View Health Centre = **£38,645.76**
 - Council Monitoring and Legal Fees
- 8.81. All of the above contributions are considered to meet the tests for planning obligations, and, will therefore form part of the S.106 legal agreement to be formulated should the application be approved.

Planning Balance

- 8.82. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.83. The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is 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.
- 8.84. The provision of up to 80 dwellings (20% of which to be affordable units) is considered to be a significant benefit of the proposal and weighs heavily in favour of the scheme.
- 8.85. The scheme does not fully comply with Policy DM4 of the SADMP but is considered to accord with Policy 1 of the Burbage Neighbourhood Plan. The impact on landscape and visual amenity has been assessed and is considered to be moderate to minor for this development and the provision of much-needed housing is considered to outweigh the moderate to minor impact identified. The scheme is deemed to be acceptable subject to conditions and also the requirements and financial contributions set out above to be agreed as part of a signed Section 106 Agreement.

9. **Equality implications**

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

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.
- 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. **Recommendation**

10.1 **Grant planning permission subject to:**

- The completion within 3 months of this resolution a S106 agreement to secure the following obligations:
 - Open Space – on site equipped children’s play space provision = £52,395.84 (to be maintained by a management company)
 - Off site outdoor sports contribution provision = £27,801.60 and maintenance = £13,209.60 (towards Hinckley Road or Britannia Road)
 - Affordable Housing – 20% (16 Units)
4x properties should be provided as First Homes
8x properties for affordable rent and
4x for shared ownership
(The preference would be for the affordable housing to be split between 2 bed 4 person and 3 bed 5 person houses and to meet Nationally Described Space Standards. The properties should be spread across the site and not clustered in one location. The section 106 agreement should contain a requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection).
 - Library Services Burbage Library = £2,415.82
 - LCC Waste Management Barwell HWRC = £3,962.40
 - Primary Education - Burbage Church of England Infant School and Burbage Junior School = £440,544.00
 - Healthcare contribution towards Burbage Surgery and Station View Health Centre = £38,645.76
 - Monitoring Fees

- Planning conditions outlined at the end of this report

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

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

Conditions and Reasons – AWAITING HIGHWAY CONDITIONS

1. Application for the approval of reserved matters shall be made within two 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. The development hereby permitted shall not exceed 80 dwellings in total and shall be in accordance with the following approved details:
 - Site Location Plan ref 1693-08-02-120 received 17 February 2023
 - Land Use Parameter Plan 002 Rev B received 17 February 2023
 - Site Access general arrangement plan ref 19409-RLL-20-XX-DR-C 2100F

Where the above documents and plans include recommendations or propose mitigation measures, they shall be implemented in accordance with the approved details and timeframes and retained thereafter.

Reason: To ensure a suitable form of development comes forward in accordance with Policy DM3 of the Site Allocations and Development Management Policies DPD 2016.

- 4. All Reserved Matters submissions to be in broad accordance with the indicative layout as illustrated on Drawing Number RED0623 001 Rev E received 17 February 2023.

Reason: To ensure the development broadly accords with the details/information submitted to inform the consideration of the outline application in accordance with Policy DM3 of the Site Allocations and Development Management Policies DPD 2016.

- 5. Land Contamination
 - a) 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.
 - b) 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).

6. Land Contamination Found Later
 - a) 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.
 - b) Any remediation works so approved shall be carried out prior to the site first being occupied.

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

7. Noise Attenuation
 - a) Development shall not begin until a scheme for protecting the proposed dwellings from noise from the M69 has been submitted in writing to and approved in writing by the Local Planning Authority
 - b). 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 suffer from annoyance as a result of nearby noise sources in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

8. No part of the development hereby permitted shall commence until details of the geotechnical risk relating to the noise attenuation bund have been submitted in writing to and approved in writing by the Local Planning Authority in consultation with National Highways.
(The applicant should note that in accordance with paragraph A1 of Circular 02/2013, all noise fences, screening and other structures must be erected on the developer's land, and far enough within the developer's land to enable maintenance to take place without encroachment onto highway land).

Reason: To ensure that the M69 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

9. Prior to the commencement of development, full details of drainage and its location shall be submitted in writing to and approved in writing by the Local Planning Authority (in consultation with National Highways). The development shall thereafter be undertaken in strict accordance with the approved details prior to the first occupation of the development hereby permitted and retained in accordance with the agreed specification. No surface water shall be permitted to run off from the development hereby permitted on to the Strategic Road Network or into any drainage system connected to the Strategic Road

Network. No drainage connections from any part of development hereby permitted may be made to any Strategic Road Network drainage systems.

Reason: To ensure that the M69 continues to be an effective part of the national system of routes for through traffic in accordance with section 10 of the Highways Act 1980 and to satisfy the reasonable requirements of road safety.

10. No occupation of any dwelling shall take place until a scheme that makes adequate provision for waste and recycling storage of containers 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 confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers. The approved details shall be implemented prior to the occupation of the dwelling/unit to which the waste facilities are associated.

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).

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

11. The development hereby permitted shall be carried out in accordance with the recommendations of Section 4.0 of the fpcr Ecological Appraisal dated Nov 2022 (Land to the South West of Lutterworth Road, Phase 2). Specifically the development should include the retention of existing hedgerows and recommended mitigation, provision of dark buffer zones and lighting strategies in relation to commuting and foraging bats and the retention of trees where there is potential for roosting bats and habitat creation.

Reason: To protect and enhance the landscape, flora and fauna in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

12. As part of the Reserved Matters submission a landscape and ecology management plan (LEMP) shall be submitted in writing to and approved in

writing by the local planning authority. The plan shall include the proposed ecological enhancement measures as set out within the habitat plan and ecological mitigation and enhancement strategy to ensure that Biodiversity Net Gain can be achieved on site and a mechanism for securing the implementation of the biodiversity off-setting and its maintenance/management for a period of 30 years in accordance with details approved in the Plan.

Reason: To protect and enhance the landscape, flora and fauna in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

13. No trees and shrubs shall be removed on site during the bird nesting season (1st March - 31st July inclusive).

Reason: To ensure the development does not have a detrimental impact upon nesting birds in accordance with DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

14. Prior to commencement of development a walkover survey for badgers shall be submitted in writing to and approved in writing by the local planning authority. The development shall be carried out in accordance with any findings/recommendations.

Reason: To ensure the development does not have a detrimental impact upon badgers in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

15. 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 in writing 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).

16. No development shall commence above foundation level until a scheme for the installation of electric vehicle charging points shall be submitted in writing to and approved in writing by the local planning authority. The scheme shall identify the number of units to benefit from electric charging points, together with full details of the location fitting and timetable for installation of the units.

Reason: To ensure that the proposals meet the requirements of Policy DM10 (g) of the Site Allocations and Development Management Policies DPD (2016) and Paragraph 112 (e) of the National Planning Policy Framework.

17. A `Building for a Healthy Life` assessment shall be submitted as part of the reserved matters submission details for this development. The details of the development shall incorporate the 12 considerations set out within the `Building for a Healthy Life` document (Homes England) and parameters shall

be agreed with the local planning authority and implemented on site in accordance with the approved details.

Reason: To ensure the site is delivers design quality, health and wellbeing provision and an integrated neighbourhood in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD and Paragraph 130 of the NPPF.

18. No development shall commence until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages 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 to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document 2016.

19. No development approved by this planning permission shall take place until such time as a surface water drainage scheme has been submitted in writing to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed 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 in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

20. 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 in writing to, and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

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 though the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

21. 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 in writing to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

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 Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

22. 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, and this has been submitted in writing 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 Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

10.4 Notes to applicant

1. Severn Trent Water advise that although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under, The Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and you are advised to contact Severn Trent Water to discuss your proposals. Severn Trent will seek to assist you obtaining a solution which protects both the public sewer and the building.
2. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.
3. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
4. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
5. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change storm events.

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.

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.

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.

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PLANNING APPEAL PROGRESS REPORT - Week ending: 14.07.23

WR – WRITTEN PRESENTATIONS

HAS – HOUSEHOLDER APPEAL

IN – INFORMAL HEARING

PI – PUBLIC INQUIRY

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
22/00020/ENF	CZ	20/01374/FUL 20/00080/UNBLDS (PINS: 3305795)	IH	Mr Mike Deacon	Breach Lane Farm Breach Lane Earl Shilton Leicester (Change of use of land for the storage, repair, restoration and sale of vehicles, associated shipping containers and area of hard standing (mixed use) (part retrospective)	Start Date Notification Letter Hearing	25.08.22
22/00026/ENF	CZ	21/00203/UNBLDS (PINS:3304677)	IH	Mrs Helen Judges	The Old Cottage Main Street Shackerstone (Unauthorised siting of an outbuilding for use as a dwelling)	Start Date Inquiry	16.08.22 17.10.23
23/000011/ENF	CZ	22/00199/UNBLDS (PINS: 3317487)	IH	Mr S Chaudry	Land North of Lindley Wood Fenn lanes Fenny Drayton (APP/K2420/C/23/3317485 - appeal against Enforcement Notice with regard to the construction of a wall APP/K2420/W/22/3312970 - appeal against refusal of planning permission for retention of the fence subject of this enforcement notice appeal)	Start Date Awaiting Inspector Site Visit	20.03.23
23/00010/PP	CZ	22/00194/UNBLDS (PINS: 3317485)	IH	Mr S Chaudry	Land North of Lindley Wood Fenn lanes Fenny Drayton (APP/K2420/W/22/3312970 - appeal against refusal of planning permission for retention of a fence.)	Start Date Awaiting Inspector Site Visit	20.03.23

23/00012/NONDET	TH	22/00167/OUT (PINS: 3317090)	PI	Gladman Developments LTD	Land north of Shenton Lane Market Bosworth (Outline planning application for the erection of up to 125 dwellings (including 40% affordable housing) with public open space, landscaping and sustainable drainage system (SuDS) and a vehicular access point. All matters reserved except for means of access)	Start Date Inquiry	31.03.23 25.07.23
23/00014/PP	CB	22/01227/OUT (PINS:3320601)	PI	Davidsons Development LTD	Ashfield Farm, Kirkby Road Desford (Outline planning application for residential dwellings of up to 120 dwellings, all matters reserved, except for access).	Start Date Final Comments Inquiry Letter Event Date	10.05.23 15.08.23 25.08.23 12.09.23
23/00017/PP	MJ EB	21/00502/OUT (PINS:3316829)	IH	Redrow Homes	Land to the Southwest of Lutterworth Road Flanders Close, Burbage (Outline planning application for the erection of up to 80 residential dwellings (Use Class C3), open space provision and associated infrastructure, with all matters reserved except access)	Start Date Hearing Letter Hearing	10.05.23 28.07.23 05.09.23
23/00018/PP	SA TH ??	23/00020/CLE (PINS:3320892)	WR	ET Planning	6 Kingfisher Way Sheepy Parva (Use of land as incidental residential garden and commencement of construction of an outbuilding (within the curtilage of the dwellinghouse).	Start Date Final Comments	25.06.23 28.07.23
23/00019/PP	MI	21/00460/OUT (PINS:3316041)	WR	Land Allocation Ltd	Land east of Bagworth Road Barlestone (Outline application for residential development for up to 50 dwellings, including access, with all other matters reserved)	Start Date Final Comments	26.05.23 14.07.23

23/00021/PP	LA EB	22/00192/OUT (PINS: 3321670)	IH	Avent Homes	Land at Lychgate Lane Burbage (Outline planning application for the residential development of up to 85 dwellings alongside associated site infrastructure and open space, with all matters reserved except for the means of access.)	Start Date Statement of CG Hearing Letter Hearing	21.06.23 26.07.23 05.09.23 26.09.23
23/00022/PP	TH	21/01305/FUL (PINS:3320919)	IH	AR Cartwright Ltd	Chapel Fields Livery Stables Chapel Lane Witherley (The construction of five detached dwellings, with associated garages, parking provision, access and Landscaping)	Start Date Statement of CG Hearing Letter Hearing	03.04.23 07.08.23 12.08.23 17.10.23
23/00023/PP	SA	22/00776/FUL (PINS:3319400)	WR	Mr & Mrs D Stew-Goddard	Spring Hill Farm Wood Lane Higham on the Hill (Proposed dwelling with associated access)	Start Date Statement of Case Final Comments	12.07.23 16.08.23 30.08.23
	DS	22/00733/FUL (PINS:3319934)	WR	Adaero Property	314a Station Road Bagworth (Erection of 3 no. 3 bedroom 2 storey dwellings, 1no 6-bedroom HMO, extension to existing bungalow, widening of access driveway.)	Awaiting Start Date	05.04.23
	MI	22/00394/FUL (PINS:3319982)	WR	Mr Ranvir Dhillon	Land Adjacent To 78 Queens Road, Hinckley (Two-storey side extension with part single and part two-storey rear addition, with accommodation in The roof space, to create a 10-bedroom HMO (House in Multiple Occupation) (Sui Generis use class)	Awaiting Start Date	12.04.23
	TH	22/00058/OUT (PINS:3321137)	WR	Mr M Winter	Winter Cottage Stanton Lane Stanton Under Bardon Markfield (Proposed Dwellinghouse (Outline Application - All Matters Reserved)	Awaiting Start Date	28.04.23

	MI	22/00722/FUL (PINS: 3322413)	WR	Merriwell Properties Ltd	84 Leicester Road Hinckley (Erection of 5 Dormer Bungalows)	Awaiting Start Date	18.05.23
	AJ	22/00318/OUT (PINS:3323113)	IH	Richborough Estates and Mr & Mrs Adcock	Land east of Stoke Road and north of Normandy Way (A47) Hinckley (Outline planning application for the erection of up to 475 dwellings, including public open space, land reserved for a primary school together with future expansion land (Use Class F1(a)), drainage, landscaping and associated infrastructure.)	Awaiting Start Date	26.05.23
	SJ	22/01056/FUL (PINS: 3324098)	WR	Mr Terry Taylor	7 Dean Road Hinckley Leicestershire (Proposed 2 storey dwellinghouse and 2 storey detached garage with driveway and landscaping to land south of 7 Dean Road, Hinckley, Leicestershire LE10 1LG)	Awaiting Start Date	14.06.23
22/00028/CLD	CZ	22/00804/CLE (PINS: 3311456)	WR	Mr S Chaudry MAC Developments & Construction Ltd	Land South of Lindley Wood Fenn Lane (Use of land for commercial storage of plant, machinery, and skips)	Awaiting Decision	
23/00008/PP	DS	22/00725/FUL (PINS:3312970)	WR	Mr S Chaudry MAC Developments & Construction Ltd	Land South of Lindley Wood Fenn Lane (Proposed erection of palisade fencing)	Awaiting Decision	
23/00015/PP	SJ	22/00916/FUL (PINS:3317828)	WR	Mr and Miss Michael and Leanne Gilders and Carter	12 Rodney Gardens Sheepy Magna (Change of use of agricultural land to domestic garden)	Awaiting Decision	
23/00013/PP	MJ	21/00195/FUL (PINS: 3315336)	WR	Statue Homes Limited	Kyngs Golf and Country Club Station Road Market Bosworth (Erection of 9 holiday cabins with associated parking and landscaping)	Awaiting Decision	

23/00020/F TPP	SS	22/00989/HOU (PINS: 3312867)	WR	Mr Angelo Carrino	39 Wykin Road Hinckley Leicestershire LE10 0HU (Proposed retention of fence(retrospective)	Awaiting Decision	
23/00016/PP	CB	22/00302/OUT (PINS: 3317284)	WR	Mr J Dawson	Land Northeast of 85 Bagworth Road Nailstone (Outline application for up to 9 dwellings, all matters reserved)	Awaiting Decision	

Decisions Received

23/00002/PP	MI	21/00020/FUL (PINS: 3308717)	WR	Mr Graham Penney	The Oak Lodges Stapleton Lane Kirkby Mallory (Erection of a two dwelling)	Dismissed	12.04.23
23/00005/PP	SA	22/00801/FUL (PINS: 3311536)	WR	Mr John Fairall	59 Merrylees Road Newbold Heath Newbold Verdon (Proposed construction of two storey dwellinghouse and garage (following demolition of existing storage building) to the south of 59 Merrylees Road with associated access and landscaping)	Dismissed	24.04.23

23/00006/PP	SA	21/00937/FUL (PINS:3313250)	WR	Mr A Puglisi	6A Shakespeare Drive Hinckley (Demolition of existing bungalow and erection of two dwellings)	Dismissed	24.04.23
22/00004/PP	RW	22/00284/HOU (PINS:3307122)	HAS	Mr & Mrs J. Farn	14 The Hawthorns Markfield (First floor and single storey side, front and rear extensions, and other alterations)	Allowed	02.05.23
23/00003/NONDET	DS	22/00572/OUT (PINS:3307030)	WR	J A & F Edwards Ltd	Land North 258 Ashby Road Hinckley Erection of up to 5 no. dwellings (outline – access only) land north of 258 Ashby Road, Hinckley, LE10 1SW (Resubmission of 21/01149/OUT).	Dismissed	10.05.23
23/00009/PP	SA	22/00447/FUL (PINS: 3314796)	WR	Mr N Noakes	17 Bridge Lane Witherley (Construction of 2 dwellings)	Dismissed	03.07.23