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Hinckley & Bosworth
Borough Council

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

Date: 29 April 2024

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, 7 MAY 2024 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen
Democratic Services Manager

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Thank you

PLANNING COMMITTEE - 7 MAY 2024

A G E N D A

1. **APOLOGIES AND SUBSTITUTIONS**

2. **MINUTES (Pages 1 - 6)**

To confirm the minutes of the meeting held on 9 April 2024.

3. **ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES**

To be advised of any additional items of business which the Chair 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. **23/00311/FUL - LAND OFF CHAPEL LANE, WITHERLEY (Pages 7 - 30)**

Application for construction of five detached dwellings with associated garages, parking provision, access and landscaping.

8. **24/00027/FUL - KYNGS GOLF AND COUNTRY CLUB, STATION ROAD, MARKET BOSWORTH (Pages 31 - 56)**

Application for erection of four golf holiday lodges and associated works.

9. **23/00711/FUL - THE BLUE BELL INN, 39 HIGH STREET, DESFORD (Pages 57 - 78)**

Application for change of use from café (class E(b)) and residential (class C3) to convenience foodstore (class E(a)), construction of single storey side extension, two storey and single storey rear extension (following the demolition of existing single storey element to rear of 37 High Street / 2A Main Street and store to rear of public house) with associated landscaping and other works.

10. **24/00121/FUL - STAMFORD ARMS, 2 LEICESTER ROAD, GROBY (Pages 79 - 90)**

Application for extension and alteration to existing public house to provide additional deli / coffee shop floorspace.
11. **24/00122/LBC - STAMFORD ARMS, 2 LEICESTER ROAD, GROBY (Pages 91 - 96)**

Application for extension and alteration to existing public house to provide additional deli / coffee shop floorspace.
12. **24/00263/CONDIT - 477A COVENTRY ROAD, HINCKLEY (Pages 97 - 104)**

Application for variation of condition 2 (approved plans) of planning application 15/00678/REM (part retrospective).
13. **23/00432/OUT - LAND NORTH OF A47 NORMANDY WAY AND EAST OF STOKE ROAD, HINCKLEY (Pages 105 - 144)**

Outline application for the erection of up to 475 dwellings including public open space, drainage, landscaping and associated infrastructure.
14. **23/01112/FUL - 69 MILL LANE, NEWBOLD VERDON (Pages 145 - 156)**

Application for change of use from a place of worship (class F1) to a private medical (physiotherapy) practice (class E).

This application was deferred at a previous meeting, therefore no public speaking is permitted in accordance with the council's constitution.
15. **APPEALS PROGRESS (Verbal Report)**

To report on progress relating to various appeals.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

9 APRIL 2024 AT 6.30 PM

PRESENT: Cllr MJ Crooks - Chair
Cllr CM Allen, Cllr RG Allen, Cllr SL Bray, Cllr MA Cook, Cllr REH Flemming,
Cllr C Gibbens, Cllr E Hollick, Cllr KWP Lynch, Cllr LJ Mullaney, Cllr H Smith,
Cllr BE Sutton (for Cllr CW Boothby), Cllr R Webber-Jones (for Cllr J Moore),
Cllr A Weightman and Cllr P Williams (for Cllr BR Walker)

Also in attendance: Councillor WJ Crooks, Councillor C Harris and Councillor C Lambert

Officers in attendance: Emma Baumber, Chris Brown, Sophia Nartey, Rebecca Owen and Rebecca Valentine-Wilkinson

323. Apologies and substitutions

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

Councillor Sutton for Councillor Boothby
Councillor Webber-Jones for Councillor Moore
Councillor Williams for Councillor Walker.

In the absence of the vice-chair, it was agreed that Councillor Bray sit alongside the chair to fulfil the role of vice-chair.

324. Minutes

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

RESOLVED – the minutes of the meeting held on 12 March be confirmed as a correct record.

325. Declarations of interest

Councillors Flemming and Lynch stated they were members of Burbage Parish Council's Planning Committee and had been present during discussion on application 23/01204/REM but had not voted on the matter.

Councillors Bray and Williams stated they had been involved in discussions on application 23/01204/REM but came to the meeting with an open mind.

Councillor Smith stated she had been present at a meeting of Barwell Parish Council where application 24/00068/FUL was discussed but had not taken part in discussion or voting thereon.

Councillor Cook declared that she had received representations in relation to application 24/00019/FUL but stated she came to the meeting with an open mind.

326. Decisions delegated at previous meeting

It was reported that all decisions had been issued with the exception of application 23/01112/FUL which had been deferred.

327. 23/01000/FUL - 16 Altar Stones Lane, Markfield

Application for demolition of existing buildings and erection of two buildings and associated parking areas, landscaping, access, solar panels, EV charging stations and other works for the purposes of car sales.

An objector, the agent, a ward councillor and a representative of the parish council spoke on this application.

It was moved by Councillor Webber-Jones and seconded by Councillor Gibbens that permission be granted.

It was subsequently moved by Councillor R Allen and seconded by Councillor C Allen that permission be refused.

It being the first valid motion, the motion of Councillor Webber-Jones seconded by Councillor Gibbens was put to the vote, CARRIED and

RESOLVED –

- (i) Permission be granted subject to:
 - a. The completion within three months of this resolution of a S106 agreement to secure the following obligations:
 - A contribution to National Forest planting to secure the 20% forest planting gains required by planning policy of £9,800
 - A contribution to the Coalville Transport strategy to be subject to further discussion and the decision delegated to the Head of Planning;
 - b. The conditions contained in the officer's report;
- (ii) The Head of Planning be granted powers to determine the final detail of planning conditions;
- (iii) The Head of Planning be granted powers to determine the terms of the S106 agreement including trigger points and clawback periods.

Councillors Harris and Lambert left the meeting at 7.06pm.

328. **24/00061/FUL - Kase Hotel, 41A Regent Street, Hinckley**

Application for change of use of hotel (class C1) to homeless hostel and walk in centre (sui generis).

An objector spoke on this application.

It was moved by Councillor Bray, seconded by Councillor Webber-Jones and

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

329. **24/00019/FUL - Kyngs Golf and Country Club, Station Road, Market Bosworth**

Application for erection of a 50 room golf and leisure accommodation facility with associated works (part revised scheme to that approved under 19/01437/FUL).

Two objectors, the applicant and a representative of the parish council spoke on this application.

It was moved by Councillor Webber-Jones and seconded by Councillor Gibbens that permission be granted and the Head of Planning be asked to ensure conditions relating to EV charging points and solar panels were included.

Councillor R Allen proposed the application be deferred. In the absence of a seconder, the motion was not put.

Councillor Bray suggested that authority be delegated to the Head of Planning to negotiate additional parking, which was agreed by the mover and seconder of the motion.

Upon being put to the vote, the motion of Councillor Webber-Jones, seconded by Councillor Gibbens, was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report and additional standard conditions in relation to EV charging and solar panels;
- (ii) Authority be granted to the Head of Planning to discuss with the applicant provision of additional car parking.

At this juncture, the meeting adjourned at 8.03pm and reconvened at 8.08pm.

330. **23/01204/REM - Land south of Sketchley Grange Hotel, Sketchley Lane, Burbage**

Application for approval of reserved matters (relating to layout, scale, appearance and landscaping) of appeal decision APP/K2420/W/22/3301735 (outline planning

application 21/01131/OUT) for the provision of 127 dwellings, a substation, public open space, an attenuation pond and associated works.

It was moved by Councillor R Allen, seconded by Councillor Williams and

RESOLVED –

- (i) Permission be granted subject to:
 - a. The conditions contained in the officer's report and late items;
 - b. Final approval from the local highways authority with regard to internal layout;
- (ii) The Head of Planning be granted authority to determine the final detail of planning conditions and internal road layout;
- (iii) The Head of Planning be granted authority to determine the final detail of obligations including public open space provision and further ecological information.

331. 23/01150/CONDIT - Land west of Main Street, Norton Juxta Twycross

Variation of condition 2 (plans and elevation) of planning application 22/00503/FUL. Amendment to external openings, addition of dormer and windows and other alterations to the dwellings.

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

RESOLVED –

- (i) Permission be granted subject to the conditions outlined in the officer's report;
- (ii) The Head of Planning be granted authority to determine the final details of the conditions.

332. 24/00068/FUL - 9 Stafford Street, Barwell

Application for 2.5 storey apartment blocks containing 14 apartments with associated parking and landscaping.

It was moved by Councillor Bray, seconded by Councillor Webber-Jones and

RESOLVED –

- (i) Permission be granted subject to:
 - a. The conditions outlined in the officer's report;
 - b. A S106 agreement to secure:

- Health contribution – Barwell and Hollycroft medical centres: £6,720.00
- Waste – Barwell HWRC: £693.42
- Libraries – Earl Shilton Library: £347.27
- Off-site equipped children's play space: £9,169.27
- Off-site equipped children's play space maintenance contribution: £4,425.12
- Off-site casual / informal play spaces: £1,044.29
- Off-site casual / informal play spaces maintenance contribution: £1,270.08
- Off-site outdoor sports contribution: £4,865.28
- Off-site outdoor sports maintenance contribution: £2,311.68
- Off-site accessibility natural green space contribution: £2,290.40
- Off-site accessibility natural green space maintenance contribution: £3,976.00
- All open space contributions to be for improved facilities at Kirkby Road recreation ground
- Public realm improvements for Barwell: £5,628
- Skills development during construction of the development
- S106 legal and monitoring fees.

- (ii) The Head of Planning be granted authority to determine the final detail of the conditions.

(The Meeting closed at 8.36 pm)

CHAIR

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Planning Committee 7th May 2024
Report of the Head of Planning

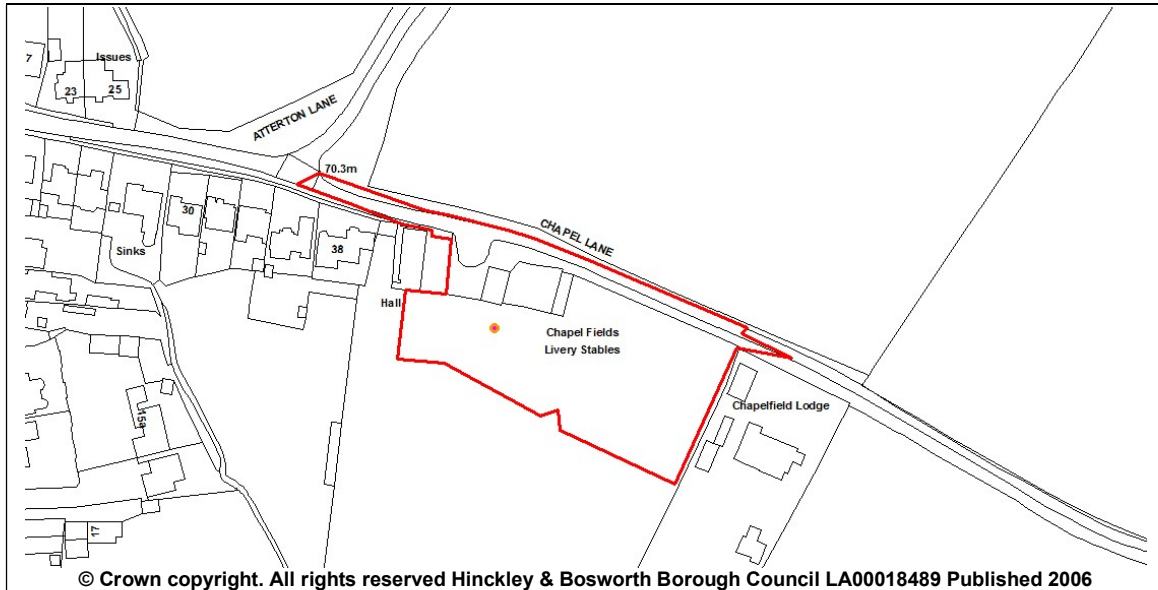
Planning Ref: 23/00311/FUL
Applicant: Cartwright Homes
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth
Borough Council

Site: Land Off Chapel Lane, Witherley

Proposal: Proposed construction of 5 detached dwellings with associated garages, parking provision, access, and landscaping



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.
- The Head of Planning be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This planning application seeks full planning permission for the construction of five detached dwellings in a linear arrangement with associated garages, parking provision, access, and landscaping at land to the south of Chapel Lane, Witherley. This proposal is an amendment of the allowed appeal decision of full planning application, 21/01305/FUL for the provision of five detached dwellings on the site.

2.2. All five properties have a brick finish and pitched tiled roofs, and are sited in a linear arrangement, which gradually increases in scale in an easterly direction with approximate footprints from 80.3sqm to 286.4sqm respectively. Each dwelling is individually designed and they all feature a variety of architectural detailing such as brick string courses, brick corbelled eaves, and brick or sandstone window headers and sills. Four of the proposed properties feature chimneys. The rear gardens of all the properties extend to the south, with their perimeters defined by 1.8 metres high close boarded timber fencing.

- 2.3. Plot 1 has its upper floor within the roof space and has three bedrooms, a detached single garage and two additional parking spaces. The four other plots are two storey and Plot 2 has four bedrooms, a detached single garage and two additional parking spaces. Plot 3 has 5 bedrooms, a detached double garage and four additional parking spaces. Plot 4 also has 5 bedrooms but has an integral double garage with space for an additional four cars and Plot 5 has 6 bedrooms, an integral triple garage and space for an additional five cars.
- 2.4. The choice of materials for the dwellings is to be confirmed but at least two different red bricks are indicated and will be secured via planning condition when availability can be assured. However, the drives for Plots 1 and 2 are surfaced with red brick paviours, whereas Plot 3's drive is surfaced with brindle brick paviours, and Plots 4 and 5 utilise a gravel surfaced drive.
- 2.5. The existing lane in front of the dwellings is to be widened to 4.8 metres and a 2m wide footpath is provided
- 2.6. The scheme introduces native tree and hedgerow species, and wildflower plants within and along the boundaries of the parcel of pastoral land to the south of the development.
- 2.7. The Applicant is also offering a parcel of land directly behind Witherley Parish Hall to Witherley Parochial Church Council, should they request it, for seven additional car parking spaces for the village and the Parish Hall. However, it should be noted that this lies outside of the red line boundary of the application and cannot be secured via condition or legal agreement because the parking is not considered necessary to make the proposed development acceptable in planning terms. As such, it does not form fulfil any of the six tests for a valid condition, nor the CIL tests for requiring planning obligations.
- 2.8. Some minor amendments were made to the five plots on 20 September 2023 to ensure that they complied with Part O of the Building Regulations.

3. Description of the Site and the Surrounding Area

- 3.1. The 0.49 hectare application site comprises the northern part of a parcel of pastoral land, which is adjacent to, but outside of, the eastern settlement boundary of Witherley in the open countryside. Witherley is classified as a rural village within the adopted Core Strategy (2009).
- 3.2. The site lies within the Landscape Character Area G (Sence Lowlands) as classified by the Council's Landscape Character Assessment (LCA) (2017), which is characterised by hedged fields in flat-to-gently-undulating landscape with linear villages and scattered agricultural buildings.
- 3.3. The site is also identified within Landscape Sensitivity Area 3 (Witherley and Surroundings) within the Landscape Sensitivity Assessment (LSA) (2017). The LSA considers the area to have a medium sensitivity to development. However, the visual character of the area has a high sensitivity to development due to its low lying and relatively flat landform, which allows for long views across the rural landscape. The LSA states that the area between Fenny Drayton and Witherley is made up of large fields with an exposed and open character, which forms part of the wider rural landscape that is valued for walking and cycling, and therefore Public Rights of Way (PRoW) in this area are particularly sensitive.

- 3.4. Ultimately, the LSA advises that any new development should be sensitively sited, seeking to avoid significantly affecting areas of strong rurality or tranquillity and rural character, and ensure new development responds sensitively to the rural context.
- 3.5. Whilst the application site is not within, nor visible from, the Witherley Conservation Area, it is noted that common features within the Conservation Area include:
- “Gabled [roofs] with blue clay tiles or slate coverings, brick dentil courses, plain ridge chimneys, over-sailing eaves or sometimes decorative bargeboards. Brick elevations are plain with occasional ground floor bay window or modern porch... Frequent architectural details include vertically proportioned windows beneath segmented arches or stone lintels and blue canted brick cills.”*
- 3.6. The application site is located between Witherley Parish Hall to the west, and a single residential dwelling, Chapelfield Lodge, to the east. To the north and south of the application site are long views of open agricultural land. However, outline planning permission with access has been permitted by members at Planning Committee in December 2023 for a development on Kennel Lane, approximately 200 metres southwest of the application site, for up to 50 residential dwellings via planning application 22/01190/OUT.
- 3.7. The two buildings that flank the application site bear little connection to each other and do not in themselves create a sense of place. Witherley Parish Hall is a gable-fronted, single-storey brick and tile building, whereas Chapelfield Lodge is a substantial, extended, detached, two-and-a-half-storey dwelling that is set within extensive grounds. The plot is also host to a range of outbuildings that are situated along its eastern and western boundaries. The properties along Chapel Lane comprise bungalows and two-storey properties of varying design and age.
- 3.8. The site is situated along Chapel Lane, approximately 56 metres to the east of the junction of Chapel Lane and Atterton Lane. Only 37 metres of Chapel Lane is adopted and publicly maintained highway, which terminates at the Parish Hall. Therefore, the application site is accessed via a private road. Although Chapel Lane is a no-through, road that provides access to Drayton Farm Barn, the lane is well used by those who use the Parish Room, farm vehicles, and customers of the farm's boarding kennels.
- 3.9. PRow Footpath T28 cuts southward across the western side of the application site, before proceeding southeast 124.5 metres south of the highway. The application site is considered to form part of the open countryside around Witherley, and its verdant rural landscape is experienced by those who make use of Chapel Lane, and the public footpath. As a result, it contributes to the scenery of the village, which emphasises its rural character and appearance and therefore, the site is of moderate value to the character of the surrounding area.
- 3.10. Internally, the application site is relatively flat with a small fall to the south and from Chapel Lane. The site's frontage is relatively open, with native hedgerow and trees enclosing the majority of the remaining field boundary, and there are distant views in all directions, particularly to the south.
- 3.11. There is a small area in the north-western corner of the site contains a small block of disused stables and a redundant open fronted corrugated steel barn. These structures are very overgrown by vegetation to the extent that the majority of the previous development on the site has merged into the landscape. The rest of the application site consists of paddock land.

- 3.12. There is one Category B tree that is set slightly back from the road frontage, close to the Parish Hall. There is one large and also a few smaller category C trees. Trees fall within four categories, the highest category, A, being trees of high value and highway quality, with Category U being trees that are unsuitable for retention.

4. Relevant Planning History

4.1 21/01305/FUL

- The construction of five detached dwellings, with associated garages, parking provision, access and landscaping
- Refused and subsequent appeal allowed
- 22.12.2022 and 27.03.2024

4.2 18/00034/PP

- Erection of 10 dwellings and associated access
- Appeal dismissed.
- 16.11.2018

5. Publicity

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

- 5.2 One letter of support was received for the application for the following reasons:

- A small number of houses does not have a significant adverse impact on the countryside.
- The development's proximity to Witherley Parish Hall will not adversely impact the future occupiers of the proposed dwellings.
- Hinckley and Bosworth Borough Council do not have a five-year housing land supply.
- Hinckley and Bosworth Council do not have an up-to-date local plan.
- Witherley needs more housing to support its existing infrastructure.
- Witherley Parish Council's response to the development does not represent the opinions of the residents of Witherley.

- 5.3 Eight members of the public have objected to the scheme on the following grounds:

- Dependence on private motorised vehicles.
- Drainage concerns.
- Ecological harm.
- Exacerbating ribbon development.
- Flooding concerns.
- Harm to the countryside by virtue of widening Chapel Lane.
- Harm to the residential amenity of the future occupants due to Witherley Parish Hall.
- Highway safety concerns.
- Increasing pressure on existing infrastructure.
- Lack of infrastructure within Witherley to support further residential development.
- Pedestrian safety concerns.
- Significant adverse harm to the countryside.
- The development does not reflect the housing needs of Witherley.
- There are no turning facilities or passing points along Chapel Lane for vehicles.

- There is no change within this proposal in comparison to the previously refused scheme in 2022.
 - Unsustainable location for development.
 - Urbanising impact on the character of the street scene.
- 5.4 Members of the public have also highlighted that the development is outside of the Witherley settlement boundary in the open countryside, and the application site is not included within Hinckley and Bosworth Borough Council's Local Plan Site Allocations, nor the Witherley Neighbourhood Plan (WNP)'s site allocations. It is also noted that an important viewpoint is near the site within Policy ENV10 of the WPCNDP.
- Important View 10 of the WNP is the view south towards Witherley from Footpath T34 with the spire of St. Peter's Church in the distance. It is noted by the Planning Officer that Figure 14 of the WDP demonstrates that the application site is not within this important view.*
- 5.5 Several members of the public have also expressed highway safety concerns in relation to the current access and egress into Witherley via Kennel Lane to and from the A5, which they consider the development to exacerbate. Another member of the public has questioned the ownership of Chapel Lane.
- It is noted by the Planning Officer that issues relating to ownership are not considered to be a material planning consideration.*
- 5.6 One member of the public raised concerns about the legality of the existing buildings on site and suggested that the structures on site were only granted a five-year temporary planning permission in the early 1990s.
- The Planning Officer can confirm that the planning application, 88/00813/4, for the retention of 13 stables within the application site was granted planning permission. Condition 01 of that the planning permission was limited to the period expiring on 24 June 1993. However, the Planning Officer notes that there are no temporary planning conditions on the planning permission for the development of the general-purpose agricultural building, 97/00027/FUL.*
- 5.7 In addition, another member of the public suggested that National Highways did not currently support any additional housing development in Witherley. The Planning Officer notes that National Highways responded to the Regulation 16 consultation for the WNP in November 2022 and stated,
- "We have already identified capacity issues with the A5/ Kennel Lane junction. Our stance has been not to encourage developments that will increase traffic volume using the junction without more substantial improvements works to be done. However, we understand there is a local need for dwellings and affordable housing, especially over the period up to 2039. Although there is currently no committed improvement work to the concerned junction, we anticipate working with the Council and stakeholders on improvement schemes in the future, which would enable growth in this area."*
- 5.8 No further responses have been received.

6. Consultation

- 6.1 One response from a Councillor supports the application because the rural village needs further development to support its existing facilities such as its primary school.
- 6.2 Witherley Parochial Church Council objects to the planning application on the following grounds:
- Adverse impacts to the users of Witherley Parish Hall in relation to parking issues.
 - Highway safety concerns.
 - Noise pollution concerns due to the regular events at Witherley Parish Hall.
- 6.3 Witherley Parochial Church Council also express concerns over the Applicant's ability to widen Chapel Lane because the Applicant does not own the road or the adjacent grass verges.
- 6.4 Witherley Parochial Church Council request that, should planning permission be granted, that the Applicant's offer to transfer land to Witherley Council shown as, "*Parish Hall car park*," on the Proposed Site Layout Plan 22.124.P02, is secured by way of planning condition or Section 106 (S106) obligation.
- 6.5 Witherley Parish Council also objected to the planning application on the following grounds:
- The access road into the site is private and does not belong to the Applicant.
 - The application site is not included within the Hinckley and Bosworth Borough Council's Local Plan Site Allocations, nor the site allocations of Witherley Neighbourhood Development Plan.
 - The application site is identified within Policy ENV10 of the Witherley Neighbourhood Development Plan as providing an important view.
 - The development does not provide the types of housing that Witherley requires.
 - The development exacerbates ribbon development in the area.
 - Development within the designated countryside, contrary Policy 12 of the Core Strategy.
 - Ecological concerns with the loss of hedgerow and habitat.
 - Harm to the intrinsic value, beauty, undeveloped rural character of the countryside and the rural setting of Witherley.
 - Highway safety concerns onto Atterton Lane.
 - Highway safety concerns in relation to the identified problems with the Kennel Lane/ A5 Junction.
 - Increasing existing flooding issues in Witherley Brook.
 - Loss of green fields and pastoral land.
 - The proposal to widen Chapel Lane to facilitate the development fundamentally and unsympathetically alters the character of the rural lane, thus having an urbanising effect on the area.
- 6.6 Witherley Parish Council request that the Applicant specified individual septic tanks for each dwelling so as not to increase the burden upon the existing foul drainage system in the village.

It is noted by the Planning Officer that discussions of legal ownership of land are not considered to be material planning considerations within the determination of planning applications.

- 6.7 There have been no objections from the following consultants:
- Environment Agency
 - Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer (subject to conditions)
 - HBBC's Environmental Services' Pollution Officer (subject to conditions)
 - HBBC's Waste Management Officer
 - Leicestershire County Council (LCC)'s Archaeological Team (subject to conditions)
 - LCC's Ecology (subject to conditions)
 - LCC's Tree Officer
 - Local Highway Authority (LHA) (subject to conditions)

- 6.8 No responses have been received from: the Environment Agency, LCC Ecology, LCC Public Rights of Way, Severn Trent, HBBC's S106 Monitoring Officer, nor Western Power Distribution.

Archaeology

- 6.9 In accordance with Paragraph 194 within Section 16 of the National Planning Policy Framework (NPPF), the development area is of archaeological interest and also has the potential for further unidentified archaeological deposits. Based upon the available information, it is anticipated by LCC Archaeology that these remains, whilst significant and warranting further archaeological mitigation prior to the impact of the development, are not of such importance to represent an obstacle to the determination of the application.

- 6.10 Therefore, LCC Archaeology have recommended a post-determination programme of archaeological assessment to be secured via planning condition. This archaeology assessment should include an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching, followed, as necessary, by intrusive and non-intrusive investigation and recording. Furthermore, the Applicant must obtain a suitable Written Scheme of Investigation (WSI) for both phases of archaeological investigation from an organisation acceptable to the Local Planning Authority.

Drainage (Local Lead Flood Authority (LLFA) and HBBC Drainage)

- 6.11 The Local Lead Flood Authority (LLFA) notes that the application site is located within Flood Zones 1, 2, and 3, which is considered to be at a low to high risk of fluvial flooding, and a low to high risk of surface water flooding.

- 6.12 In spite of this, the LLFA offers no comment on the application. In addition, the Environment Agency accepts the findings of the Applicant's flood risk assessment and have no objections to the scheme.

- 6.13 The Council's Drainage Officer has no objection to the scheme, subject to the three pre-commencement planning conditions that: ensure a scheme to provide a sustainable drainage system in accordance with the Flood Risk Assessment (including proposed flood mitigation dated October 2021; provide details in relation to the management of surface water on during construction of the development; and details in relation to the long term maintenance of the sustainable surface water drainage system on the development.

Ecology

- 6.14 The Applicant has not submitted a biodiversity net gain metric spreadsheet for the development, but the Updated Biodiversity Impact Assessment states that the

development does not achieve on site biodiversity net gain (BNG). In spite of this, current DEFRA guidance (February 2023) states that residential developments under 1 hectare and less than ten residential plots are exempt from BNG metric calculations until April 2024. Consequently, there is no requirement for this site to provide on-site BNG in the context of achieving +10% BNG within a 30-year period.

- 6.15 After reviewing the Applicant's Ecology eDNA assessment, LCC Ecology have no further requirements in relation to the protection of bats and Great Crested Newts, subject to four planning conditions. The four planning conditions include: a detailed landscape scheme, which sets out the proposed plant species establishment; proposals for the bat box and on-site enhancements on buildings such as the installation of bat and bird boxes with the specification, orientation, and location shown; a condition regarding the removal of vegetation or the demolition of structures in relation to breeding birds; and a condition regarding the use of external lighting within the site in relation to foraging and commuting bats.

Highways

- 6.16 On 24 April 2023, the Local Highway Authority (LHA) requested revised, consistent drawings and information in order for the LHA to be able to accurately assess the proposals, and to ensure any conditions required do not show different details to protect the integrity of the decision.
- 6.17 Additional information was provided by the Applicant on 20 July 2023. Following this information, the LHA requested a revised plan demonstrating the boundary treatment around the proposed car park for the Parish Hall to ensure that nothing is planted or erected within 1 metre of the definitive line of the Public Right of Way.
- 6.18 A revised plan was received on 01 August 2023, and the LHA confirmed that the location of the proposed fence does not impede the use and enjoyment of the Public Right of Way. However, the LPA has requested a planning permission to ensure that the 1.2-metre-high post and rail fence at the Parish Hall is implemented and retained in perpetuity.

Pollution

- 6.19 The Council's Pollution Officer requested four planning conditions in relation to a scheme for protecting the proposed dwellings from music noise levels from the adjacent Witherley Parish Hall; a scheme for investigation of any potential land contamination on the site prior to the commencement of development on site, as well as an addendum to this scheme if during development previously unidentified contamination is found; and the limiting of site preparation and construction hours.

Waste

- 6.20 The Council's Waste Management Officer requested that adequate space at the properties is provided to store various containers (up to three bins per dwelling) and space at the kerbside (where the properties meet the public highway) for the placement of the containers on collection day. If the access road is not constructed to a suitable standard, then consideration will be needed to provide adequate and safe collection point space at the adopted highway boundary for the placement of all the containers on collection day (up to two bins per property at one time).
- 6.21 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 12: Rural Villages

- Policy 16: Housing Density, Mix and Design
- 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 DM10: Development and Design
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM25: Community Facilities
- 7.3 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4 Other Relevant Guidance:
- Good Design Guide (2020)
 - Landscape Character Assessment (2017)
 - Leicestershire Highway Design Guide (LHDG) (2022)
 - Technical Housing Standards – Nationally Described Space Standards (2015)
- 7.5 On 25 January 2023, the Witherley Neighbourhood Plan (WNP) proceeded to local referendum, which took place on 04 May 2023. On 04 May 2023, the result of the referendum was a vote against the Neighbourhood Plan, and therefore the plan is not made and does not form part of Hinckley and Bosworth Borough Council's Development Plan. Given the above, the WNP carries no weight in the decision-making process.
- 7.6 Whilst the adopted Core Strategy sets a housing requirement of 10 dwellings for Witherley, the Site Allocations and Development Management Policies Development Plan Document did not allocate any housing sites to the rural village due to the development constraints in Witherley itself, and because other settlements were categorised as at the lower end of the settlement hierarchy, which were not considered to be sustainable settlements for the purpose of allocating housing sites.
- 8. Appraisal**
- 8.1. The key issues in respect of this application are therefore:
- Principle of Development
 - Housing Land Supply
 - Impact upon Parking Provision and Highway Safety
 - Design and Impact upon the Character of the Area
 - Impact upon Residential Amenity
 - Flood Risk and Drainage
 - Ecology, Biodiversity, and Trees
 - Planning Balance

Principle of Development

- 8.2. The development of five dwellings in this location was approved by the Inspector within the allowed appeal decision of full planning application 21/01305/FUL. Therefore, the principal of the provision of five dwellings in this location has been established. As such the application is acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Housing Land Supply

- 8.3. 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.
- 8.4. Paragraph 11(d) of the NPPF states that planning decisions should apply a presumption in favour of sustainable development where there are no relevant Development Plan policies, or the policies which are most important for determining the application are out-of-date. Footnote 8 of Paragraph 11 of the NPPF highlights that housing policies are considered to be out-of-date where local planning authorities cannot demonstrate a five-year supply of deliverable housing sites.
- 8.5. Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), the Council are able to demonstrate 4.89 years of deliverable housing as of 01 April 2022.
- 8.6. In addition, both the adopted Core Strategy and the SADMP are over 5 years old, and Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.7. Given the above and the change in the housing figures required for the Borough, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered.
- 8.8. Paragraph 11 (d) of the NPPF requires planning permission to be granted 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.
- 8.9. Section 5 of the NPPF requires planning policies and decisions to deliver a sufficient supply of homes to support the Government's objective of significantly boosting the supply of homes without unnecessary delay.
- 8.10. Paragraph 78 of the NPPF states that planning policies should be responsive to local circumstances and support housing developments that reflect local needs, and Paragraph 69 of the NPPF states that small and medium sized sites, such as windfall sites, can make an important contribution to meeting the housing requirements of an area. Paragraph 79 of the NPPF states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

- 8.11. Within the 2020 Strategic Housing and Employment Land Availability Assessment (SHELAA) report, the application site was described as, “*Developable*.” However, Paragraph 2.3 of this report states that.

“The SHELAA is an evidence base document to inform plan making. It is not a decision-making document, and it does not in itself determine whether or not a site should be granted planning permission or allocated for development.”

With this in mind, classification of the site within the SHELAA report is not considered to be a material planning consideration because it is not a land that has been formally allocated by the Council for housing.

- 8.12. The development is for five residential properties in a rural area, and therefore, in accordance with Policy 15 of the adopted Core Strategy, two (40%) of these dwellings should be provided as affordable housing. In spite of this, the application does not suggest any contribution to the provision of affordable housing within the Borough.
- 8.13. As the scheme does not provide ten or more dwellings, Policy 16 is not applicable for this proposal.
- 8.14. In summary, whilst the Council is currently unable to demonstrate a five-year supply of housing, it is unlikely that the provision of five dwellings within this application site will provide any significant benefits to the housing land supply within the Borough. Given the above, it is considered that limited weight should be given to the provision of five dwellings.

Impact upon Parking Provision and Highway Safety

- 8.15. Paragraph 110 of the NPPF states that it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 111 of the NPPF 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.
- 8.16. 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. Policy DM10(g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.17. Policy 14 of the adopted Core Strategy requires developments to support accessibility within rural areas by:
- Supporting the delivery of a viable, high quality public transport network between the Key Rural Centres and their nearest urban centre and between the Rural Villages and their nearest Key Rural Centre or urban centre.
 - Supporting the provision of accessible transport services for mobility impaired and rurally isolated residents.
 - Delivering safe cycle paths as detailed in the Hinckley & Bosworth Council's Rural Parishes Cycling Network Plan. This will deliver safe routes to school, to residential and employment areas, Key Rural Centres/urban areas, community, and leisure facilities and into the countryside.

Developers will be required to contribute towards these initiatives through developer contributions and/or land where they meet the tests set out in National Guidance. New development that would prejudice their implementation will not be permitted.

- 8.18. Section 9 of the NPPF promotes sustainable transport. Paragraph 124(c) of the NPPF states that planning decisions should support development that makes efficient use of land, when taking into account, *“The availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use.”*
- 8.19. 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)).

Site Access

- 8.20. Following revised plans, the Local Highway Authority (LHA) are satisfied that all plots accord with Figure DG17 of Part 3 of the LHDG in terms of access width and pedestrian visibility. In addition, the LHA consider all plots to accord with Table DG4 of Part 3 of the LHDG in terms of vehicular splays. The Applicant is also proposing a 2m wide footway to the front of the site, which is welcomed by the LHA.
- 8.21. The Parish Hall has an access width of 3.365 metres, which is less than the 6 metres access width that the LHA would normally request to ensure that vehicles can pass within the access in accordance with Figure DG20 of Part 3 of the LHDG. However, given the access is onto a private road, adjacent to a 3.7 metres pinch point, which is likely to act as a speed reducing feature, the LHA are not seeking amendments in this instance.
- 8.22. Whilst the vehicular visibility splays to the west are lower than the requirements of the LHA, the Applicant has stated that 43 metres visibility splay is not possible due to the pinch point of the Parish Hall. The Applicant considers this visibility splay sufficient because the proposed narrowing feature is likely to reduce drivers speeds as they will need to drive more cautiously in case of oncoming traffic. In addition, due to the proximity of the junction with Atterton Lane, drivers would have to reduce their speeds before turning onto Chapel Lane. The LHA consider the Applicant's methodology acceptable and accept that vehicular visibility splays of 2.4 metres by 43 metres to the east and 2.4 metres by 32 metres to the west of the access is acceptable in these site-specific circumstances.

Internal Layout

- 8.23. The LHA consider Plots 3, 4, and 5 to be in accordance with Paragraphs 3.151 (Quantum), 3.165 (Dimensions), and 3.200 (Garages) of part 3 of the LHDG. Whilst the LHA would normally seek to resist garages being built parallel to the highway, as they access onto a private road, the LHA are not seeking any amendments in these site-specific circumstances.
- 8.24. Although Plots 1 and 2 accord with Paragraphs 3.151 and 3.200 of Part 3 of the LHDG, it is noted that the off-street vehicle parking spaces are only 3.365 metres wide. In accordance with Paragraph 3.165 of Part 3 of the LHDG, these parking spaces should be 3.4 metres wide. However, given the minimal difference in size,

and the spaces access onto a private road, the LHA are not seeking any amendments in these site-specific circumstances.

- 8.25. Within this development, the Applicant has provided land for the Parish Hall for additional car parking. However, the final use of this area of land is at the discretion of the Parish. Nevertheless, given the small scale of the area, if it was utilised as a car park, the LHA are not able to demonstrate that the increase in vehicles leads to highway capacity issues within the area. Moreover, any additional off-street parking is likely to lead to less inconsiderate parking within the area.
- 8.26. The Applicant has provided 1.2-metre-post-and-rail fencing around the gifted land to the Parish Hall, which the LHA have confirmed does not impede the use and enjoyment of the Public Right of Way, T28.

Summary

- 8.27. To conclude, the scheme provides adequate off-street vehicle parking provision in accordance with Policy DM18 of the SADMP. Due to this and the compliance of the site access with the LHDG, in these site-specific circumstances, the development is not considered to create an unacceptable impact on highway safety or the road network. Therefore, the scheme is considered to be compliant with aspects of Policy DM17 of the SADMP, and in accordance with Policy DM18 of the SADMP, and the LHDG.

Design and Impact upon the Character of the Area

- 8.28. Paragraph 134 of the NPPF states that 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 and supplementary planning documents such as design guides and codes.
- 8.29. Policy DM4 of the SADMP states that development in the countryside will be considered sustainable where:
- i.) It does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside; and
 - ii.) It does not undermine the physical and perceived separation and open character between settlements; and
 - iii.) It does not create or exacerbate ribbon development.
 - iv.) If within a Green Wedge, it protects its role and function in line with Core Strategy Policies 6 and 9; and
 - v.) If within the National Forest, it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21.
- 8.30. Policy DM10 of the SADMP requires new development to complement or enhance the character of the surrounding area with regards to scale, layout, density, mass, design, materials, and architectural features.
- 8.31. 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.
- 8.32. In accordance with the LSA, any new development should be sensitively sited, seeking to avoid significantly affecting areas of strong rurality or tranquillity and rural character, and ensure new development responds sensitively to the rural context.

- 8.33. The site is located within the open countryside, outside of the settlement boundary and is therefore considered in conflict with Policy DM4 of the SADMP in principle.
- 8.34. In comparison to the design of the allowed appeal decision of full planning application 21/01305/REM, several amendments have been made including the redesign of all five properties, and their relocation further back from the public from the highway.
- 8.35. Whilst Plot 1 has experienced some reductions in scale and size, Plots 2 and 3 are considered to have minimal decreases in scale and size, and Plots 4 and 5 have significantly increased in scale and size.
- 8.36. Subsequently, all five dwellings range between 7.2 metres and 9.3 metres in height, which is up to a metre larger in height than the previously approved design, and between 80.3 square metres and 286.4 square metres in their external footprint. These dwellings are significantly larger than the Parish Hall, and the residential bungalows to the west.
- 8.37. Whilst the scheme is more modern in design in comparison to the previously allowed development, the proposal still utilises features such as gabled roofs, brick detail courses, plain ridge chimneys, brick elevations, and occasional bay windows on the ground floor, which are all common features within the Witherley Conservation Area and the character of the surrounding area.
- 8.38. Although the exact materials have not been confirmed at this stage, this can be secured via condition to ensure that the appropriate materials such as blue clay tiles or slate roof coverings are utilised alongside an acceptable brick finish to preserve and enhance the character of the surrounding area.
- 8.39. Ultimately, the scheme infills the gap in development at the edge of the village, which reduces the site's positive contribution to its rural setting. However, the scheme's effect on medium and longer distance views is considered to be limited or minimal due to the screening effect of surrounding built or natural form and to the limiting effect of the relatively flat topography on visibility from greater distances. It is therefore considered that landscape harm arises, in the main, from the loss of the site's spacious and rural character to development. Once built, a somewhat urbanised appearance is likely to arise from the development's closely spaced buildings. Nevertheless, the site's context includes dwellings within Witherley that are relatively closely spaced, so the scheme is not considered to appear so incongruous within its setting as to be unacceptable in this regard.
- 8.40. In addition, the development is likely to be highly visible to users of Public Right of Way T28 where it passes through the field behind the site and from the corner of the adjacent field. However, these views are considered to be partially screened behind Chapelfield House and vegetation within more distant views from the Public Right of Way where it crosses fields to the south-east of the site. Whilst hedgerow planting is proposed and is likely to offer some softening to the development's visual effect, it is not considered that such planting is likely to overcome the effect of the loss of the site's spacious and rural appearance. Consequently, the development is not considered to contribute to, nor enhance the natural or local environment.
- 8.41. Nevertheless, the scheme utilises a linear layout, which accords with the characteristic settlement patterns of linear villages identified in the LCA. Therefore,

although the scheme does result in the loss of the spaciousness and rural character of the site, the extent of this harm is reduced by its limited scale and linear pattern.

- 8.42. The development is not within the identified settlement boundary of Witherley, in the open countryside, which is likely to result in harm to the character of the area in principle. Moreover, the design of this scheme is considerably larger than the design of the properties within the allowed appeal decision of 21/01305/FUL, which is likely to result in harm to the spacious and rural character of the site.
- 8.43. However, given existing urbanised and closely spaced residential development is within the site's context to the west, and due to the scheme's linear layout, the harm caused by the proposal is not considered to be unacceptable. Moreover, the extent of the harm to the character of the area is considered to be largely limited from medium-to-long distance views of the site due to the screening effect of surrounding built or natural form and to the limiting effect of the relatively flat topography on visibility from greater distances. Therefore, the limited localised harm of the development must be weighed against the benefits of the scheme in the planning balance.

Impact upon Residential Amenity

- 8.44. Section 8 of the NPPF requires planning policies and decisions to promote healthy, inclusive and safe places. Paragraph 130(f) of the NPPF requires planning policies and decisions to ensure that developments 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.
- 8.45. 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.
- 8.46. In accordance with National Policy, Policy DM10 of the SADMP requires that proposals do 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.
- 8.47. Paragraph 187 of the NPPF states that planning decisions should ensure that new development can be integrated effectively with existing community facilities and that existing facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. This is supported within Policy DM25 of the SADMP, which states that the Council will resist the loss of community facilities.
- 8.48. 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.
- 8.49. It is not considered that the provision of five dwellings in this location results in a significant adverse impact on neighbouring properties in relation to noise pollution.

- 8.50. There is thick vegetation between the development and the residential property to the east. Existing outbuildings are also present within the neighbouring residential dwelling's occupancy that are between the property and the application site. There is only one window on the western side elevation of the existing residential property, which is not considered to be a principal habitable window. Given the above, it is not considered that the development results in significant adverse harm to the residential amenity of the existing residential dwelling to the east of the site.
- 8.51. To the west of the application site is Witherley Parish Hall. As this is a community building, this is not considered to be impacted by significant adverse harm in relation to residential amenity. There are no windows on the western side elevation of Plot 1, and therefore the development is not considered to result in any loss of privacy to either the occupants of Plot 1, or the Parish Hall.
- 8.52. Within the current planning application, Plot 1 has been relocated so it is now 14.3 metres east of the Parish Hall. It has been highlighted by the Applicant that this distance is further than the separation distance between 38 Chapel Lane and the Parish Hall, which is only 9.3 metres at the front of the property, and 13.6 metres towards the rear of the property.
- 8.53. As per the recent Appeal Decision of 21/01305/FUL, the Parish Hall's schedule of events indicated that it is booked to host a limited number of regular classes per week during March 2024 including craft and exercises classes. Notwithstanding this, the hall is available for hire and has no restrictions on its hours of use, so that it could hold functions which include amplified music late into the night.
- 8.54. The Applicant's Noise Impact Assessment (NIA) sets out guidance from the relevant British Standard (BS) for acoustic requirements within buildings. The assessment records the results of a survey carried out at the development site for five days in June 2021. No large events took place at the Parish Room over that period, and COVID-19 restrictions in force at that time would have prevented these. Measured sound levels over the period at the proposed location of the garden to Plot 1 achieved the BS criteria without further mitigation, in typical conditions.
- 8.55. The assessment anticipates some noise break-out from the Parish Room during live music events, particularly when windows are open on its eastern and southern elevations. As the property at Plot 1 would lie closest to the parish room, it would be most affected by such noise. Archive data on the levels of noise from venues during a live pop/rock band performance and a disco was used, as no such events occurred at the hall over the measurement period.
- 8.56. The assessment recommends that all habitable rooms which directly overlook the Hall should have an appropriate acoustic rated glazing system and alternative means of ventilation to control external noise break-in during occasional music events at the venue. The assessment does not discuss whether the sound levels in the garden to Plot 1 would be acceptable during such events, or whether mitigation would consequently be required, in any detail.
- 8.57. Consequently, it is likely that noise levels in the garden to Plot 1 would exceed the British Standard limits if windows at the Hall are open and amplified music is being played at an event. In spite of this, based on the current use of the Parish Hall and given the small size of the Parish Hall and its modest off-street parking provision, the frequency of social functions with amplified music being hosted at the Parish Hall is likely to be limited. In addition, the Applicant's Freedom of Information request has confirmed that no noise related complaints have ever been received in

relation to activities being undertaken from the Parish Hall. It is also noted that the Council's Pollution Officer has requested a planning condition to secure a scheme for protecting the proposed dwellings from noise levels from the adjacent Parish Hall prior to the commencement of the development.

- 8.58. In light of the above, it is not considered that events with amplified music of a sufficient volume and duration to cause disturbance to Plot 1 are likely to place frequently enough to have more than a minimal adverse effect on the residential amenity of the future occupiers of the scheme. Furthermore, the planning condition to secure a scheme for protecting the proposed dwellings from noise levels from the adjacent Parish Hall is likely to further reduce this impact.
- 8.59. Nevertheless, this minimal harm to the residential amenity of the future occupiers of Plot 1 should be weighed against the benefits of the scheme in the planning balance.

Flood Risk and Drainage

- 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. This is supported by Policy DM7 of the SADMP, which seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.61. The application site lies within Flood Zone 1 of the Environment Agency Flood Maps and is not shown to be at risk from surface water flooding, although the field beyond the rear boundary of the proposed gardens is liable to flooding from both rivers and surface water, as is the highway to the west of the site.
- 8.62. Severn Trent have not responded to this application; however, they raised no objections to the previous planning application, 21/01305/FUL. It is also acknowledged that the Lead Local Flood Authority and the Council's Drainage Officer did not have objections to the scheme, subject to pre-commencement planning conditions.
- 8.63. Therefore, it is considered that, surface water drainage can be adequately dealt with via planning conditions in these site-specific circumstances. Subject to these planning conditions, the development is considered to be acceptable with respect to flooding and surface water issues, and therefore complies with Policy DM7 of the SADMP, and the NPPF.

Ecology, Biodiversity and Trees

- 8.64. Paragraph 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity. 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.
- 8.65. LCC Ecology have not responded to this planning application, but it was acknowledged within the previous planning application that, whilst there is a net loss in biodiversity on the site itself, the remainder of the field is in the ownership of the Applicant, and additional habitat creation can be secured via planning condition in order to achieve a biodiversity net gain.

- 8.66. The scheme is considered to comply with Policy DM6 of the SADMP, and the requirements of the NPPF, subject to planning conditions in relation to biodiversity net gain.

Planning Balance

- 8.67. 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.
- 8.68. The Council cannot demonstrate a five-year supply of housing land and the housing policies most important for determining the application are out of date. Therefore, it is necessary to consider the 'tilted' balance in accordance with Paragraph 11(d) of the NPPF, where planning permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 8.69. Ultimately, a development of five dwellings has been approved on the site via the allowed appeal decision of full planning application 21/01305/FUL, which is a significant material consideration within this development.
- 8.70. In summary, the development is likely to result in harm to the spaciousness and rural character of the application site. However, this harm is likely to be restricted to short views of the site due to the screening effect of surrounding built or natural form and to the limiting effect of the relatively flat topography on visibility from greater distances. Therefore, and with regard to the allowed appeal decision, this harm is considered to attract limited weight in the planning balance.
- 8.71. In addition, it is not considered that events at the Parish Hall with amplified music of a sufficient volume and duration to cause disturbance to Plot 1 are likely to take place frequently enough to have more than a minimal adverse effect on the residential amenity of the future occupiers of the scheme. Therefore, this harm is also considered to attract limited weight in the planning balance.
- 8.72. On the other hand, it is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, which would support the Borough in providing more housing to achieve a five-year supply of land for housing. Moreover, there are economic benefits associated with the construction of the dwellings and the future occupant's opportunity to act as new customers and employees for local businesses and services. It is considered that these benefits are offered moderate weight within the planning balance. Nevertheless, these benefits when associated with five dwellings are limited, and are not considered to maintain or enhance the local community.
- 8.73. To conclude, the development results in limited harm to the character of the surrounding area and minimal harm to the future occupants of Plot 1 due to the infrequent potential for events with amplified music to be take place within the Parish Hall. However, the scheme also results in limited social and economic benefits. In light of the 'tilted' balance in accordance with Paragraph 11(d) of the NPPF and the significant material consideration of the allowed appeal decision of full planning application 21/01305/FUL, it is not considered that the adverse impacts of granting permission significant and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

- 8.74. Therefore, as the proposal benefits from the presumption in favour of sustainable development, the scheme is considered to be acceptable in these site-specific circumstances.

9. Equality Implications

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

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

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

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

10. Conclusion

10.1 Taking National and Local Planning Policies into account, and regarding all relevant material considerations, it is recommended that planning permission is granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.

11.2 Conditions and Reasons

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

Reason: To comply with the requirements of Section 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 received by the Local Planning Authority as follows:
 - Block Plan 22-124-PL02 (submitted: 29.03.2023)
 - Landscaping Strategy 7642-ASP3-LSP-A (submitted: 29.03.2023)
 - Plot 1 Proposed Floor Plans and Elevations 22-124-PL05-A (submitted: 20.09.2023)

- Plot 2 Proposed Floor Plans and Elevations 22-124-PL06-A (submitted: 20.09.2023)
- Plot 3 Proposed Floor Plans and Elevations 22-124-PL07-A (submitted: 20.09.2023)
- Plot 4 Proposed Floor Plans and Elevations 22-124-PL08-A (submitted: 20.09.2023)
- Plot 5 Proposed Floor Plans and Elevations 22-124-PL09-A (submitted: 20.09.2023)
- Proposed Double Garage 22-124-PL11 (submitted: 29.03.2023)
- Proposed Hard Landscaping Plan PL-03-B (submitted: 01.08.2023)
- Proposed Single Garage 22-124-PL12 (submitted: 29.03.2023)
- Site Location Plan 22-124-PL01 (submitted: 29.03.2023)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. No demolition/development shall take place/commence until a Written Scheme of Investigation (WSI) has been submitted in writing to and approved in writing by the Local Planning Authority. For the land and structures that are included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:
 - The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works.
 - The programme for post-investigation assessment and subsequent analysis, publication & dissemination, and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI.

Reason: To ensure satisfactory archaeological investigation, recording, dissemination, and archiving in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 16 of the National Planning Policy Framework (2023).

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

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

5. If during development contamination not previously identified is found to be present at the site no further development shall take place until an addendum to the scheme for the investigation of all potential land contamination is

submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out prior to the 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. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
- Measures to control the emission of dust, odour, noise, smoke, light, land contamination and dirt during construction; and
 - A procedure for the investigation of complaints.

The approved Construction Method Statement shall state how such controls shall be monitored. The Statement shall be adhered to throughout the construction period for the development.

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

7. Development shall not commence until details of a surface water disposal scheme shall 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, which shall ensure that surface water shall not drain onto the highway at any time after the drainage scheme has been implemented.

Reason: To prevent flooding by ensuring satisfactory storage and disposal of surface water from the site, and to reduce the possibility of surface water from the site being deposited into the highway causing danger to road users in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 14 of the National Planning Policy Framework (December 2023).

8. Development shall not commence until drainage works for the management of surface water on site during construction of the development shall have been carried out in accordance with details which shall have been submitted to, and approved in writing by, the Local Planning Authority.

Reason: To prevent an increase in flood risk, maintain the existing surface water runoff quality, and to prevent damage to the final surface water management systems through the entire development construction phase in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 14 of the National Planning Policy Framework (December 2023).

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

Monday – Friday 07:30 – 18:00

Saturday 09:00 – 14:00
No working on Sundays and Bank Holidays

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

10. During the construction period, none of the trees or hedges indicated to be retained within Section 4.1 of the Tree Survey (submitted: 29.03.2023) shall be cut down, uprooted, or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the local planning authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11. Development above floor plate level shall not take place until a scheme for protecting the proposed dwellings from noise from music at the adjacent Parish Room shall have been submitted to, and approved in writing by, the Local Planning Authority. All works which form part of the scheme shall be completed before any part of the dwellings is occupied, and those works shall be retained thereafter.

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

12. Further to the conclusions and recommendations of the Griffin Ecology Ltd. Botanical Survey and updated Biodiversity Impact Assessment (submitted: 29.03.2023), development above floor plate level shall not take place until details of how a Biodiversity Net Gain on baseline conditions shall be achieved and maintained on the site shall be submitted to, and approved in writing by, the Local Planning Authority. The site shall be maintained and managed in accordance with the approved details thereafter.

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

13. The development hereby permitted shall not be occupied until a Landscape and Ecological Management Plan, including long-term objectives, management responsibilities and maintenance schedules for the development site, shall have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved plan.

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

14. The development hereby permitted shall not be brought into use until a scheme of hard and soft landscaping works, including boundary treatments, for the site, including an implementation scheme, has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be carried out in full accordance with the approved landscaping scheme. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

15. The development hereby permitted shall not be occupied until details of the long-term maintenance of the surface water drainage system within the development shall have been submitted to, and approved in writing by, the Local Planning Authority. The system shall be maintained in accordance with the approved details.

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 Development Plan Document (2016), and Section 14 of the National Planning Policy Framework (December 2023).

16. No development above floor plate level shall commence on site until representative samples of the types and colours of materials to be used on the external elevations of the dwellings hereby permitted have been deposited with, and approved in writing by, the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

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

17. The development hereby permitted shall not be first used until such time as the scheme makes adequate provision for the storage and collection of waste and recycling containers across the site which has been submitted 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.

Reason: To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed

development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

18. The development hereby permitted shall not be occupied until such time as the highway works, access arrangements, visibility splays, parking and turning facilities as shown within the Proposed Highway Works drawing number ADC1306/008 Rev G contained within the Transport Statement (submitted; 20.07.2023) have been implemented in full. Thereafter, these works shall be retained in perpetuity.

Reason: To ensure that vehicles may pass, enter, and leave the site in a slow and controlled manner; to afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network' and that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

19. Prior to installation, the details of any external lighting to be provided in association with the development hereby permitted shall be submitted to, and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation, a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles), and shall be demonstrate that the lighting will not cause harm to bat or their habitats. The details shall be installed, maintained, and operated as approved.

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

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

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (December 2023).

Planning Committee 7th May 2024
Report of the Head of Planning

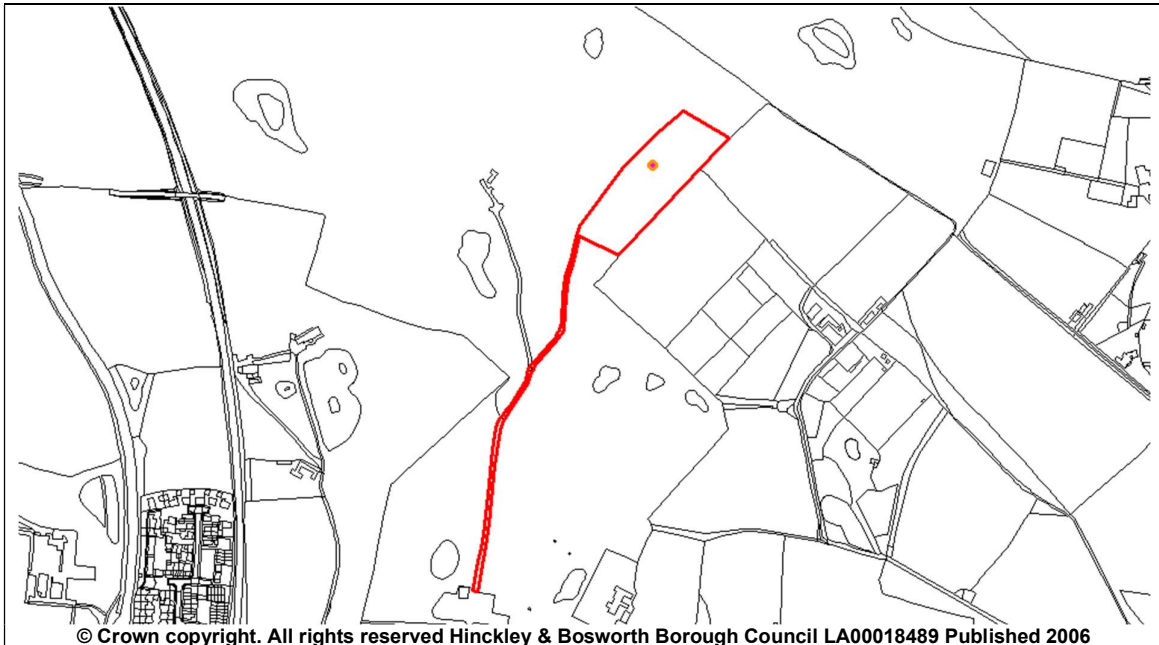
Planning Ref: 24/00027/FUL
Applicant: Statue Homes Ltd
Ward: MB – Cadeby, Carlton, M Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

Site: Kyngs Golf and Country Club, Station Road, Market Bosworth
Nuneaton

Proposal: Erection of 4 golf holiday lodges and associated works



1. Recommendations

- 1.1. That the application be approved subject to:
 - Conditions outlined at the end of the report
- 1.2. That the Head of Planning be given powers to determine the final detail of the conditions.

2. Planning application description

- 2.1. The application seeks planning permission for the construction of four golf holiday lodges and associated works within the grounds of the Kyngs Golf and Country Club.
- 2.2. This application is a resubmission of refused application 21/00195/FUL which was refused permission in December 2022 and was dismissed at appeal in July 2023. The previous scheme sought the construction of 9 holiday cabins with associated parking. Other applications have also been submitted for holiday cabins elsewhere on the site.
- 2.3. This proposal comprises 4 single storey structures with hipped roof feature. The submitted plans show the lodges to be 0.25m off the ground and 9.75m in width.

The lodges are 4.9 metres in total height approx. (taking account of the 0.25m raised position from the ground level).

- 2.4. Each proposed golf holiday lodge comprises two double bedrooms, a bathroom, a sitting room area, kitchen/diner, lobby/entrance hall, cloaks and storage area. Vehicle parking is also shown on the plans for each lodge. Access to the lodges would be via an existing track which runs through the golf course.

3. Description of the site and surrounding area

- 3.1. The application site extends to 1.53 hectares and is located wholly within the existing boundaries of Kyns Golf and Country Club, a 126 acre golf course, on the western edge of the settlement of Market Bosworth.
- 3.2. The application site consists of a section of land along the eastern boundary of the Golf course. The site is relatively open but there is some vegetation cover including a copse immediately to the east, and the topography of land is undulating.

4. Relevant planning history

- 4.1. There is various planning history associated with this site:

92/01068/COU

- Golf club, driving range, club house and maintenance building
- Refused
- 23.07.1997

98/00963/COU

- Proposed golf course and ancillary facilities including club house
- Planning Permission
- 09.11.2000

02/00685/COU

- Proposed golf course and ancillary facilities including siting of club house and associated parking
- Planning Permission
- 30.04.2003

07/01287/FUL

- Erection of greenkeepers store
- Planning Permission
- 21.12.2007

08/00217/FUL

- Retention of slab area
- Planning Permission
- 09.04.2008

08/00365/FUL

- Erection of golf club house, new access and associated parking and management flat

- Withdrawn
- 23.04.2008

08/00750/FUL

- Erection of golf club house, new access and associated parking and management flat
- Planning Permission
- 24.09.2008

13/00272/CONDIT

- Variation of condition 18 of planning permission 02/00685/COU to remove the right hand turn lane and propose other off site highway works.
- Planning Permission
- 17.02.2014

17/00528/FUL

- Erection of multi-functional recreational building, the erection of a golf simulator building, the erection of a golf buggy garage, formation of a new car parking area for 242 vehicles and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping
- Refused
- 15.09.2017

18/00732/FUL

- Erection of multi-functional recreational building formation of a new car parking areas, new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping (Resubmission)
- Refused
- 23.10.2018
- Dismissed at appeal on 24.10.2019

19/00230/FUL

- Change of use of vacant outbuilding to No. 1 holiday lodge and alterations to existing vehicular access onto Station Road to include the extension of the access drive
- Refused
- 18.04.2019
- Allowed at appeal on 24.10.2019

19/01437/FUL

- Erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping
- Planning Permission
- 15.06.2020

21/00195/FUL

- Erection of 9 holiday cabins with associated parking and landscaping
- Refused
- 16.12.2022

21/01473/FUL

- Erection of 9 single storey holiday lodges with vehicle parking and associated works
- Refused
- 18.01.2023

23/00273/DISCON

- Application to discharge condition 13 (contamination) 16 (surface water management) 17 (drainage during construction) 18 (long term maintenance of drainage) 19 (Infiltration) 21 (habitat management plan) 24 (construction management plan) attached to planning permission 19/01437/FUL
- Split Decision
- 30.08.2023

23/00434/DISCON

- Application to discharge conditions 9 (Hard and Soft Landscaping), 10 (Levels), 15 (Land Contamination) and 22 (Footpath Management Plan) of planning application 19/01437/FUL
- Split Decision
- 23.08.2023

23/00508/FUL

- Erection of 9 single storey holiday lodges with vehicle parking and associated works
- Refused
- 18.07.2023

24/00019/FUL

- The proposed erection of a 50x room Golf and leisure accommodation facility with associated works (part revised scheme to that approved under 19/01437/FUL).
- Planning Permission
- 12.04.2024

4.2. Application 21/00195/FUL was refused for two reasons:

1. The proposed scheme would relate to an existing recreation facility outside the settlement boundary of Market Bosworth. The applicant has failed to demonstrate that there is a viable need and justification for the scale and type of development proposed, whilst also failing to evidence that the development would be ancillary to the use of the golf course. It is therefore considered that

the proposed development is contrary to Policy DM1 and DM4 of the Site Allocations and Development Management Policies DPD and Policy 23 of the Core Strategy.

2. The proposed lodges would be sited in a sensitive location outside the settlement boundary of Market Bosworth. By virtue of their scale, layout, siting, and design, the proposal would neither complement nor enhance the character and appearance of the area, and would cause significant harm to the intrinsic value, open character and landscape character of the countryside. Furthermore, the proposal would cause harm to the important view and vista identified within the Market Bosworth Neighbourhood Plan. The proposal is therefore contrary to Policies DM1, DM4, and DM10 of the Site Allocations and Development Management Policies DPD, Policies CE1, CE3, and CE5 of the Market Bosworth NP and Policy 23 of the Core Strategy.
- 4.3 An appeal was submitted but was dismissed. With regards to the first reason for refusal the Inspector stated “I am of the same view as the Inspector that dealt with the previous appeals. More particularly, I find that the principle of holiday cabins would not conflict with Policies 23 of the CS and DM4 a) of the SADMP, subject to compliance with the other requirements of those policies and the development plan as a whole.”
- 4.4 With regards to the second reason for refusal the Inspector stated that: “I conclude, the development would have a significantly harmful effect on the character and appearance of the area including its landscape character. In those regards, the proposal would conflict with the sustainable development, design, character and landscape requirements of Policies DM1 (Presumption in Favour of Sustainable Development), DM4 (Safeguarding the Countryside and Settlement Separation) and DM10 (Development and Design) of the SADMP, Policy 23 (Tourism Development) of the CS and Policies CE1 (Character and Environment) and CE5 (Landscape of the wider parish) of the NP. For the same reasons, the proposal also conflicts with the requirements in the Framework to recognise the intrinsic character and beauty of the countryside and for developments to be sympathetic to landscape setting.”
- 4.5 The Inspector also judged that without any specific tie to the golf course, there would be no guarantee that the holiday cabins would not be a standalone development or that money from the sales would secure the re-instatement of the golf course or delivery of the golf course development. It was therefore difficult to reconcile any economic benefits with the potential reinstatement of the golf course in that regard.
- 5. Publicity**
 - 5.1. This application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
 - 5.2. 24 separate third party and/or neighbour objection letters have been received raising the following concerns (in summary):
 - We feel that any planning considerations should first be contingent upon the total reinstatement of the land to a quality golf course. In addition, Market Bosworth has no need for additional holiday accommodation, having a large hotel, numerous public houses and private houses and a large number of holiday bungalows already providing a surplus of holiday accommodation.

- What is the reason for accommodation being considered? It appears that Golf has become very much the secondary priority for this area of land and that four lodges would only be the beginning once the sod has been cut.
- This has no merit and is completely illogical as there is no provision for a golf course to support this development. This is the wrong way around as the application needs a playable golf course first then holiday lodges could follow.
- The 3 plan documents submitted are very limited in information and do not show the exact position of the proposed lodges which appear to be in open countryside. This is a cynical attempt to build 4 homes in the grounds of a former golf course which is not being maintained. Furthermore, the lack of location detail & plans make it extremely difficult to comment on how this would affect the landscape and should be refused.
- These lodges seem part of a scattered approach to develop the site at any costs and ill thought out. They do not appear to be in keeping with the original focus of developing the golf course as a viable concern.
- A great deal more information is needed if the application was to be seriously considered including where on the course these would be located, as there is no indication in the application.
- There is a pattern emerging here. No work in re-establishing the golf course, but nevertheless a repeated planning applications for a wide range of options, ranging from a new club house to houses on stilts, from a quad of eight holiday cottages to a 50 bedroom hotel. This raises the question, what is the applicant's real objective? Are we really heading for a holiday park?
- The application for the four holiday lodges appears lacking in substance, the drawings of poor quality and the precise location of them not identified on the plans. This then clearly compromises any accurate assessment of the impact of their development on our community.
- I support Bosworth Vision's view that any development should be considered only when a playable golf course has been established.
- I see this as an underhanded attempt to move away from golf course accommodation to the simple use of the site for holiday lets.
- The proximity of the lodges to the golf course could be hazardous to people and vehicles by wayward golf balls.
- The indicative layout suggests they would be highly visible to the public using the footpaths which connect directly with the Leicestershire Round.
- The proposed dwellings are identified as Holiday lodges. All previous applications were for Golf Holiday lodges. This could indicate that the applicant is looking to depart from the use of the land as a golf course by stealth.
- I object on the grounds of the views and vistas on the approach into Bosworth being compromised AND a previous application ruled that there would need to be a viable and playable golf course in situ prior to any associated development. This proposed development is also contrary to the Neighbourhood Plan.

6. Consultation

6.1. No objection has been received from:

- HBBC Conservation Officer
- HBBC Waste Services
- LCC Archaeology
- LCC Highways
- Sport England

- 6.2. Market Bosworth Parish Council/Visionary Group – Object. We have consistently stated there will be support for an application that identifies a sustainable and viable solution which includes a playable golf course at the outset. BVPG has always expressed concerns regarding permitting development of permanent features such as a clubhouse, lodges or cottages in advance, which in themselves cannot guarantee the former golf course will be restored to a playable condition. There is a temporary clubhouse that functioned well and could be utilised until such time as membership and casual players can demonstrate the need for additional facilities. Golf Lodges are certainly a feature of some established courses but until a fully restored course has reached maturity the demand for these features cannot be proven viable and therefore cannot be deemed sustainable development. Kyngs Golf Course was initially developed by a professional golfer with an ambition to establish a challenging 18 hole golf course supplemented by a 9 hole short course. The course had been operational for several years and had started to gain growing membership as the course became established and recognised. However, the golf course apparently encountered financial difficulties and was purchased by the Appellant in 2016. It is understood the existing membership offered to maintain the golf course until the new owners were able to put together ground staff and employees required to enable the course to continue functioning. The offer was refused, and the course has gradually become overrun with dominant grass weeds and wildflowers with no perceptible difference between the fairways, rough, tees or greens. The maintenance of a golf course to ensure it remains viable requires specialist greenkeepers and equipment plus all year-round care and attention. Since changing hands there has been little attempt to reinstate a golf club or course. From the Planning History for the site it can be noted that from 2017 onwards, each application is related to develop holiday accommodation in advance of restoring the golf facility. As previously stated in responses to these previous applications and associated appeals, it is well known that restoration of a golf course is a significant financial and long term project usually requiring with major ground works. Occupants of holiday lodges, a hotel and users of golf club house are incompatible with that level of groundworks and the heavy machinery involved to restore the course when these facilities are in occupation. We are concerned that this proposal for 4 holiday lodges can come forward as a serious application with only three documents, a site location plan, proposed site layout plan and indeterminate sketches of the lodge elevations and interior layout. The site plan does not give any clear indication of precise location. Therefore, it is impossible to comment on how this will relate to the important landscape within the countryside setting. However, the indicative layout suggests they are between public footpaths S68 and S70 and would therefore be highly visible to the public using these footpaths which connect directly with the Leicestershire Round. The proposed dwellings are identified as holiday lodges. This is a departure from all previous applications for Golf Holiday lodges. This could indicate that the applicant is looking to depart from the use of the land as a golf course by stealth. We are also concerned that the application form states that foul sewage is to be disposed by other means than the usual options identified on the form. The application itself gives no indication as to how the foul sewage or in fact other residential waste will be disposed of. The foul sewage aspect is of particular concern given that the imprecise location of the site and the potential distance from other the proposed clubhouse facilities. Wherever these lodges are situated on a golf course there must be concerns about the health and safety of guests who could well be in the firing line of wayward golf balls. There are also indications that guest vehicles will be driven across the golf course along an existing service track to park at the lodges. This in itself poses significant hazards to the vehicle and occupants from stray golf balls, or to pedestrians on the public footpaths from cars on the track or risk to golfers from the vehicles accessing/egressing the holiday lodges. With no

Design and Access statement, no ecological, landscape report or definitive site locations and visualisations it is impossible to comment with any certainty on anything other than the basic concept and the failure of the application to provide sufficient evidence to support the application moving forwards.

- 6.3. The Market Bosworth Society – Object. We are concerned about the effect this application will have on the enjoyment of the vistas set out in the Market Bosworth Neighbourhood Plan. Specifically Vista 11 & 12 possibly also 13. The lodges, raised off the ground would present a negative view when trying to enjoy the established vistas. The application is of poor quality, the Site Layout Plan refers not to a golf course but to managed grassland, this indicates a change of use from a golf course to grassland. The Site Layout also refers to a pathway leading to The Kyngs Golf and Leisure Clubhouse which exists only as a portacabin. The previous application for a Golf and Leisure Clubhouse although successful has lapsed and the building does not exist. There have been numerous attempts to build on this land which is against the wishes of the community as demonstrated in the development of the current Neighbourhood Plan. Development of this side of Station Road was outvoted for developments south of Station Road. There is no business case for 4 isolated holiday lodges. Compared to the Lakeside Lodges to the south and the marina to the west this proposal looks extremely poorly conceived. There are no facilities for any tenant to enjoy. No shop, cafeteria, leisure activity, nothing. The golf course has been allowed to deteriorate to the point where there are no expected assets associated with a golf course, clubhouse, fairways, greens, sand traps/bunkers nothing. The NPPF is against homes in isolated locations. Paragraph 84 of the NPPF 2023 refers. Whilst it refers to homes, these lodges will be temporary homes. If fully occupied they will resemble a home in that people live in them. They are therefore subject to the same conditions. The documentation in support of this application lacks a business case, a heritage statement, an ecological appraisal, design statement, Transport Note, Site Management Plan, etc. The Market Bosworth Society sees no benefit in permitting this application. Should the golf course be brought back into operation and the clubhouse built with associated groundworks and access works we would be prepared to consider our objections. For the time being we remain utterly opposed to this application.
- 6.4. LCC Ecology – Object. I have also consulted Leicestershire and Rutland Environmental Records Centre (LRERC) for existing protected species data and designated sites within the locality, which may incur potential impacts depending on the proposals. This identified that the site falls within a great crested newt 'Impact Buffer Zone' due to the presence of waterbodies and an existing records of this species within close proximity. As a result, impacts upon great crested newts will need to be considered further. The 'Ecological Appraisal' briefing note dated June 2021 submitted as part of planning application 21/00195/FUL is no longer valid due to the time that has lapsed. This is in accordance with standard industry guidelines determined by CIEEM's Advice Note: On the Lifespan of Ecological Reports and Surveys which states that results contained within an ecological report are considered accurate for up to 18 months from issue. This time limit is set due to the potential for habitats to alter naturally over time, which can both positively and negatively impact upon the suitability for protected or notable species. In the event that works do not commence within this time period, an update appraisal should be undertaken by a suitably experienced ecologist with reference to any other preceding ecological reports for the Site. I therefore have a holding objection until updated supporting information has been submitted.

Further response from LCC Ecology received April 2024 – An updated Ecological Appraisal has been provided and is satisfactory. We have no objections subject to suitably worded conditions.

- 6.5. HBBC Environmental Health - Can the applicant confirm that the lodges are raised from the ground (as per the elevations drawing which appears to show a 25cm open gap from the ground level).

The Planning Statement and drawings illustrate that the lodges would be 0.25m off the ground.

- 6.6. Carlton Parish Council – We are concerned that this application, in conjunction with application 24/00026/FUL would establish the principle of dispersed holiday lodge development over this site. Carlton Parish Council objects to this application on the grounds that the proposed lodges are in an isolated position in open countryside, not well related to other built development, and with a long access track which crosses a public footpath. The PC is concerned that no details have been provided as to how foul sewage is to be disposed of. If the LPA should be minded to approve this application, the PC requests conditions that the lodges shall only be occupied as short term holiday lets associated with the proposed club house and hotel, and shall not be occupied until the golf course is fully operational.

- 6.7. LCC Drainage (LLFA) – Further information required. The site area on the planning application form is over 1ha. Therefore, a flood risk assessment is required by NPPF. This should detail the existing flood risk to the site as well as what risk the new development presents, including surface water drainage strategy proposals.

LCC Drainage further response received - Leicestershire County Council as Lead Local Flood Authority (LLFA) notes that the 1.53 ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. Subsequent to the previous LLFA response the applicant has submitted a flood risk assessment and drainage strategy commensurate with the type of development. Leicestershire County Council as the LLFA advises the LPA that the proposed development is considered to be acceptable based on the surface water design provided within the application. The development should be constructed in accordance with the details provided.

7. Policy

- 7.1. Market Bosworth Neighbourhood Plan 2014-2026

- CE1: Character and Environment
- CE3 Important Views and Vistas
- CE5: Landscape of the Wider Parish

- 7.2. The Core Strategy (2009)

- Policy 11: Key Rural Centres Stand Alone
- Policy 23: Tourism Development

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

- Policy DM1: Presumption in favour of sustainable development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment

- Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM24: Cultural and Tourism Facilities
- 7.4. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.5. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Leicestershire Highway Design Guide
- 8. Appraisal**
- 8.1. The following list represents the key issues for assessing this planning application:
- Principle of Development
 - Impact upon Highway Safety
 - Design and Layout
 - Landscape and Visual Impact
 - Impact on Residential Amenity
 - Archaeology
 - Flood Risk and Drainage
 - Ecology and Biodiversity
 - Heritage Impact
 - Planning Balance
- Principle of Development
- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) (December 2023) 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.
- 8.1. 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 Market Bosworth Neighbourhood Plan 2014-2026.
- 8.3. 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.

- 8.4. The application site is situated outside any defined settlement boundary and is therefore within the countryside. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development. Policy DM4 identifies several criteria outlining where development in the countryside will be considered sustainable.
- 8.5. Policy DM4 of the SADMP identifies that development in the countryside will be considered sustainable where proposed development 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; subject to it meeting further detailed criteria.
- 8.6. However, Policy DM4 of the SADMP identifies that a proposal which significantly contributes to economic growth, job creation and/or diversification of rural business could be acceptable subject to meeting other criteria. It is accepted that the proposed development and use would result in a degree of economic growth as part of the construction process and ongoing use of the lodges, as part of the Golf course's overall offer to users of the site.
- 8.7. The application site is not designated within the Site Allocations and Development Management Policies DPD, it is however identified within the Market Bosworth Neighbourhood Plan (MNP) as a Leisure and Tourism facility. Policy DM24 of the SADMP seeks to resist the loss of or change of use of cultural and tourism facilities, and redevelopment or loss of cultural and tourism facilities would only be appropriate where it can be demonstrated that:
 - The existing facility can no longer operate in a viable manner and all attempts of diversification have been exhausted; and
 - The facility cannot be retained through voluntary, charitable or community organisations or ventures, with the exception of strategic hotels; or
 - The proposal would result in an appropriate replacement cultural, tourism and leisure resource which fulfils the requirements of Core Strategy Policy 23; or
 - The loss of a small portion of the site for alternative uses would result in enhanced facilities for culture and tourism on the remainder of the site.
- 8.8. Policy 11 of the Core Strategy seeks to support the development of the tourism industry within Key Rural Centres Stand Alone, for which Market Bosworth is considered to be. Policy 23 of the Core Strategy encourages tourism development, including accommodation where it meets the following criteria:
 - The development can help to support existing local community services and facilities: and
 - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping: and
 - The development adds to Hinckley & Bosworth's local distinctiveness:
 - Complements the tourism themes of the borough: and
 - The development adds to the economic wellbeing of the area.
- 8.9. Permission was granted under planning application reference 19/01437/FUL for the erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas

and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping. This permission has been confirmed to have commenced by the Council's enforcement team in June 2023 and is therefore an extant permission. Permission has also very recently been granted under planning ref 24/00019/FUL for the extant courtyard building of 6x self-catering units to be altered to a 50x room accommodation facility in close proximity to the Golf Clubhouse.

- 8.10. In light of the appeal decision for application 21/00195/FUL the position of the local planning authority is that the proposed lodges would need to be linked to the re-opening and ongoing operation of the existing golf course for the LPA to consider that the proposal complies with the Development Plan in principle and for associated economic benefits attributed to this link to be realised. The recognition of the site as a Tourism and Leisure facility in the Market Bosworth Development Neighbourhood Plan (MBDNP) is on the basis that the site operates as a golf and country club, not for holiday lodges within a small, remote and isolated section of the site. To ensure that the proposed accommodation is linked to the golf course it is considered that a condition could be imposed in this instance which stipulates that the accommodation could only be brought into use once the 18 hole Golf course is reinstated and in use and the Clubhouse is fully operational (extant permission 19/01437/FUL).
- 8.11. Given that the Enforcement Team at HBBC have confirmed that development has commenced on site and permission 19/01437/FUL is now extant, the principle of accommodation for 'golfing holiday' purposes is considered to be compatible with the extant permission 19/01437/FUL (Erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping).
- 8.12. Recent appeal decisions also state that the principle of holiday accommodation within this location is acceptable given that the Kyngs Golf and Country Club is identified as a tourism and leisure facility within the Market Bosworth Neighbourhood Plan.
- 8.13. However, this is subject to the proposal being acceptable with respect to all other material planning considerations, as set out below.

Impact upon Highway Safety

- 8.14. 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)).
- 8.15. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.16. Paragraph 115 of the NPPF (2023) 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 116 (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.

- 8.17. The local highway authority have responded to say that they are satisfied the existing access arrangement would be acceptable to cater for the proposed level of traffic that could potentially be generated by the provision of four golf holiday lodges on site. Furthermore, the LHA have information on record that speeds along Station Road are faster than the posted speed for the road (30mph). The LHA have undertaken its own assessment and have concluded that visibility splays for the recorded 85th percentile speeds of the road can be achieved entirely within the highway in accordance with Table DG4 of Part 3 of the Leicestershire Highway Design Guide. The LHA note there have been two Personal Injury Collision's (PIC's) within 500 metres on either side of the site access within the last five years which were recorded as being 'slight' in severity. Therefore the LHA are satisfied that there are no spatial trends / patterns in the data, and, there are no new highway safety issues that would be introduced into the vicinity of the site contrary to the National Planning Policy Framework (December 2023).
- 8.18. The LHA have also reviewed the 'Site Layout Plan', which demonstrates the provision of three off-street parking spaces to serve each two bedroom holiday lodge. The LHA confirms this accords with the requirements specified in the 'Highway Requirements for Development.
- 8.19. Taking all the above into consideration, the LHA would not seek to resist the proposals subject to a condition relating to parking and turning facilities for the lodges.
- 8.20. This application is considered to be acceptable with respect to highway safety, traffic and access considerations and is therefore in accordance with Policies DM10, DM17 and DM18 of the Site Allocations and Development Management DPD (2016) and the requirements of the NPPF.

Design and Layout

- 8.21. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and that the use and application of building materials respects the materials of existing adjoining/neighbouring buildings and the local area generally.
- 8.22. Paragraph 135 of the NPPF states that planning decisions should ensure that development is visually attractive as a result of good architecture, layout and appropriate and effective landscaping.
- 8.23. The proposal comprises 4 single storey structures, each with a hipped roof feature. The submitted plans show the lodges to be 0.25m off the ground and 9.75m in width. The lodges are 4.9 metres in total height approx. (taking account of the 0.25m raised position from the ground level).
- 8.24. Each golf holiday lodge would comprise two double bedrooms, a bathroom, a sitting room area, kitchen/diner, lobby/entrance hall, cloaks and storage area. Vehicle parking is also shown on the plans for each lodge. Access to the lodges would be via an existing track which runs through the golf course.
- 8.25. Policy 23 of the Core Strategy encourages tourism development, including accommodation where it meets the following criteria:

- The development can help to support existing local community services and facilities: and
 - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping: and
 - The development adds to Hinckley & Bosworth's local distinctiveness:
 - Complements the tourism themes of the borough: and
 - The development adds to the economic wellbeing of the area.
- 8.26. This proposal has been submitted further to a refusal by the LPA for 9x holiday lodges. In a previous appeal (which was dismissed by the Planning Inspector ref 21/00195/FUL,) the proposed cabins/lodges comprised a very contemporary geometric design and were proposed to be extensively glazed. Each of the proposed buildings would have had a large footprint and their elevations included upper floor elements. In contrast, this application has reduced the number of lodges from 9 to 4, the structures are single storey in proportion, do not feature upper floor elements, are not a contemporary design but more modest, sympathetic units comprising natural materials.
- 8.27. The 4x single storey holiday golf lodges are proposed to be located on the eastern edge of the application site adjacent to a copse. The application form sets out that the proposed lodges would comprise cedar boarding, with cedar roof shingles and timber windows and doors. Details/samples of the materials can be conditioned to be submitted to and approved in writing by the local planning authority to help further ensure quality, colour and appropriateness for the site.
- 8.28. In design terms, it is considered that 4x single storey holiday golf lodges comprising natural materials are acceptable and accord with Policy DM10 of the SADMP and the requirements of the NPPF.
- Landscape and Visual Impact
- 8.29. The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Paragraph 180 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 180(a) states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes (in the manner commensurate with the statutory status or identified quality in the development plan) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.
- 8.30. Policy DM4 of the SADMP seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside, and protect its intrinsic value, beauty, and open character.
- 8.31. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.32. The Market Bosworth Neighbourhood Development Plan (MBNDP) was made in 2015 and therefore full weight is afforded to relevant policies within the Document. The Market Bosworth NDP, identifies the site as falling within Character Area A, and describes the site as follows:-

“A large, landscaped 126 acre site forming an 18 hole golf course and associated facilities. The course spans north to the parish boundary of Carlton”

- 8.33. The Market Bosworth NDP describes the character as:
1. Open landscape features including open bodies of water and green countryside landscape
 2. Large wide open aspect (within individual sites)
 3. Outdoor leisure pursuits including water based activities
 4. Heritage
- 8.34. Policy CE1 seeks to ensure that all new development within the Neighbourhood Plan area of Market Bosworth should in keeping with its Character Area with regards to scale, layout and materials. Policy CE3 of the Market Bosworth NDP (Important Views in Vistas) seeks to restrict development which would harm important views and vistas as defined in the NDP. The proposal falls directly within defined Character Area A. Policy CE5 of the Market Bosworth NPD identifies that development outside the settlement boundary will be permitted for sport or recreation where it does not cause harm on the landscape or biodiversity of the countryside.
- 8.35. The application site is identified within the Market Bosworth NDP as the Kyngs Golf Course as providing and contributing to the approach into Market Bosworth from the west along the B585. The Market Bosworth NDP identifies this view as being important because it shows how close the countryside is to the built form of the village and the fact that the settlement sits on an open wooded hilltop. The site also forms an important vista due to its extensive views of north west Leicestershire.
- 8.36. Local objectors and the Parish Council have raised concerns about the impact the proposed lodges would have on the important vistas and views identified within the Market Bosworth Neighbourhood Plan.
- 8.37. Policy 23 of Core Strategy seeks to ensure that development relating to tourism is of a design and scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping.
- 8.38. The application site is situated within Landscape Character Area C, Bosworth Parkland as identified within the Landscape Character Assessment (LUC, 2017). Key characteristics of this area are of rolling farmland and parkland with gentle slopes which rise and fall reaching a high point around the town of Mark Bosworth. The golf course comprises of approximately 48 hectares of former agricultural land situated within the countryside. Due to the nature of a golf course the agricultural landscape has been altered however over time this has matured into the landscape and retains the open and verdant nature of the countryside.
- 8.39. The landscape is not valued at a national or regional level, but it is given local importance within the MBNDP due to important vistas and views from the site of north west Leicestershire.
- 8.40. The public rights of way S68 and S70 lie to the north and south of the application site for the proposed golf holiday lodges. Views of the lodges and parking areas would be visible from points along these footpaths given that the footpaths cross the golf course there is no substantial screening from these footpaths towards the site. The views from these footpaths are currently of the undulating golf course to the south, open countryside to the north, sporadic woodland copses in all directions,

and existing small-scale buildings adjacent to the site and to the south west. Wider views from surrounding public vantage points are largely restricted due to the existing topography of the site and the location of the site relative to access points. Views of the site from the west and north are obscured by the copse which would help to shield the lodges from these viewpoints. It is therefore considered that the views of the proposed lodges would be localised to users of the footpaths S68 and S70.

- 8.41. The location of the proposed lodges are approximately 0.7km northeast of Station Road and situated on the edge of the site and in part shielded from view by a copse of trees to the east. Concerns have been raised that the lodges would be isolated and remote from services in Market Bosworth, and highly reliant on the use of private motor vehicles. It is acknowledged in recent appeal decisions that an inherent aspect of holiday lodges is that they are located away from built-up areas as their attraction lies in factors such as a quiet environment and proximity to nature and countryside views. However, it is also noted that the proposed golf holiday lodges are to be located within an area allocated within the Market Bosworth Neighbourhood Plan for tourism and leisure purposes and users of these lodges would be able to access the facilities provided on site that have been given permission e.g. the Golf Clubhouse. It is also noted that this site is the nearest tourist/leisure facility to the town and in previous appeals on site the Inspector has not considered this to be an 'isolated site'.
- 8.42. The introduction of 4x single storey timber structures to the eastern side of the golf course is not considered to adversely alter the character and verdant nature of the site, particularly given the scale and size of the golf course taken as a whole. It is considered that with the existing landscape features on site, and, a proposed landscape condition as part of any permission granted, the lodges would be screened to an acceptable degree to help soften and mitigate their overall appearance against the backdrop of the golf course and wider countryside beyond. The use of natural materials proposed for the lodges (timber/cedar) would also very much help to blend the lodges into the countryside setting which again would further soften and alleviate any minor impacts on the vistas/views across the golf course.
- 8.43. Whilst previous appeal decisions for holiday lodges have been dismissed on landscape impact, these decisions related to a greater number of contemporary, larger lodges with upper floor elements and glazing features. This application seeks to minimise the height, scale and number of lodges, and also takes account of the need for the lodges to be designed sensitively and sympathetically in order to account for their location and impact on vistas and views across the golf course. The reduced number of lodges would also result in the reduction of the associated hardstanding and car parking areas which are considered to be urbanising features in the landscape. Previous applications for a larger quantum of lodges in this location (and other isolated parts of the site) would have resulted in larger areas of hardstanding and parking with up to 18 parked vehicles at full capacity. The reduction to four lodges minimises this impact, and when combined with the reduced scale, sensitive design, and reduction in quantum in lodges, would result in an acceptable landscape and visual impact in this case.
- 8.44. The proposal overall is therefore considered to have a localised and limited impact with respect to landscape and vistas and subject to a landscape condition is considered to be acceptable in this regard and in accordance with development plan policy.

Impact upon Residential Amenity

- 8.45. 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.
- 8.46. Paragraph 135(f) 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.
- 8.47. Paragraph 191 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.
- 8.48. The Environmental Health Officer asked for clarification regarding the proposed lodges being raised off the ground. Formal clarification has been provided by the applicant and the drawings as submitted show the proposed lodges to be 0.25 metres off the ground level.
- 8.49. The golf lodges are considered to be sited a suitable distance from existing, neighbouring residential properties to ensure that privacy and noise would not be adversely affected by the proposals.
- 8.50. A large number of local objections have been received in respect of this application. Some objectors raise amenity concerns in respect of the proposed proximity of the lodges to the golf course which could be hazardous to people and vehicles by wayward golf balls. This is not considered to be a pertinent amenity consideration and users of a golf holiday lodge would be visiting and staying in accommodation with the full knowledge that they are located within a golf course and to be on alert and aware of potential golf ball hazards. The same could also be said for users of the public rights of way across the golf course. Being aware of potential golf balls would be common knowledge given you are walking through/visiting a golf course.
- 8.51. This application is therefore 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.

Archaeology

- 8.52. 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 200 of the NPPF also reiterates this advice.
- 8.53. In line with the National Planning Policy Framework, 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 200 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.

- 8.54. LCC Archaeology have been consulted on the application. They have responded to say that having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), they do not believe the proposal will result in a significant direct or indirect impact upon the archaeological interest or setting of any known or potential heritage assets. The application therefore warrants no further archaeological action (NPPF Section 16, para. 200-201). The application is therefore considered to accord with Development Plan Policy and the requirements of the NPPF.

Flood Risk and Drainage

- 8.55. 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.
- 8.56. Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.57. The 1.53 ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding. HBBC Drainage and the LLFA have been consulted on the proposal.
- 8.58. The applicant has submitted a flood risk assessment and drainage strategy commensurate with the type of development. The LLFA advises that the application is acceptable based on the surface water design details provided within the application. The development should be constructed in accordance with the details provided.
- 8.59. Subject to the suggested conditions, the development is considered to satisfy Policy DM7 of the SADMP and the NPPF with respect to drainage and flooding matters.

Ecology and Biodiversity

- 8.60. 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 180 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.
- 8.61. LCC Ecology initially responded to say that the site falls within a great crested newt 'Impact Buffer Zone' due to the presence of waterbodies and an existing records of this species within close proximity. As a result, impacts upon great crested newts will need to be considered further. The 'Ecological Appraisal' briefing note dated June 2021 submitted as part of the planning application is no longer valid due to the time that has lapsed. This time limit is set due to the potential for habitats to alter naturally over time, which can both positively and negatively impact upon the suitability for protected or notable species. Further information was sought from the applicant in this regard.
- 8.62. An updated Preliminary Ecological Appraisal was subsequently submitted by the applicant and the Ecology team at LCC were re-consulted. The Ecologists consider the report to be satisfactory. The assessment identified that the proposed development site is of no significant ecological significance and no further surveys are considered to be required prior to the determination of the planning application.

There have however been recommendations made within the report for precautionary measures in relation to vegetation clearance and construction phases, along with provision of ecological enhancements which the LCC Ecology Team consider can form a suitably worded planning conditions.

- 8.63. As such, it is considered that subject to the proposed conditions, the proposals meet the requirements of Policy DM6 of the SADMP with respect to ecology matters, as well as Paragraph 186 of the NPPF (2023).

Heritage Impact

- 8.64. 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.

- 8.65. 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.

- 8.66. There are designated heritage assets located within a proportionate study area from this application site including the Ashby Canal Conservation Area which is c.700m west of the site and the Market Bosworth Conservation Area which is c.900m south-east of the site. The Market Bosworth Conservation Area includes a large number of listed buildings with the tower and spire of St. Peter's Church, which is a grade II* listed building, being a prominent feature within the historic settlement core and the surrounding rural landscape.

- 8.67. There are no designated heritage assets located within the application site. There is no particular or key inter-visibility between the application site and any of the designated heritage assets identified above due to the presence of built form, vegetation and topography, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and due to the form of the proposal it is considered that none of the designated heritage assets would be sensitive to or affected by an appropriate form of development within the application site.

- 8.68. The Conservation Officer does not object to the proposal on heritage grounds. It is therefore considered that the proposal will have no effect upon the significance of

any designated heritage assets and is compliant with Development Plan Policy with respect to heritage considerations.

Planning Balance

- 8.69. 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.
- 8.70. The site is identified within the Market Bosworth Neighbourhood Plan (MBNP) as a Leisure and Tourism facility.
- 8.71. The proposal for holiday accommodation is therefore compatible with Development Plan policy including the Market Bosworth Neighbourhood Plan.
- 8.72. Whilst impact on the visual and landscape character of the area is a material consideration it is considered in this instance that the proposal as submitted addresses the previous concerns raised and the single storey, minimal number of lodges proposed would have a localised and limited impact on the vistas and views. The scheme is not considered to adversely alter the character and verdant nature of the site, particularly given the scale and size of the golf course taken as a whole. It is considered that with the existing landscape features on site, and, a proposed landscape condition as part of any permission granted, the lodges would be screened to an acceptable degree to help soften and mitigate their overall appearance against the backdrop of the golf course and wider countryside beyond.
- 8.73. There are no other material considerations to warrant refusal of this application and subject to the conditions set out below the application is therefore recommended to Members for approval.

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:

- Planning conditions outlined at the end of this report.

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

11. 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 (1) of the Town & Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan; received January 2024
- Proposed Site Layout Plan - HMDPD/0534/02 received January 2024
- Proposed Plans & Elevations - Drg No. HMD/PD/0534/01 received January 2024

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF 2023.

3. Prior to the commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be 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 DPD 2016 and the requirements of the NPPF 2023.

4. Prior to first use of the development hereby approved, works to reinstate the 18-hole golf course including, drainage, fairways, greens, tees and bunkers shall be completed and brought into use.

Reason: To ensure the retention and operation of the Golf Course as a leisure facility to accord with Policy DM24 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. Notwithstanding the provisions of Classes C1 of the Schedule of the Town and Country Planning (Use Classes) Order 1987 or any change of use by any subsequent order, the holiday units hereby approved shall be occupied as holiday accommodation only and for the avoidance of doubt they shall not be

occupied as permanent, unrestricted accommodation or a principal or primary place of residence.

Reason: This is development which is only permitted at this location because it provides holiday accommodation. This needs to be carefully controlled to accord with Policy 23 of the Core Strategy.

6. No person shall occupy any part of the accommodation for a period exceeding four weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up to date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection on demand by an authorised officer of the Council.

Reason: The site of the permission is outside any area where planning permission would normally be forthcoming for residential development and is permitted only as a dwelling for holiday purposes in the interests of contributing to tourism and the economy of the area and to ensure compliance with Policy DM4 of the adopted Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF 2023.

7. No construction work shall take place at the site outside the hours of 0730 to 1800 Mondays to Fridays, 0730 to 1300 Saturdays and no construction work shall take place at any time on Sundays or Bank Holidays.

Reason: To protect the amenities of nearby residents according with Policies DM10 and DM24 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF 2023.

8. No development shall commence on site until such time as the existing and proposed ground levels of the site have been submitted to and agreed in writing by the local planning authority. The development shall then be implemented in accordance with the approved details.

Reason: To ensure that the development has a satisfactory appearance and in the interests of visual amenity in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF 2023.

9. No floodlighting or external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). 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 safeguard the appearance of the area and/or the amenities of neighbouring dwellings according with Policy DM4, DM7 and DM10 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF 2023.

10. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Proposed Site Layout Plan - HMDPD/0534/02. Thereafter the onsite parking (and turning) provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the NPPF 2023.

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

Reason: To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming hazardous for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area according with Policy DM18 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF 2023.

12. No development shall commence on site until such a time as a construction environmental management plan has been submitted to and approved in writing by the local planning authority. In discharging this condition, the LPA expect to see details concerning pre-commencement checks for protected species (detail as appropriate, e.g. badgers, bats, breeding birds) and appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The details to be submitted should also include details on how the neighbouring woodland identified as a LWS will be protected throughout construction. The agreed Construction and Environmental Management Plan shall thereafter be implemented in full.

Reason: To ensure that protected species and areas of ecological value are not harmed by the development, in accordance with Policy DM6 and Section 15 of the National Planning Policy Framework (2023)

13. No development shall commence on site until a low impact lighting strategy is submitted to and approved by the Local Planning Authority for the site during and post-development, which will include the measures as set out in the Preliminary Ecological Appraisal March 2024.

Reason: To ensure that protected species and areas of ecological value are not harmed by the development, in accordance with Policy DM6 and Section 15 of the National Planning Policy Framework (2023).

14. No development shall commence on site unless and until the following Reasonable Avoidance Measures (RAMs) are carried out under the supervision of a licenced Great Crested Newt ecologist:

- All site contractors are to be inducted through a Toolbox Talk hosted by a suitably qualified ecologist on the presence of great crested newts and

their legal protection. All contractors are to sign the Toolbox Talk and agree to the proposed RAMs;

- A designated working area will be maintained to minimise total working area (limited to the access track itself), which will be marked out by the ecologist (where necessary). A fence and/or sign will be situated to mark the working areas to ensure no contractors and vehicles do not enter areas which have not been checked for great crested newts.
- Any vegetation on site to be cleared should first be strimmed to approximately 15 cm and left overnight, allowing any animals the chance to naturally disperse from site. A fingertip search of any vegetated areas should then be undertaken to check for the presence of great crested newts.
- Once the ecologist has declared all areas of potential for great crested newts have been checked, the proposed works can continue unsupervised.
- Storage of materials is to be on pallets i.e. raised off the ground and on areas of hard standing or tarmac. No materials to be stored on vegetation.
- All working areas are to be maintained as bare ground or hardstanding throughout the construction phase.
- All open pits and pipes are to be covered during the night, with a check for presence of amphibians conducted prior to covering.
- If excavations are exposed and/or created, a slope will be positioned within the excavation to allow amphibians and mammals to escape should they fall in.
- Under no circumstances should site contractors attempt to handle great crested newt.
- Ecologist to undertake a site visit upon completion of works to confirm that the works have been undertaken using the above risk avoidance measures and that habitats have been restored.
- Should a great crested newt be located during the RAM's, all works must cease immediately, your ecologist notified where applicable (an email, text, or voicemail is not sufficient), and Natural England contacted for advice. No great crested newt is to be handled and the refugia is to be placed back to provide suitable cover.

Reason: To ensure that protected species and areas of ecological value are not harmed by the development, in accordance with Policy DM6 and Section 15 of the National Planning Policy Framework (2023).

15. 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 2023.

16. Prior to occupation of the development hereby approved details of the provision of bat and bird boxes and insect hotels shall be submitted to and approved in writing by the local planning authority. The approved details shall

be implemented prior to first use of the accommodation and shall be retained as such thereafter.

Reason: To help encourage wildlife species and their habitats in accordance with Policy DM6 of the Site Allocation and Development Management Policies DPD 2016 and Section 15 of the National Planning Policy Framework (2023).

17. The development hereby permitted shall only be carried out in accordance with the drainage details set out in the submitted Flood Risk Assessment received by the local planning authority on 20 March 2024.

Reason: To help prevent flooding and maintain surface water runoff quality in accordance with Policy DM7 of the Site Allocations and Development Management Plan DPD 2016 and the requirements of the NPPF 2023.

18. Prior to commencement of development a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall be carried out in full accordance with the approved details prior to occupation of the development. The soft landscaping shall be maintained for a period of 5 years from the date of planting. During this time, any trees or shrubs which die or are damaged, removed or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted.

Reason: To ensure the development has a satisfactory external appearance in accordance with Policy DM4 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF 2023.

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Planning Committee 7th May 2024
Report of the Head of Planning

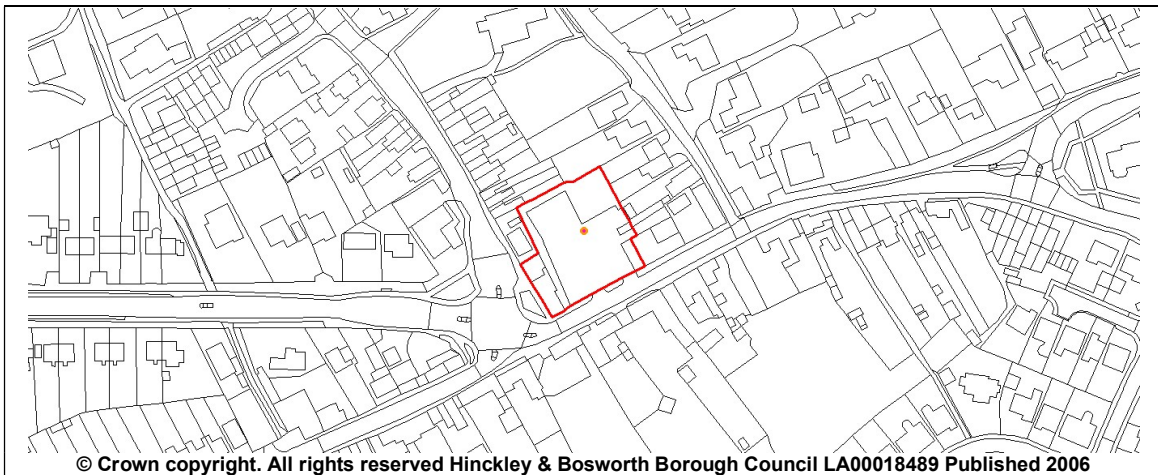
Planning Ref: 23/00711/FUL
Applicant: Everards Brewery Ltd & The Central England
Cooperative Ltd
Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: The Blue Bell Inn 39 High Street Desford

Proposal: Change of use from Café (Class E (b)) and residential (Class C3) to convenience foodstore (Class E (a)), construction of single storey side extension, two storey and single storey rear extension (following the demolition of existing single-storey element to rear of 37 High Street/2A Main Street and store to rear of public house) with associated landscaping and other works



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.
- That the Head of Planning be given powers to determine the final detail of the conditions.

2. Planning Application Description

2.1. The application relates to a change of use and demolition/extensions on Land at The Blue Bell Inn (39 High Street) comprising its associated car park, and No's 37 High Street, Desford, Leicester.

2.2. The proposals comprise of the following elements;

- Demolition of existing single-storey element to rear of 37 High Street/2A Main Street;
- Demolition of store to rear of public house;
- Change of use from Café (Class E(b)) and Residential (Class C3 [37 High Street]) to Convenience Foodstore (Class E(a));

- Erection of single-storey side extension to 37 High Street/2A Main Street;
 - Erection of two-storey rear and single-storey rear extensions to 37 High Street/2A Main Street;
 - Alterations to the access, existing car park [increase from 33 to 38 parking spaces] and beer garden, and
 - Public realm and landscaping
- 2.3. The proposed convenience store will have a gross area of 564m², with a sales area of 276m². This is below the threshold of 280m² established by the Sunday Trading Legislation and will therefore be able to trade on an unrestricted basis on Sundays as it constitutes a “small shop”. The associated ground floor back of house area extends to 120m².
- 2.4. A single-storey (originally proposed to be two-storey) side extension is proposed to the northern elevation of 2A Main Street, with a single-storey rear extension proposed across the width of both buildings. This extension would house the delivery area, storage, and staff facilities.
- 2.5. The existing accesses would be utilised off High Street, taken from two locations along the southern boundary, providing direct access to the car park for the Blue Bell Inn which would be shared with the proposed store, with a total of 38 spaces including two disabled bays and cycle parking. The initial proposal has been amended to reduce the scale of the proposed two-storey side extension of 37 High Street to single storey, as well as removing the coloured vinyl advertising boards from the proposed shop frontages.
- 2.6. The application is accompanied by an Archaeological Desk Based Assessment, Arboricultural Impact Assessment, Biodiversity Net Gain Assessment, Design and Access Statement, Environmental Noise Report, Further Bat Roost Activity Survey, Heritage Statement, Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment, and a Transport Statement.

3. Description of the Site and Surrounding Area

- 3.1. The application site comprises the car park to the west of The Blue Bell Inn Public House and associated store, and a pair of semi-detached properties at 37 High Street and 2A Main Street, 2A currently Class E(b) café (“The Food Room”).
- 3.2. The site is located in a prominent location on the north side of High Street within the settlement boundary of Desford. Desford is a key rural centre relating to Leicester according to Policy 8 of the adopted Core Strategy and High Street is regarded as the historic core of the Desford Conservation Area. The pub has cream painted render walls and red plain clay tiles, and it is opposite a Grade II* Listed Building – (Old Manor House).
- 3.3. 37 High Street and 2A Main Street are two cottages of a linear plan form, facing the junction of High Street, Main Street and Manor Road, with pitched tiled roofs and a white stucco external finish.
- 3.4. Residential dwellings lie to the north of the site, with No. 2 Main Street neighbouring 2A and 37 Main Street. The northernmost boundary of the site contains a tree belt which separates the car park/pub garden area from the rear gardens of 4 and 6 Main Street.

4. Relevant Planning History

22/00448/ADV

- Proposed installation of illuminated and non-illuminated signage
- Permitted

- 02.09.2022

19/00162/FUL

- Demolish existing garage, new timber boarding, lean to canopy and sliding door to west elevation, extension of existing kitchen into external courtyard with replacement extraction system and 2 new patio doors to north elevation
- Permitted
- 02.05.2019

15/00623/FUL

- Proposed canopy porch to western side entrance
- Permitted
- 28.07.2015

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. As a result of the publicity 11 objections and one letter in support have been received during the initial notification period and a subsequent re-notification following amendments to the proposal. A summary of the comments made is below:

Objections:

- Access to the site is obscured and is unsafe for vehicles and pedestrians.
- Increase in traffic in the area.
- Harm to the character of the conservation area and listed building opposite.
- Increase in noise and disturbance for neighbouring residents.
- Insufficient parking provision.
- Brightly coloured advertising should be removed.
- Should be classified as a new development, not change of use as the development is disproportionate to the existing buildings.
- The only café in the village would be lost and is an important community facility.
- Development encourages car use instead of sustainable modes of transport.
- Proposed disabled parking not in compliance with Part M of the Equality Act.
- Increase in air pollution.
- Overbearing, loss of light and overshadowing impact on neighbouring dwelling.
- Design and scale of the development not in keeping with the village.

Support:

- The current location of the Co-op causes serious traffic problems with people illegally parking on double yellow lines.

6. Consultation

- 6.1. No objection has been received from:
HBBC Street Scene Services (Waste)

HBBC Drainage

HBBC Conservation Officer

LCC Ecology

6.2. Desford Parish Council –

19/10/23:

“The Parish Council support the principle of the development as we recognise that the village has a need for a retail facility in a central location and we acknowledge that this site is the most appropriate and in addition the two smaller outlets will be closing. However, we do still have concerns regarding highways safety which we understand from the representatives that they have engaged an independent specialist highways consultant. They have agreed to share the findings with the Parish Council when available. They have also agreed to review the main street frontage with a more sympathetic stucco finish to blend in. Lastly, they have agreed to rescue the historic front door and retain it and incorporate it and consider more sympathetic displays in the dummy windows”.

14/12/23:

1: They are surprised that Leicestershire County Council have not asked for a speed survey to demonstrate vehicle speeds, as this would indicate whether the splays out of the access are appropriate. Especially given the concerns regarding visibility. The speed surveys would ascertain the measured speed of vehicles on each approach to the proposed access.

2: The Parking Management Plan also suggests that if two delivery vehicles arrive at the same time, one of them will be advised to leave and come back later, however if a second delivery vehicle arrives, then it will not be able to turn around within the site and will have to reverse back out on to High Street. In our view this would be dangerous.

Following re-consultation (17/04/24): *“Councillors wish to comment that the proposed dropped kerb crossing on High Street is at a dangerous point, so close to the bend in the road.”*

6.3. Leicestershire County Council (Ecology) – Request for bat survey. Provided and considered acceptable.

6.4. LCC Archaeology – No objection subject to condition.

“To ensure that any archaeological remains present are dealt with appropriately, the applicant should provide for an appropriate level of archaeological investigation and recording. This should consist of a programme of archaeological work, to be conducted as an initial stage of the proposed development. It should include an archaeological soil strip of the development area; any exposed archaeological remains should then be planned and appropriately investigated and recorded. In addition, all services and other ground works likely to impact upon archaeological remains should be appropriately investigated and recorded. Provision must be made within the development timetable for archaeologists to be present during these works, to enable the required level of archaeological supervision.”

6.5. Leicestershire County Council (Highways) – No objection subject to conditions.
“The impacts of the development on highway safety would not be unacceptable,

and when considered cumulatively with other developments, the impacts on the road network would not be severe.”

6.6. HBBC Environmental Health (Pollution) –

25/08/2023:

It needs to be noted that the intended use is likely to cause impact from noise on residential premises adjacent to the site and the proposal is quite different from the current use as a small café and pub car park. However, the use is typical for a small village location and so through careful assessment and mitigation and going forward, management of the site, it is possible that the impact will not be significant and so I do not wish to object to the proposal.

However, prior to final comment, I have the following queries on the noise report submitted which require clarification.

The report states that the nearest residential premises is 20m from the delivery area; it is my understanding that 2 Main Street is directly adjacent and so the conclusions will need to be reconsidered. It is stated within the report that a 2m fence is proposed, however, this is not shown on the plan. Based on my comment regarding 2 Main Street, is it being considered to erect a 2m fence along the property boundary to mitigate the noise? Table 6 details noise levels as LaeqT and then Table 7 shows levels as Laeq1hr. I am concerned that this assessment does not show the true impact from noise as the impact will be lost as a 1hr average.

Regarding deliveries, is the applicant willing to condition the delivery times to 2 07:00-18:00 Mon-Fri, 08:00-13:00 Sat and 10:00-16:00 Sun?

In addition, it needs to be confirmed that there will be no cooking/baking on site. If it is, what means of ventilation are proposed? Finally, no lighting details and assessment of impact from light has been submitted.

6.7. Historic England (pre-application engagement with applicant)

Historic England have considered the proposals in accordance with Legislation, policy and guidance. We do consider that improvements could be made to the application to enhance the character and appearance of the conservation area, as detailed in our advice above.

The suggested improvements include:

- Use of Welsh late roof tiles
- Consideration of the scale of the extensions
- Landscaping to reduce extent of hardstanding.

7. Policy

7.1. Core Strategy (2009)

- Policy 7: Key Rural Centres
- Policy 8: Key Rural Centres Relating to Leicester

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design

- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM21: Locating Sustainable Town Centre Uses
- Policy DM22: Vitalising District, Local and Neighbourhood Centres
- Policy DM23: High Quality Shop Fronts and Advertisements
- Policy DM25: Community Facilities

7.3. Desford Neighbourhood Plan (May 2021)

- Policy H1: Settlement Boundary
- Policy H7: Housing Design
- Policy ENV3: Biodiversity General
- Policy ENV5: Local Heritage Assets
- Policy F1: Retention of Existing Community Facilities
- Policy F2: New or Improved Community Facilities
- Policy T1: Traffic Management
- Policy T3: Electric Vehicles

7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (Dec 2023)
- Planning Practice Guidance (PPG)

7.5. Other relevant guidance

- Leicestershire Highways Design Guide
- Good Design Guide Supplementary Planning Document
- Desford Conservation Area Appraisal (DCAA)

8. **Appraisal**

8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon the Conservation Area and heritage assets
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Drainage
- Ecology
- Other matters

Assessment against strategic planning policies

8.2. Paragraph 11 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision making. The NPPF is a material consideration in determining applications. The development plan in this instance consists of the Site Allocations and Development Management Policies (SADMP) DPD (2016) and the Core Strategy (2009).

8.3. Policy DM1 of the adopted SADMP adopts a presumption in favour of sustainable development with planning applications that accord with the policies in the

- Development Plan and should be approved unless material considerations indicate otherwise.
- 8.4. Policy 7 of the Core Strategy aims to ensure that rural centres can meet the needs of their residents:
- *“Support new retail development to meet local need within defined local centre boundaries in the Key Rural Centres providing it will have no detrimental impact on the Hinckley town centre; and*
 - *Resist the loss of local shops and facilities in Key Rural Centres unless it is demonstrated that the business or facilities can no longer operate in a viable manner. Initiatives to establish local stores and facilities will be supported.”*
- 8.5. Policy 8 of the Core Strategy aims to support local services in Desford, including supporting additional employment provision to meet local needs, and support traffic management measures and additional car parking.
- 8.6. The site is located within the village centre where High Street and Main Street meet, and is therefore considered to be sustainable, in accordance with Policy 7 of the Core Strategy. Policy 7 specifically supports retail development within the defined local centres of Key Rural Service Centres provided that there is no retail impact upon Hinckley Town Centre.
- 8.7. Policy DM21 requires a Retail Impact Assessment to be submitted for applications where over 2,500sq.m of floorspace is proposed for such uses outside of Hinckley Town Centre. The proposed development does not exceed this threshold, and therefore does not conflict with this objective of Policy DM21.
- 8.8. Policy F1 of the Desford Neighbourhood Plan (DNP) states that:
- Desford Parish Council in conjunction with relevant bodies will:*
- a) Work with Sport in Desford to identify extra land for sport and recreation within the parish, with a view to purchase and to develop for further sports and recreation;*
 - b) Renew efforts to contact the owner of Kirby Grange with a view to redeveloping the school building and eradicating the potential danger for some form of community use;*
 - c) Make positive efforts to retain remaining Public Houses and restaurants and to register local pubs as assets of community value;*
 - d) Strive to achieve enhancements to the present network of walking routes in the Parish including the provision of kissing gates to replace stiles wherever possible and to provide new cycle paths to link in with existing local cycle networks;*
 - e) Update the community directory of local facilities and community groups;*
 - f) Work with Leicestershire Highways to maintain and where possible improve the bus service through Desford.*
- 8.9. The existing Co-op stores on both High Street and Newbold Road are to be consolidated into the proposed larger store, there is policy support for this consolidation under Policy F1 of the Neighbourhood Plan, and under Policy DM22 of the SADMP.
- 8.10. The applicant states within their planning statement that there are no suitable alternative existing premises within the Neighbourhood Centre that could

accommodate the proposals. Furthermore, the existing Cooperative stores within Desford are stated to be inadequate for the present-day retail operations of the Cooperative, with both stores de-facto competing against each other despite being in common ownership. Additionally, due to the nature of the High Street Neighbourhood Centre boundary drawn, the only site to be considered as part of the sequential test for this proposal would be the Library (a designated Community Facility under Policy DM25 of the SADMP), and is not a feasible or acceptable site for redevelopment. The loss of the library community facility would not be supported by Policy 7 of the Core Strategy, Policy Dm25 of the SADMP, or Policy F1 of the Desford Neighbourhood Plan. At the time of the submission, the Applicant has expressed that no other commercial properties were available, nor of a suitable size to reasonably accommodate the proposals within Desford. Whilst the possible loss of the café and two smaller stores is regrettable, there is potential for a new café to replace one of the two potentially vacated Co-op stores in the future.

- 8.11. The proposals will be effectively replacing the Main Street Cooperative store, with the other existing store on Newbold Road, which is approximately 380m from the nearest Neighbourhood Centre of High Street. The proposals would therefore not result in the loss of any Class A1 or A2 units (now Class E) within the Neighbourhood Centre, in accordance with Policy DM22.
- 8.12. Policy DM22 states that retail proposals will be supported where the retail frontage is retained and / or enhanced and would not result in a break in the continuous retail frontage. The existing café is an isolated outlet within the street scene and the High Street elevation of the proposals (the north-western elevation) have been designed to resemble a Cooperative store of high design quality. A faux entrance design has also been incorporated into the single storey extension, retaining and enhancing the understanding of the Desford Neighbourhood Centre as the primary retail location within the village.
- 8.13. The proposed development is further supported by paragraph 90 of the Framework, which states that planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management, and adaptation. The proposed development is for the provision of a new, larger convenience food store that will provide a larger net floorspace compared to the existing two smaller stores and will consolidate their offerings; the existing two stores have a combined sales floorspace of 196sq.m, whilst the proposed store has a sales floorspace of 276sq.m.
- 8.14. In summary, the proposal is considered to accord with Policies DM1, DM21, DM22, DM25 of the SADMP, Policies F1 and F2 of the DNP, and Paragraph 90 of the Framework, and is therefore considered acceptable in principle.

Design and impact upon the character of the area

- 8.15. Policy DM10 requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features.
- 8.16. Policy DM23 of the SADMP is specifically concerned with shopfronts and advertisements, and states that new and refurbished shopfronts will be approved where:

a) "They reflect the local style and materials of the host building and immediate area; and

b) The fascia is of an appropriate scale in relation to the shop front and upper floors; and

c) Signage illumination is of an acceptable luminosity and does not lead to obtrusive light in the form of sky glow, glare or light intrusion; and

d) Shop security features are appropriately designed to complement the host building and street scene. Shutters and grilles must allow for a degree of internal visibility; and

e) The design of blinds and canopies leave the street scene uncluttered, particularly out of hours; and

f) The main public entrance adds interest to the street scene and is on a human scale; and

g) Additional industrial devices, such as air conditioning and/or filtration units, are integrated with the design and placed in the most visually unobtrusive location, and are away from the public and neighbouring properties which may be affected by the noise and extracted fumes. Such devices may be situated on the primary elevation only where there is no other reasonable alternative”.

8.17. Policy H7 of the DNP states that new development should enhance and reinforce the local distinctiveness and character of the area in which it is situated, particularly within the Conservation Area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on any significant wider landscape views.

8.18. The proposed development is for the restoration and change of use of the existing buildings on site (37 High Street and 2A Main Street), alongside extensions to the side and rear to provide a functional level of convenience retail floorspace at ground floor level. The proposed extensions have been sympathetically designed, with the external works intended to reflect that of the historic form and appearance of other buildings within the Conservation Area. The two-storey rear extension proposed to the rear of these buildings incorporates retail floor space and will effectively reinstate the historic sense of enclosure along this stretch of High Street, recognised by Historic England and HBBC's Conservation Officer. The overall scale of the proposed extensions to the rear are large but are considered proportionate in terms of the space required and available space in the existing hardstanding car park area.

8.19. The side extension to the north of 2A Main Street follows the linear plan form of 37 High Street/2A Main Street and given its single storey height is subservient in scale to the main building. Rather than having a dual pitched roof, which is more prevalent in the area, the hipped roof form has been proposed in response to residential amenity concerns, and is considered to reflect the roof form of the larger store extension whilst also reducing the mass of the extension and allowing for the built form of 37 High Street/2A Main Street to remain the dominant presence when viewing the application site from the west. The proposed construction materials of render and slate and detailing of the 'false' windows and door to the extension closely match those on the existing elevations.

8.20. It is not clear from the proposed elevations if the existing windows and door to the south-west elevation of 37 High Street and 2A Main Street are to be retained with some form of screening applied to prevent internal views of the store, or if

replacement fenestration is proposed. If the application is approved this detail will be confirmed and approval sought as part of a pre-construction materials condition.

- 8.21. The two-storey rear extension to 37 High Street would run parallel to the High Street and closely follows the position of historic built form previously on the site and would reinstate the traditional urban grain and sense of enclosure to a section of the High Street frontage.
- 8.22. The proposed development would also add visual interest with the inclusion of features such as gabled dormers, feature brickwork, mock timber barn doors and wrought iron barn ties to the elevations of the proposed extensions providing contextual features which activate the elevations and introduce high quality design features to the area.
- 8.23. The proposed materials include red brick with appropriate brick detailing, reflecting the predominant building material within the Desford Conservation Area. The existing buildings on-site, 2A High Street and 37 High Street are to be re-rendered, enhancing their appearance within the street scene and Conservation Area. Historic England and the HBBC Conservation Officer have requested high quality (preferably Welsh slate) roof tiles, therefore all external materials are to be agreed prior to commencement with samples provided by the developer.
- 8.24. In summary, it is considered that the proposed design would have a positive impact on the character of the area and wider street scene. The proposal would therefore comply with Policy DM10 of the SADMP and Policy H7 of the DNP.

Impact upon the conservation area and heritage assets

- 8.25. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting, to have special regard to the desirability of preserving the listed building's setting and any features of special architectural and historic interest which it possesses. Section 72 of the Act 1990 places a duty on the local planning authority when determining applications for development which affect a conservation area to pay special attention to the desirability of preserving or enhancing the character and appearance of that area.
- 8.26. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 205-208 of the NPPF require great weight to be given to the conservation of a designated heritage asset when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.27. Policy DM11 of the adopted SADMP seeks to protect, conserve and enhance the historic environment. All development proposals which have the potential to affect a heritage asset or its setting will be required to demonstrate an understanding of the significance of the heritage asset and its setting, the impact of the proposal on the significance of the asset and its setting, how the benefits of the proposal will outweigh any harm caused.
- 8.28. Policy DM12 states that development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration of important features identified in the relevant Conservation Area Appraisal and Management Plan, including the retention of key spaces, preservation or enhancement of key views and vistas, historic street pattern and plan form where feasible, the use of natural building materials and appropriate boundary treatments.

Proposals that affect 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.

- 8.29. A detailed Heritage Statement has been submitted to accompany the application which ensures the significance of affected heritage assets is understood, and therefore this component of Policy DM11 and the requirements of paragraph 200 of the NPPF have been met. HBBCs Conservation Officer has been consulted and has no objections to the proposals subject to conditions. Their detailed comments have been incorporated into this section of the Officer report.
- 8.30. The DCAA identifies a view to be protected from the High Street over the application site. The importance of the view is not explained in any detail but judging from its direction and the guidance provided within the DCAA, it is assumed the view is deemed to be towards the grade II* listed building the Church of St Martin, which is approximately 100m to the north. The church dates from the late 13th century and has a tall spire making it a visible landmark within the village and its setting. There is a large cluster of vegetation along the northern boundary of the application site and within the gardens of residential properties in between the public house car park and the church. As a result, the view of the church spire from High Street is not particularly clear when the vegetation is in full leaf, although visibility does increase when the vegetation is not in leaf. When positioned within its wider setting it is considered that the view over the car park does allow for a minor appreciation and understanding of the significance of the church.
- 8.31. The Old Manor House is an early 17th century grade II* listed farmhouse built in red brick in English bond. The property has sandstone ashlar quoins and dressings and a Swithland slate roof. The windows are stone mullioned with square leaded casements that have rectangular ashlar surrounds. To the left is a brick barn that has been converted into a dwelling and to the right, forward of the house, is an early 18th century service block built in Flemish bond. It was a working farm until the 1990's.
- 8.32. The Old Manor House is a particularly important building of more than special interest. It is an imposing, traditional vernacular building that has considerable historic interest due to its age and fabric, and as a high-status house in the village. It also has a degree of architectural interest in its form and internal features. Whilst the significance of the building is not directly impacted by the proposed development, there is the potential for an impact upon its significance resulting from change to its setting. Due to their local heritage interest and contribution towards defining the traditional streetscape of the historic settlement the Blue Bell Inn and 37 High Street/2A Main Street are considered to be a positive presence within the setting of The Old Manor House. As per its neutral contribution to the significance of the conservation area, the open car park is also considered to be neutral presence within the setting of The Old Manor House
- 8.33. The side extension to the north of 2A Main Street follows the linear plan form of 37 High Street/2A Main Street and is subservient in scale to the main building. The proposed replacement 'false' shop front to 2A Main Street has a traditional and historic form and would sit comfortably upon this elevation subject to no over proliferation of advertisements.
- 8.34. The rear 1.5 storey extension follows a linear plan form, limited depth, steeply pitched gable arrangement and construction materials of brick and slate reflect the traditional vernacular built form of the area, whilst its architectural detailing provides the extension with the appearance of a converted rural building, all of which are important characteristics of the conservation area as identified within the DCAA.

Given its 1.5 storey height and slight set back from the pavement the extension is also considered to be subservient in scale to 37 High Street.

- 8.35. The extent of the space for car parking and landscaping will be moderately reduced in comparison to the existing arrangement, but it is considered that the volume and use of the space will remain clearly discernible as a functional area serving commercial uses in the historic core of the settlement. The character of the surface and boundary treatments proposed within the landscape masterplan respect the character of the site and the area more generally, but there are considerable opportunities to better define the beer garden area. This could be achieved via a traditional brick wall, (with these being the prevalent boundary treatments of the area), incorporating a cobbled surface treatment close to the entrance to reflect historic surface treatments on the site (see the evidence within the Heritage Statement) whilst allowing for any LCC Highways requirements, and to ensure that the heritage interpretation board is reinstated in a suitable location within the application site. If the application is approved these details should be confirmed and approval sought as part of a pre-construction landscaping condition.
- 8.36. Due to the retention of the space for car parking and a continuation of a wide open frontage across the eastern section of the site the seasonal view of the church from the High Street (the view to be protected identified within the DCAA) will remain, ensuring that the minor appreciation and understanding of the significance of the grade II* listed Church of St Andrew will be maintained from this position within its wider setting. From the open areas of the application site the fine front elevation and significance of the grade II* listed The Old Manor House could also continue to be appreciated.
- 8.37. In summary it is considered that the scale, siting, design, architectural detailing and proposed construction materials (subject to a planning condition) of the extensions are acceptable and would maintain the character and appearance of the conservation area. The alterations to 37 High Street and 2A Main Street are considered to be acceptable and would ensure that the positive contribution these unlisted buildings of local importance make to the Conservation Area and the setting of the grade II* listed building The Old Manor House would be maintained. The extent, functional character and use of the space for the car park would largely remain as a neutral presence within the Conservation Area and the setting of the Old Manor House, and the surfacing and boundary treatments to this space would generally maintain the character of the area (although some amendments are requested which could be secured with a planning condition). The retention of an open frontage to the eastern section of the application site also ensures that the minor appreciation and understanding of the significance of the grade II* listed Church of St Andrew will be maintained when positioned within its wider setting.
- 8.38. For these reasons it is considered that the proposal would have a neutral impact upon the character and appearance of Desford Conservation Area, thus preserving its significance, and the proposal would be compatible with the significance of the grade II* listed buildings the Church of St Martin and The Old Manor House due to it being an appropriate development within their settings. Consequently, the proposal complies with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.39. Policy DM10 of the adopted SADMP requires that the amenities of the occupiers of proposed developments would not be adversely affected by activities within the vicinity of the site.

- 8.40. Objections have been received expressing concerns regarding unacceptable levels of noise and disturbance that would be created due to the proposed location of the delivery area, which is to be located within a service yard directly adjoining the boundary with No. 2 Main Street to the west.
- 8.41. The applicant has submitted an Environmental Noise Report which concludes that given the existing noise climate and extant use of the site, the proposed store can be developed as outlined within the report without causing significant impact or disturbance to local residents, subject to conditions.
- 8.42. Officers acknowledge that there would be some additional noise and disturbance as a result of the proposed location of the delivery area, and the associated increase in activity (moving trolleys, delivery vans arriving and unloading etc.). Officers asked the applicant to consider re-locating the delivery area, however it was expressed that this would not be feasible due to the layout and orientation of the existing building. It must also be acknowledged that the site is an existing public house and car park that has no restrictions on trading or delivery hours, and that noise from car parking will be no greater than the existing site as the quantum of parking is reduced overall.
- 8.43. HBBC Environmental Health (Pollution) has no objection, and expressed in their consultation responses that:
- “...the intended use is likely to cause impact from noise on residential premises adjacent to the site and the proposal is quite different from the current use as a small café and pub car park. However, the use is typical for a small village location and so through careful assessment and mitigation and going forward, management of the site, it is possible that the impact will not be significant and so I do not wish to object to the proposal.”*
- 8.44. The Officer recommended imposing conditions regarding delivery times to the store, and a scheme for protecting nearby dwellings from noise from the proposed mechanical plant. Additionally, the submitted noise report indicates that a 2m close boarded boundary fence has been included in these calculations to provide in the region of 10dB attenuation. The inclusion of this fence is not clear on the submitted plans, therefore a ‘prior to occupation’ condition has been included to ensure that this fence is installed and maintained in perpetuity to mitigate noise from the proposed development.
- 8.45. Objections were also received regarding overbearing, loss of light and over dominant impacts of the proposed two-storey side extension to 2A Main Street. Following lengthy negotiation and discussion with Officers, the Applicant agreed to reduce the scale of this extension to single storey. This has significantly reduced the prominence of the extension and whilst there would be some degree of additional overbearing impact by virtue of the proximity and height of the side extension, Officers consider that there would be an acceptable relationship between this building and neighbouring 2 Main Street.
- 8.46. Overall, it is considered that the development would have an acceptable impact on residential amenity subject to the conditions proposed, in accordance with policy DM10 of the SADMP.

Impact upon highway safety

- 8.47. Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. Policy DM18 of the adopted SADMP requires new development to provide an appropriate level of parking provision.

- 8.48. Objections have been received relating to the safety of the existing access points, and the inadequate parking provision proposed as part of this development.
- 8.49. The applicant has submitted a Transport Statement and a subsequent addendum following the initial consultation response from the LHA which requested:
- Road Safety Audit
 - Clarification in respect of PIC data
 - Further consideration of the TRICs trip rates for a cafe and a convenience store
 - A review of the parking accumulation studies following provision of updated trip rates, clarification as to why the public house parking accumulation assessment was not undertaken on a Friday
 - A capacity assessment of the site access and further clarity in respect of how deliveries/ refuse collection would be undertaken for the public house, as well as staff parking.
- 8.50. The LHA notes that the site access is acceptable, whilst also agreeing that the Applicant's submitted data for trip generation is acceptable.
- 8.51. In terms of junction capacity, previously the LHA requested the Applicant apply Covid-19 uplift factors and committed development to the traffic counts, review traffic growth factors and undertake a sensitivity test of live developments. The Applicant has now retrospectively applied for a survey permit and applied Covid-19 uplift factors to the baseline traffic data. In terms of growth factors, the LHA state that increase in vehicle trips is minimal on each arm and below 30 two-way trips. Given the results of the capacity assessment, the LHA does not consider it necessary for a revised capacity assessment to be undertaken under the site-specific circumstances.
- 8.52. The Applicant has also included traffic generated by application reference 22/01227/OUT (120 dwellings, Ashfield Farm, Kirkby Road, Desford), and Application 23/00061/OUT (100 dwellings, Land Adjacent to Lockety Farm Hunts Lane Desford) which have both been allowed at appeal. These have been considered as part of 2025 Proposed Flows scenario. Ratio of Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically, a value of 0.85 is seen as the practical capacity, with results higher than this more likely to experience queuing or delay.
- 8.53. The RFC of the site access junction is not proposed to exceed 0.85 with the development in place in 2025 in the weekday AM and PM peak scenario, as well as the Saturday weekend peak. In addition, queueing would be minimal at the junction. The LHA is therefore satisfied the site access junction will operate within capacity.

	2025 Total Scenario					
	Weekday AM Peak		Weekday PM Peak		Saturday Peak	
	RFC	Q	RFC	Q	RFC	Q
Site Access – Exit	0.09	0.1	0.12	0.1	0.09	0.1
B582 – Right in	0.04	0.0	0.10	0.2	0.06	0.1

Q: Number of Vehicles Queueing

RFC: Ratio of Flow

Table 1: PICADY Results: Site Access.

- 8.54. The LHA advised that the internal layout and proposed parking arrangement for 38 vehicles is acceptable. The previously requested Car Park & Delivery Management Plan has been provided and is acceptable to the LHA. It is to be adhered to in perpetuity and is included as a planning condition.
- 8.55. In summary, the revised proposal would not result in an unsafe access arrangement for pedestrians or vehicles and demonstrates an acceptable parking and turning arrangement in accordance with policies DM17 and DM18 of the SADMP.

Drainage

- 8.56. Policy DM7 of the adopted SADMP requires that development does not create or exacerbate flooding.
- 8.57. The site is located within flood zone 1 indicating there is a low risk of flooding in the area. The application site does not exceed the thresholds requiring a site-specific FRA and is not in an area identified as being a critical drainage area.
- 8.58. HBBC Drainage have no objection to the proposal, therefore, the application is considered to be acceptable in accordance with Policy DM7 of the SADMP.

Ecology

- 8.59. Policy DM6 of the adopted SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 8.60. The Applicant submitted a Preliminary Ecological Appraisal (PEA) and Preliminary Roost Assessment (PRA) and a Bat Emergence and Re-entry survey as part of this proposal.
- 8.61. The County Ecologist states that the PEA and PRA are both sufficient as preliminary assessments. The appraisal identified that the site is generally of low ecological value with the exception of 37 and 2A Main Street having low bat roost potential and therefore further survey effort was recommended. This resulted in the subsequent Bat Emergence and Re-entry surveys. The additional recommended bat survey did not identify an active roost on site and therefore there is no further requirement for mitigation. LCC Ecology therefore have no objections to the proposals subject to conditions and informatives as outlined in the recommendations within the submitted reports (lighting strategy and provision of 2no bird boxes & native species planting).
- 8.62. In summary, the application is in accordance with Policy DM6 of the SADMP subject to conditions.

Other matters

- 8.63. The LPA was made aware of an application to Historic England to add 37 High Street and 2A Main Street to the List of Buildings of Special Architectural or Historic Interest. The applicant engaged with Historic England as part of their pre-application engagement, and the LPA has consulted with HBBCs Conservation Officer throughout the determination of this application, concluding that there are no objections subject to conditions.

9. Equality Implications

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

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

10. Conclusion

- 10.1. The site is located within the settlement boundary, in the centre of Desford and is accessible by a range of transport modes for all residents. The principle of the development is therefore acceptable in accordance with Policies DM1, DM21, DM22, DM25 of the SADMP, Policies F1 and F2 of the DNP, and Paragraph 90 of the Framework, and is therefore considered acceptable in principle.
- 10.2. The proposed design would have a positive impact on the character of the area and wider street scene. The proposal would therefore comply with Policy DM10 of the SADMP and Policy H7 of the DNP.
- 10.3. Furthermore, it is considered that the proposal would have a neutral impact upon the character and appearance Desford Conservation Area, thus preserving its significance, and the proposal would be compatible with the significance of the grade II* listed buildings the Church of St Martin and The Old Manor House due to it being an appropriate development within their settings. The proposal complies with Policies DM11 and DM12 of the SADMP, section 16 of the NPPF and the statutory duties of Sections 66 and 72 of the of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 10.4. There would be some degree of additional noise and disturbance to neighbouring residences, however it is considered that this would not amount to unacceptable levels of harm to amenity subject to the conditions imposed, therefore the proposed development is considered acceptable and in accordance with policy DM10 of the SADMP.
- 10.5. There is no identified harm to highway safety, ecology / biodiversity, flooding / drainage, or archaeology, and the proposal is therefore in accordance with Policies DM7, DM13, DM17 and DM18 of the SADMP.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

11.2. **Conditions and Reasons**

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

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

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

Site Location Plan – 5166/JP/21/001 Rev P1
Proposed Site Plan - 5166/JP/21/005 – Rev P2
Proposed Elevations – 5166/JP/21/007 – Rev P4
Proposed Floor Plans – 5166/JP/21/006 – Rev P3

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

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

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

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

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

5. No part of the development hereby permitted shall be occupied until such time as the access arrangements and off-site works (uncontrolled pedestrian crossing point on High Street) shown on ADL drawing number 5428-06 have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, to mitigate the impact of the development in the interests of general highway safety and in accordance with the National Planning Policy Framework (December 2023).

6. No part of the development hereby permitted shall be occupied until such time as vehicular visibility splays of 2.4 metres x 33 metres to the west and 2.4 metres x 43 metres to the east have been provided at the site access. These shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

Reason: To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network, in the interests of general highway safety, and in accordance with the National Planning Policy Framework (December 2023).

7. The development hereby permitted shall not be occupied until such time as the parking (and turning facilities) have been implemented in accordance with Corporate Architecture Limited drawing number 5166/JP/21/005 Rev. P2. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

8. Deliveries to/ from the site and car parking shall be undertaken in accordance with the Car Park & Delivery Management Plan (Reference: ADL/AM/5428/26A, dated January 2024).

Reason: To reduce the possibility of the proposed development leading to large vehicles loading, unloading and turning in the highway, in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

9. The development hereby permitted shall not be occupied until such time as secure cycle parking shall be provided in accordance with details first submitted to and agreed in writing by the Local Planning Authority. Thereafter the onsite cycle parking provision shall be kept available for such use(s) in perpetuity.

Reason: To promote travel by sustainable modes in accordance with the National Planning Policy Framework (December 2023).

10. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 10 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

Reason: To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with the National Planning Policy Framework (December 2023).

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

Reason: In the interests of highway and pedestrian safety in accordance with the National Planning Policy Framework (December 2023).

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

Reason: To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with the National Planning Policy Framework (December 2023).

13. Notwithstanding the submitted plans, any new / replacement windows and/or doors within 0.5 metres of the Main Street/ High Street frontage / footway shall not open so to overhang the public highway and shall thereafter be maintained in perpetuity.

Reason: In the general interest of highway safety in accordance with the National Planning Policy Framework (December 2023).

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

Reason: To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (December 2023).

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

Reason: To ensure that the development has a satisfactory external appearance in accordance with Policies DM4, DM10 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

16. Delivery times to proposed store shall be limited to the following times:

Monday – Friday 7am - 7pm

Saturday – 8am - 7pm

Sunday and Bank Holidays – 10am - 7pm

Reason: To ensure that the development does not cause unacceptable levels of noise and disturbance to neighbouring dwellings in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

17. Development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed mechanical plant has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before the permitted development first comes into use.

Reason: To ensure that the development does not cause unacceptable levels of noise and disturbance to neighbouring dwellings in accordance with Policy DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

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

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

Reason: To ensure satisfactory archaeological investigation and recording in accordance with Policy DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

19. Within 3 months of the first occupation of the development hereby approved, the Main Street and Newbold Road Co-op stores are to be vacated and made available for alternative retailers to occupy.

Reason: To ensure that neighbourhood centres are retained and enhanced in accordance with Policy DM22 of the Site Allocations and Development Management Policies Development Plan Document (2016).

20. Prior to first use of the development hereby approved a low impact lighting strategy shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented on site prior to first use of the development and retained as such thereafter.

Reason: In the interests of the amenity of neighbouring dwellings and to ensure that overspill lighting does not harm roosting, foraging or commuting habitats adjacent to the site, in accordance with Policies DM6 and DM10 of the Site Allocations and Development Management Policies Development Plan Document (2016).

21. Prior to the first occupation of the dwelling hereby approved, details regarding the location and specification of:

- 2 x bird boxes to be incorporated on or within the building/extension;

shall be submitted to and approved in writing by the local planning authority. This shall include photos showing the boxes in situ.

Reason: To ensure that the development makes adequate provision for enhancements to the habitats of protected species in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and Government guidance contained within the National Planning Policy Framework.

11.3. Notes to Applicant

- 1) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
- 2) Surface water should be managed by sustainable methods, preferably those which disperse runoff by infiltration into the ground strata: i.e. soakaways, pervious paving, filter drains, swales, etc. and the minimisation of paved area, subject to satisfactory porosity test results and the site being free from a contaminated ground legacy. If the ground strata are insufficiently permeable to avoid discharging some surface water off-site, flow attenuation methods should be employed, either alone or in combination with infiltration systems and/or rainwater harvesting systems.
- 3) Planning Permission does not give you approval to work on the public highway. To carry out off-site works associated with this planning permission, separate approval must first be obtained from Leicestershire County Council as Local Highway Authority. This will take the form of a major section 184 permit/section 278 agreement. It is strongly recommended that you make contact with Leicestershire County Council at the earliest opportunity to allow time for the process to be completed. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>
- 4) To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

- 5) 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>
- 6) Shrub clearance or pruning should be undertaken outside the period of 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the vegetation should be undertaken immediately, by qualified ecologist, prior to the commencement of work. All active nests will need to be retained until the young have fledged.
- 7) In the unlikely event that a bat or evidence of bats is discovered during the development all work must stop and a bat licensed ecologist contacted for further advice.
- 8) All businesses have a duty of care to ensure that any waste produced is handled safely and within the law. All waste produced by a business including (but not limited to) paper, cardboard, cans, retail packaging, and food wrappers/waste, is commercial waste. For this reason, it legally has to be discarded in a certain way via a trade waste service or transfer station and cannot be disposed of through the residential service.
- 9) Bins should be maintained and stored so that they don't cause problems to neighbouring premises due to smells and should be stored correctly in a suitable container which needs to be closed or lidded.
- 10) Operators should arrange their own business/trade waste collection service. If you give your waste to someone else you must be sure that they are authorised to take it and can transport, recycle or dispose of it safely.
- 11) As part of the hard and soft landscaping scheme, it is requested that the details incorporate a brick wall around the beer garden area, cobbled surface materials where possible within the site, and the reinstatement of the heritage interpretation panel currently in situ.

Planning Committee 7th May 2024
Report of the Head of Planning

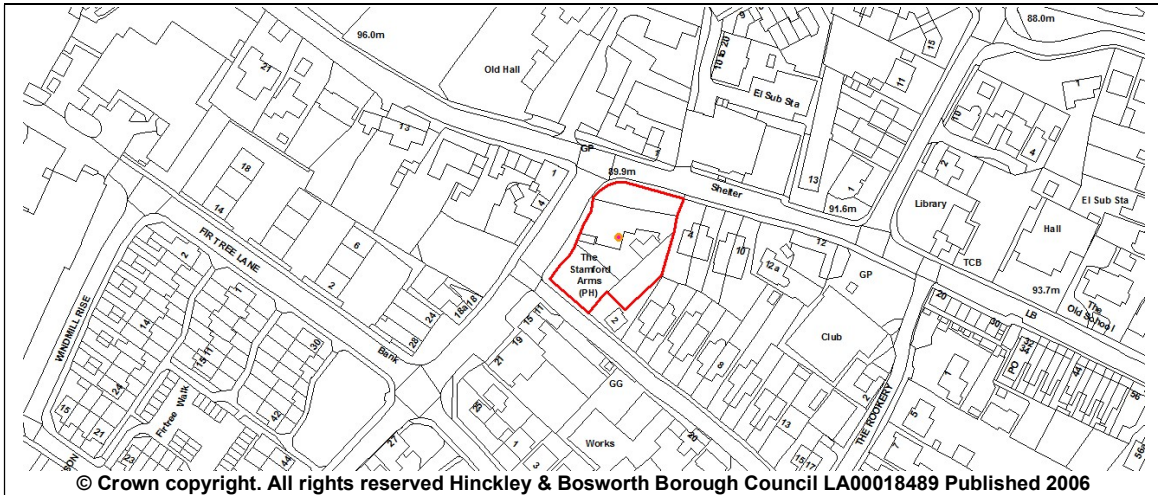
Planning Ref: 24/00121/FUL
Applicant: Mr Ian Everington
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: Stamford Arms 2 Leicester Road Groby

Proposal: Proposed extension and alteration to existing public house to provide additional deli/coffee shop floorspace.



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.
- That the Head of Planning be given powers to determine the final detail of planning conditions.
- Confirmation of the acceptability of the External Cold Store from the Council's Pollution officer.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for extensions and internal alterations to provide a new deli and coffee shop (Use Class E) on the eastern corner of the site into and within the existing external kitchen and compound of an existing Grade II Listed public house, The Stamford Arms, 2 Leicester Road, Groby. The new floorspace is part of the main pub and the space will operate as deli/coffee shop during the day but be part of the pub during the evening. The houses of operation shall be the same as for the existing pub.
- 2.2. This proposal increases the public area of the application site from 227sqm to 354sqm and the footprint of the building 29sqm. To facilitate this development, the cold store is replaced, and relocated to the north of the property, but to the south of the beer garden, within the existing compound of the site.
- 2.3. This development is associated with Listed Building Consent application 24/00122/LBC.

3. Description of the Site and the Surrounding Area

- 3.1. The 2,262sqm application site is located on a prominent corner within the identified settlement boundary and historic core of Groby and the Groby Conservation Area respectively. The adopted Core Strategy (2009) classifies Groby as a Key Rural Centre. The application site itself comprises the Stamford Arms, which is an existing Grade II Listed public house. The Listed Building Entry (National Heritage List England (NHLE) Ref 116067) identifies the building as:

“Public House. Late C18, raised and altered C20. Red brick in Flemish bond, slate roof with 2 brick gable stacks. 2 storey plus attics, 3 bay front having central C20 door in pedimented wooden surround with console brackets, flanked by single canted bay windows with hipped slate roofs and glazing bar casements with segmental arched heads. In the roof three C20 flat roofed casement dormers.”

- 3.2. The Listing Description identifies that the significance of the building is predominantly inherent within the historic and architectural interest of the original late C18 building, which occupies the north-western corner the site.
- 3.3. The original building has been adapted and extended considerably to the side and rear over time to suit its use, and whilst such extensions predominantly have a traditional function, form, and appearance, which ensures they sit comfortably against it, they are of less heritage value than the original building itself.
- 3.4. Due to the dominant presence of the original building within the historic core of the village at the corner of Leicester Road and Ratby Road and its special historic and architectural interest, the Stamford Arms contributes positively to the character and appearance of the Groby Conservation Area.

4. Relevant Planning History

4.1 24/00122/LBC

- Proposed extension and alteration to existing public house (Sui Generis) and change of use to deli/coffee shop (Use Class E)
- Awaiting Decision.
- TBD.

4.2 19/00755/LBC

- Replacement and new signs with associated lighting
- Permitted
- 12.11.2019

4.3 19/00749/ADV

- Replacement and refurbishment of existing signs, new signs and associated lighting
- Permitted
- 23.09.2019

4.4 14/01152/FUL

- Change of use of land from garden associated with 2 Rookery Lane and the creation of beer garden to The Stamford Arms and associated engineering works, including the removal of a wall.
- Permitted
- 06.02.2015

5. Publicity

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

5.2 Six members of the public objected to the scheme for the following reasons:

- Highway safety concerns.
- Insufficient off-street vehicle parking.
- Monopolisation of the village.
- The use shall compete with other shops and facilities in the area including the Groby Library Café, and thereby reducing their viability and increasing the risk of the loss of amenities in Groby.

5.3 Several members of the public have expressed concerns regarding the scheme's financial impact on the viability of the Groby's Library's café. The café is one of the primary sources of funding for the library since Leicestershire County Council stopped funding the facility. As a result, there is a concern that any detrimental impact to the café is also likely to have a harmful impact to the viability of Groby Library.

The Planning Officer notes that, whilst the Local Planning Authority appreciates the circumstances of Groby Library and its café, the Local Planning Authority are not able to demonstrate that the provision of a new café facility of this scale within an existing public house will result in the loss of Groby Library and its café. It is noted that alongside the Stamford Arms and the Library's café, Groby's Ex-Servicemen's Social Club currently offers hot food and drinks, and similar products can also be purchased at the Co-Operative Food store within the village.

Notwithstanding this, Local and National Policy states that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Therefore, should any of the existing facilities mentioned above wish (particularly those of which that are considered to be community facilities such as the Stamford Arms) to expand or adapt, this is likely to be supported in principle, subject to the assessment of all other material considerations.

5.4 No further responses have been received.

6. Consultation

6.1 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
- HBBC's Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer
- Local Highway Authority (LHA)

6.2 Historic England did not comment on the scheme and Groby Village Society did not respond to the planning application.

Groby Parish Council

6.3 Whilst not adverse in principle to the development, Groby Parish Council have expressed concerns regarding the overdevelopment of the site, and the insufficient parking in the area to accommodate the intensification of the use of the site. The

Parish Council have also expressed concerns that the Stamford Arms may lose its identity as a village public house.

Pollution

- 6.4 The Council's Pollution Officer conducted a site visit to assess the potential impact from noise and odour. As the kitchen utilises the existing ventilation system, the Pollution Officer confirmed that they have no objection to the scheme in relation to its odour impact.
- 6.5 However, the Pollution Officer stated that it was not clear what proposals there are for the cold store, which is likely to be a noise source and requires confirmation.
- 6.6 The Applicant confirmed the specifications and the location of the external cold store on 18 April 2024.
- 6.7 At the time of writing this Report, these details are still awaiting assessment and approval from the Council's Pollution Officer. Nevertheless, it is considered that further works can be undertaken, where necessary, to ensure that the scheme is acceptable in this aspect prior to the issuing of a Decision Notice with support from the Pollution Officer.
- 6.8 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 7: Key Rural Centres
 - Policy 8: Key Rural Centres Relating to Leicester
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
 - Policy DM13: Preserving the Borough's Archaeology
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (December 2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
- 7.4 Other Relevant Guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)

8. Appraisal

- 8.1. The key issues in respect of this application are therefore:
- Principle of development
 - The impact upon the character of the area and the significance of the Listed Building and the Groby Conservation Area
 - Impact upon residential amenity
 - Impact upon parking provision and highway safety

Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions.
- 8.3 Paragraph 7 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The three overarching objectives of sustainable development (economic, social, and environmental) are detailed within Paragraph 8 of the NPPF. Therefore, in accordance with Paragraph 11 of the NPPF, planning decisions should apply a presumption in favour of sustainable development.
- 8.4 However, Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 8.5 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 33 of the NPPF states that policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years and should then be updated as necessary.
- 8.7 Nevertheless, in accordance with Paragraph 225 of the NPPF, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of the NPPF. Due weight should be given to existing policies according to their degree of consistency with the NPPF. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given. Therefore, this report sets out the relevant adopted Core Strategy and SADMP policies and refers to the NPPF and notes any inconsistencies between them.
- 8.8 Section 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.
- 8.9 Policy 7 of the adopted Core Strategy stated that the Local Planning Authority shall support initiatives to establish local stores and facilities within Key Rural Centres.
- 8.10 The application site is within the identified settlement boundary of a Key Rural Centre and the proposal is to support the creation of a new deli/café that forms part of an existing public house.

- 8.11 Therefore, the development is considered to be acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

Impact upon the Character of the Area and Significance of the Listed Building and the Groby Conservation Area

- 8.12 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when determining applications for development which affects a Listed Building or its setting to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural and historic interest which it possesses.
- 8.13 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.14 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.15 Therefore, Paragraph 205 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be. Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP.
- 8.16 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and 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. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.17 The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.18 Section 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.19 Paragraph 139 of the NPPF states that 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 and supplementary planning documents such as design guides and codes.

- 8.20 Policy 8 of the adopted Core Strategy states that new development is required to respect the character and appearance of the Groby Conservation Area by incorporating locally distinctive features of the Conservation Area into the development.
- 8.21 Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.22 The proposals are located within the eastern corner of the application site and the existing storage building, the external kitchen, and the associated compound are considered to be of limited heritage asset. Due to the siting, moderate size, and scale of the development, and the presence of the existing pub car park, the development is not considered to have a visible presence within the street scene of the Conservation Area.
- 8.23 The scheme does not extend beyond the existing building lines of the side and rear elevations of the property. Ultimately, it is considered that these works, and the internal alterations and works that form the arrangements for the deli/coffee shop, are considered to retain the plan form of the Listed Building.
- 8.24 The alterations to the fenestration to facilitate the new use are also considered to respect the character and appearance of the existing windows and doors across the building. As the character and appearance of the building is maintained and the arrangements of the existing development are not extended any closer to Leicester Road or Ratby Road, it is not considered that there is any adverse impact from the proposal upon the significance of the Groby Conservation Area.
- 8.25 For the reasons above, it is considered that the proposal is compatible with the significance of the Grade II Listed Building, the Stamford Arms, and it is likely to preserve the significance of the Groby Conservation Area. Therefore, the scheme is considered to be in accordance with Policies DM10, DM11, and DM12 of the SADMP, Section 16 of the NPPF, and the statutory duties of Section 16, 66, and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Impact upon Residential Amenity

- 8.26 Paragraph 135(f) of the NPPF requires planning policies and decisions to ensure that developments create places that are safe, inclusive, and accessible, which promote health and well-being, and a high standard of amenity for existing and future users.
- 8.27 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.
- 8.28 The Good Design Guide requires the way buildings to relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.29 The Good Design Guide recommends that a principal window to a habitable room should ideally be no less than 8m from the blank side of a single storey neighbouring property, rising to 14m for a two-storey property.

- 8.30 In addition, the separation distance between two principal windows to habitable windows should be a minimum of 21m. However, the Good Design Guide also states that, *“An exception to this rule is in an urban location where it may be acceptable to have a reduced distance where issues of amenity and overlooking are dealt with by good design.”*
- 8.31 Notwithstanding this, these separation distances are the minimum standards that are required, and every application will be assessed on its own merits depending on the individual characteristics of the site such as orientation, ground levels, window positions, garden size, and shape.
- 8.32 The development is within an application site that benefits from an established public house. Given the small scale of the proposal, this new use is not considered to significantly intensify the use of the site to the detriment of neighbouring residential amenity as a result of air, light, or noise pollution.
- 8.33 Moreover, the scheme is provided within the existing compound of the public house and the works do not extend the footprint of the development towards the neighbouring residential properties to the east.
- 8.34 By virtue of these, the proposal is not considered to result in any significant no detrimental harm to neighbouring residential amenity, in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.35 Section 9 of the NPPF promotes sustainable transport. Paragraph 114 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.36 Ultimately, development should on 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, in accordance with Paragraph 115 of the NPPF.
- 8.37 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)).
- 8.38 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.39 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires three off-street vehicle parking spaces for four-bedroom dwellings. Paragraph 3.165 (Dimensions) of Part 3 of the LHDG requires minimum parking sizes to be 2.4m x 5.5m, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line

of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides.

Site Access

- 8.40 No amendments are proposed to the existing vehicular access points and no new accesses are proposed.
- 8.41 Based on available records to the Local Highway Authority (LHA), there have been three Personal Injury Collisions (PICs) recorded on Ratby Road and Leicester Road within 500m of the Ratby Road/ Leicester Road/ Markfield Road junction during the last five years. One of the PICs was recorded as slight and two were recorded as serious.
- 8.42 Nevertheless, the LHA advised that there appears to be no patterns or causes in respect of the PICs and there is no specific cluster where they have occurred. On this basis, it is considered by the LHA that the proposals are unlikely to exacerbate an existing highway safety concern in the area.

Internal Layout

- 8.43 The development increases in a 127sqm increase in public floorspace within the site from 227sqm to 254sqm.
- 8.44 Based on the Highway Requirements for Development within the Leicestershire Highway Design Guide, a Class E Use (formally Use A1), the proposed use requires one off-street vehicle parking space per 50sqm of gross floor area up to 100sqm and an additional space at the rate of one per 100sqm, with a minimum provision of two spaces being provided. The LHA therefore required three additional off-street vehicle parking spaces for the proposal.
- 8.45 Notwithstanding this, the submitted Application Form details that there are currently 31 car parking spaces available and that there are no additional spaces proposed.
- 8.46 The LHA visited the site between 13:00 and 13:30 on a weekday, and it was noted that approximately 14 car parking spaces were still available in the two pub car parks during this time. In addition. There were several two-hour limited waiting bays that were vacant as well as unrestricted on-street parking spaces available in the area.
- 8.47 Given the surrounding road network is covered by a comprehensive package of Traffic Regulation Orders, including double and single yellow lines as well as time restricted off-street vehicle parking spaces, the LHA confirmed that it would be difficult to demonstrate that the proposal was likely to lead to inappropriate on-street parking in the surrounding area.
- 8.48 Furthermore, the site is located central to Groby, and within an 800m walk of the majority of the village. As such, it is considered that it would be difficult to resist the proposals on the grounds of a lack of off-street vehicle parking.
- 8.49 As a result of the size and scale of the scheme, the existing off-street parking provision for the site, and the presence of Traffic Regulation Orders within the area it is considered that the impacts of the development on highway safety are no unacceptable, and when considered cumulatively with other developments, the scheme's impacts on the road network are unlikely to be severe. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

9. Equality Implications

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

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

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

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

10. Conclusion

10.1 Taking national and local planning policies into account, and regarding all relevant material considerations including those objections that have been received, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

11. Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report.
- That the Head of Planning be given powers to determine the final detail of planning conditions.
- Confirmation of the acceptability of the External Cold Store from the Council's Pollution officer.

11.2 Conditions and Reasons

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

Reason: To comply with the requirements of Section 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 received by the Local Planning Authority as follows:
 - Block Plan (submitted: 09.02.2024)
 - Existing Elevation (submitted: 09.02.2024)

- Existing Ground Floor (submitted: 09.02.2024)
- Location Plan (submitted: 09.02.2024)
- Proposed Block Plan (submitted: 09.02.2024)
- Proposed Dual Compartment Cold Room Floor Plan and Elevation (Rev A) (submitted: 18.04.2024)
- Proposed Elevation (submitted: 09.02.2024)
- Proposed Ground Floor Plan 3404-02 (Rev E) (submitted: 18.04.2024)

Reason: To ensure a satisfactory form of development in accordance with Policies DM1, DM10, DM11, and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

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Planning Committee 7th May 2024
Report of the Head of Planning

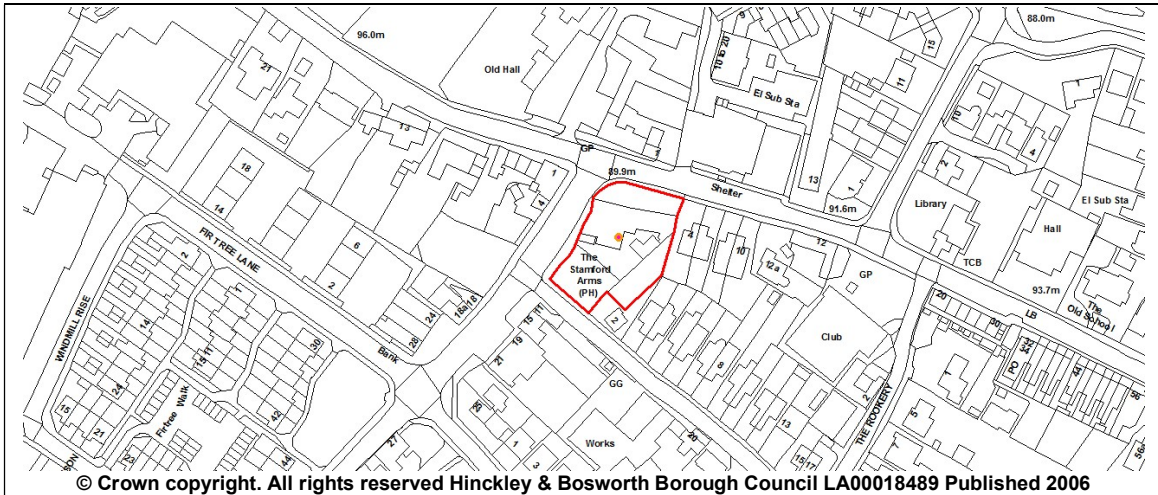
Planning Ref: 24/00122/LBC
Applicant: Mr Ian Everington
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: Stamford Arms 2 Leicester Road Groby

Proposal: Proposed extension and alteration to existing public house to provide additional deli/coffee shop floorspace.



1. Recommendations

1.1. Grant Listed Building Consent subject to:

- Conditions outlined at the end of this report.
- That the Head of Planning be given powers to determine the final detail of planning conditions.

2. Planning Application Description

2.1. This planning application seeks Listed Building Consent for extensions and internal alterations to provide a new deli and coffee shop (Use Class E) on the eastern corner of the site into and within the existing external kitchen and compound of an existing Grade II Listed public house, the Stamford Arms, 2 Leicester Road, Groby. This proposal increases the public area of the application site from 227sqm to 354sqm and the footprint of the building by 29sqm.

2.2. To facilitate this development, the following alterations are taking place:

- The replacement of existing bi-fold doors with new timber bi-fold windows and a new cavity wall to cill height.
- The excavation of all existing external flooring and existing raised slab to outbuildings and the provision of new insulated concrete floor slabs to create a level floor throughout.
- The in-fill of all existing openings to create new picture windows, together with new entrance door.
- Insulation and under draw of existing pitched roof and the provision of new velux rooflights.
- Open up existing brick wall and stone buttress to create new full height door and window unit, with lintels over to suit to create emergency exit/access.

- The creation of new areas including kitchen and WCs that connect to existing services and new servery with 100mm thick stud partition that allow for all power supplies and mechanical extraction to connect to existing services.
 - New flat roof construction with a GRP finish.
 - The cold store is replaced, and relocated to the north of the property, but to the south of the beer garden, within the existing compound of the site.
- 2.3. This application for listed building consent is associated with full planning application 24/00121/FUL.

3. Description of the Site and the Surrounding Area

- 3.1. The 2,262sqm application site is located on a prominent corner within the identified settlement boundary and historic core of Groby and the Groby Conservation Area respectively. The adopted Core Strategy (2009) classifies Groby as a Key Rural Centre.
- 3.2. The application site itself comprises of The Stamford Arms, which is an existing Grade II Listed Public House. The Listed Building Entry (National Heritage List England (NHLE) Ref 116067) identifies the building as:

“Public House. Late C18, raised and altered C20. Red brick in Flemish bond, slate roof with 2 brick gable stacks. 2 storey plus attics, 3 bay front having central C20 door in pedimented wooden surround with console brackets, flanked by single canted bay windows with hipped slate roofs and glazing bar casements with segmental arched heads. In the roof three C20 flat roofed casement dormers.”

- 3.3. The Listing Description identifies that the significance of the building is predominantly inherent within the historic and architectural interest of the original late C18 building, which occupies the north-western corner the site. The original building has been adapted and extended considerably to the side and rear over time to suit its use, and whilst such extensions predominantly have a traditional function, form, and appearance, which ensures they sit comfortably against it, they are less of less heritage than the original building itself.
- 3.4. Due to the dominant presence of the original building within the historic core of the village at the corner of Leicester Road and Ratby Road and its special historic and architectural interest, the Stamford Arms contributes positively to the character and appearance of the Groby Conservation Area

4. Relevant Planning History

4.1 24/00121/FUL

- Proposed extension and alteration to existing public house (Sui Generis) and change of use to deli/coffee shop (Use Class E)
- Awaiting Decision
- TBD.

4.2 19/00755/LBC

- Replacement and new signs with associated lighting
- Permitted
- 12.11.2019

4.3 14/01242/LBC

- Partial removal of boundary wall
- Permitted
- 06.02.2015

- 4.4 **14/01152/FUL**
- Change of use of land from garden associated with 2 Rookery Lane and the creation of beer garden to The Stamford Arms and associated engineering works, including the removal of a wall.
 - Permitted
 - 06.02.2015
- 5. Publicity**
- 5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2 There have been five objections to the application on the following grounds:
- Harm to the character and significance of the Grade II Listed Building.
 - Harm to existing commercial businesses within Groby.
 - Highway safety concerns.
 - Insufficient off-street parking.
 - Monopolisation of the village.
 - The use shall compete with other shops and facilities in the area including the Groby Library Café, and thereby reducing their viability and increasing the risk of the loss of amenities in Groby.
 - The Public House already serves coffee, tea, and cakes.
- The Planning Officer notes that concerns regarding highway safety, off-street parking provision, and the commercial impacts of the scheme on other commercial uses within Groby are not a material consideration within Listed Building Consent Applications. However, further consideration of the comments is detailed within the Officer's Report for the associated full planning application, 24/00121/FUL.*
- 6. Consultation**
- 6.1 Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer had no objections to the development.
- 6.2 Historic England did not comment on the scheme.
- 7. Policy**
- 7.1 Core Strategy (2009):
- N/A
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM11: Protecting and Enhancing the Historic Environment
 - Policy DM12: Heritage Assets
- 7.3 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (December 2023)
 - Planning Practice Guidance (PPG)
- 7.4 Other Relevant Guidance:
- Good Design Guide (2020)
 - National Design Guide (2019)

8. Appraisal

8.1. The key issues in respect of this application are therefore:

- Impact upon the Listed Building and Conservation Area

Impact upon the Listed Building and Conservation Area

- 8.2 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when considering whether to grant Listed Building Consent to have special regard to the desirability of preserving the building or its setting or any special features of special architectural and historic interest which it possesses.
- 8.3 Section 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.
- 8.4 Therefore, Paragraph 205 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be. Paragraph 206 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP.
- 8.5 Nevertheless, Paragraph 212 of the NPPF confirms that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.6 The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.7 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and 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. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.8 The proposals are located within the eastern corner of the application site and the existing storage building, the external kitchen, and the associated compound are considered to be of limited heritage asset.
- 8.9 The scheme does not extend beyond the existing building lines of the side and rear elevations of the property. Ultimately, it is considered that these works, and the internal alterations and works that form the arrangements for the deli/coffee shop, are considered to retain the plan form of the Listed Building.

8.10 The alterations to the fenestration to facilitate the new use are also considered to respect the character and appearance of the existing windows and doors across the building. As the character and appearance of the building is maintained and the arrangements of the existing development are not extended any closer to Leicester Road or Ratby Road, it is not considered that there is any adverse impact from the proposal upon the significance of the heritage asset.

8.11 For the reasons above, it is considered that the proposal is compatible with the significance of the Grade II Listed Building, the Stamford Arms, and it is likely to preserve the significance of the Groby Conservation Area. Therefore, the scheme is considered to be in accordance with Policies DM10, DM11, and DM12 of the SADMP, Section 16 of the NPPF, and the statutory duties of Section 16, 66, and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

9. Equality Implications

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

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

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

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

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

10. Conclusion

10.1 The proposal is compatible with the significance of the listed building known as The Stamford Arms and therefore the proposal complies with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF and the statutory duty of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

11. Recommendation

11.1 **Grant Listed Building Consent** subject to:

- Conditions outlined at the end of this report.

11.2 Conditions and Reasons

1. The works to which this consent relates shall be begun before the expiration of three years from the date of this consent.

Reason: To conform with Section 18(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of 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 received by the Local Planning Authority as follows:
- Block Plan (submitted: 09.02.2024)
 - Existing Elevation (submitted: 09.02.2024)
 - Existing Ground Floor (submitted: 09.02.2024)
 - Location Plan (submitted: 09.02.2024)
 - Proposed Block Plan (submitted: 09.02.2024)
 - Proposed Dual Compartment Cold Room Floor Plan and Elevation (Rev A) (submitted: 18.04.2024)
 - Proposed Elevation (submitted: 09.02.2024)
 - Proposed Ground Floor Plan 3404-02 (Rev E) (submitted: 18.04.2024)

Reason: To preserve the special interest of the building in accordance with the requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and in accordance with Policies DM11 and DM12 of the Site Allocations and Development Management Policies Development Plan Document (2016).

Planning Committee 7th May 2024
Report of the Head of Planning

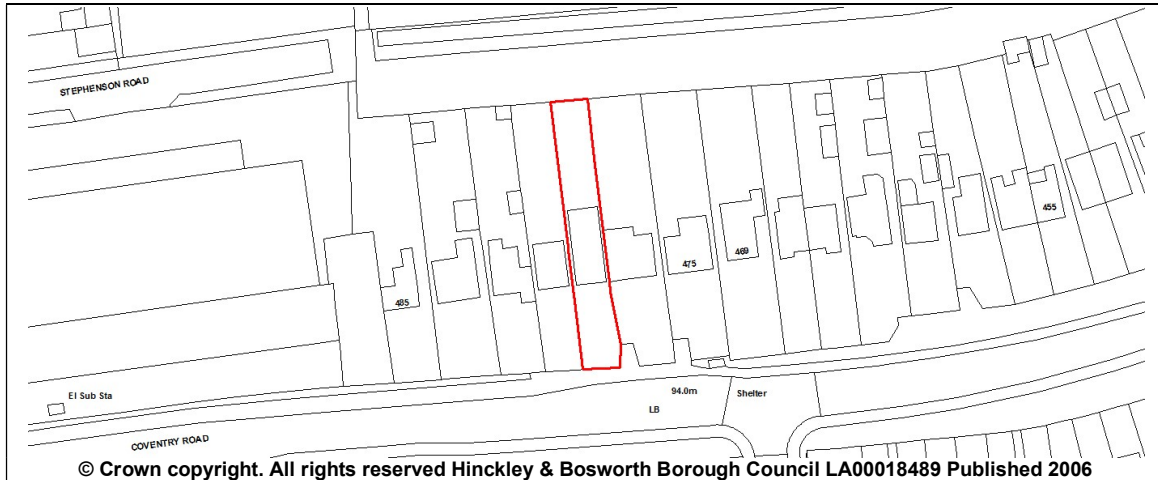
Planning Ref: 24/00263/CONDIT
Applicant: Mr Dilawar Alshibahie
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 477A Coventry Road Hinckley Leicestershire LE10 0NF

Proposal: Variation of condition 2 (approved plans) of Planning application
15/00678/REM (part retrospective).



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report.

2. Planning application description

- 2.1. This application seeks amendment to the approved plans and elevations for a replacement dwelling the details for which were approved by application 15/00678/REM. The amendments include a front porch and canopy, air source heat pump, single roof lantern, new door and window to the side elevation, new outbuilding and an increase in the height of the dwelling. The application is partly retrospective in that the main dwelling has been completed but no work has commenced regarding the outbuilding.
- 2.2. The front porch and canopy measure 2.41 metres in depth, with a width of 2.6 metres and 3.7 metres respectively. Both have a matching eaves and ridge height of 2.3 metres and 3.5 metres. The porch has a dual pitched roof while the canopy has a mono pitched roof form. The porch and canopy are constructed with brickwork with a small strip cream render, black glazed uPVC front door and eternity roof tile. The amendments include a new air source heat pump to the rear of the property, insertion of a single lantern to the rear projection instead of two roof lights, new door and window to the west elevation of the dwelling. Internal alterations to the second floor to increase the floorspace otherwise lost to the originally approved lower eaves has resulted in the increase in height of the dwelling.

- 2.3. A new outbuilding proposed at the rear of the site, measures 6.4 metres in width and 4.9 metres in depth to create a living area and kitchen. It is built with bricks, white uPVC bifold door and window and eternit roof tiles. It has a maximum height of 3.7 metres and an eaves height of 2.5 metres.
- 2.4. Planning condition 7 of the original application 15/00678/REM removed Permitted Development Rights for the provision of works under Part 1 Schedule 2 of the Town and Country Planning Act 1990.

3. Description of the site and surrounding area

- 3.1. The application dwelling is located within the urban settlement boundary of Hinckley and in a residential area. It is a designed two storey detached house on a fairly large plot of land with a dual hipped roof form and is set back from the public highway. The dwelling has a low level boundary wall to the front and hardstanding paving. The dwellinghouse is not listed and not within a conservation area.
- 3.2. The surrounding street is characterized by large detached properties with a mix of brick and render external materials. They have similar roof designs and are all set back from the public highway.

4. Relevant planning history

14/00458/OUT – Erection of one dwelling (all matters reserved) – Approved February 2015.

15/00678/REM – Erection of one dwelling following granted of planning permission 14/00458/OUT – Approved September 2015.

5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. Five comments objecting to the application have been received as a result of the public consultation. Issues raised include:

- Proposal not compliance with HBBC planning policy.
- Loss of privacy and light to neighbouring properties
- Noise from air source heat pump
- Large outbuilding causing overdevelopment.
- Impact to trees at the back of the property
- Risk of flooding as the site has clay soil.
- *Officer comment: Environment Agency flood risk mapping indicates that the site is in Flood Zone 1 which is the area of lowest risk and that there are no surface water flooding risks*
- Not adhering to proper method of waste disposal
- Overcrowding and use of outbuilding as living space
- Use of outbuilding for partying
- Anti-social behaviour
- Parking at random places

The last five comments are not considered to be material planning considerations to this application.

- 5.3. The application was called in to Committee decision by ward member Councillor Pendlebury on the basis that the proposal is harmful to the character of the area and to neighbouring residential amenity.

6. Consultation

- 6.1. HBBC Environmental Services - Drainage does not have any objection.
6.2. HBBC Environmental Services - Pollution have no comment.

7. Policy

- 7.1. Core Strategy (2009)
- No relevant policies
- 7.2. Site Allocations and Development Management Policies (SADMP) DPD (2016)
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM10: Development and Design
 - Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF 2023)
 - Planning Practice Guidance (PPG)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
 - National Design Guide (2019)
 - Local Highway Authority Design Guide

8. Appraisal

- 8.1. Domestic properties within urban settlement boundaries are generally considered to be sustainable development in principle. The key issues in respect of this application are therefore:
- Design and impact upon the character of the area.
 - Impact upon neighbouring residential amenity
 - Impact upon parking provision

Design and impact upon the character of the area

- 8.2. Policy DM10 of the adopted SADMP requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features and for building material to respect existing/neighbouring buildings and the local area generally. The Council's adopted Good Design Guide provides further advice in respect of the siting and design of house extensions. It requires front extension not to go beyond 2 metres and not to cover more than 50% of the front elevation. It should not result in the loss of existing parking spaces where it would impact on the streetscene and car parking provision.
- 8.3. The front porch and canopy measure 2.41 metres in depth, a width of 2.6 metres and 3.7 metres respectively. Both have a matching eaves and ridge height of 2.31 metres and 3.5 metres. The dwelling is well away from the public highway and therefore the front porch does not detract from the street character. The porch extends forward more than 2 metres and beyond the existing building line, however

it is clearly subordinate to the main dwelling. The porch has a dual pitched roof while the canopy has a mono pitched roof form which complies with other roof designs along the street. The porch and canopy are constructed with brickwork, a small strip render, black glazed uPVC windows and door and eternity roof tile. The street character has a variety of external material and therefore the proposed materials are not harmful to the street scene.

- 8.4 The air source heat pump is within the curtilage of the dwelling to the rear of the property, approximately 1 metre from the boundary fence and falls under permitted development rights. The new side door, new roof lantern to the single storey at the rear of the property are minor operations and can also be done under permitted development rights. These are minor alteration and are not visible to the street scene. They do not impact on the visual character of the street.
- 8.5 The existing height of the dwelling is 8.8 metres at ridge and 5.5 metres at eaves. The proposed height increase of the dwelling over what was approved under application 15/00678/REM is approximately 1 metre. The height of dwellings on the street scene are similar with the proposed site being noticeably the tallest. The increase in height does not comply with the character of the street. It is considered that had the applicant sought to increase the height of the dwelling to accommodate a full third floor of accommodation at reserved matters stage then officers would have resisted the increase in height.
- 8.6 The application raises the question though of whether the finished dwelling is so harmful to the street scene that permission should be refused and then if enforcement action should be taken to lower the height of the dwelling.
- 8.7 It is notable that the dwelling has been built and occupied for some time and is on a busy road but that there are no records of any complaint being made regarding the size of the dwelling. On balance, it is considered that the effect on the character of the area is not so great that a reduction in the height of the building is required. This takes into account the dual hipped roof form and the variety of building heights on this particular stretch of Coventry Road.
- 8.8 The proposed outbuilding is located to the bottom of the site, approximately 16 metres from the main dwelling. It measures 6.4 metres in width and a depth of 4.9 metres to create a living area and kitchen, incidental to the main dwelling. It is built with bricks, white uPVC bifold door and window and eternit roof tile. It has a maximum height of 3.7 metres and eaves height of 2.5 metres. It does not cover more than 50% of the curtilage of the dwelling. It is not viewable from the street scene and has no significant adverse impact on the wider street scene.
- 8.9 With the exception of the height of the dwelling all other differences between the dwelling approved under application 15/00678/REM and what has been subsequently built in addition to the proposed outbuilding are considered to be acceptable with regard to their impacts upon the character and appearance of the area.

Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the adopted SADMP and the adopted Good 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.
- 8.11 The front porch and canopy are set forward of the building line. The dwelling adjoins 477 Coventry to the east and 479 Coventry Road to the west. On the east boundary is a hedge that separates 477 and 477A Coventry Road. There is also a separation distance of approximately 0.6 metres to the west boundary and 0.5 metres the east boundary. Due to the single storey scale of the front extension, there is no

significant impact on adjacent properties. There is no loss of light, loss of privacy or overlooking as a result of the front extension.

- 8.12 The air source heat pump, new side door, new roof lantern to the single storey are located to the rear of the property. HBBC Environmental Services has assessed the application and has no comment to make. While the dwelling has higher eaves and ridge than the neighbouring properties it is considered that there is no significant overbearing or overshadowing impact on neighbouring properties as there are good separation distances between the dwelling and neighbouring properties.
- 8.13 The proposed rear outbuilding is 16 metres from the main building, approximately 0.6 metres from both side and rear boundaries. It has appropriate height, no side facing windows and is more than 20 metres away from the rear of 479 Coventry Road. It does not cover more than 50% of the curtilage of the dwelling and is not considered as overdevelopment. Subject to conditions the proposed outbuilding is considered to have no significant adverse impact on adjoining properties.
- 8.14 By virtue of the siting, scale and design of the extension, the proposal does not result in any significant adverse overbearing or overshadowing impacts or any significant loss of privacy to the neighbouring occupiers from any direct overlooking. The proposal is therefore considered to be in accordance with Policy DM10 of the adopted SADMP and the adopted Good Design Guide.

Impact upon parking provision

- 8.15 Policy DM18 of the adopted SADMP seeks to ensure an appropriate level of parking provision of appropriate design.
- 8.16 The proposal does not increase the number of bedrooms in the dwelling. Moreover, the dwelling has a large hardstanding driveway to the front of the property which has the capacity to hold at least 4 cars. This level of provision remains adequate to serve the existing/resulting dwelling in this highly sustainable urban setting with easy access to a full range of services and facilities by alternative and more sustainable transport means. The proposal is therefore in accordance with Policy DM18 of the adopted SADMP and local highway authority design guidance.

9. Equality implications

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

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

10. Conclusion

- 10.1. The proposed amendments to the existing dwelling located within the urban settlement boundary of Hinckley where there is a general presumption in favour of sustainable development as set out in Policy DM1 of the adopted SADMP and the overarching principles of the NPPF.
- 10.2. The amendments to the approved scheme, with the exception of the building's height, are considered acceptable. Both the dwelling as built and the proposed outbuilding are considered acceptable with regard to their impacts on neighbours. Adequate private amenity space and off-street parking spaces are retained within the site. On balance it is considered that the dwelling is not so harmful to the character and appearance of the area that the reduction in the height of the building is required. Therefore the application is recommended for approval subject to conditions.

11. Recommendation

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

- Planning conditions outlined at the end of this report.

11.2 Conditions and Reasons

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

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

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Drawing Number 55206 (01) 001, Proposed Block Plan Drawing Number 55206 (20) 002C, Proposed Floor Plan Drawing Number 55206 (20) 101B, Proposed Elevations Drawing Number 55206 (20)102B, Proposed Outbuilding Drawing Number 55206(20)201B, received by the local planning authority on 20 March 2024.

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

3. The materials to be used on the external elevations of the proposed outbuilding hereby permitted shall match the corresponding materials on the existing dwelling.

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

4. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A, AA, B, C, D and E of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (or any order revoking or re-enacting that order with or without modification) the dwelling hereby approved shall not be enlarged, improved or altered without planning permission for such development having first been granted by the Local Planning Authority.

Reason: To protect the character and appearance of the area and the amenity of neighbouring residents in accordance with Policy DM10 of the Site allocations and Development Management Policies Supplementary Planning Document (2016).

5. The outbuilding hereby permitted shall only be used as ancillary domestic accommodation to the main dwelling currently known as 477A Coventry Road, Hinckley and shall not be occupied, sold or separately leased or let as an independent unit of residential accommodation or used for any commercial purposes.

Reason: To ensure the outbuilding hereby permitted is not occupied as an independent unit of accommodation which may have additional impact in accordance with Policy DM10 of the adopted Site Allocations and Development Management DPD (2016).

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Planning Committee 7th May 2024
Report of the Head of Planning

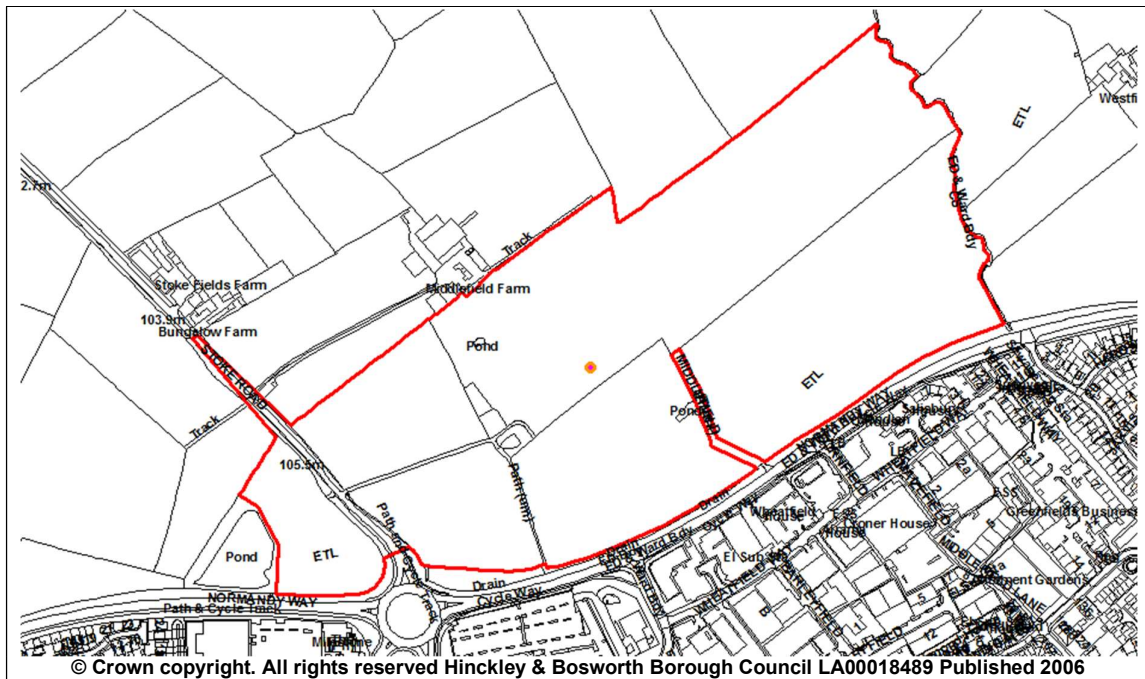
Planning Ref: 23/00432/OUT
Applicant: Richborough Estates
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: Land North Of A47 Normandy Way And East Of Stoke Road Hinckley
Leicestershire

Proposal: Outline planning application for the erection of up to 475 dwellings including public open space, drainage, landscaping and associated infrastructure



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 475 dwellings, open space, drainage, landscaping and associated infrastructure with all matters reserved except for access.
- 2.2. Vehicular and pedestrian access is proposed via a new three arm roundabout on Stoke Road.
- 2.3. The Council has worked proactively with the applicant to overcome various issues raised during the planning process. A previous application (22/00318/OUT) on this site was the subject of an appeal, lodged by the applicant for non-determination of the application. A refusal notice on highway grounds was then issued by the Council on 2 May 2023. The appeal was subsequently allowed by the Planning Inspectorate on 18 January 2024.

- 2.4. During the appeal process and since the submission of this subsequent application, the local highway authority have stated that the previous highway concerns have been overcome and are now acceptable subject to conditions and planning obligations.
- 2.5. In addition to this, a consultation response received from the Leicestershire Planning Obligations Team in 2023 has confirmed that land initially reserved for a primary school on the site is no longer required. In light of this, a new red line plan and amended plans and documents have been submitted for this current application which removes the school site from the illustrative masterplan. The following amended plans and documents have been received by the local planning authority and a full re-consultation has been carried out with all consultees:
- Site Location Plan
 - Illustrative Masterplan
 - Landscaping Mitigation and Enhancement Plan
 - Design and Access Statement
 - Land Use Parameter Plan

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

- 3.1. The site is located to the North of Normandy Way (the A47) on the corner of Stoke Road, on the edge of the Growth Town of Hinckley in Leicestershire. The site constitutes five interconnecting fields managed for livestock pasture east of Stoke Road, and a further field west of Stoke Road. There are a number of hedgerows and small groups of trees within it. Topographically speaking, the site slopes up to the east from Stoke Road.
- 3.2. The surrounding area is characterised by its edge of settlement location. Across the A47 is relatively densely built form with both commercial and residential uses on show. To the north is open countryside, as well as across Stoke Road to the west. A Public Right of Way lies to the south western-western edge between the A47 Normandy Way and Stoke Road. This route passes through the site from the A47 and links with the wider open countryside beyond the site.
- 3.3. Middlefield Farm and Stoke Fields Farm lie to the north of the application site.
- 3.4. The A47 is partly a ring road – though there have been historic and more modern extensions of development beyond it – most notably the Bloor Homes site (Hollycroft Grange) to the southwest. As such it is increasingly becoming more of an arterial route.

4. **Relevant planning history** **22/00318/OUT**

- 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
 - Refused
 - Allowed at Appeal (18 Jan 2024)
- 4.2. **21/10199/PREMAJ - The summary of the response provided was as follows:**

“The Council cannot currently 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 currently 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 provision of circa 500 dwellings, a proportion of which to be Affordable Housing, is considered to be a significant benefit of the proposal and weighs heavily in favour of the scheme.

It is likely that the scheme does not fully comply with Policy DM4 of the SADMP. The above comments re LVIA are clearly going to be key in the determination of any application as are the impacts on infrastructure.”

- 4.3. Under the Town and Country (Planning Impact Assessment) Regulations 2017 there is a requirement to ‘screen’ certain types of major development or other industrial, agricultural schemes to ascertain whether they would have significant environmental effects and are considered to be EIA development. Under Schedule 2 of these Regulations there are thresholds and criteria that are applicable to certain types of development in order to be ‘Schedule 2 development’.
- 4.4. This development is considered under Category 10 (b) ‘urban development project’ and the thresholds for this are:
 - The development includes more than 1 hectare of urban development which is not housing development
 - The development includes more than 150 dwellings
 - The overall site of the development exceeds 5 hectares
- 4.5. In this case, the development exceeds 5 hectares and so is considered to be Schedule 2 development. This type of development requires ‘screening’ to determine whether it requires an Environmental Impact Assessment. The scheme has been screened by the Council as part of the pre application advice and it has been concluded that the site is not in or adjacent to an environmentally sensitive area (as per the definition within the EIA Regs), is not unusually complex and does not pose potentially hazardous environmental effects. Although it is acknowledged that the proposal would create some effects upon the environment when compared to the existing situation it was concluded that these effects would not be ‘significant’ and therefore under the provisions of the screening regulations the proposal did not require an Environmental Impact Assessment.
5. **Publicity**
- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. Eight public comments have been received, raising the following concerns:
 - This site is unsuitable for such a large scale development. The local road infrastructure is inadequate and it is a section of greenbelt that should not be built on.

- There are plenty of brownfield sites that could/should be developed on - old leisure centre still not developed, ex Cadent site has scope for hundreds of properties etc.
- Local schools, dental and GP services are already full to capacity and the potential increased traffic through the nearby villages of Stoke Golding and Dadlington would severely impact the quality of life of residents. There are already daily bottlenecks at key times of day for children travelling to St Martins school, while Redmoor, Dorothy Goodmans and Richmond schools are also close by and have substantial traffic flows.
- The addition of more traffic on the A47 will cause even longer queues and congestion; there are already long queues of traffic at various times from the Morrisons roundabout up to the Ashby Road lights. The proximity of the Morrisons supermarket, Wickes, Halfords and the Milestone public house should also be considered, as there will be a substantial increase in traffic at this roundabout, leading to another bottleneck and increased risk of accidents.
- Vehicles turning right out of the 'Admirals' estate can already have great difficulty and additional traffic on the A47 will only exacerbate this problem and increase the chances of major accidents occurring. We already have the possibility of increased HGV traffic along this route due to the impact of the proposed rail freight interchange and the single carriage road is inadequate for still more development.
- The Bloor homes development a few minutes away is already adding to local traffic and is only in its early stages. The overall impact of this development and that proposed will be to add several thousand more vehicles onto an already very busy road, not least through the industrial area close to Dodwell's island.
- There will be an impact on policing too with more pressure on their operations.
- Why is Hinckley being pressurised into having more unnecessary building of houses in another inappropriate area?
- It is entirely unclear why this development is needed in our area unless it is to make up for the shortfall in Leicester and other areas. It is too much, in the wrong place and without the essential infrastructure to support it.
- This beautiful area is in danger of being thoroughly spoilt and Hinckley merging into Stoke Golding and both merging with Nuneaton.

6. **Consultation**

6.1. No objection has been received from:

- Natural England
- Environment Agency
- LCC Ecology (subject to an ecological constraints and opportunities plan)
- LCC Archaeology (subject to conditions)
- LCC Minerals and Waste Authority
- Leicestershire Fire and Rescue
- Leicestershire Police
- Coal Authority
- HBBC Environmental Health (Conditions relating to noise, CEMP, land contamination, construction hours)
- HBBC Waste (Condition relating to refuse storage and collection)
- HBBC Conservation Officer
- LCC Drainage (Conditions relating to surface water drainage, management thereof and long-term maintenance thereof)

- LCC Planning Obligations Team – subject to request for planning obligations including libraries, waste, early years and education contributions (confirmation that land for a primary school is no longer required)
- NHS – subject to request for healthcare contributions

6.2. HBBC Affordable Housing – The application for this site is for 475 dwellings on land North of Normandy Way Hinckley.

Policy set out in the Core Strategy (policy 15), indicates that 20% of the dwellings in the urban areas should be for affordable housing, of which 75% should be for affordable rent and 25% for shared ownership. However, the policy relating to tenure has been superseded by national guidance. Whilst 16 properties should be provided for affordable housing, the tenure split would be determined by the guidance in National Planning Policy Framework which states that: “Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.”

Government has also introduced First Homes as a form of affordable home ownership, and requires that after the transitional period, 25% of all affordable housing on qualifying sites should be for First Homes.

To comply with this guidance, which supersedes the tenure mix set out in the Core Strategy, 95 dwellings should be for affordable housing. The tenure mix should provide 24 properties as First Homes, 47 properties for affordable rent and 24 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 Council’s housing register has the following number of live applicants waiting for rented housing as at 19.6.23 with a preference for Hinckley:

Bedroom size	General register
1 bedroom	315
2 bedrooms	152
3 bedrooms	85
4 or more bedrooms	28
Total	580

As this is a development which will provide a significant amount of affordable housing for the Borough, a cross section of properties types for rented accommodation is requested. As there are 117 live applicants amongst the total number who are aged 60 and over and would be able to apply for housing for older people, it is requested that a proportion of the affordable housing should be for 2 bedroomed bungalows.

The optimum mix for property types for each tenure would be as follows:

Property type	Affordable rent	Shared ownership	First Homes
1 bed 2 person quarter house or apartment	13%	0%	0%

2 bed 4 person bungalows	13%	0%	0%
2 bed 4 person houses	43%	50%	50%
3 bed 5 person houses	25%	50%	50%
4 bed 6 person houses	6%	0%	0%
Total	100%	100%	100%

The properties should meet the Nationally Described Space Standards for the property type where possible. Where a site is to be developed out in phases, the affordable housing policy requirement should be met in each phase of the development, and the dwellings should be spread in small clusters throughout the site.

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.

- 6.3. Local Highway Authority - A single point of vehicular access is proposed from Stoke Road comprising a new three arm roundabout junction as shown in drawing number T19595 001 Rev G. The design has been subject to a stage 1 Road Safety Audit (RSA1) and full design check. The LHA is content that the geometrical configuration complies with DMRB CD116 and that the following design comments could be dealt with at the s278 detailed design stage:

It is proposed to extend the existing stepped cycleway/footway provision that currently terminates on Stoke Road to continue to the new access roundabout. A width of 3.5m has been shown and the Transport Assessment (TA) document (paras 4.4 to 4.9) clarifies how the proposals would comply with LTN1/20. The applicant has advised that due to land ownership constraints and the existing ditch, the buffer strip cannot be accommodated over a 35m length to the shared provision linking A47/Stoke Road roundabout with the proposed Toucan crossing. This is noted, but consideration should be given by the designer to maintaining the buffer strip but with a reduced width of shared provision, for which the designer would be required to provide design safety risk assessment for their proposal.

The drawing indicates that the existing hedgerow will need to be removed for the proposed roundabout, and consultation will need to be undertaken with relevant teams regarding this at the detailed design stage.

The new roundabout will require an effective highway drainage provision, and a detailed drainage design and drainage assessment will be required for approval as part of the s278 agreement. The developer will be required to survey the existing drainage so as to identify suitable drainage to connect into, and consideration will need to be given to permit requirements from Environment Agency and Lead Local Flood Authority for any impact upon existing outfalls or new outfall proposals.

The new roundabout would require street lighting provision. The LHA notes that this was also raised in the RSA1. It is noted that on the southern arm of the roundabout, the pedestrian dropped crossing appears to be narrower than the dropped crossings provided to the other arms, this should be consistent across the junction as a whole.

Pedestrian and Cycle Access

As part of the site access proposals, the existing footway/cycleways on both sides of Stoke Road are proposed to be extended to the site access and along the central spine road that links through the site. Crossing facilities in the form of dropped kerb crossings with tactile paving will be provided at the site access roundabout. In order to facilitate crossing of the A47, two Toucan crossings are proposed. The first of these is proposed approximately 90m west of Clover Field and aligns with the existing PRow T60 which passes through the site. The applicant intends to improve the PRow link between the site and the A47 and so a condition is advised to secure this and enable relevant details and timescales to be provided. The proposed crossing is shown in Drawing T19595.002 rev E and should be subject to a separate condition below.

The second Toucan crossing would be located between Corn Field and Nelson Drive. This would also connect to the existing footway/cycleway infrastructure on the southern side of the A47. The proposed crossing is shown on Drawing T19595.006. Both crossings have been subject to an RSA1 and issues accepted where raised. In both instances this concerned the provision of pedestrian guard railing which is identified to be considered further at the detailed design stage.

The LHA is content that sufficient highway is available to facilitate this. The LHA has undertaken a thorough assessment of the additional demand and demographic data provided by the development team to quantify the proposed crossing demand and justify the crossing provision in accordance with the relevant design criteria. The LHA are content that the justification is appropriate and the proposed infrastructure will positively encourage walking and cycling movements. The LHA also note this provision is consistent with recent infrastructure provided further south along the A47 corridor to residential development located on the west side of the A47.

It is also proposed to improve the existing footway provision along the western side of Stoke Road between the proposed site access and Stoke Golding, a distance of around 2km. This route facilitates pedestrian movements between Stoke Golding and Hinckley and by way of example is utilised by pedestrians accessing St Martin's Catholic Voluntary Academy from Hinckley. The improvements involve widening the existing footway provision to 2.0m in width for the majority of the route where possible. The proposed footway improvements are indicated in Drawings T19595.014 to 017. No RSA1 has yet been undertaken for this scheme and therefore a suitably worded condition is advised to enable this necessary further assessment to be undertaken and the scheme amended accordingly prior to implementation.

Highway Safety

In order to assess the existing Personal Injury Collision (PIC) record the applicant has obtained collision data for the most recently available six year period. The LHA has reviewed the information and assessment undertaken and finds no reason to disagree with the applicant's conclusion that there would not appear to be any existing cluster or specific existing highway safety issues within the study area which could be exacerbated by the development proposals.

Offsite Implications

The cumulative impact of the development on the local highway network has been assessed using LCC's Pan Regional Transport Model (PRTM), National Highways' (NH) approved VISSIM model and standalone junction modelling. The LHA, along with relevant stakeholders such as NH, have been engaged throughout this process to agree inputs, scope of assessment and comment on the impacts and emerging mitigation strategy. With regard to the local highway network the applicant team have proposed the following schemes of offsite highway mitigation to mitigate the otherwise severe development impact:

- A47/Stoke Road roundabout
- A47/A447 signal junction
- A5 Dodwells roundabout

The above schemes have been reviewed including a submitted RSA1, and are considered acceptable to be secured by the planning conditions. The LHA would however make the following comments on each scheme which will need to be addressed through the future s278 detailed design process:

A47/Stoke Road roundabout junction improvement

The A47/Stoke Road roundabout junction is predicted to operate beyond theoretical capacity in the future year scenarios. Once development traffic is added to the junction, queues and delays are predicted to increase, particularly on both A47 arms. The improvement scheme proposed indicates that it is proposed to widen the exits on the A47 arms to enable a two-lane exit, with traffic then required to merge after exiting the roundabout. By widening the exit arms to allow two vehicles to exit at once the lane designations can be changed to allow two straight ahead lanes on the A47 approaches which provides a significant capacity benefit and mitigates the severe development impact at this junction.

- Forward visibility of 90m is shown to the proposed signals which would be appropriate for a design speed of 60kph at this location. Visibility to the signals would need to be unobstructed and this would require the relocation of traffic signs and lighting columns that are present within the verge. There is also concern that for a vehicle in the right-hand lane passing a slow moving HGV, visibility of the signals would be obscured. A further visibility check should be undertaken for this scenario. Consideration may need to be given to the provision of additional high level signal heads.

- It was previously identified that existing stepped cycleway/footway provision is present to the roundabout, and it is proposed to improve this by providing an uncontrolled crossing to the northern arm of the existing roundabout (as per RSA problem 4.1). Opportunity should be taken to improve all cycleway/footway provision to comply with LTN1/20 guidance and LHDG requirements. Improvements to footway/cycleway crossings to all arms of the roundabout is indicated on the drawing and this is welcomed.

- The existing cycleway/footway to the north-east of the roundabout will be extended along the A47 eastwards to the proposed toucan crossing located approximately 100m from the roundabout. The proposed width of the shared provision has been shown with a 3.0m width plus 0.5m buffer strip apart from a 35m length as referred to above. As above consideration should be given by the designer to maintaining the buffer strip but with a reduced width of shared provision, for which the designer would be required to provide design safety risk assessment for their proposal.

- Forward visibility of 120m is shown to the proposed signal heads which would be appropriate for a design speed of 70kph. The 85th percentile speed measurements of 39.0mph eastbound and 39.8mph westbound indicates that this would be acceptable.
- A footway/cycleway provision is present to the south side of the A47, and tactile and corduroy paving would need to be provided to warn locations of shared usage for pedestrians and cyclists. This would need to be in accordance with latest DfT Guidance on the use of tactile paving.

A47/Ashby Road traffic signal junction improvement

The drawing indicates alterations to the existing signalised crossroads junction so as to provide an additional lane on the Ashby Road northbound approach to the junction. The proposed layout would also provide two lanes for the straight-ahead traffic on the Normandy Way westbound approach to the junction, which currently has only one lane available. The layout revisions would also provide controlled crossing provision for pedestrians whereas currently this is uncontrolled. On the basis the proposed scheme would present a nil-detriment solution for development trips the submitted scheme can be secured via condition for delivery. However, the LHA is aware of the potential for a preferred scheme to accommodate the wider growth in the area at this location on the network. Condition wording needs to provide flexibility at the relevant time to either provide the proposed works or provide financial payment in lieu of these toward a preferred scheme in discharging the condition at the relevant time.

Dodwells Roundabout approach lane widening

The A5 Dodwells assessment identifies some moderate increases in delay and queuing as a result of the development traffic being added to the highway network. A scheme has therefore been identified which involves increasing the flare on the A47 Dodwells roundabout approach. This increases the storage available for two cars to stack side by side at the stop line. The proposed scheme is presented on Drawing T19595.013. Given this scheme is proposed to address the highway impact on the strategic road network under the jurisdiction of NH the LHA would advise that its impact and inclusion be considered as part of NH's review and assessment of the development proposals. The LHA understand that NH's consideration of the pending application is ongoing and the LHA has therefore not advised a condition for these works and respectfully refers to NH with regard to development impact at the Longshoot Dodwells junction.

Transport Sustainability

Public Transport

There are currently a number of bus services operating within close proximity of the site and therefore no additional provision is sought. However, the recommended walking distance for residents of new developments to services is 400m. Based on the current bus network, residents would need to walk in excess of this distance in order to access services. It is therefore, suggested that the developer fund the installation of a pair of new stops at a suitable location on Stoke Road to the north of the A47 Normandy Way and a pair at a suitable location on A47 Normandy Way to the east of the roundabout with Stoke Road. The latter will offer an incentive for bus operators to consider routing buses along the A47 to capitalize on potential passenger growth from the site.

Stops should consist of hardstanding, pole and flag, timetable case, shelter, raised kerb and provision of digital information. A suitably worded condition is advised to secure their provision.

Public Rights of Way

Footpath T60 crosses the site, the proposed improvement to the pedestrian crossing of Normandy Way is welcomed in principle as discussed above and it is noted that the applicant is committed to improving this link between the application site and the A47.

Whilst the submitted masterplan is indicative at this stage the pedestrian paths on the plan are located several metres further to the west of the definitive map line. This type of arrangement can lead to the legal alignment of the PRow being neglected or unlawfully obstructed creating enforcement issues for the LHA and on-going maintenance issues for the land manager. This can be considered further as part of detailed layout development for a subsequent reserved matters application given the current application considers only access in detail. Current Government guidance in Defra Circular 1/09 para 7.8 is that “preference should be given to the use of made up estate paths through landscaped or open space areas away from vehicular traffic”. This is restated in the adopted LCC guidance notes ‘Development and public rights of way’ paragraph 14. The made-up path does not need to be on the existing legal alignment of the Footpath, but it should be a condition that the right of way is legally diverted to ensure the constructed paths and legal alignments of the public rights of way coincide.

Residents of the new development will increase the recreational use northwards on Footpath T60 and accordingly an all-weather bituminous surface is required to be provided as far as the site boundary. To provide for increased use beyond the site boundary improvements to Footpath T60 north to Rogue’s Lane and on to where it meets the Leicestershire Round long-distance trail near Stoke Golding could be provided along the lines endorsed by the Hinckley and Bosworth Green Infrastructure Strategy. The LHA does however welcome the Stoke Road footway provision proposed and would not therefore consider it a reasonable request to obligate further PRow improvements north to Stoke Golding.

Travel Plan

Whilst consideration has been given to the existing transport options available to the site, the travel plan (TP) does not sufficiently set out a detailed plan of action for how the reduction in peak hour car trips will be achieved. Therefore, the LHA is unable to approve the TP at this stage. The LHA sets out comments below for the applicant to consider and a suitably worded condition is advised to enable the further work to be undertaken prior to agreement of the TP.

- The expansion of the site is noted however no confirmation of how the school TP and any future development will be managed/integrated with this travel plan is provided.
- Although the centre of the site is within 610m of a bus stop, what is the distance from the furthest site, and will this still be within 800m of a regular bus service?
- Given the number of dwellings on site, the LHA would expect to see a higher target set to reduce single car occupancy. The LHA would expect a minimum of a 10% reduction over the 5 year monitoring period of the TP and expects that NH may also comment in this regard. If so then the TP may also need to be revised to take into account any comments made by NH.
- The action plan detailed in table 4 does not provide adequate information on what initiatives and incentives will be provided to residents.

- It is unclear how the initiatives will be promoted. Although information provision is key, the TP also needs to be supported through physical measures and input. The applicant needs to consider what measures they will put in place within the first 12 months of the travel plan which would not only give residents knowledge and information but also the skills, incentive and facilities to act upon this information. This can be tailored depending on survey results once these have been conducted.
- For example the TPC to arrange an adult cycle training session as part of bike week.
- A draft of the travel pack will need to be submitted to LCC for approval before being distributed to residents. An administration fee of £500 will be required upon submission to enable the LHA to review and comment upon it. Alternatively, LCC can provide each dwelling with a travel information pack for £52.85 per pack.
- The travel plan coordinator should be in post prior to first occupation and should remain in post for a minimum of the 5-year monitoring period.
- Actions set out within section 6.13 of the TP should be considered before targets are not being met. These should be included in the initial action plan. The first travel survey should also be used to identify what residents are looking for in order to support them to reduce single car occupancy travel.
- Greater clarity is required for when 50% occupancy is expected for the sites. Due to the number of dwellings it would be expected that the first travel survey is completed within six months of first occupation and annually after that.
- Please note that LCC would expect a minimum of two, six-month bus passes to be made available for each per dwelling.
- STARS monitoring fee of £6000.
- A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

- 6.4. Active Travel – ATE is not currently in a position to support this application and requests further assessment, evidence, revisions and/or dialogue. As the site lies beyond the A47 road this, and its existing limited crossings and primarily vehicle serving junctions and roundabouts, have the potential to be a significant barrier to active travel modes. There is a lack of information about walking, wheeling and cycling within the site and in the surrounding areas. The illustrative site masterplan scores well in terms of permeability with two pedestrian access points to the south but could be enhanced by additional cycling and wheeling provision at these points. Further enhancement where necessary outside the site may be required to resolve any infrastructure, or gaps in infrastructure, that fail to meet design standards of LTN 1/20, Inclusive Mobility, Manual for Streets and Active Design.

Further response received from Active Travel 15 April 2024 - ATE welcome the further clarification provided on trip generation and the proposed change to remove the primary school, however onward routing for active travel trips remains unresolved and ATE still have concerns over the lack of clarity proposed in the travel plan. ATE recommend any decision on this planning application is deferred until these matters, and those previously raised, are resolved.

- 6.5. National Highways – Has concerns relating to the proposed development impact upon the A5. At the junctions of the A5 and A47 at the Longshoot and Dodwells the cumulative impact of development threatens to severely impact upon junctions that are highly sensitive in terms of capacity. Further consideration is required as

to whether these junctions can operate safely with any additional development traffic.

In order to fully assess the impact of the development on the A5 Longshoot and Dodwells Junctions with the A47 and the local road network, the developer will need to undertake further modelling in accordance with the Longshoot Dodwells modelling protocol agreed by National Highways, Leicestershire County Council and Warwickshire County Council. At a meeting with the developer's representatives, further details of the requirements to undertake modelling utilising Leicestershire's Pan Regional Transport Model (PRTM), and the current National Highways held Vissim were discussed. The outputs of this modelling can then be used to verify the information and assumptions within the Transport Assessment, and quantify any mitigation that may be required to negate the development impact. The developer has expressed a view that it may be beneficial to undertake the modelling for this proposal in parallel with the modelling required for application 23/00573/FUL. National Highways would be supportive of the modelling for the two individual sites to be undertaken in parallel as this may help to promote consistency in the evaluation of the sites. DFT Circular 01/22 National Highways and the strategic road network, states that new development should be facilitating a reduction in the need to travel by private car. Therefore National Highways would expect to see any increase in traffic impact offset by sustainable transport modes.

No further response from National Highways received since December 2023 despite chasing/requesting comments.

- 6.6. Stoke Golding Parish Council - We are neutral about the application and support the repair and upgrade of the pathway along Stoke Road to Stoke Golding.
- 6.7. HBBC Major Projects Team - Public realm improvements within Hinckley town centre are required from developments in accordance with Policy 1 and 5 of the Core Strategy. Due to the size and scale of the development this would increase the number of users of the town centre and therefore it is considered that the scheme should contribute towards the improvement of the public realm of the town centre. A number of projects towards public realm and transportation improvements in Hinckley Town Centre have been identified within the Hinckley Town Centre Area Action Plan (Policy 11) and the Hinckley Town Centre Public Realm Strategy. The Major Projects Team are of the opinion that such contribution is necessary, directly related to the development, is fair and reasonably related. An amount of £75,000 to be focused on delivery of town centre public realm project(s) with a trigger point associated with the delivery of the development being as early as would be reasonable for the applicant is requested. Ideally any secured amount would be received in full rather than phased to allow for cashflows associated with such projects.
- 6.8. HBBC Economic Regeneration Team - As with other large-scale sites due to the high number of proposed dwellings please could a Local Employment & Training Strategy be requested.
- 6.9. S106 Monitoring Officer - They have included the LAP areas as equipped – they are not equipped they are local areas of play. If the casual informal equates to the Design & Access Statement then why do they not show this on the plan? I believe they are overproviding open space on site but for Accessible Natural Green Space. Please request a plan to show the breakdown of open space per typology.

Further response received March 2024 - The plan now indicates the relevant open space typologies and their total areas being provided to which I have made the following observations:

Casual Informal Open Space

I don't class casual informal open spaces where there are attenuations – this is usually classed as “accessible natural green space” which are located in the corridor link between the two main play areas 3 x areas now say equipped but state LAP on other plans – as these areas are not big enough for equipped areas (see below) they need to remain as LAP's . The LAP's can be incorporated into the casual open spaces sqm so the layout needs to be re-jigged taking into consideration the areas where attenuations are and the additional equipped area required.

Equipped Open Spaces

These are open spaces that require equipment and I am not sure what equipment or the use of equipment in the two circle areas are going to provide plus they conflict as they state they are to be LAP's which don't have any equipment and therefore should not be included in the equipped open space sqm being provided. The small square is also been classed as LAP on other plans again this is not an equipped area. The Two main areas of equipped need to be larger to meet the sqm required. It is recommended that developments of dwellings between 201 and 500 provide a LEAP (minimum size 20x20) and a MUGA (Minimum size 40x20m) for equipped play and LAPS across the site (1 minute walking time) So there is approx.. 400sqm short of the minimum provision in the calculation table as the two areas equate to 1441.95 sq m.

Accessible Natural Green Space

There is over provision of this typology and would suggest that some areas could be LAP's to make up the Casual informal areas requirements. Minimum buffer zones from the boundary of dwellings should be 5m separation for LAPS (the one circle towards Middlefield Farm are located close to residential area) and MUGAS 30m separation to 20m separation to habitable room for LEAPS (this depends on the areas being increased).

Revised/updated open space details have been provided by the applicant and at the time of writing the report, comments from the S106 monitoring officer are still required.

7. Policy

7.1. Core Strategy (2009)

- Policy 1: Development in Hinckley
- 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. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highway Design Guide
- Landscape Character Assessment (2017)
- Landscape Sensitivity Assessment (2017)
- Landscape Sensitivity and Green Infrastructure Study for Leicester & Leicestershire (October 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
- Heritage Impacts
- Archaeology
- Residential amenity
- Flood risk and drainage
- Ecology and biodiversity
- Minerals
- Planning Obligations
- 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.
- 8.5. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located adjacent to the settlement of Hinckley but is on land which is designated as open countryside.
- 8.6. 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.
- 8.7. 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 AccommodationAnd
 - i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and
 - ii) It does not undermine the physical and perceived separation and open character between settlements and
 - iii) It does not create or exacerbate ribbon development
 - iv) If within a Green Wedge it protects its role and function in line with Core Strategy Policy 6 and 9 and
 - v) If within the National Forest it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

- 8.8. The proposed development does not relate to any of the criteria above. The application sets out why development in this location is deemed to be sustainable; and provides a reasonable and accurate assessment of how the proposal would contribute to sustainable development as required by the NPPF. The proposal is also supported by a Landscape Visual Impact Assessment (LVIA) setting out the impact on the wider landscape character.
- 8.9. Whilst there is conflict with Policy DM4, the proposed development is located on the edge of an urban settlement, is not considered to be isolated, does not exacerbate ribbon development and is not within the National Forest. It needs to be assessed against the material planning considerations set out in the below sections.
- 8.10. An appeal for application 22/00318/OUT for up to 475 dwellings on the site has been allowed by the Planning Inspectorate (18 Jan 2024) and this is a key material consideration for this subsequent planning application.

Housing land supply

- 8.11. 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.
- 8.12. Using the standard method as outlined by MHCLG, Hinckley and Bosworth Borough is able to demonstrate 4.89 years of deliverable housing. The Council cannot demonstrate a 5 year housing land supply. Due to this and the change in the housing figures required for the borough paragraph 11(d) of the NPPF is triggered. Therefore, this application should be determined in accordance with Paragraph 11(d) of the National Planning Policy Framework (NPPF) whereby permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. This is weighed in the balance of the merits of the application when considered with the policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.
- 8.13. Under these circumstances, 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”*
- 8.14. 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 (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable as set out in paragraph 77) and does not benefit from the provisions*

of paragraph 76 or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years”.

- 8.15. Paragraph 60 of the NPPF sets out that *“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”.*
- 8.16. Paragraph 79 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 the local planning authority’s housing requirement over the previous three years, the following policy consequences should apply:
- where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;
- where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework, in addition to the requirement for an action plan.
- where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.”
- 8.17. 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.
- 8.18. The provision of up to 475 dwellings, 20% of which is to be Affordable Housing, is considered to be a significant social, economic and community benefit of the proposal for the Hinckley area and weighs heavily in favour of the scheme.

Housing mix and supply

- 8.19. 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. The Good Design Guide SPD also advocates the use of the Building for Life assessment.
- 8.20. Paragraph 63 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.
- 8.21. The 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 (up to 475 dwellings).
- 8.22. Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the

rural areas, at a rate of 40%. The rest will be delivered in urban areas at a rate of 20%. The Borough has an unmet affordable housing need and this is given significant weight in the planning balance. The Housing Needs Study (2019) identifies a Borough need for 271 affordable dwellings per annum (179 in the urban area and 92 in the rural area) for the period 2018-36. The Study states this is not a target, but that affordable housing delivery should be maximised where opportunities arise.

- 8.23. The Housing Officer has requested 20% affordable housing provision as set out in the Core Strategy, Policy 15. This would give 95 dwellings for affordable housing. Guidance in the National Planning Policy Framework states that:

“Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups.”

- 8.24. Furthermore, Government has introduced First Homes as a form of affordable home ownership, and requires that after the transitional period, 25% of all affordable housing on qualifying sites should be for First Homes. The remainder of the affordable housing should be split according to the tenure split in the adopted policy. Taking these changes into account, the tenure delivery for affordable housing on this site should therefore be as follows:

- 24 homes for First Homes
- 47 homes for affordable rent
- 24 homes for shared ownership
- = Total 95 affordable units

- 8.25. This meets both the requirement in NPPF for 10% of all homes to be for affordable home ownership (the First Homes and the shared ownership) and the ministerial guidance that 25% of the affordable housing provision should be for First Homes. The remainder of the affordable housing requirement is made up of affordable rented homes.

- 8.26. As this is a development which will provide a significant amount of affordable housing for the Borough, a cross section of properties types for rented accommodation is requested. As there are 117 live applicants amongst the total number (580) who are aged 60 and over and would be able to apply for housing for older people, it is requested that a proportion of the affordable housing should be for 2 bed roomed bungalows. The optimum mix for property types for each tenure would be as follows:

Affordable rent

- 1 bed 2 person quarter house or apartment 13%
- 2 bed 4 person bungalows 13%
- 2 bed 4 person houses 43%
- 3 bed 5 person houses 25%
- 4 bed 6 person houses 6%

Shared Ownership

- 2 bed 4 person houses 50%
- 3 bed 5 person houses 50%

First Homes

2 bed 4 person houses 50%

3 bed 5 person houses 50%

- 8.27. 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.
- 8.28. Subject to these requirements being met through completion of a Section 106 legal agreement, this proposal is deemed to be acceptable with respect to housing mix and affordable housing provision.

Impact upon highway safety

- 8.29. 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)).
- 8.30. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.31. Paragraph 115 of the NPPF 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 116(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.
- 8.32. Stoke Golding Parish Council have stated that they support the plan to improve/upgrade the pathway to Stoke Golding along Stoke Road. They note that there are a lot of issues with traffic coming and going from Stoke Golding at school times and this plan could help to alleviate the current problems.
- 8.33. This application is a resubmission of application 22/00318/OUT which was the subject of an appeal. The applicant lodged an appeal for non determination of application 22/00318/OUT and the Council issued their decision notice refusing the application on 2 May 2023. The refusal included two highway reasons for refusal. These were as follows:

'The Applicant has failed to demonstrate that safe and suitable access for all users would be provided to the development and the proposal, if permitted, could consequently result in an unacceptable form of development and could lead to dangers for highway users contrary to paragraph 110 and 111 of the National Planning Policy Framework (2021).

The Applicant has failed to demonstrate that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on

highway safety, can be mitigated, contrary to paragraph 110 and 111 of the National Planning Policy Framework (2021).'

- 8.34. Since the appeal was lodged, the LHA has continued to work proactively with the applicant team on refusal reasons 1 and 2 including a number of design iterations and additional submissions to address the previously missing assessment work and mitigation strategy. This work has led to resolution of the outstanding highway issues associated with the development proposals and therefore has enabled a positive position to be reached whereby the LHA would advise no objection subject to inclusion of highway conditions and S106 contributions. This updated position and advice is relevant to both application 23/00432/OUT and the appeal 22/00318/OUT application. The appeal was allowed by PINS on 18 January 2024.
- 8.35. Both National Highways and Active Travel have been consulted on this application. In their initial responses they requested that determination of this application be deferred whilst further information is sought/assessment of the application considered. National Highways are of the view that at the junctions of the A5 and A47 (at the Longshoot and Dodwells) the cumulative impact of development threatens to severely impact upon junctions that are highly sensitive in terms of capacity. Further consideration is required as to whether these junctions can operate safely with any additional development traffic.
- 8.36. Active Travel state that the revisions to the scheme now result in the loss of the on-site primary school, trip generation, modes and destination assignment data therefore need to be revisited to ensure the Transport Assessment adequately understands the new movements this creates. The Travel Plan will also need to work harder to establish active and sustainable trips from the outset. Paragraph 108 of the NPPF states that:
- “Transport issues should be considered from the earliest stages of... development proposals, so that: c) opportunities to promote walking, cycling and public transport use are identified and pursued; e) patterns of movement, streets, parking and other transport and other transport considerations are integral to the design of schemes and contribute to making high quality places.”*
- 8.37. At the time of writing the Committee report, the Council is still awaiting updated comments from Active Travel and National Highways. An update will be provided to Members at the Planning Committee. National Highways has not responded to consultation requests since December 2023 despite chasing.

Landscape and visual impact

- 8.38. 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.
- 8.39. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the outline planning permission.
- 8.40. The site does not lie within or close to a nationally designated landscape. Indeed there are no landscape or environmental designations or sensitivities or note for the site and its immediate surroundings.

- 8.41. In the Landscape Sensitivity and Green Infrastructure Study for Leicester & Leicestershire (October 2017), the site is found to be within the regional landscape character area, the Mease/Sence Lowlands Landscape Character Area.
- 8.42. The site is situated on the urban edge of Hinckley, to the north of the site, there is open countryside. The landform and landscape fabric is similar to that of the site with medium rectangular fields enclosed by mature native hedgerows with scattered broadleaf trees. The brook which encloses the site runs on a north to south trajectory with an extensive tree line of native broadleaf trees and native scrub vegetation. Landform rises east of the site.
- 8.43. The site lies within the local landscape Character Area 'E' (Stoke Golding Rolling Farmland); the key characteristics include:
- Undulating arable and pasture farmland with gentle valleys sloping down to the Ashby Canal, Tweed River and associated tributaries.
 - Small to medium scale rectilinear field pattern divided by low hedgerows and mature hedgerow trees typical of parliamentary enclosure, with smaller pasture fields around settlements, creating a largely unified field pattern and providing continuity with the agricultural past.
 - Rural settlement pattern with former agricultural villages typically demonstrating a historic core, modern outskirts and sporadic farmsteads on the outer edges, within a strong rural setting.
 - Historic villages occupying higher ground with attractive red brick cottages fronting onto the road and connected by rural lanes with grass verges and well-maintained hedgerows.
 - Church spires and towers within villages in and around the character area form distinctive landmarks on the skyline.
 - Associations with the Battle of Bosworth, particularly at Crown Hill in Stoke Golding.
 - Ashby Canal has affiliations with coal mining that has influenced the landscape over the years and is designated as a conservation area. It is now important for biodiversity and tourism.
- 8.44. The HBBC Landscape Character Assessment (September 2017) shows that the application site is also located within Sensitivity Area 6 – Hinckley West and North which has the following key sensitivities:
- The rural and sparsely settled character of the landscape with a relative sense of tranquillity
 - Low hedgerows and mature hedgerow trees define historic field patterns and form part of the overall ecological network
 - The remaining historic country houses and associated designed landscape which create a sense of historic time depth and visual amenity
 - The open countryside that forms much of the separation between the settlements of Hinckley and Stoke Golding
 - The character of the rural lanes
 - The River Tweed and local tributaries and associated habitat values
 - The Ashby de la Zouche Canal – historic character and role as part of the Green Infrastructure Network
 - The uninterrupted views over undulating farmland which contributes to the high scenic quality and attractive setting to Hinckley
- 8.45. However, it must be highlighted that the site occupies an urban edge location situated off Normandy Way on the northern edge of Hinckley. Consequently, the

site is overlooked by and enclosed along its south eastern and southern periphery by existing residential development, as well as commercial/employment built form on Normandy Way. It is considered, therefore, that the site is part of the transition from the urban edge to the wider open countryside rather than an isolated rural site. Consequently, the site area, and its immediate context is not considered to have 'strong rural qualities' when compared to other parts of the wider Character Area.

- 8.46. Notwithstanding this, given the nature of the development proposal, it is inevitable that the landscape character of the site would be impacted as a result of the development. The landscape character assessment categorises this sensitivity area (06) as having a medium to high sensitivity to residential development. However it is recognised that some parts of the area have a stronger relationship with the settlement of Hinckley and as such are influenced by adjacent urban development. The application site is considered to be one such area.
- 8.47. The LVIA submitted as part of the application states that the following landscape mitigation measures would be provided by the applicant:
 - The establishment of new landscape infrastructure across the wider site area to enhance the existing fabric
 - The improvement and enhancement of existing hedgerows
 - The provision of further hedgerows and typical hedgerow tree, copse and woodland spinney planting
 - The creation of green corridors through the developed site areas
 - The planting of species-rich grassland to replace the previous livestock pasture
 - The establishment of native structure planting, field margins, scrubland and areas of specimen tree and orchard planting with wildflower meadows.
- 8.48. Further design mitigation measures are set out within the LVIA proposed as part of the development to help offset the likely landscape and visual effects:
 - Residential dwellings to be sited within the main body of the site area, enabling land within the periphery of the site retaining existing landscape fabric on the edges, providing new landscaping and provision of Public Open Space.
 - The proposed residential built form will be set within the northern site boundary at a marginally lower topography below that of the open countryside beyond the site. This measure, combined with the extensive landscaping of the northern periphery of the site for green infrastructure and public open, will help to appropriately bed the new built form within the existing landscape.
 - The proposed primary street of the development is oriented (generally north east to south west east to west through the length of the land parcel to avoid long contiguous roadways cutting across the topography.
 - A new route enables retained landscape fabric and new green infrastructure to break up the mass of the proposal throughout the scheme.
 - Tree planting is proposed to help break up the mass of development and afford filtering of views.
 - Development is to be set back from the eastern edge to protect the existing brook (on the eastern edge), as well as the south and western edge to protect existing landscape fabric of hedgerows and trees and the extensive groups of mature trees along Normandy Way.

- The retention of existing field hedgerows and hedgerow trees are to be incorporated into the interior design of the site to create a mature landscape setting and facilitate green corridors through proposed development.
 - Building heights will be minimised
 - The cladding of proposed buildings to be undertaken with a non-glossy matt material in a sensitive colour to ensure the new buildings are visually recessive.
 - Homes would not be overly glazed so the new buildings are visually recessive.
- 8.49. It is considered that where the development would be discernible, its context would be seen against the wider urban edge setting of Hinckley, including long-standing development along the A47 Normandy Way which comprises employment and commercial development, the wider industrial estate and the surrounding residential neighbourhoods rather than the more rural isolated parts of the sensitivity area. It would be reasonable, in this context, to describe the application site as having a 'developed countryside' character. This is distinct from other portions of Sensitivity Area 6, which are not so visually linked with the existing built form.
- 8.50. Overall therefore, the landscape in this character area is considered to have a medium sensitivity to residential development due to the strong influences of the existing settlement edge of Hinckley and the A47. With the mitigation proposed the resultant impact would be minor-moderate. Given this, together with the Council's lack of a 5 year housing land supply, and the clear benefits to the public from the delivery of 475 dwellings (20% of which is to be affordable), it is considered that the proposals would not have such a detrimental impact on landscape character or from a visual perspective to warrant refusal of the application.
- Heritage Impacts
- 8.51. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when determining applications for development which affects a listed building or its setting to have special regard to the desirability of preserving the listed building or its setting or any features of special architectural and historic interest which it possesses.
- 8.52. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.53. Paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.54. 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. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.

- 8.55. A Heritage Statement was submitted as part of the application details. There are no designated or non-designated built heritage assets located within the site. This assessment identifies two Listed Buildings and seven non-designated built heritage assets located within a 1km search radius surrounding the site. However, the report concludes that only the non-designated built heritage assets of Middlefield Farm, Stoke Road and the Isolation Hospital, Ashby Road have the potential to be affected by development within the site through changes within their settings.
- 8.56. The assessment concludes that the site comprises a neutral element within the setting of these non-designated built heritage assets whereby it makes no contribution to their respective significance. Although the development will result in changes within the settings of Middlefield Farm and to a lesser extent the Isolation Hospital, these changes will not affect how their limited significance is appreciated or understood and will cause no harm.
- 8.57. The Conservation Officer has been consulted on the application and raises no objections.
- 8.58. The proposed development of the site is therefore in accordance with the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and conforms to the requirements of the NPPF and local planning policy with regard to Heritage considerations, specifically Policies DM11 and DM12 of the SADMP.

Archaeology

- 8.59. 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. The NPPF also reiterates this advice.
- 8.60. In line with the National Planning Policy Framework, 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 200 states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk based assessment and where necessary a field evaluation.
- 8.61. The Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies within an area of archaeological interest, lying within a landscape where prehistoric remains are relatively frequent. The geophysical survey identified a cross-shaped feature suspected to be the foundation for a medieval/post-medieval windmill. The possible ring ditch identified to the north of this could be the remains of a second windmill, or a different archaeological feature. The report also shows a number of anomalies for which an archaeological origin cannot be ruled out, which should be tested by trial trenching. Prehistoric and Anglo-Saxon remains often do not present well on geophysical survey, and the presence of ridge and furrow across the survey area may also have had a distorting effect on the results. Given the limitations of geophysical survey as a means of archaeological evaluation, it is our recommendation that this should be supported by a programme of trial

trenching in order to test the identified anomalies, in addition to any geo-physically 'blank' areas.

- 8.62. The archaeology team recommend that an Archaeological Impact Assessment was submitted prior to determination of the application. This was completed and submitted to the local planning authority. The trial trenching identified significant archaeological remains, consisting of foundations for wooden cross-beams used to support a windmill likely dating to the medieval period. This is supported by a large number of nails and other objects recovered from the feature, as well as its location at the highest point of the site, with surrounding ridge and furrow respecting its position. Further investigation of this feature could provide a better understanding of its possible construction date, period of use and later abandonment.
- 8.63. Subject to suitably worded conditions relating to a written scheme of investigation the Archaeology Team have no objections to the application being granted permission and it is considered that proposal accords with Policy DM13 of the SADMP and the requirements set out within the NPPF with respect to archaeological considerations.
- Impact upon neighbouring residential amenity
- 8.64. 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.
- 8.65. 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.
- 8.66. Paragraph 135 (f) 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.
- 8.67. Paragraph 191 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.
- 8.68. The scheme, subject to the detailed matters to come forward at Reserved Matters stage, will have a suitable relationship with nearby residential units.
- 8.69. The Environmental Health Officer has requested conditions with respect to noise, a construction environmental management plan including air mitigation, construction hours and land contamination. These are all reasonable requests that can be appropriately sought through conditions and will help to protect residential amenity.

- 8.70. Objections from third parties/local residents have been received in relation to noise and air pollution concerns. 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 and that these concerns are appropriately mitigated.
- 8.71. Subject to conditions recommended by the Environmental Health Team 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

- 8.72. 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.
- 8.73. Paragraph 173 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 175 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.
- 8.74. The application site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to high risk of surface water flooding with high-risk areas indicating local ordinary watercourses. The Illustrative Masterplan shows a series of surface water attenuation features, primarily in the form of attenuation ponds that are located to the eastern and western site boundaries. The drainage strategy plan is detailed to a sufficient standard expected of an outline application.
- 8.75. The LCC Drainage Team advises that the proposals are acceptable subject to conditions and the development will satisfy Policy DM7 of the SADMP and the requirements of the NPPF.

Ecology and Biodiversity

- 8.76. 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 180 of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.77. An area of woodland planting is proposed along the site's northern boundary, together with a community orchard.
- 8.78. The Ecologist requested on initial submission of the application that a number of surveys were to be provided specifically in relation to barn owls, bats and hedgerows. On further re-consultation the Ecology Team has stated that the further surveys identified nesting barn owl in a tree, therefore mitigation will need to be put in place for barn owls. As the barn owl is a Local Biodiversity Action Plan species for Leicestershire, an appropriate level of mitigation, compensation and enhancement for barn owls should be created within the surrounding land/as part of the development, in order to promote this species in the immediate environment. This should be agreed and included as part of a condition. Only one

hedgerow was identified as 'important' and therefore is to be retained and protected during the development. Six notable breeding bird species were present (including barn owl) within the survey area and therefore these will need to be a consideration for mitigation and compensation measures. No great crested newts were recorded therefore these do not need to be considered. The proposed mitigation and compensation measures proposed within each of these reports are acceptable and will need to be implemented in any Reserved Matters applications. The revised Biodiversity Net Gain assessment is considered to be acceptable by the Ecology Team at LCC.

- 8.79. Therefore, subject to an ecological constraints and opportunities plan condition as requested by the Ecology Team, this application is considered to be acceptable with respect to ecological matters and in compliance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

Minerals

- 8.80. The application site sits within a Minerals Safeguarding Area for sand and gravel, and therefore policy M11 of the Leicestershire Minerals and Waste Local Plan is a relevant development plan policy. The planning application is supported by a Minerals Assessment which recommends intrusive investigation work to establish the presence of economically viable sand and gravel deposits within the site.
- 8.81. The application submission includes a Minerals Assessment which details the presence of boreholes and concludes any sand and gravel would not likely be of commercial value. Therefore, the Minerals and Waste Team at LCC has no objection to the proposed development. No conditions have been requested by the Minerals Team in this case. As such, the application is considered to be acceptable in this regard and compliant with Development Plan Policy and the requirements of the NPPF.

Planning Obligations

- 8.82. 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. The contributions required for the various open space typologies for this development are set out below. The Land Use Parameter Plan confirms the 8.53ha total quantum of accessible public open space on site. This comprises:
- 0.18 ha of Equipped Children's Play Space
 - 1.17 ha of Casual/Informal Space
 - 7.18 ha of Accessible Natural Green Space
- 8.83. 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.

8.84. The financial contributions and planning obligations sought are detailed below:
Open Space spreadsheet submitted and amounts/provision to be agreed

- Off site Outdoor Sports Provision - £165,072.00
- Off site Outdoor Sports maintenance - £78,432.00
- On site Children's Equipped Play - £311,100.30
- On site Children's maintenance - £300,278.00
- Affordable Housing – 20%
 - 24 homes for First Homes
 - 47 homes for affordable rent
 - 24 homes for shared ownership
- Library Services (£14,343.91)
- LCC Waste Management (£23,526.75)
- Healthcare (£367,840.00)
- Early years education (£741,123.50)
- Primary Education no contribution sought
- Secondary Education (£1,418,013.70)
- Post 16 Education (£302,950.73)
- SEND Education (£268,130.05)
- Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500
- Six-month bus passes, two per dwelling (application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. This can be supplied through LCC at (average) £396.00 per pass.
- STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.
- A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
- £75,000 towards Hinckley Town Centre public realm projects
- A Local Employment and Training Strategy
- Council's Monitoring Fees
- Council's Legal Fees

In terms of library services the nearest library to this development is Hinckley Library and it is estimated that the total assumed occupancy of 1425 arising from the development will create additional pressures on the availability of the facilities at that library. The contribution of £14,343.91 is sought to provide materials such as books, audio books, newspapers, periodicals for loan and reference use, and associated equipment or to re-configure the library space to account for additional usage of the venue for residents to hold meetings, including book reading and activity sessions.

8.85. The nearest Recycling and Household Waste Site to this development is Barwell RHWS and the proposed development of 475 dwellings would create additional

pressures on the site. The contribution is determined by multiplying the proposed dwellings by the current rate for the above RHWS, which is £49.53 per dwelling.

- 8.86. In terms of healthcare the housing development will result in a minimum population increase of 1149.5 patients. The GP Practices in closest proximity of the application site are Barwell & Hollycroft Medical Centres. These practices are already experiencing capacity issues in relation to their premises and would need to increase facilities to meet the needs resultant of this development; therefore the requested contribution of **£367,840.00** would be required prior to first occupation.
- 8.87. With respect to early years education a desktop review of providers in a one-mile radius of the site is undertaken using the most recent capacity figures against a pupil yield rate of 8.5 children per 100 dwellings of 2 bedrooms or more (or 0.085 children per dwelling). A request for contributions is made where there is not sufficient capacity within those providers, and a cost multiplier of £18,356 per place is applied to the likely number of children generated. This development will see an increase of 40.375 Early Years children to the area. There is currently 1 provider within a one-mile distance of the proposed development site, providing a total of 104 spaces. In the summer period 2022, there were 62 children aged 2, 3 and 4 years who claimed the Free Early Education as recorded on the Headcount. This does not take into account babies, 1-year olds and non FEEE 2-year-olds. This means that there is a surplus of 42 places. There are 3 other developments within Hinckley with a planned housing total of 924 dwellings. This creates 78.54 places that are required. This deficit along with the additional 40.375 places from this development creates a total deficit of 118.915 places, so a full claim is justified. This contribution would be used to accommodate the early learning capacity issues created by the proposed development at Hinckley Parks Primary School, a new school being built or, by improving, remodelling, or enhancing existing facilities at other schools or other early learning provision within the locality of the development. The average cost to provide an Early Years place is £18,356.00, and therefore the total contribution requested from this development in respect of Early Years Education is **£741,123.50**.
- 8.88. In terms of Primary Education, the development yields 143 primary aged children. Richmond Primary School is the catchment primary school for the development and has a net capacity of 630 places and there will be a deficit of 26 places if this development goes ahead. The overall deficit including all schools within a two mile walking distance of the development is 158 pupil places. A total of 189 pupil places have been included that are being funded from S106 agreements for other developments in the area leaving a surplus of 31 places. The 143 places created by this development can therefore be accommodated at nearby schools. Therefore, there is no claim for a developer contribution on this occasion. No school site is required on site.
- 8.89. With respect to Secondary Education, the development yields 80 secondary aged children. Redmoor Academy is the catchment secondary school for the development and has a net capacity of 925 places and there will be a deficit of 257 places if this development goes ahead. The overall deficit including all schools within a three mile walking distance of the development is 239 pupil places. A total of 147 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 92 places. The 80 places created by this development can therefore not be accommodated at nearby schools. Therefore, there is a justified full claim for a developer contribution towards the secondary sector of **£1,418,013.70**.

- 8.90. In terms of Post 16 Education, The development yields 16 post 16 aged children. The Hinckley School is the catchment post 16 school for the development and has a net capacity of 300 places and there will be a deficit of 92 places if this development goes ahead. A total of 19 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 73 places. Therefore, there is a justified full claim for a developer contribution towards the post 16 sector of **£302,950.73**.
- 8.91. Regarding Special Educational Needs and Disabilities (SEND) Education, the council seeks developer contributions towards the cost of expanding special school provision for developments of 100 dwellings or more. This development yields 4 SEND children. The Dorothy Goodman School is the closest area special school to the development and has a net capacity of 369 places and there will be a deficit of 26 places if this development goes ahead. A total of 2 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 24 places. This development will yield 1.72 primary aged children with SEND, and 1.9 secondary aged children with SEND, and therefore a full request of **£268,130.05** is justified.
- 8.92. The Local Highway Authority have requested a number of planning obligations. Firstly, Travel Packs are required in order to inform new residents from first occupation what sustainable travel choices are available within the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500. The Local Highway Authority has also requested six-month bus passes, two per dwelling (application forms to be included in Travel Packs and funded by the developer); in order to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. This can be supplied through LCC at (average) £396.00 per pass. The LHA have also requested STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000. This is to enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement. A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.
- 8.93. The Council's Planning Majors Team and the Conservation Officer have requested a public realm contribution for Hinckley Town Centre comprising **£75,000.00**. The Economic and Regeneration Officer has also requested a Local Employment and Training Strategy.
- 8.94. The Council also require monitoring fees and legal fees as part of any agreed Section 106 Agreement.
- 8.95. All of the above contributions are considered to meet the three tests, and therefore will form part of a Section 106 legal agreement if Members are minded to approve the application. Subject to the signing and sealing of a Section 106 Legal Agreement the application is considered to be in accordance with Policy DM3 of the Site Allocations and Development Management Policies Development Plan Document, Policy 19 of the Core Strategy and the requirements of the NPPF.

Planning Balance

- 8.96. 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.

- 8.97. 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.
- 8.98. The provision of up to 475 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.
- 8.99. The scheme does not fully comply with Policy DM4 of the SADMP but the impact on landscape and visual amenity has been assessed and is considered to be medium for this development proposal. In addition, the provision of much-needed housing is considered to outweigh the landscape impact identified. Therefore the adverse impact does not significantly and demonstrably outweigh the benefits in this case.
- 8.100. The appeal for the previous application 22/00318/OUT has been allowed by the Planning Inspectorate and is dated 18 Jan 2024. Therefore this is another key material consideration in favour of granting permission for this application.
- 8.101. Subject to the imposition of conditions and the signing of a Section 106 Legal Agreement for the required planning obligations and associated fees this application is considered to be acceptable in planning terms and recommended to Members for approval.

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 Officer 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 Approve Outline Planning Permission subject to a S106 Legal Agreement and Conditions.
- 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.

11. **Conditions and Reasons**

- 1. Application for the approval of reserved matters relating to the dwellings shall be made within 2 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 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 housing mix, the location of electric vehicle charging points and the way in which buildings, routes and open spaces are provided. This should include a design statement that sets out how consideration has been given to densities that are appropriate to the hierarchy of streets.
 - 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 be carried out otherwise than general accordance with the submitted application details, as follows:

- Site Location Plan P18 1531 006 Rev B received 13 December 2023
- Land Use And POS Typologies P18-1531_15 received 15 April 2024
- Illustrative Masterplan P18-1531-DE-011 Rev C received 15 April 2024.

Where the above plans and documents include proposed mitigation measures, these shall be implemented in accordance with the approved details, unless otherwise dealt with by conditions to follow.

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).

4. Any reserved matters application relating to scale or layout shall be accompanied by full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings in relation to existing ground levels. The details shall be provided in the form of site plans showing sections across the site at regular intervals with the finished floor levels of all proposed buildings and adjoining buildings. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that a satisfactory relationship is achieved between buildings in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD.

5. Any reserved matters application related to landscaping or layout shall be accompanied by a Masterplan and Design Code. The Masterplan shall be informed by a Building for a Healthy Life Assessment.

Reason: To ensure a suitable form of development comes forward in accordance with Policy DM3 and Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

6. No development shall commence on site until a plan detailing the phasing of the permitted development has been submitted to and approved by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development and include details of relevant off site highway works, including delivery of a Toucan crossing on the A47 serving the eastern part of the development as generally shown on drawing number T19595.006. The development shall be implemented in accordance with the approved Phasing Plan.

Reason: To ensure the satisfactory phasing of development and delivery of infrastructure development in accordance with Policies DM1, DM10 and DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. 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.

8. Notwithstanding the recommendations within the Phase 1 Ground Condition Assessment 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 to and agreed in writing by the local planning authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

9. 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 and implementation is submitted to and approved in writing by the Local Planning Authority which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved shall be carried out in accordance with the agreed implementation period.

Reason: To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the SADMP 2016.

10. Development shall not commence until details of all trees, shrubs and hedges to be retained, including any trees located outside but adjacent to the site boundary, together with the means of protecting them from damage during the carrying out of the development have been submitted to and approved in writing by the local planning authority. The approved means of protection shall be installed prior to the commencement of development and shall remain in place until after the completion of the development.

Reason: Whilst landscaping is a reserved matter, a condition is necessary at this stage to ensure that the existing landscaping on the site is protected in accordance with DM4 and DM10 of the Site Allocations and Development Management Policies DPD.

11. During the construction period, none of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or

lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority. If any of the trees or hedges to be retained are removed, uprooted or destroyed or dies, a replacement shall be planted at the same place and that tree or hedge shall be of such size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

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

12. 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.

13. No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority and the approved details shall then remain in force throughout the construction period. 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 and a procedure for the investigation of complaints. Site preparation and construction work shall be limited to between 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no working on Sundays and Bank Holidays. The CEMP shall include the provision of mitigation measures for construction phase dust emissions as set out within the Air Quality Assessment prepared by BWB Consulting.

Reason: To ensure the protection of neighbouring residential amenity during construction to accord with Policies DM7 and DM17 of the SADMP.

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

Reason: To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users, and lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD.

15. Prior to the commencement of development details of external lighting shall be submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details.

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

16. Prior to the occupation of any of the dwellings on site, full fibre broadband connection shall be made available and ready for use.

Reason: To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with the requirements of the NPPF (2023).

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

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

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

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.

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

20. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. 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 strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

21. No development approved by this planning permission shall take place until such time as infiltration testing has been carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To demonstrate that the site is suitable (or otherwise) for the use of infiltration techniques as part of the drainage strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

22. No approval of reserved matters shall take place until such time as further hydraulic modelling has been undertaken which demonstrates that the proposals including the watercourse diversions do not increase flood risk off-site and demonstrate safe access and egress during a peak design event flood condition.

Reason: To prevent an increase in flood risk and ensure access and egress can be maintained in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

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

- The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works
- The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be

discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

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

24. Prior to the submission of a Reserved Matters Applications, an Ecological Constraints and Opportunities Plan (ECOP) shall have been submitted to and approved in writing by the Local Planning Authority. The ECOP will inform and lead the overall design process. It should show the key biodiversity constraints and opportunities associated with the development as currently proposed, and will identify the following (in accordance with BS 42020:2013 Clause 5.4):
- 24.1 Areas and features including appropriate buffer areas that, by virtue of their importance, should retained and avoided by both construction activities and the overall footprint of the development.
 - 24.2 Areas and features where opportunities exist to undertake necessary mitigation and compensation.
 - 24.3 Areas and features with potential for biodiversity enhancement, in line with the submitted Defra metric.
 - 24.4 Areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation.
 - 24.5 Areas needing protection on site and/or in adjacent areas (e.g. from physical damage on site or pollution downstream) during the construction process.
 - 24.6 Areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species.

Any reserved matters application must be designed in accordance with the approved ECOP.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD and the requirements of the NPPF.

25. Noise Attenuation
- a) Development shall not begin until a scheme for protecting the proposed dwellings from noise from the adjacent road network and the adjacent dairy farm has been submitted to and approved 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 the protection of neighbouring residential amenity to accord with Policies DM7 and DM17 of the SADMP.

26. No development shall commence on site until a scheme that makes provision for the secure storage of cycles for each dwelling has been submitted in writing to and approved in writing by the Local Planning

Authority. The approved scheme shall be implemented in accordance with the agreed details.

Reason: In the interests of promoting a modal shift in transport movements and in accordance with the National Planning Policy Framework (2021).

27. Access

No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on drawing number T19595 001 Rev G have been implemented in full.

Reason: To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2023).

28. Footway and Crossing Improvements

No part of the development hereby permitted shall be occupied until such time as the pedestrian access and infrastructure arrangements shown on drawing numbers T19595.002 rev E and T19595.006 have been implemented in full.

Reason: To ensure appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users in accordance with the National Planning Policy Framework (2023).

29. Notwithstanding the submitted plans, no development shall commence until a scheme has been submitted to the Local Planning Authority and approved in writing that details a new footway, 2m in width where achievable, surfaced in a bituminous material with uncontrolled crossing points as appropriate between the site access and Hinckley Road, Stoke Golding. Once approved, the approved scheme shall be implemented and available for use prior to first occupation of any dwelling on the development hereby permitted.

Reason: To ensure appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its location and that safe and suitable access to the site can be achieved for all users in accordance with the National Planning Policy Framework (2023).

30. Public Transport Infrastructure Improvements

Notwithstanding the submitted plans, no development shall commence until a scheme of bus stop infrastructure improvements to Stoke Road and Normandy Way consisting of hardstanding, pole and flag, timetable case, shelter, raised kerb and provision of digital information has been submitted to the Local Planning Authority and approved in writing. Once approved, the scheme of improvements shall be implemented prior to the first occupation of the development hereby permitted.

Reason: To ensure appropriate opportunities to promote sustainable transport modes have been taken up, given the type of development and its

location and that safe and suitable access to the site can be achieved for all users in accordance with the National Planning Policy Framework (2023).

31. Offsite Junction Improvement Works

No part of the development hereby permitted shall be occupied until such time as the offsite works shown on Dwg No T19595-002 Rev E Stoke Road/A47 Proposed Junction Improvements have been implemented in full or an alternative scheme that mitigates the impacts of the development has been submitted to and approved in writing by the local planning authority and thereafter implemented in accordance with the approved scheme.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

32. No part of the development hereby permitted shall be occupied until such time as either, the offsite works shown on Dwg No T19595-007 Rev C Ashby Rd/A47 Proposed Junction Improvements have been implemented in full or a financial contribution equivalent to the cost of delivering the scheme has been paid to the LHA in lieu of the conditioned scheme.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with the National Planning Policy Framework (2023).

33. No part of the development hereby permitted shall be first occupied until an amended full Travel Plan which sets out actions and measures with quantifiable outputs and outcome targets has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the agreed Travel Plan shall be implemented in accordance with the approved details.

Reason: To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with the National Planning Policy Framework (2023).

34. No development shall take place until a scheme and timetable for delivery for the treatment of Public Right of Way T60 between the site and Normandy Way has been submitted and approved in writing by the Local Planning Authority. Such a scheme shall include provision for the management during construction (including any arrangements for a temporary diversion) fencing, surfacing, width, structures, signing and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers. Thereafter the development shall be carried out in accordance with the approved scheme and timetable.

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 98 of the National Planning Policy Framework 2019.

Planning Committee 7th May 2024
Report of Head of Planning

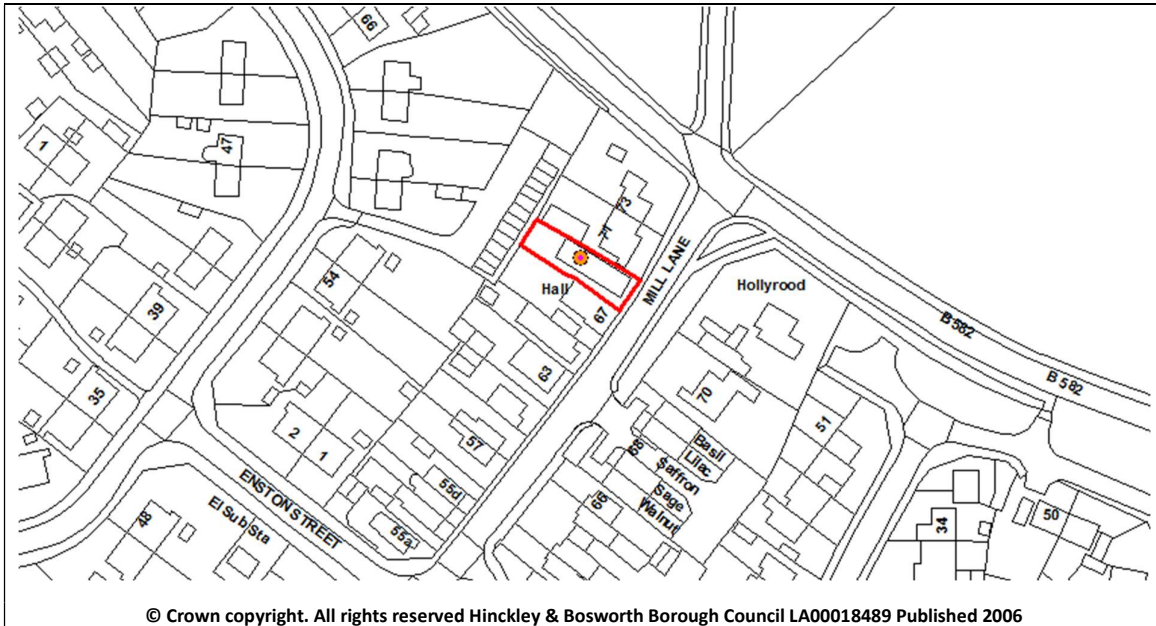
Planning Ref: 23/01112/FUL
Applicant: Mr Anthony Deakin
Ward: Newbold Verdon with Desford & Peckleton



Hinckley & Bosworth
Borough Council

Site: 69 Mill Lane, Newbold Verdon, Leicester

Proposal: Change of use from a place of worship (Class F1) to a private medical (physiotherapy) practice (Class E)



1. Recommendations

1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report
- That the Head of Planning be given powers to determine the final detail of the conditions.

2. Update following deferral of the application by planning committee

- 2.1 Planning committee resolved to defer the application on 12th March 2024 to allow for discussion with the applicant and the highways authority in relation to mitigating parking problems.
- 2.2 Planning committee's concerns were raised with the applicant and LCC highways.
- 2.3 LCC highways have advised:

"As you rightly point out within your email, the onus is on the Applicant to provide/mitigate the off-street car parking situation for the proposals."

From the Local Highway Authority (LHA) perspective, our observations still apply. The Applicant indicated within their submitted documentation that there are no off-street car parking spaces associated with the extant use of the site, nor the proposals. The LHA stated within their observations that they would normally seek to resist proposals which would not provide sufficient off street parking in-line with 'Highway Requirements for Design Part 4 (HRfD4) design guidance. However, given the extant use of the site which could attract a large number of trips over a seven day period which is also not afforded off-street car parking, the LHA still do not consider they could defend a refusal at an appeal.

The LPA and Applicant will be aware that the extant use of the site comes under F1 of the 'Use Class Order 1987 (as Amended)' which can be found at <https://www.planningportal.co.uk/permission/common-projects/change-of-use/use-classes> This incorporates the following:

- F1(a) - Provision of education*
- F1(b) - Display of works of art (otherwise than for sale or hire)*
- F1(c) – Museums*
- F1(d) - Public libraries or public reading rooms*
- F1(e) - Public halls or exhibition halls*
- F1(f) - Public worship or religious instruction (or in connection with such use)*
- F1(g) - Law courts*

It should be noted that permission is not required to change between uses within Class F1. This demonstrates the building could change to any of the above listed categories without the requirement for a formal application and not be subject to any parking restrictions given the extant use.

In relation to proposed off-street car parking situation, the Applicant put forward a number of options, these were:

- The establishment of two marked bays in front of the premises for clients, however, this could not be supported by the LHA within the public highway, even if agreed to by the LHA, these would be public spaces and not reserved for the exclusive use of the business;*
- Consideration of the establishment of two further off-street car parking spaces within the highway verge opposite the premises. This also could not be supported by the LHA, even if agreed to by the LHA, these would be public spaces and not reserved for the exclusive use of the business; and*
- To investigate the possible use of private, unused daytime private spaces within the vicinity of the site. This however, would be a private arrangement between the Applicant and owners of any such spaces. It should also be noted that these spaces would rely on the goodwill of the land owner and could be revoked at any time."*

- 2.4 Whilst alternative parking provision has not been secured for the reasons outlined above, the applicant has agreed to reduce the customer numbers at Pilates, yoga and exercise rehabilitation classes from 10 to 6 persons and to ensure that classes are not concurrent/consecutive which would reduce the number of customers at the premises. This is proposed to be secured by condition.

- 2.5 Ultimately, given the extant use of the site which could attract a large number of trips over a seven day period which is also not afforded off-street car parking, the advice remains as set out in paragraphs 8.17-24.

3. Planning application description

- 3.1 This application seeks planning permission for the change of use from a place of worship (Class F1) to a private medical (physiotherapy) practice (Class E). No extensions or external changes are proposed.
- 3.2 Maximum staffing for the facility is expected to be 2 whole time therapists, 1 part time exercise professional and 1 part time administration support officer. For context, the applicant mentions his other physiotherapy clinic in Leicester Forest East, which after 10 years of operation with local press, social media, website support and a significantly larger local population, currently operates at 1.5 FTE Physiotherapist, 1 part time Complimentary Therapist, plus 3 hours of exercise professional time for the same requested opening hours as this application.
- 3.3 It is intended that physiotherapy will be offered on the basis of 40 minute appointments, 9am-6pm Monday to Friday, and 9am-1pm on Saturday. On occasion, a physiotherapy morning or afternoon clinic may be supplanted by a Complimentary Therapist session, with appointments of 60 minutes duration. It is also intended that the new business offers 60 minute Pilates/Yoga classes, or specific exercise rehabilitation classes, for example mobility for the elderly or following joint replacement surgery. Such classes could include up to 6 individuals, to a maximum of 4 classes per full working day. In the short term the business is expected to offer either AM or PM clinics on any given day, with an increase in opening hours dependent on the uptake of business. The applicant states that the experience at the other clinic demonstrates that it can take some years before full day clinics are viable on a regular, weekly basis.
- 3.4 Current signage on the front elevation wall will be replaced with a non-illuminated sign of the same dimensions, stating the business title. A smaller sign/notification will be placed on the front door noting business opening hours and contact details.

4. Description of the site and surrounding area

- 4.1 The application site relates to a former place of worship/ church located on the western side of Mill Lane, Newbold Verdon. The site is listed as an asset of community value. The property was sold by the Jehovah Witnesses through a property consolidation process undertaken by the head office of Jehovah Witnesses UK. There is another place of worship in Leicester Forest East at 100 Hinckley Road, approximately 10km away from the site.
- 4.2 Mill Lane is a residential area with open agricultural fields to the north and the built up area of Newbold Verdon to the south, west and east. Mill Lane consists of a mixture of dwellings types but most are 2 storey detached, semi-detached or terraced properties.
- 4.3 The application site is narrow and the existing building/ 'Kingdom Hall of Jehovahs Witnesses' is single storey with a pitched roof that extends deeper into the site than neighbouring dwellings which have larger rear gardens. The JW Hall has relatively high level windows on both side elevations. On the southern side two of these look directly into the rear garden of No. 67 with the boundary between the two consisting of a 1.5m high close boarded wooden fence. The boundary on the northern side

between the application property & No. 71 consists of a mature 3m high hedgerow and the south elevation of an outbuilding associated with No. 71. At the front of this boundary there is also a 1.8m high close boarded wooden fence. There are several trees in the back garden area of the application site and No. 67 but these trees will be unaffected by the proposal.

5. Relevant planning history

91/00871/4

- Extensions & Alterations to Kingdom Hall
- Permission
- 19.11.1991

6. Publicity

6.1 The application has been publicised by sending out letters to local residents.

6.2 8 letters of representation have been received with 7 of these objecting to the proposal & 1 letter in support. The main summarised points of objection are:

- Reference is made to the applicants 'comparable' Physiotherapy clinic in Kirby Muxloe but this is an entirely different establishment with different parking availability
- Kirby Muxloe is a row of shops with flats above. Mill Lane is all residential apart from 1 accountancy office that blends in well.
- No parking has been provided and there is very little on street parking available on Mill Lane.
- The application does not offer any credible solution to this issue but would advocate increasing the traffic presence and thus exacerbating the parking issue.
- The applicant has stated that staff will park elsewhere away from Mill Lane & clients will be discouraged from parking on Mill Lane but this is totally unenforceable.
- With 4 classes per day each having potentially 10 participants this could mean 13 vehicles arrive for each session. There is nowhere for them to park.
- Classes will overlap and this worsens the situation even more in terms of parking
- A change of use to Class E opens up commercial possibilities for the site such as a tattoo parlour which wouldn't align with Mill Lanes residential status.
- The proposed will change the character of the street and result in urbanisation of the Countryside.
- Amenity will be significantly affected by the constant arrival and departure of cars. Car doors closing. Bright lights shining from the windows. Music from exercise classes. Overlooking from the 5 windows down each side of the premises.
- Traffic wanting to turn into Mill Lane from the B582 is regularly prevented from entering, due to traffic passing parked cars near the location of the building in question, leaving no room for cars to exit the busy B582. The building in question is also situated too close to the junction with the B 582 for it to be safe for people using these facilities to cross the road.
- The increase of vehicle movement and congestion would not be dissimilar to that outside of schools when pupils are dropped off or picked up; the difference

- is that this, potentially, could be all day and not as was previously experienced during the time of the former occupants
- Use of pavements will be difficult and dangerous with the inevitable parking on pavements.

The main reasons for supporting the proposal are:

- The place of Worship never caused parking issues on Mill Lane & I doubt there will be as many users of the building at any one time for a physiotherapy clinic where it will be mostly individual or small groups of clients at a time.
- There is a strong sporting community in Newbold and the Physio clinic is welcome
- The proposed would bring good use to a lovely building which has been derelict for a number of years with its current use permission.

7. Consultation

- 7.1. Newbold Verdon Parish Council were consulted but no comments were received.
- 7.2. LCC Highways were consulted and have no objections to the proposal.
- 7.3. HBBC Pollution Officer raises no objections.
- 7.4. HBBC Waste - No objections but 1 condition recommended

8. Policy

- 8.1. Core Strategy (2009)
 - Policy 7: Key Rural Centres
 - Policy 11: Key Rural Centres Stand-alone
- 8.2. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - 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 DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
 - Policy DM25: Community Facilities
- 8.3. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2023)
 - Planning Practice Guidance (PPG)
- 8.4. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

9. Appraisal

- 9.1. Key Issues
 - Assessment against strategic planning policies

- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety
- Other issues

Assessment against strategic planning policies

- 9.2. The application site is located within the settlement boundary of Newbold Verdon. Policy 7 of the Core Strategy supports the key rural centre of Newbold Verdon to ensure that they can provide key services, a range of employment opportunities to their rural hinterland. Policy 11 of the Core Strategy sets out more specific policy requirements for Newbold Verdon including supporting additional employment provision.
- 9.3. The building, through its previous use as a Church, is listed as a Community Facility. In terms of the retention of this community facility Policy DM25 - Community Facilities states:

Retention of Existing Provision

The Borough Council will resist the loss of community facilities including ancillary areas. The redevelopment or loss of community facilities will only be appropriate where it can be demonstrated that

- a) An equivalent range of replacement facilities will be provided in an appropriate location within a reasonable distance of the locality*
- b) There is a surplus of the facility type within the immediate locality*
- c) The loss of a small portion of the site would result in wider community benefits on the remainder of the site.*

Loss of Existing Facilities

Where replacement facilities will not be provided or a surplus cannot be demonstrated and the scheme would not result in wider community benefits on the remainder of the site, the loss of a community facility would only be considered acceptable where it can be demonstrated that:

- d) The facility has been proactively marketed for a community use for a reasonable period of time at a reasonable marketed rate as supported and demonstrated through a documented formal marketing strategy.*
- e) It has been offered to the local community for them to take ownership of the facility*

- 9.4. The retention and development of accessible local services and community facilities in rural areas is supported in paragraph 88 of the NPPF. Paragraph 97 of the NPPF states that planning policies and decisions should guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.
- 9.5. As the development would strictly take the building outside of its community use, criterion d) and e) of policy DM25 of the SADMP is relevant. No evidence has been submitted demonstrating that the site has been offered to the local community and the level of information regarding a proactive marketing campaign for a community use is limited. The development would not therefore strictly accord with the marketing strategies required under Policy DM25.

- 9.6. Notwithstanding that, the site has not been in use as a place of worship since May 31 2019 after which worshippers moved into the Leicester, West Congregation. There is also another worship hall in Leicester Forest East approx. 10km away. Therefore, the needs of former worshippers have been met by other provisions in the area. Following closure as a place of worship the building appears to have been unused for approximately two years before being listed for sale in September 2022 through a property consolidation process undertaken by the head office of Jehovah Witnesses UK. Whilst limited information has been submitted in this regard, this does suggest the application site is surplus to the needs of the Jehovah Witness Church.
- 9.7. Supporting information submitted by the applicants confirms that whilst interest received was from developers looking to convert to a dwelling there was no interest from local community groups. The sale of the site was completed by the applicants in May 2023.
- 9.8. Whilst the proposed use would not strictly be classed as a community facility by virtue of it being a private physiotherapist practice, this use would still benefit the health and wellbeing of its clients. The development would therefore have some continued community benefit, albeit to a more limited degree. The applicants do also intend on hosting free to the community events such as annual CPR training (as they have done at their other practice, with a defibrillator permanently positioned on the external wall of the practice), as well as to liaise with HBBC regarding using the venue for a Steady Steps exercise programme, as offered by Blaby DC. Whilst these additional uses cannot be guaranteed as part of this planning application, they are encouraged and would bring additional benefits to the wider community beyond the use of the site as a private physiotherapist practice.
- 9.9. Overall, the sites use as a place of worship ceased almost five years ago, it was vacant for approximately 2 years and was then sold by the Jehovah Witness Church with the needs of former worshippers being met elsewhere. Therefore whilst the proposal would lead to the loss of a community facility, the proposal would not hinder the community's ability to meet its day-to-day needs and the proposed use would have some limited benefits for the community. In its totality the proposed development would therefore satisfy the aims of Policy DM25 of the SADMP.

Design and impact upon the character of the area

- 9.10. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 9.11. As the change of use would not result in any physical alterations to the external fabric of the existing building or wider site, its appearance would be retained. As such it is not considered that the proposal would have adverse impact upon the character of the area in accordance with Policy DM10 of the adopted SADMP.

Impact upon neighbouring residential amenity

- 9.12. Policy DM10 of the SADMP requires that the amenities of the occupiers of proposed developments would not be adversely affected by activities within the vicinity of the site
- 9.13. The application site directly borders No. 67 to the south (a two storey detached dwelling) & No. 71 to the north, which is a two storey semi-detached property. As the application property is raised and accessed from steps leading up from the pavement,

the ridge height of No. 67 and the application property aren't too dissimilar. Comments were received raising some concern for privacy in regard to the side facing windows. This is an existing situation and it is unlikely that the proposed development would lead to additional adverse loss of privacy beyond the previous and consented use as a place of worship. Nonetheless, the windows on the southern elevation will be obscure glazed by condition and a suitable boundary condition will also be added to improve the relationship between these 2 properties and prevent overlooking or any lack of privacy. On the northern side of the application site there is a 1.8m high close boarded wooden fence, a 3 or 4 metre high hedgerow and an outbuilding associated with No. 71 which provides adequate screening between these properties.

- 9.14. It is considered the previous and consented use of the site as a Church would be as or more intense than the proposed use as a physiotherapist practice but that instead of arriving all at once clients of the physio clinic would be spread out throughout the day. In terms of impacts on the general activities of the area the proposed use would on the whole have a similar impact and in fact potentially a lesser impact than the consented and previous use as a religious hall. The Pollution Officer was consulted with the proposal and had no objections.
- 9.15. Notwithstanding this, a condition as recommended will be added to any permission restricting the use of amplified music unless details of this and any noise mitigation measures have been submitted to and approved in writing. Proposed classes are pilates/yoga classes, or specific exercise rehabilitation classes rather than high tempo HIIT Classes limiting the requirement for loud music.
- 9.16. Subject to the aforementioned conditions, the proposal would not have a significant impact on residential amenity, with regard to both existing neighbouring dwellings and any potential future occupiers, in accordance with Policy DM10 of the SADMP in terms of residential amenity.

Impact upon highway safety

- 9.17. Policy DM17 of the SADMP seeks to ensure that all new development should be in accordance with the most up to date local highway design standards.
- 9.18. Policy DM18 of the SADMP seeks to ensure that development provides appropriate levels of parking provision.
- 9.19. The Local Highway Authority (LHA) have been consulted for the change of use from a place of worship (Class F1) to a private medical (physiotherapy) practice (Class E).
- 9.20. The site is situated on the northwestern side of Mill Lane, approximately 30m to the southwest of the junction of Mill Lane / Barlestone Road (B582). The Applicant is seeking to change the use of the building from a place of worship (Class F1) to a private medical (physiotherapy) practice (Class E). No off-street parking is proposed for the proposed use. However, it is important to consider that there is no off-street car parking associated with either the extant use, nor are there any planning conditions limiting the number of people permitted on site.
- 9.21. The 'Planning Application Statement' indicates there would be a maximum of two full-time physiotherapists on site, with one part-time exercise professional and one part-time administration support officer. The duration of the appointments with the physiotherapists would be approximately 40 minutes in length, and on occasion a duration of one hour with a complimentary therapist session.
- 9.22. The Applicant also seeks to offer pilates / yoga classes, or specific exercise rehabilitation classes to aid recovery from surgery such as joint replacement operations. These would be for up to 6 individuals.

- 9.23. The Applicant has put forward a number of options in relation to car-parking associated with site, this included:
- The establishment of two marked bays in front of the premises for clients, however, this could not be supported by the LHA within the public highway;
 - Consideration of the establishment of two further off-street car parking spaces within the highway verge opposite the premises. This also could not be supported by the LHA, even if agreed to by the LHA, these would be public spaces and not reserved for the exclusive use of the business; and
 - To investigate the possible use of private, unused daytime private spaces within the vicinity of the site. This however, would be a private arrangement between the Applicant and owners of any such spaces.
- 9.24 The LHA would normally seek to resist proposals which would not provide sufficient off street parking in-line with 'Highway Requirements for Design (HRfD) Part 4 design guidance. However, given the extant use of the site which could attract a large number of trips over a seven day period which is also not afforded off-street car parking, the LHA do not consider they could defend a refusal at an appeal. For the reasons above, the LHA would not seek to resist the proposals in these site specific circumstances.
- 9.25 It is therefore considered the proposal would not have an additional significant impact on parking or highway safety beyond the existing situation and is judged to be in compliance with policies DM17 and DM18 of the SADMP.

10 Equality implications

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

11. Conclusion

- 11.1 The application is for the Change of use from a place of worship (Class F1) to a private medical (physiotherapy) practice (Class E). The application site is situated within the settlement boundary and therefore there is a presumption in favour of

sustainable development under policy DM1 of the SADMP as long as the proposal is in accordance with the relevant policies of the SADMP.

- 11.2 By virtue of the sites previous use as a Church/ Religious Hall it is considered that the proposal would not result in any adverse impacts on the residential amenity of surrounding dwellings, either by way of noise and disturbance associated with vehicle movements or use of the site as a Physio Clinic with daily rehabilitation/ yoga classes. The proposal would also not result in any severe harm in terms of highway safety or impact on the character of the surrounding area. Therefore, the application is considered to be in accordance with DM1, DM10, DM17, DM18 & DM25 of the SADMP & is therefore recommended for approval subject to conditions.

12. Recommendation

12.1 Grant planning permission subject to:

The following planning conditions as set out below

12.2 Conditions and Reasons

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

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

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

Site Location Plan Drg. Ref No. TQRQM23349001946512 received 15.12.2023
Proposed Floorplans received 15.12.2023
Application Form received 20.11.2023

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

3. All windows on the southern elevation shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and be non-openable. Once so provided the windows shall be permanently maintained as such at all times thereafter.

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

4. Use of the site as a Physiotherapist Clinic shall not begin until a detailed plan (or plans) indicating the positions, design, materials and type of boundary treatment to be erected has been submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed in full accordance with the approved details prior to the first use of the development and thereafter shall be retained and maintained in perpetuity.

Reason: To ensure that an adequate boundary treatment is provided to safeguard the amenities of neighbouring residents in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No amplified music shall be played in the premises unless details of the amplified music and any noise mitigation measures have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall accord with the approved details in perpetuity.

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

6. Pilates, yoga and exercise rehabilitation classes shall not be held concurrently, shall not run consecutively and shall be limited to six people, not including the instructor.

Reason: To ensure that the proposed use does not become a source of annoyance or disturbance to nearby residents and in the interests of parking provision in accordance with Policy DM10 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

7. No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided to facilitate collection of waste via a registered waste carrier.

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

8. The premises shall be used for a physiotherapy practice only with ancillary Pilates/yoga or exercise rehabilitation classes; and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reason: To ensure the proposed development is compatible with existing development in the locality in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

12.3

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.