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Hinckley & Bosworth
Borough Council

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

Date: 27 May 2024

To: Members of the Planning Committee

Cllr MJ Crooks (Chair)	Cllr SM 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 REH Flemming	Cllr A Weightman
Cllr C Gibbens	

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, 4 JUNE 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 'R Owen'.

Rebecca Owen
Democratic Services Manager

Hinckley Hub • Rugby Road • Hinckley • Leicestershire • LE10 0FR

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Thank you

PLANNING COMMITTEE - 4 JUNE 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 7 May.

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. **21/01511/OUT - EARL SHILTON SUSTAINABLE URBAN EXTENSION, MILL LANE, EARL SHILTON (Pages 7 - 50)**

Outline application to include up to 1000 dwellings (C3) up to 5.3 hectares for employment uses comprising a mix of B2, B8 and E(g) uses, a primary school / education uses (F1), retain floor space (E) and hot food takeaway (Sui Generis) as part of a mixed use local centre / community hub (E/F1/F2/C3), two vehicular accesses from the A47, limited access from Breach Lane, vehicular access from Mill Lane, public open space including sustainable urban drainage systems and the provision of associated infrastructure and ancillary works and demolition of former girl guide building (outline – access only) (EIA development).

8. **23/00330/OUT - EARL SHILTON SUSTAINABLE URBAN EXTENSION, MILL LANE, EARL SHILTON (Pages 51 - 92)**

Outline application to include up to 500 dwellings, a primary school / education use (class F1), retail (class E), community hub (Class E/F1/F2), hot food takeaway (Sui Generis), accesses from Mill Lane and Astley Road and infrastructure including public open space, SUDS, landscaping, the provision of associated infrastructure and ancillary works. Outline – all matters reserved except for access (EIA development).

9. **24/00026/FUL - KYNGS GOLF & COUNTRY CLUB, STATION ROAD, MARKET BOSWORTH (Pages 93 - 116)**

Application for erection of two subterranean golf holiday lodges with associated works.

10. **24/00322/FUL - THE WHITE HOUSE, BOSWORTH ROAD, WELLSBOROUGH (Pages 117 - 138)**

Application for erection of single storey self-build / custom-build dwelling (resubmission of 23/00923/FUL).

11. **24/00263/CONDIT - 477A COVENTRY ROAD, HINCKLEY (Pages 139 - 146)**

Application for variation of condition 2 (approved plans) of planning application 15/00678/REM (part retrospective).

This application was deferred at a previous meeting, therefore no public speaking is permitted in accordance with the council's constitution.

12. **APPEALS PROGRESS (Verbal Report)**

To report on progress relating to various appeals.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

PLANNING COMMITTEE

7 MAY 2024 AT 6.30 PM

PRESENT: Cllr MJ Crooks - Chair
Cllr J Moore – Vice-Chair
Cllr CM Allen, Cllr RG Allen, Cllr SL Bray, Cllr MA Cook, Cllr REH Flemming,
Cllr C Gibbens, Cllr CE Green, Cllr E Hollick, Cllr KWP Lynch, Cllr LJ Mullaney,
Cllr BR Walker and Cllr A Weightman

Also in attendance: Councillor MC Bools, Councillor WJ Crooks, Councillor A Pendlebury and Councillor R Webber-Jones

Officers in attendance: Sullivan Archer, Emma Baumber, Chris Brown, Tim Hartley and Rebecca Owen

342. **Apologies and substitutions**

Apologies for absence were submitted on behalf of Councillor Smith.

343. **Minutes**

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

RESOLVED – the minutes of the meeting held on 9 April be confirmed as a correct record.

344. **Declarations of interest**

Councillor Crooks stated that she sat on Newbold Verdon Parish Council during consideration of application 23/01112/FUL but didn't take part in the debate.

Councillor Hollick declared a personal interest as a customer of the Stamford Arms (applications 24/00121/FUL and 24/00122/LBC).

345. **Decisions delegated at previous meeting**

It was reported that all decisions had been issued with the exception of the decisions on applications 23/01000/FUL and 24/00068/FUL which were subject to a section 106 agreement and application 23/01204/REM which was awaiting highways sign-off.

346. **23/00311/FUL - Land off Chapel Lane, Witherley**

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

An objector and the applicant spoke on this application.

It was moved by Councillor R Allen and seconded by Councillor Flemming that permission be granted. Councillor C Allen suggested adding a condition to require provision of full fibre broadband. Councillor R Allen and Councillor Flemming subsequently amended their motion to include the additional condition. The motion as amended was put to the vote and it was

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report and additional condition requiring provision of full fibre broadband;
- (ii) The Head of Planning be granted authority to determine the final detail of the planning conditions.

347. 23/00711/FUL - The Blue Bell Inn, 39 High Street, Desford

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.

An objector, the agent and two ward councillors spoke on this application.

Notwithstanding the officer's recommendation that permission be granted, concern was expressed about traffic, impact on neighbours, the location of the delivery bay and proximity to 2A, and proposed delivery times on Sundays and bank holidays. It was moved by Councillor Bray and seconded by Councillor R Allen that the item be deferred for further discussions with the highways authority, to seek confirmation from Environmental Health with regards to further conditions, to ask the applicant to consider the location of the delivery bay and to reconsider delivery times on Sundays and bank holidays to reduce disturbance to residents. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred for the abovementioned reasons.

348. 24/00263/CONDIT - 477A Coventry Road, Hinckley

Application for variation of condition 2 (approved plans) of planning application 15/00678/REM (part retrospective).

A ward councillor spoke on this application.

Notwithstanding the officer's recommendation that permission be granted, concern was expressed about the impact on trees and neighbours. It was moved by Councillor Gibbens and seconded by Councillor Lynch that the application be deferred for a site visit. Councillor Bray requested that, whilst not planning matters, the complaints raised by residents be referred to the relevant service within the council. Councillor Gibbens and Councillor Lynch amended their

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

RESOLVED –

- (i) The item be deferred for a site visit;
- (ii) The complaints raised by residents be referred to the relevant service.

349. 23/01112/FUL - 69 Mill Lane, Newbold Verdon

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

A ward councillor spoke on this application.

It was moved by Councillor Bray and seconded by Councillor R Allen that permission be granted. It was also requested that a note to applicant be added to encourage car sharing. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report;
- (ii) The Head of Planning be granted authority to determine the final detail of the conditions;
- (iii) A note to applicant to encourage car sharing be added.

350. 24/00027/FUL - Kyngs Golf and Country Club, Station Road, Market Bosworth

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

Notwithstanding the officer's recommendation that permission be granted, members felt that the development would have a harmful effect on the character and appearance of the area and on the countryside and was therefore contrary to policies CE1, CE3 and CE5 of the Market Bosworth Neighbourhood Plan and DM4 of the Site Allocations and Development Management Policies DPD. Concern was also expressed that there was no clear tie to the golf course. It was moved by Councillor Cook and seconded by Councillor R Allen that permission be refused for these reasons. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – permission be refused due to the proposal being contrary to policies CE1, CE3 and CE5 of the Market Bosworth Neighbourhood Plan and DM4 of the Site Allocations and Development Management Policies DPD.

351. 24/00121/FUL - Stamford Arms, 2 Leicester Road, Groby

Application for extension and alteration to existing public house to provide additional deli/coffee shop floor space.

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

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer's report;
- (ii) The Head of Planning be granted powers to determine the final detail of planning conditions.

352. 24/00122/LBC - Stamford Arms, 2 Leicester Road, Groby

Application for extension and alteration to existing public house to provide additional deli/coffee shop floorspace.

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

RESOLVED –

- (i) Listed building consent be granted subject to the conditions contained in the officer's report;
- (ii) The Head of Planning be granted authority to determine the final detail of the planning conditions.

353. 23/00432/OUT - Land north of A47 Normandy Way and east of Stoke Road, Hinckley

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

Concern was expressed that the cumulative impact of additional traffic on the perimeter road and the A5 as a result of new development needed to be considered as a whole and it was requested that a meeting be arranged with National Highways and Leicestershire County Council as highways authority. Officers agreed to facilitate the requested meeting.

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

RESOLVED –

- (i) Permission be granted subject to
 - a. A section 106 agreement;
 - b. Planning conditions contained in the officer's report;

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

(The Meeting closed at 8.15 pm)

CHAIR

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Committee Report 4th June 2024
Report of the Head of Planning

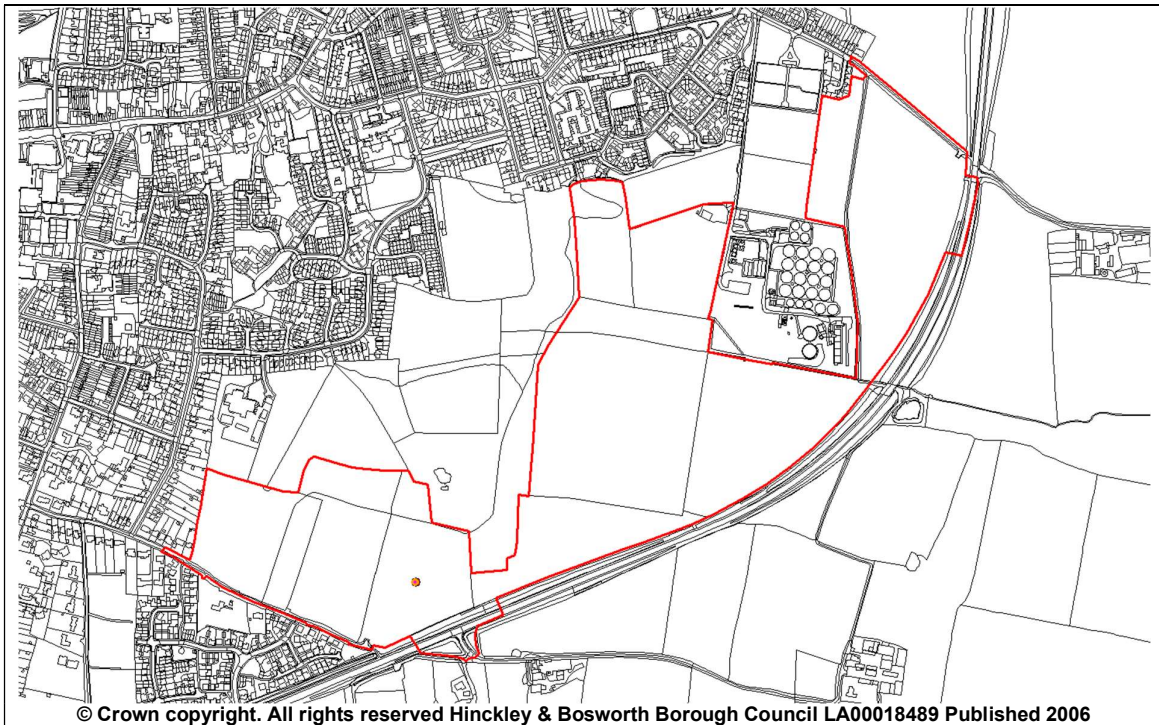
Planning Ref: 21/01511/OUT
Applicant: Bloor Homes and Jelson Limited
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Earl Shilton Sustainable Urban Extension (SUE) Mill Lane Earl Shilton
Leicestershire

Proposal: Outline application to include up to 1,000 dwellings (C3) up to 5.3 hectares for employment uses comprising a mix of B2, B8 and E(g) uses, a primary school/education uses (F1), retail floor space (E) and hot food takeaway (Sui Generis) as part of a mixed use local centre/community hub (E/F1/F2/C3), two vehicular accesses from the A47, limited access from Breach Lane, vehicular access from Mill Lane, public open space including sustainable urban drainage systems and the provision of associated infrastructure and ancillary works and demolition of former girl guide building (outline - access only)(EIA development)



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. This application seeks Outline permission for up to 1,000 dwellings (C3), up to 5.3 hectares for employment uses comprising a mix of B2, B8 and E(g) uses, a primary school/education uses (F1), retail floor space (E) and hot food takeaway (Sui

Generis) as part of a mixed use local centre/community hub (E/F1/F2/C3), two vehicular accesses from the A47, limited access from Breach Lane, vehicular access from Mill Lane, public open space including sustainable urban drainage systems and the provision of associated infrastructure and ancillary works and demolition of former girl guide building (outline - access only)(EIA development).

2.2. The following plans, reports, surveys and documents have been submitted in support of the planning application:

- Written Scheme of Investigation for Archaeological Excavation (including update, proposed mitigation area, 2020 excavation results, proposed excavation trenches and axe find grid reference)
- Design and Access Statement (including Addendum)
- Building Heights and Densities Parameter Plan
- Arboricultural Impact Assessment
- Odour Modelling Assessment
- Outline Drainage Strategy (including additional information and technical note)
- Illustrative Masterplan
- Green Infrastructure Parameters Plan
- Primary and Secondary Access Parameter Plan
- Land Use Parameter Plan
- Botanical Surveys and Biodiversity Net Gain Report (including Addendum and BNG Metric 3.1)
- Response to HBBC Open Space Comments
- Noise Suitability Report (including update and noise and vibration technical note)
- Playing Fields Existing Provision Plan
- Illustrative Playing Pitch Layout
- Access Strategy
- Primary and Secondary Street Hierarchy Parameter Plan
- Planning Statement
- Topographical Survey
- Transport Assessment
- Utilities Technical Note
- Environmental Statement (including Non-Technical Summary, Figures, and Appendices) and Environmental Statement Addendum
- Flood Risk Assessment
- Framework Travel Plan
- Tree Survey
- Statement of Community Involvement
- Location Plan
- Red Line Boundary Drawing
- Covering Letter (including all Notice Letters and Forms)
- Breach Lane Proposed Access Plan
- Mill Lane Proposed Access Plan
- A47 Proposed Access Plans (no. 2)

2.3. Amended plans have been submitted during the course of the application to respond to the various comments made by officers and consultees.

3. Description of the site and surrounding area

3.1 The application site is located to the south east of Earl Shilton and covers land currently in open space and agricultural use between Earl Shilton and the A47. The

site boundary extends to approximately 65ha. The A47 forms a strong outer boundary to the SUE. Earl Shilton adjoins the neighbouring settlement of Barwell to the west and is located approximately 5km to the north-east of the main local town of Hinckley. Further afield, Nuneaton is located 10km to the south west, Leicester is 12km to the north east.

- 3.2 The town is well connected via the A47 Clickers Way, to the strategic highway network of the A5 and M69 at Hinckley. Earl Shilton has direct public transport connections with regular bus services to Hinckley, Nuneaton, Coventry and Leicester.
- 3.3 Earl Shilton town centre is located 0.8km to the north-west of the site and is accessible via Astley Road and, thereafter, either Alexander Avenue or Equity Road East. There is also access to the town centre from the north-eastern area of the site via Mill Lane and Alexander Avenue. The centre and the wider town offers a range of local and higher-level services including shops, a supermarket, community uses - including a library, primary and secondary schools, sports pitches and a large medical practice - and a range of industrial and commercial employers.

4. Relevant planning history

- 4.1 The Earl Shilton Sustainable Urban Extension site is in multiple land ownerships, which has resulted in three separate applications being submitted.
- 4.2 The applicants involved with two of these applications have been working together to ensure that the SUE is joined up in its strategic planning – the result being this application, and its sister application (ref 23/00330/OUT – for up to 500 dwellings, a primary school and other associated infrastructure). For the sake of ease, the applicants have referred to the sister application as Application A, whilst this application is referred to as Application B. The S.106 Heads of Terms referred to below relate to the share of the total planning obligations required for the SUE that relate to this application (Application B).
- 4.3 The third application, or Application C, was submitted by Persimmon (under reference 20/01225/FUL) and whilst not part of the consortium working together on the wider scheme, is nonetheless being dealt with as part of the wider SUE. Thus, a proportionate share of all infrastructure required for the wider SUE will be attributed to Application C as well.
- 4.4 As set out within the Planning Statement submitted with this application, Applications A and B aim to deliver the overall allocation requirements of up to 1,500 new dwellings, up to 5.3 hectares of employment land, a new community hub that will comprise a two-form entry primary school and local retail facilities as well as improved sports provision, new play areas, public open space, landscaping, access and drainage.
- 4.5 Application A (23/00330/OUT) is submitted on behalf of Barwood Strategic Land LLP. This application proposes up to 500 dwellings, part of the primary school site, open space, and a local centre/community hub. The application is split across two land parcels located north of Mill Lane and to the south and east of Astley Road.

The application is referred to where necessary in this submission to help explain the overall approach.

- 4.6 Application B (21/01511/OUT) is submitted on behalf of Bloor Homes and Jelson. This application proposes up to 1,000 dwellings, up to 5.3 hectares for employment uses, part of the primary school site, open space and a local centre/community hub.
- 4.7 Both applications are submitted in outline with all matters other than access reserved for future determination. The applicants have worked together as a Consortium to develop a comprehensive masterplan for the overall SUE.
- 4.8 Application A and Application B, being effectively related to the same scheme, are brought before Committee together – to reflect the fact that each is reliant upon the other in terms of infrastructure requirements, S106 obligations and phasing.

5. Environmental Impact Assessment

- 5.1 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’.
- 5.2. 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
- 5.3. In this case, the development is for more than 150 dwellings on a site that 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.
- 5.4. The Council concluded that size of the scheme, and its proximity to a number of sensitive areas (as per the definition within the Regs) required an Environmental Impact Assessment to be undertaken.
- 5.5. The applicant submitted a Scoping Request (ref 14/00243/SCOPE) to ascertain whether the proposed contents for an Environmental Statement to accompany an Outline application were acceptable. The Council consulted on this submission, and responded with a formal comment on 29/04/2014.
- 5.6. This application has been submitted with an Environmental Statement that covers the various areas set out by the Council and consultees; a Statement that is addressed and assessed in the various sections below.

6. Publicity

- 6.1 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.
- 6.2. There have been 26 letters of objection received from separate households, which have been summarised as follows:

- Continued no compliance with NPPF planning standards and of proximity of the employment parameters to Union Mill Close.
- The properties site on the external boundaries on Union Mill Close.
- The proposed proximity of the employment land has significant impact on our properties from loss of light, overlooking and the agents of change that the developer and the planning authority have an obligation to maintain.
- If these are not changed we will be forced to JR this application.
- We have not received any engagement from the LPA to these matters along with the other environmental and ecological matters that have been previously raised.
- The Covid 19 Pandemic has had and is still having a devastating effect on the UK population. This pandemic has highlighted the need for green open space which is essential for the mental, physical and emotional wellbeing of us all, alongside excellent healthcare services which is of paramount importance. This planning application for 1000 houses and industrial units with a further planning application to follow for 600 houses on essential green space ignores the rights of existing residents. The character of the town and neighbourhood will be ruined.
- This is the last green space in what was a village surrounded by fields. Countryside walks will be a thing of the past, with no fields and open spaces to enjoy, including the loss of 3 footpaths. This proposed development will overstretch existing infrastructures and destabilise the hard work done by the community who strive to make the town better.
- This proposed development will result in a lower standard of medical services for existing residents due to the enormous pressure that the healthcare services will be put under. Increased funding to these services will not guarantee that residents will continue to receive their current standard of service provision. This is unacceptable.
- The environmental impact will result in the character of the neighbourhood being lost forever, with increase noise, air pollution and loss of nature/wildlife.
- There will be increased traffic for Station Road, Breach Lane and Equity Road East. Since the opening of Clickers Way these roads have seen a major increase in traffic. These roads are used as a race track being a short cut through to the top end of Earl Shilton. We strongly object to Breach Lane now being shown on the plans as an access route for 50 houses. On previous plans Macefield Drive was the access route, now it has been changed to a small residential lane. This is totally insensitive to residents living on Station Road, Breach Lane and Equity Road East, who will once again have an increase in traffic with all the noise, air pollution and safety issues.
- The extra traffic it would put on station road will be intolerable- I can already wait 10 minutes to get out of my drive and these houses will make it considerably worse. Also it's almost impossible to get through to the doctors by phone let alone making an appointment- I note there is no provision for additional healthcare. We always knew the council would allow building up to the bypass even though this was denied prior to the building of the road. Station Road is now a rat run. We don't need any further traffic or houses in Earl Shilton!
- The roads and facilities of Earl Shilton are already at capacity. Inevitably when a study is done pre-build the traffic levels double or even triple the

expectations after the fact. I can't get a doctors appointment or a dentists appointment, or a vets appointment already - and there's no way that this is going to make it any better. There are just not enough facilities in the local area to accommodate this amount of people. It's ludicrous! Then there's the ecological harm of tearing up natural habitats for already threatened wildlife and the added upheaval of the actual work going on.

- There's also the loss of arable land which is at a premium post-Brexit. A lot of people in Earl Shilton moved here because of its proximity to farmland, nature and countryside in general. This is being snatched away from us all.
- There's also a huge problem with all the extra environmental particulates caused by those new people, their cars, their bonfires, their central heating, their smoking habits. Earl Shilton is a nice small town, and this development will destroy its' character and leave it bland and carbon-copy like every other town in the area - no soul.
- Also want to comment on will the bats in area be affected? As we have a few living in trees in the area.
- The issue's I would like considered are that no matter what the design an industrial unit / office block is always a blot on the landscape especially when it can be seen by residents and the many pedestrians who go for walks down Mill Lane as Mill Lane leads to a number walks heading away from it and gets a lot of pedestrian use and horse riders.
- My primary concern is due to the height of the buildings, although these buildings are in a downward slope towards Clickers Way, I believe the height of the five buildings that are closest to Mill Lane should be single storey height also noting that the car parking suits single story use. I believe this would then allow for the units further down the hill near Clickers Way to be two storey buildings if necessary.
- My secondary concern is of light pollution at night I would hope that the industrial estate and buildings will not be lit up and having security lighting and alarms going off at all hours.

6.3. No letters of support or neutral comments have been received.

6.4. Where these matters relate to material planning considerations, they are addressed in the corresponding parts of the assessment below.

7. Statutory Consultation

7.1 No objections, some subject to conditions/contributions have been received from:

- HBBC Monitoring Officer (Nov23)
- LCC Education (29/11/2023)
- HBBC Environmental Pollution (16/05/2024)
- HBBC Affordable Housing
- NHS Leicester, Leicestershire and Rutland (25/07/2023)
- HBBC Waste (18/10/2023)
- Historic England (24/10/2023)
- Local Lead Flood Authority (27/10/2023)
- LCC Conservation Team (04/05/2022)
- Rugby Borough Council (10/03/2022)
- HBBC Tree Officer (Nov23)

- Natural England (09/03/2022)
- Blaby District Council (07/03/2023)
- Environment Agency (09/02/2023)
- Nuneaton and Bedworth Borough Council (16/02/2023)
- North Warwickshire Council (06/04/2024)
- LCC Ecology (07/02/2024)
- National Highways (15/03/2024)
- LCC Archaeology (08/03/2024)
- Sport England (03/05/2024)
- LCC Highways (17/05/2024)

7.2 Earl Shilton Town Council made the following comments in relation to Application A, and on request have confirmed that they also apply to Application B:

“Members reviewed the documents provided and the previous comments submitted to the Planning authority at HBBC.

Resolved: to carry forward the Consultee observations not amounting to an objection to the LPA (HBBC) as minuted under agenda item 22/060 c - Major application – part of Earl Shilton Sustainable Urban Extension (ES-SUE) –

- *500 dwellings of 1500 planned for the ES-SUE.*
- *A Primary School.*
- *Community Hub premises.*
- *Hot food takeaway (sui generis).*
- *Access roads from Mill Lane and Astley Rd.*

Members discussed this outline application on the basis that the ES-SUE will come forward in time however the Town Council wish to make the following points not amounting to an objection.

- 1. General: the ES-SUE is planned as a single entity primarily as 1500 dwellings not 500 as first tranche.*
- 2. Highways should be applied for in regard to the whole entity and be confirmed as up to LCC Highways ‘adoptable’ standard.*
- 3. Dwelling Internet connections should be of the highest calibre.*
- 4. s.106 contributions for the whole ES-SUE should be negotiated, agreed and confirmed before any part application is approved by the LPA and LCC.*
- 5. STW Sewage Treatment Works Cordon Sanitaire: if not already, it is strongly suggested that odour tests and the boundary setting are scrutinised and formally reported on by truly independent professional experts. The aim and objective will be to protect future residents to have the right to the quiet enjoyment of their property, whilst protecting STW and the LPA from hindsight criticism for the lack of a thorough duty of care.”*

7.3 It must be noted that Earl Shilton Town Council do not own any of the land within this Application B, but they are a landowner of part of the Application A – specifically the area of land that will benefit from improvements to the existing playing fields. Earl Shilton Town Council will also be responsible for the delivery of the qualitative upgrades associated with the Sport England response. Application B will be making a financial contribution to HBBC towards these upgrades. Earl

Shilton Town Council will only be a signatory on the Application A S.106 Agreement.

7.4 An Objection remains from **LCC Minerals and Waste** (29/12/2023):

“The County Council has considered the application, having regard to the Development Plan, National Planning Policy Guidance and other relevant material considerations. In this particular instance, the County Council, as Minerals and Waste Planning Authority, comments as follows;

The application site is located entirely within a Mineral Safeguarding Area for sand and gravel as identified on Map S4/2015 of the Leicestershire Minerals and Waste Local Plan (2019-31) (MWLP) and Policy M11 outlines that mineral, including sand and gravel, will be protected from permanent sterilisation by other development. Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

Whilst it is noted that the application is supported by a range of supporting environmental documentation, there appears to be no consideration to potential mineral sterilisation, nor does this look to have been provided for in any other submitted document. We also note that paragraph 9.15 of the Earl Shilton and Barwell Area Action Plan (AAP) (2014), states that further detailed assessments are required to consider the presence of sand and gravel deposits within the site.

Therefore, after carefully considering the matter, the Mineral Planning Authority requests further information in the form of a Minerals Assessment to understand the proposed development and its impacts upon the Mineral Safeguarding Area. In general, the following matters are recommended for inclusion in mineral assessments:

- An estimate of the quality and quantity of mineral reserve impacted by the proposed development (preferably verified by evidence from borehole investigations);*
- Assessment of whether the proposal can be modified to avoid sterilisation;*
- Assessment of the potential for the use of the mineral in the proposed development and whether it is feasible and viable to extract the mineral resources ahead of the development;*
- Assessment of the commercial and practical considerations of prior extraction – such as environmental impacts, the location of processing facilities, method of transport and the interest from local mineral operators;*
- Where prior working is proposed, an explanation of how this will be carried out as part of the overall development;*
- The effect of prior extraction on the deliverability and/or viability of the proposed development.*

The full text to Policy M11 can be found on Page 38 of the Leicestershire Minerals and Waste Local Plan (2019-31) on the following link:
<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/10/3/Leicestershire-Minerals-and-Waste-Local-Plan-Up-to-2031-Adopted-2019.pdf>

Safeguarding Waste management Facilities

Furthermore, it is noted that the safeguarded Earl Shilton Sewage Treatment Works is within close proximity to the proposal. Policy W9: Safeguarding Waste

Management Facilities of the LMWLP is therefore also relevant. The proposal does not appear to physically impact the access to the site but by their very nature, operations at sewage treatment works can on occasion give rise to environmental impacts such as out of hours working, noise and odours which could affect local amenity. Residential development of the type proposed may also prejudice the current and future operation of the facility. Your authority should be satisfied that you have sufficient information to demonstrate the above to ensure that there would be no conflict with the waste safeguarding interest.”

- 7.5 **Officer Comment:** The restraints imposed on the delivery of the site were extraction required prior to the commence of delivery, alongside the benefits of that extraction, therefore need to be considered in balance against the need for the development itself – as identified within the adopted Development Plan. In this instance it is considered that the objectively identified need for housing delivery is of considerable public benefit – and that this outweighs the sterilisation of the minerals reserve on which the development would be built.

8. Policy

8.1 Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- 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

8.2 Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon 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

8.3 Earl Shilton and Barwell Area Action Plan (2006-2026)

- Policy 1: Sustainable Urban Extension (SUE)
- Policy 2: Provision of Community Facilities
- Policy 3: Primary, Secondary and upper Education provision
- Policy 4: Provision of Indoor Sports and Leisure Facilities
- Policy 5: Waste Management Provision
- Policy 6: Earl Shilton Urban Extension

- Policy 7: Housing in Earl Shilton Urban Extension
- Policy 8: Employment in Earl Shilton Urban Extension
- Policy 9: Neighbourhood Centre in Earl Shilton Urban Extension
- Policy 10: General Highways provision for Earl Shilton Urban Extension
- Policy 11: Walking and Cycling in Earl Shilton Urban Extension
- Policy 19: Regeneration of the District Centres
- Policy 20: Skills Development
- Policy 21: Infrastructure and Delivery
- Policy 22: Development and Design
- Policy 26: Vitalising District, Local and Neighbourhood Centres

8.4 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

8.5 Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide
- Affordable Housing SPD (2011)
- Hinckley and Bosworth Borough Landscape Character Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2019)

9. Appraisal

9.1 Key Issues

- Principle of development
- Housing land supply
- Housing mix and supply
- Impact upon highway safety
- Landscape and visual impact
- Design and layout
- Heritage Impacts
- Archaeology
- Residential amenity
- Flood risk and drainage
- Ecology and biodiversity
- Archaeology
- S106 Heads of Terms
- Planning balance

Principle of development

- 9.2 The National Planning Policy Framework (NPPF) (2023) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the

statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, permission should not usually be granted unless other material considerations indicate otherwise.

- 9.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP) and the Earl Shilton and Barwell Area Action Plan (2006-2026).
- 9.4 The Emerging Local Plan for 2020-2039 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 Emerging Local Plan is therefore delayed.
- 9.5 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 9.6 Policy 2 of the adopted Core Strategy identifies land to the south of Earl Shilton as the location for the development of a mixed use Sustainable Urban Extension (SUE) of 2000 homes, which is required to support the regeneration of the Barwell and Earl Shilton sub regional centre and seeks to diversify existing housing stock by supporting housing development that provides for a mix of housing types and tenures, as detailed in Policy 15 and Policy 16.
- 9.7 Detailed requirements for the SUE are set out in the Earl Shilton and Barwell Area Action Plan (AAP) Development Plan Document (DPD). Policy 2 of the Core Strategy also states that all development must be in conformity with the AAP and that no piecemeal developments will be permitted. The AAP at paragraph 9.1 states that “The Council considers, in line with Policies 2 and 3 of the Core Strategy, that the best way in which these requirements can be satisfied is for a single outline planning application to be made for each urban extension.”
- 9.8 Relevant to this site is Policy 6 of the Earl Shilton and Barwell AAP which states that ‘development of the urban extension will be required to generally follow the land uses within the Development Framework at Figure 3. “Deviation from the Development Framework will be permitted where proposals would not prejudice the achievement of the overall requirements of the policies in this Area Action Plan and Local Plan (2006-2026) taken as a whole”.
- 9.9 Also relevant is Policy 7 of the Earl Shilton and Barwell AAP which sets out that a minimum of 1600 homes should be accommodated across the entire SUE. The application site would contribute 1000 dwellings to the overall target of 1600 homes across the entire area of the SUE.
- 9.10 The application is therefore considered to be acceptable in principle, subject to the detailed matters below.

Housing Land Supply

- 9.11 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.
- 9.12 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.
- 9.13 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”*
- 9.14 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”.*
- 9.15 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”.*
- 9.16 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.”

- 9.17 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.
- 9.18 The provision of up to 1000 dwellings, 20% of which is to be Affordable Housing, which is policy compliant, together with the associated education, employment and other infrastructure brought forward as part of the wider SUE, is considered to be a significant social and community benefit of the proposal and weighs heavily in favour of the scheme.

Housing Mix and Supply

- 9.19 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.
- 9.20 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.
- 9.21 Final number and mix of dwellings will be determined at Reserved Matters stage, but the illustrative layout shows a mix of types and sizes can be accommodated. The development is for up to 1000 dwellings and the appropriate layout and density will be determined at Reserved Matters stage.
- 9.22 This application forms part of the area designated as the Sustainable Urban Extension for Earl Shilton. Policy set out in the Core Strategy (policy 15), indicates that 20% of the dwellings in the urban areas, and in the sustainable urban extensions, 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 200 properties (assuming overall 1000 dwellings are constructed as part of this development) should be provided for affordable housing, the tenure split would be determined by the policy in paragraph 66 of the National Planning Policy Framework (NPPF) 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.”
- 9.23 Government has also introduced First Homes, through the Written Ministerial Statement of 24 May 2021, as a form of affordable home ownership and requires

that 25% of all affordable housing on qualifying sites should be for First Homes. This would apply to this application.

- 9.24 To comply with this guidance, which supersedes the tenure mix set out in the Core Strategy, 25% of the affordable housing properties should be provided as First Homes, 50% properties for affordable or social rent and 25% 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.

- 9.25 The Council's housing register has the following number of live applicants waiting for rented housing as at 12.12.23 with a preference for Earl Shilton

Bedroom size	General register	Over 60
1 bedroom	251	61
2 bedrooms	135	11
3 bedrooms	54	0
4 or more bedrooms	23	1
Total	463	73

- 9.26 The affordable housing statement submitted with the application indicates that the full 20% affordable housing requirement will be provided on site, and that all of the affordable properties will be provided as general needs housing.

- 9.27 The tenure is split between 50% affordable rent and 50% affordable home ownership, which complies with national guidance. All of the affordable homes should meet the higher bedroom space standards, so 1 bed flats should be for 2 people, 2 bed houses for 4 people, 3 bed houses for 5 people and 4 bed houses for 6 people. The properties should all have regard to the Nationally Described Space Standards (NDSS).

- 9.28 The suggested mix for affordable home ownership is split between

	First Homes	Shared Ownership
2 bed	22%	37%
3 bed	17%	24%
Total	39%	61%

- 9.29 This mix of properties is supported as being a good mix of house types for affordable home ownership.

- 9.30 The preferred mix for the affordable and / or social rent is:

1 bed flat or quarter houses	10%
2 bed bungalows	10%
2 bed houses	45%
3 bed houses	31%
4 bed houses	4%

- 9.31 As this site is part of 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.

- 9.32 The Council is following national guidance and national criteria as the Council does not have any published local criteria 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 which is the nationally discount as the Council have not currently applied any additional form of discount through adopted policies.

Impact upon highway safety

- 9.33 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)).
- 9.34 Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 9.35 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.
- 9.36 With respect to the A47 Southern Roundabout - The A47 is an A classified road subject to the National Speed Limit (NSL) (60mph). The main southern access off the A47 into the SUE will be delivered by Application B and will be achieved by and converting the existing Breach Lane A47 priority junction in to a new four-arm roundabout. The access is demonstrated on drawing no.B033564 TTE XX XX DR H 0021 P06.
- 9.37 The new roundabout will bisect bridleway U105, which runs along the northern side of the A47 at the top of the embankment. It is proposed to divert U105 along the access road within the site for a short section with a Pegasus crossing implemented to enable crossing of the Earl Shilton SUE spine road. The two A47 arms have two lane approaches whilst the site access arm and Breach Lane arm have a one lane approach. The scheme has been designed to the relevant standards within Design Manual for Roads and Bridges (DMRB). A dropped kerb pedestrian crossing with a central refuge island will be provided on the access road to link the existing shared footway/cycleway on the west side of the A47. A dropped kerb pedestrian crossing with a central refuge island will also be provided on the A47 (east) arm to replace the existing dropped kerb. The new crossing with central refuge island will enhance the existing crossing facility.
- 9.38 With respect to the A47 Northern Roundabout - Application B will also deliver this access. The access consists of a three-arm roundabout. The access is demonstrated on drawing no. B033564 TTE XX XX DR H 0011 P05. This indicates that two of the arms have one lane approaches and one arm has two lane approaches. A dropped pedestrian crossing with a central refuge island will be provided on the access road to link the existing shared footway/cycleway on the west side of the A47.
- 9.39 With respect to Astley Road - Astley Road is an adopted unclassified road subject to a 30mph speed limit. A short right turn lane with dropped kerb and informal pedestrian crossing on the site access which will link both sides of the existing

pedestrian footway on the east side of Astley Road. The access is demonstrated on drawing no.42523-WSPE-XX-XX-DR-OT-00006_S0_P02.2.

- 9.40 With respect to Mill Lane - Mill Lane is an adopted unclassified road subject to the NSL (60mph). The proposed access off Mill Lane comprises of a three-arm mini roundabout to connect Mill Lane with the internal road to the south serving employment and residential road to the north. The following is proposed:
- It is proposed that the remaining eastern section of Mill Lane would be stopped up to vehicular traffic and be available for use by pedestrians and cyclists. The access design includes for the provision of 2m footways on the northern and southern side of the carriageway that tie into the existing provision on both sides of Mill Lane.
 - A carriageway width of 5.5m along the majority of the Mill Lane vehicular access section. The exception to this is at the western end where it ties into the existing Mill Lane. At this section, it is proposed to widen the carriageway from 2.8m to 4.3m and inclusion of a 2m footway on the northern side and retention of the Union Mill Close junction arrangement. This lane width restriction will act as a horizontal traffic management feature to keep traffic speeds low and to deter general traffic. Priority will be given to traffic from the west of Mill Lane with a give way within the site for westbound traffic.
 - It is proposed that the section of internal road that serves the employment land parcels to the south of the Mill Lane mini-roundabout and north of the internal roundabout will be widened to 7.3m, as illustrated in the illustrative masterplan.
 - HGVs will not be permitted north of the employment park. A road sign will indicate that this is prohibited and a TRO will be created to extend the 7.5 tonne HGV restriction to this section of the southern arm.
- 9.41 With respect to Breach Lane - Breach Lane is an adopted unclassified road subject to a 30mph speed limit. The proposed access comprises of the following:
- 4.8m wide carriageway on the access road within the Site and on Breach Lane, requiring widening of the existing lane.
 - 2m wide footway on the western side of the access road within the Site and the northern side of Breach Lane with dropped kerbs and tactile paving at the access junction.
 - Continuance of 2m wide footway to the east of the access junction alongside tapering of the Breach Lane width to tie in with the existing carriageway to the east.
 - Informal crossing with dropped kerbs and tactile paving where the existing footway/cycleway route from Oaklands Avenue meets Breach Lane.
 - 'No through road' signage east of the junction to discourage vehicle movements along Breach Lane.
- 9.42 The LHA understand the Applicant proposes that no more than 46 dwellings being accessed off Breach Lane and the LHA would consider this acceptable. This agreement was also on the basis that construction access for HGV traffic would not be from Breach Lane and would instead be taken via the A47 with details submitted to be included within a Construction Traffic Management Plan conditioned below.
- 9.43 In summary, having reviewed each of the five site accesses in detail, the LHA consider safe and suitable site accesses can be achieved at the proposed locations as supported by the findings of a RSA1 and capacity assessments.
- 9.44 Earl Shilton Town Council have stated that they support the scheme only on the basis of a number of specific conditions being met – one of which is that the

scheme is considered as part of the wider SUE, and that all highways matters are dealt with to the satisfaction of the relevant highways authorities.

- 9.45 Since the initial round of consultation took place and both the LHA and National Highways raised objections, the applicant has continued to work proactively with the highways authorities and officers from the Council to overcome the points raised. This has included additional transport modelling and assessments, as well as a number of design iterations. 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 the conditions and s106 contributions.
- 9.46 With respect to the requested Desford Crossroads/A47 Footway – The principle of a financial contribution towards the Desford Crossroads has been agreed between the Applicants of the Earl Shilton SUE and LCC. Additional traffic modelling undertaken by the Applicant indicates that a suitable developer funded mitigation scheme would result in the Desford junction operating better with anticipated growth in 2036 than it would without development of the Earl Shilton SUE.
- 9.47 The Applicants of the Earl Shilton SUE have set out a methodology to calculate an appropriate level of financial contribution towards the Desford Crossroads scheme (including cycle and pedestrian improvements on the A47) that they consider proportionate, justified and that accords with the requirements of the CIL Regulations. This would provide sufficient funding to deliver in full a mitigation scheme (in the form of a new roundabout) that would mitigate the impact of both the Earl Shilton and Barwell SUEs. The Applicants have also indicated that the funding could be used flexibly by LCC to deliver this tested solution or pooled with other S106 contributions to deliver an alternative scheme if preferred.
- 9.48 At the time of drafting this report, LCC were in the process of re-evaluating the scale of the proposed improvement at Desford Crossroads and updating the level of funding already secured from S106 agreements and other sources. Provision of the updated information from LCC relating to the latest scheme and methodology will ensure that the level of contribution is CIL compliant. To date discussions between the Applicant and LCC indicate that the final agreed level of contribution from the Earl Shilton SUE (Applications A and B) towards the Desford Crossroads scheme will fall within a range between £1,336,080 to £3,548,891.
- 9.49 As there is agreement on the principle of a contribution, it is proposed that the final level of developer funding be discussed further with LCC prior to completion of the S106 agreement and the grant of any planning permission. The requirement will either fall as a condition or as a S106 obligation. This matter need not delay progress and could be delegated to the Head of Planning to ensure the level of funding secured from the Earl Shilton SUE is justified in the context of the CIL Regulations and effectively mitigates the impact of the development.
- 9.50 As a result, it is considered that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with Paragraph 115 of the National Planning Policy Framework (2023), subject to the conditions and/or planning obligations outlined in this report.

Landscape and visual impact

- 9.51 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.
- 9.52 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the outline planning application (Chapter 10 of the Environmental Statement).
- 9.53 With respect to its national designation, the site and entirety of the study area for the LVIA lie within National Character Area (NCA) 94: Leicestershire Vales. This sits between Hinckley in the west and Leicester in the north-east and southwards towards Market Harborough and Lutterworth.
- 9.54 With respect to its local designation, the Hinckley and Bosworth Borough Landscape Character Assessment place the site within Urban Character Area (UCA) 10: Earl Shilton, which covers the settlement of Earl Shilton and adjoining Sustainable Urban Edge (SUE) allocation. The agricultural landscape to the east of the A47 and south of Thurlaston Lane is defined as Landscape Character Area (LCA) F: Burbage Common Rolling Farmland, which encompasses an open expanse of gently rolling farmland below the ridgeline of the urban areas of Hinckley, Burbage, Earl Shilton and Barwell to the north and west.
- 9.55 The LCA includes a number of townscape strategies that are relevant to this application, for instance:
- “[Development should] Encourage local distinctiveness and high-quality design in new developments, reinforcing the distinct identities of Earl Shilton and Barwell. The Sustainable Urban Extension to the south-east of Earl Shilton should aim to create a distinct new and contemporary identity and character(s) whilst responding to the existing context e.g. by using opportunities for woodland planting along the new edge. Encourage planting of new street trees and soft landscaping to soften the streetscape.”*
- 9.56 The LVIA registers that there are *“two noticeable high points within the topography of the Site; one to the north and one to the south, separated by a low-lying valley associated with Earl Shilton Brook. From this valley, the land rises, giving Earl Shilton its character of being situated on a ridgeline...The Site as a whole is not visible from any single vantage point due to a combination of scale, the presence of the WwTW and intervening topography and vegetation within the Site and its immediate surroundings.”*
- 9.57 The LVIA goes on to state that *“the potential extent of visibility within the 1 km Study Area is primarily concentrated to the south, east, and north of the Site where the open, rolling agricultural fields and limited tree cover facilitate open views. The screening provided by existing built development within Earl Shilton means that the settlement falls outside of the zone of theoretical visibility with the exception of its southern edge, and also the land to the north and north-west of the town is also largely excluded from the zone of theoretical visibility. To the south-west of the Site, fragmented zone of theoretical visibility coverage extends across Elmesthorpe.”*
- 9.58 The LVIA correctly identifies that the main views, or principal views, of the site that are accessible by people (or ‘sensitive receptors’) are those associated with the eastern edges of Earl Shilton, along public rights of way (PRoWs) and along roads within the immediate vicinity. Other than those associated with the PRoWs, these views are casual glimpses of the more elevated portions of the site, rather than the lower edges which tend to be screened by hedgerows and mature trees.

- 9.59 Views, where they exist, are of fields and the recreation grounds – with the backdrop of urban development within Earl Shilton itself. This urban fringe landscape thus defines the site to a large degree.
- 9.60 Turning to the LVIA's assessment of the impact of the proposals, firstly with respect to landscape impact, the LVIA states:
- “The landscape and visual assessment has assessed the effects during the construction and operational phases of the Proposed Development on landscape elements within the Site, and on the character of the host Urban Character Area (UCA 10: Earl Shilton) and on the neighbouring Landscape Character Area (LCA F: Burbage Common Rolling Farmland). This has concluded that there would be no significant landscape effects as a consequence of the Proposed Development.”*
- 9.61 Secondly, in terms of visual impact, the LVIA states:
- “The visual assessment of effects on receptors' views as a consequence of the Proposed Development has considered the extent to which the Proposed Development can be viewed and the degree to which the composition of baseline views would change. The assessment has considered the views related to 29 visual receptor groups as follows:*
- *residents at 13 individual or small groups of private properties*
 - *recreational receptors travelling along 11 PRowS and two highway footpaths (along Mill Lane and the A47)*
 - *recreational receptors using an area of public open space (Weaver Springs Park); and*
 - *drivers and their passengers travelling along a primary route (the A47) and a single local highway.”*
- 9.62 The LVIA is based on a worst-case winter scenario when screening is at its lowest – thus the visual impact is at its greatest. It concludes that significant operational visual effects would occur for the following groups of receptors:
- Residents at private properties on Mill Lane (five properties) and Union Mill Close (five properties)
 - Residents at private properties on Astley Road (five properties to the east of Northleigh Way)
 - Residents at private properties on Montgomery Road (six properties)
 - Users of the PRow in the north-eastern part of the Site (PRow no.1)
 - Users of the PRow immediately south of the WwTW (PRow no.2)
 - Users of the PRow running centrally through the Site (PRow no.3)
 - Users of the PRow in the western part of the Site (PRow no.4); and
 - Users of the PRow immediately adjacent to the eastern edge of the Site (PRow no.5).
- 9.63 It reasonably suggests that significant visual effects would only occur for receptors that reside in private properties adjacent to the site boundary or are using PRowS adjacent to or within the site itself. The development would result in baseline views of arable fields, grassland, hedgerows/hedgerow trees and some longer views to countryside with views of a “*greater complexity*” during the construction phase (construction, equipment, plant, etc) and shortened views of built form framed by countryside beyond during the operational phase (i.e. when the dwellings, etc are built and occupied).
- 9.64 The LVIA concludes that “*the visual amenity of receptors using publicly accessible community spaces within Earl Shilton would therefore not be significantly affected.*”

- 9.65 The rate of visual change along the PRowWs would be of a moderate to high level. For all other remaining visual receptors the visual changes are considered not significant.
- 9.66 With respect to mitigation, the LVIA sets out a series of site-specific measures that are outlined within the submission, and will be developed as detailed planning applications and discharge of condition applications are submitted post determination of this Outline application. These include:
- Additional tree planting along the eastern and southern boundary to mask the built form of the Site
 - Hedgerow loss has been kept to a minimum
 - All retained species-poor hedgerow will be enhanced via appropriate management, such as widening or thickening with additional planting
 - The implementation of construction management measures to avoid/minimise visual disturbance; and
 - The preparation of a CEMP and LEMP and the implementation of good practice measures throughout the construction period.
- 9.67 It is considered that where the development would be discernible its context would be seen against the wider urban edge setting of Earl Shilton. It would be reasonable, in this context, to describe the application site as having a 'developed countryside' character.
- 9.68 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 Earl Shilton. 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 1000 dwellings (20% of which to be affordable), It is considered that the residual impact on landscape character or from a visual perspective after mitigation when balanced against the benefits of the proposed development as listed elsewhere in this report would not warrant refusal of the application.

Design and Layout

- 9.69 Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 9.70 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.
- 9.71 Policy 16 of the Core Strategy sets out a requirement for the site to achieve a density of 40 dwelling per hectare (dph). As per the Planning Statement submitted alongside the application, *"The site will accommodate an average overall net residential density of around 42 dwellings per hectare making efficient use of land whilst also reflecting the existing built form of Earl Shilton."*
- 9.72 This is an outline application and therefore detailed layout and appearance considerations are not being assessed at this stage - however, they will form details at the Reserved Matters stage if the outline application is approved.

- 9.73 Notwithstanding this, the indicative plans illustrate that the development will comprise up to 1000 dwellings with suitable access into the site from the existing highway network. It provides a reasonable approach to the scheme that will flow through into the detailed plans submitted at Reserved Matters stage and indicate that a suitable form of development can be brought forward in accordance with Policy DM10 of the SADMP, the Good Design Guide SPD and the requirements of the NPPF (2023).

Heritage Impact

- 9.74 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.
- 9.75 Section 16 of the 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.
- 9.76 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. 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."*
- 9.77 Policies DM11 and DM12 of the SADMP seek to ensure heritage and this historic environment are protected, preserved and enhanced.
- 9.78 The site does not contain any designated heritage assets, though there are a number within 2km of the site. These include two Conservation Areas (Barwell Arthur Street and Earl Shilton), 2 Scheduled Ancient Monuments and 14 Listed buildings.
- 9.79 Of the Listed buildings and other heritage assets within the 2km buffer zone, only the spire of the Church of St Simon and St Jude (Grade II* Listed) plays a prominent role in views of the site. Though the spire is visible from the site, the site is not visible from the church – which is surrounded by the historic core of Earl Shilton. The Conservation Areas, Scheduled Ancient Monuments, and other Listed buildings have no meaningful relationship with the site.
- 9.80 The application includes a Heritage Impact Assessment (Chapter 9 of the Environmental Statement), which suggests that the development would have a negligible magnitude of impact, following the mitigation set out below, on the setting

of St Simon and St Jude – with the only effect being a minor alteration to the nature of the approach to the town, with views of the Church in the background. A negligible magnitude of change to an asset of high heritage significance would result in a negligible adverse effect which would not be significant.

- 9.81 The Heritage Impact Assessment proposes some mitigation to be embedded in the proposed development, including:
- Retaining views of the Church of St Simon and St Jude Church spire from along public rights of way (PRoW) along the east of, and within the site
 - Additional tree planting along the eastern and southern boundary to mask the built form of the site
 - Hedgerow loss to be kept to a minimum
 - All retained species-poor hedgerow is to be enhanced via appropriate management
 - All excavated archaeological assets will be recorded in accordance with an agreed method; and
 - The preparation of a CEMP and the implementation of good practice measures throughout the construction period.
- 9.82 The proposals have been subject to consultation with HBBC's Conservation Team and Historic England – neither of which have raised objections. As such, the proposal is considered to accord with the relevant legislation referred to above, Policies DM1 and D12 of the SADMP and general provision of the NPPF with regard to heritage.

Archaeology

- 9.83 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.
- 9.84 In line with the NPPF, Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 211 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.
- 9.85 Following the first round of consultation on the application, an objection was raised by LCC Archaeology pending further information from the applicant. Since then there has been regular dialogue and further information submitted. This has enabled LCC Archaeology to remove their objection to the proposal, subject to the imposition of certain conditions.
- 9.86 As such the application 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 on Residential Amenity

- 9.87 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.
- 9.88 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.
- 9.89 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.
- 9.90 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.
- 9.91 The applicant has worked closely with the Council's Environmental Protection Officer to ensure that the scheme would have a suitable impact on the existing community with respect to noise, air quality/odour, light and contaminated land. There are a number of conditions associated with these matters proposed which will ensure that the scheme continues to provide additional detail at Reserved Matters stage and pre-occupation, when the provision of further detail is possible and reasonable.
- 9.92 Of particular note is the creation of a mitigation fund for occupiers of existing properties to ensure that they are not adversely affected by noise associated with the new development. The details of how this will operate will be set out in full within the s106.
- 9.93 This is an outline application and thus further detail will be appropriately dealt with during Reserved Matters stages – this will enable a full account to be had of the impact on existing occupiers of adjoining properties.
- 9.94 With respect to the proposed densities and overall layout – these give sufficient succour that no inherent problems exist from an amenity perspective for this application to be approved. The building heights plan, together with the other parameter plans and supportive documentation will provide for a robust structure in which the detailed reserved matters applications can come forward.
- 9.95 Given the above it is considered the proposal would not have a significant impact on residential amenity, in accordance with Policy DM10 of the SADMP and the requirements of the NPPF.

Flood Risk and Drainage

- 9.96 Policy DM7 of the SADMP requires that development does not create or exacerbate flooding and drainage. The site is situated within flood zone 1 indicating a low risk of flooding.

- 9.97 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.
- 9.98 HBBC Drainage have been consulted on the application and they raise no objection, subject to pre-commencement conditions requiring the separate submission and approval of a sustainable surface water drainage system, details in relation to the management of surface water on site during construction and details in relation to the long term maintenance of the sustainable surface water drainage system, including a SuDS Maintenance Plan.
- 9.99 Similarly, the Lead Local Flood Authority (LLFA) has been consulted, and after amendments to the scheme they stated that the proposals are considered acceptable to the LLFA, subject to pre-commencement conditions requiring the separate submission and approval of a surface water drainage scheme, details of the management of surface water on site during construction and results of infiltration testing. A pre-occupation condition has also been requested requiring the separate submission and approval of details of the long-term maintenance of the surface water drainage system.
- 9.100 Subject to the imposition of the specified conditions, the proposal is likely to have a minimal impact on flooding and drainage in compliance with Policy DM7 of the SADMP and the requirements of the NPPF (2023).

Ecology and Biodiversity

- 9.101 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 9.102 This application was submitted before the Environment Act 2021 provisions on Biodiversity Net Gain ("BNG") came into force that now require all new applications to provide 10% BNG. As such the proposed development only lawfully needs to provide net gain not the 10% net gain. The application delivers a net gain in biodiversity and indicates that the proposed development cannot provide all of its net gain on site.
- 9.103 This application was submitted before the Environment Act 2021 provisions on Biodiversity Net Gain ("BNG") came into force that now require all new applications to provide 10% BNG. As such the proposed development only lawfully needs to provide net gain not the 10% net gain. The application delivers a net gain in biodiversity and indicates that the proposed development cannot provide all of its net gain on site.
- 9.104 Notwithstanding the fact the 10% net gain requirements do not apply to the application, the Council considers that it is prudent to use the new BNG guidance to guide its approach to securing the net gain. As such the net gain on site will be secured through planning a planning condition and will follow the new guidance and requirements including as regards provision of an overall biodiversity net gain plan.
- 9.105 The application is accompanied by an Extended Phase 1 Habitat Survey and Biodiversity Net Gain Assessment. LCC Ecology have been consulted on the application and have no objection to it, subject to the imposition of conditions including the requirement for a Biodiversity Net Gain Plan.
- 9.106 Natural England have no objection to the proposals.

- 9.107 The proposal would therefore have a no significant adverse impact on ecology and would result in biodiversity net gain in compliance with policy DM6 of the SADMP and requirements of the NPPF.

Minerals

- 9.108 The 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.
- 9.109 The restraints imposed on the delivery of the site were extraction required prior to the commence of delivery, alongside the benefits of that extraction, therefore need to be considered in balance against the need for the development itself – as identified within the adopted Development Plan. In this instance it is considered that the objectively identified need for housing delivery is of considerable public benefit – and that this outweighs the sterilisation of the minerals reserve on which the development would be built.
- 9.110 As such, the application is considered to be acceptable in this regard and compliant with Development Plan Policy and the requirements of the NPPF.

Infrastructure Contributions

- 9.111 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. The AAP also sets out a policy basis for the contributions and on-site provision of various forms of infrastructure the policy basis has been considered when assessing the lawfulness of the requested contributions. To support the provision of mixed, sustainable communities Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. Indicative locations for the provision of new green spaces and green infrastructure are also set out by the Earl Shilton Sustainable Urban Extension Development Framework.
- 9.112 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested, they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 9.113 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.
- 9.114 The application will deliver the following open space typologies (with associated areas to be provided):
- Equipped Children's Play Space - 3600sqm
 - Casual/Informal Play Spaces – 16800sqm
 - Outdoor Sports Provision – 38400sqm
 - Accessibility Natural Green Space - 40000

- 9.115 This meets the requirements of Policy 19 of the Core Strategy and the Open Space and Recreation Study (2016). In terms of playing pitch provision, the applicant has worked closely with Sport England to deliver a proposed qualitative improvement to the existing Weaver's Field pitches that meets the requirements of Sports England and will be secured through the S106 Agreement.
- 9.116 As set out above, this application sits alongside Application A (Reference 23/00330/OUT), and the S106 Obligations for each scheme are therefore largely interrelated. The following table sets out the various consultations sought, together with how they are delivered by each of the applications.

Planning Obligation	Contribution/Works – Both Applications	Application A	Application B
Affordable housing	Provision of 20% affordable housing with split of 50% affordable rent and 50% affordable home ownership. The affordable home ownership mix will be 39% First Homes and 61% Shared Ownership. Specific mix of dwelling sizes to be agreed at reserved matters stage to reflect the latest affordable need, strategy and overall viability of the scheme at the time.		
Early Years Education Financial Contribution	Financial contribution of £975,621.40 towards construction of Early Years at new Primary School on site.	£324,901.20	£650,720.20
Early Years – new places in Employment area or Local Centre	Construction of 74 place Early Years provision on site for lease or sale.	24.8 places	49.55 places
Provision of Land for Primary School	Transfer of 1.99ha of serviced land as shown on parameter plan and transfer agreement to LCC.	0.66ha serviced site	1.33ha serviced site
Primary School construction financial contribution	Financial contribution of £9,384,696.60 towards construction of primary school on site.	£3,136,464.39	£6,248,232.21
Secondary Education (11 – 16) Financial Contribution	Financial contribution of £5,889,132.66 towards expansion of provision at Heath Lane Academy.	£1,972,049.01	£3,917,083.65
Post 16 Education Financial contribution	Financial contribution of £956,686.50 towards additional capacity at Hinckley School.	£318,895.50	£637,791.00
SEND Education Financial Contribution	Financial contribution of £846,726.48 towards the cost of expanding special school provision at the school nearest to the development (Dorothy Goodman School Hinckley)	£282,242.16	£564,484.32
Library Contribution	Financial contribution of £45,374.85 towards improvements at Earl Shilton Library.	£15,098.85	£30,276

Planning Obligation	Contribution/Works – Both Applications	Application A	Application B
Waste Contribution	Financial contribution of £74,295 towards increasing capacity at the Barwell Household Waste Recycling Centre.	£24,765	£49,530
Healthcare	Financial contribution of £1,161,600 to deliver NHS healthcare enhancement / extension schemes for providers that deliver NHS healthcare services for the locality of Hinckley. Enhancement / extension scheme to meet the needs of new residents to relate to one of the following NHS Providers whose catchment area covers the development: • Health Lane Surgery; or • Barwell & Holly Croft Medical Centres; and or; • Any other Healthcare infrastructure designed to support local patients' healthcare needs. Details of the specific scheme and confirmation of CIL compliance to be confirmed prior to payment of financial contribution. Triggers to be agreed.	£387,200	£774,400
Improvements to Weavers Springs Sport provision	Financial contribution of £1,352,435.86 towards Sports Improvements, The Indicative scheme is for new 4 changing room Pavilion with car park, and laying out of drainage for new pitches to provide greater playing capacity at Weavers Springs. Includes re-location of existing play area. Costs as set out in Cost report for Pavilion works and Agronomy report identifying pitch improvements and costs. Application A full contribution on commencement of development. Application B contribution to be made in two payments, the first (one third of the costs) on first occupation and the second payment (two thirds of the costs) on occupation of the 450 th dwelling.	£450,811.95	£901,623.91
Requirement on ESTC to deliver Weaver's Springs improvements	Requirement on Earl Shilton Town Council (ESTC) to deliver the sports improvements once the S106 contributions have been received. Clause to allow HBBC to deliver the works in the event that ESTC is unable to.		
Off site highway works – Desford Crossroads	Financial contribution of between £1,336,080 to £3,548,891 towards Desford Crossroad improvement scheme, and A47/Clickers Way Footpath/Cycleway scheme subject to provision by LCC of detailed costed scheme and agreement on approach to calculation of appropriate share of total scheme costs, taking into account funding already secured for the scheme.		
Public Transport Financial Contribution	A financial contribution of £1,106,215 towards re-instatement of the No. 1 bus service in the vicinity of the site in the short term, extension of service to route through part of the site in the medium term, and extension to route through entire site in the long term. This is based on the provision of two buses. Application A to make contribution of £122,912.78 on occupation of the 75 th , 225 th and 350 th dwelling. Application B to make contribution of £245,825.56 on occupation of 150 th dwelling, 450 th dwelling and 700 th dwelling.	£368,738.33	£737,476.67
Travel Pack contribution	Implementation of travel plan measures (details to be agreed with LCC).	£52.85 per pack per household.	£52.85 per pack per household.

Planning Obligation	Contribution/Works – Both Applications	Application A	Application B
Bus pass contribution	Provision of 2 bus passes per household (home owners to apply for the passes).	£415 per pass and 2 passes per household	£415 per pass and 2 passes per household
Travel Plan monitoring contribution	Contribution of £12,000 for monitoring (flat rate of £6,000 per application)	£6,000	£6,000
LCC S106 Monitoring Contribution	Financial contribution of £300 per LCC contribution or 0.5% of the total value of the LCC contributions whichever is higher.		
HBBC S106 Monitoring Contribution	£1,799 per obligation		
Noise Mitigation measures contribution	Financial contribution of £184,305 to HBBC towards noise mitigation in the form of a fund to be drawn down against for the following: - double glazing to habitable rooms on front of properties of numbers 1,3,5,7,9 and 13 Astley Road, number 79 Alexander Avenue and number 23 and 24 Weaver Road. - towards noise mitigation at St. Simon and St. Judes School in the form of a fund to be drawn down against for an acoustic fence of up to 1.8m fence for either the eastern and southern boundary of the school playground or along part of Astley Road frontage, should a fence be required. Includes additional 50% contingency. Contribution to be returned to Developer if not required.	£184,305	
TOTAL FINANCIAL CONTRIBUTIONS	Circa £21,989,089.35	Circa £7,471,471.39	Circa £14,517,617.96

Planning balance

- 9.117 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.
- 9.118 The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5-year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any benefits. The three strands of sustainability the benefits are broken down into are economic, social and environmental contributions.
- 9.119 Economic- The scheme is for 1000 dwellings, together with commercial space and education facilities which would provide benefits to the local economy through the

creation of jobs and demand for services and materials for the construction of the development itself. Residential development in general can bring economic benefits through increases in the local population which in turn use local services. The development is located in close proximity of Earl Shilton and the services available there would no doubt receive some economic benefits from this development.

- 9.120 Social- The scheme would provide a moderate contribution to the overall housing supply within the Borough through the provision of 1000 dwellings. In addition to this, the proposal would bring benefits through the provision of a policy compliant affordable housing where there is an identified need.
- 9.121 Environmental- The proposal is situated within the boundary of the Earl Shilton Sustainable Urban Extension and the environmental impacts and benefits of allocating this SUE were considered at the time of the allocation. Notwithstanding the application documentation has also demonstrated that the impacts upon the character and appearance of the area would not result in significant or demonstrable environmental harm.
- 9.122 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.

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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning

permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

- 11.2 The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date and the Council cannot demonstrate a 5-year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 11.3 The proposed development would be a key component of the delivery of the wider Earl Shilton SUE, particularly in terms of the wider connectivity of the allocation. Furthermore, it has been successfully demonstrated that the proposal would provide safe and suitable access for all users, and that any significant impacts from the development on the transport network or highway safety can be adequately mitigated.
- 11.4 It is considered that there is no conflict with the adopted development plan and national planning guidance within the NPPF (2023) as set out in this report.
- 11.5 Therefore, the presumption in favour of sustainable development applies in this case and there are no other material considerations that would justify making a decision other than in accordance with the development plan.

12. Recommendation

- 12.1 **Approve outline planning permission subject to a S.106 Agreement being signed, and to the conditions set out below.**
- 12.2 In these conditions unless otherwise agreed by the Local Planning Authority, the following terms shall have the meanings given to them for the purposes of interpretation of any of the provisions of this planning permission:
 - "Phase" shall mean any area in respect of which a Reserved Matters Application is made
 - "Reserved Matters" means those matters listed in Condition 1.
 - "Reserved Matters Application" means an application for approval of any reserved matter.
 - "Reserved Matters Approval" means the approval of a Reserved Matters Application.

RESERVED MATTERS

- 1. Other than the approved access works, no development shall be commenced within a Phase or any part of the application site until plans and particulars of "the Reserved Matters" for that Phase have been submitted to and approved by the Local Planning Authority. The Reserved Matters are as follows:-
 - a) Appearance- including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) Landscaping- 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- including, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside that Phase and outside the development.
 - d) Scale- of each building proposed in relation to its surroundings.

- e) Access to Mill Lane.

The development of each Phase and each part thereof 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) and the requirements of the NPPF (2023).

- 2. Any reserved matters submitted pursuant to Condition 1 shall include details of the following:

- a) Existing and proposed ground levels
- b) Secure cycle storage for dwellings
- c) Provision of waste and recycling storage
- d) Details of EV Charging points to be provided;
- e) Details of fibre broadband connections to each dwelling and timing of their availability for use
- f) Proposed finished floor levels
- g) Statement of Conformity with the National Described Space Standards

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

TIME LIMITS FOR SUBMISSION OF FIRST RESERVED MATTERS APPLICATION

- 3. The first Reserved Matters Application in the first Phase to be developed shall be made within three years from the date of this permission.

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

TIME LIMITS FOR SUBMISSION OF RESERVED MATTERS APPLICATIONS

- 4. No Reserved Matters Application shall be made to the Local Planning Authority after the expiration of 12 (twelve) years from the date of this permission.

Reason: In order to permit sufficient time to implement this multi-phased scheme

TIME LIMITS FOR THE COMMENCEMENT OF DEVELOPMENT

- 5. Any development within each part of the application site to which those Reserved Matters Approvals relate shall be begun no later than the expiration of 2 (two) years from the final approval of those Reserved Matters Approvals relating to that part of the application site.

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

DEVELOPMENT CONFORMITY- PARAMETER PLANS AND APPROVED PLANS

6. The development, including Reserved Matters Applications, shall be carried out broadly in accordance with the approved Parameter plans:
- Land Use Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0003_S3_P01.2, dated September 2023)
 - Building Heights and Density Parameter Plan (Reference 42523-WOOD-XX-XX-FG-A-0004_S3_P01.3, dated October 2023)
 - Primary and Secondary Access Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0002_S3_P01.2, dated September 2023)
 - Green Infrastructure Parameter Plan (Reference 42523-WSPE-XX-XX-DR-A-00001_S0_P01.3, dated September 2023)
- save only for minor variations where such variations do not deviate from this permission nor have any additional or materially different likely significant environmental effects to those assessed in the Environmental Statement accompanying this application.

Reason: For the avoidance of doubt and in the interests of proper planning.

CONDITIONS TO BE SATISFIED ALONGSIDE SUBMISSION OF RESERVED MATTERS APPLICATIONS

DESIGN STATEMENT

7. Any Reserved Matters Application for a Phase which includes housing or other buildings (excluding roads and bridges) shall be accompanied by the submission of a design statement demonstrating how the Reserved Matters Application broadly accords with the design principles and requirements established by the Design and Access Statement (Reference 42523-WOOD-XX-XX-RP-T-0001_SO_P01.1 dated December 2021 and Updated DAS Addendum dated October 2023) and Approved Parameter Plans.
8. **Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

SURFACE WATER DRAINAGE SCHEME

9. Any Reserved Matters Application for a Phase shall be accompanied by the submission of details of a surface water drainage scheme for that Phase of Development for approval in writing by the Local Planning Authority. No Development within the Phase shall Commence unless the surface water drainage scheme for that Phase shall have been approved by the Local Planning Authority.

The scheme for each Phase shall be broadly in accordance with the Additional Drainage Information dated 9th October 2023 (Reference 42523-WSPE-XX-XX-TN-C-00001_S2_P01) and include details of infiltration testing 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 for that Phase.

The Phase of Development shall be implemented in accordance with the approved surface water drainage scheme for that Phase and thereafter managed and maintained in accordance with the approved scheme for that Phase.

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 (2023).

NOISE MITIGATION SCHEME

10. Any Reserved Matters Application for a Phase that includes dwellings shall be accompanied by the submission of a noise mitigation scheme and assessment incorporating an acoustic design statement demonstrating how the proposed layout and the construction of the buildings in that Phase has mitigated noise impacts associated with the A47 Clickers Way. No Development within the Phase shall Commence unless the noise mitigation scheme and assessment for that Phase shall have been approved by the Local Planning Authority. The Phase of Development shall be implemented in accordance with the approved noise mitigation scheme and assessment for that Phase.

Reason: To ensure against any unacceptable noise impacts in accordance with the requirements of Policy DM10 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

PRE-COMMENCEMENT CONDITIONS

PHASING PROGRAMME

11. Other than the approved access works, no development shall be commenced until a Phasing Programme for the development has been submitted to and approved in writing by the Borough Council. The Phasing Programme shall have regard to the wider Sustainable Urban Extension without prejudicing the delivery of the application site. The development shall be carried out in accordance with the approved Application Phasing Programme or any amended scheme which may be subsequently submitted to and approved in writing by the Borough Council. Each Reserved Matters Application shall provide a Statement of Conformity with the approved Phasing Programme.

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

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF A PHASE OF THE DEVELOPMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

12. Prior to the commencement of development in a Phase of the Development a Construction Environmental Management Plan for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall provide details of the following:
- a) The parking of vehicles of site operatives and visitors
 - b) The hours of operation, including deliveries.
 - c) Loading and unloading of plant and materials
 - d) Storage of plant and materials
 - e) Location of contractor compounds and temporary haul roads
 - f) Wheel washing facilities
 - g) Management of surface water run-off including details of any temporary localised flooding management system and temporary earth works

- h) Prevention of impact to existing and proposed residents from dust, odour, noise, smoke, light and land contamination.
- i) Details of monitoring.
- j) Routeing of construction traffic (including provision of directional signage)

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

Monday- Friday 07:30-18:00

Saturday 08:00-13:00

No working on Sundays and Bank Holidays

The approved Construction Environmental Management Plan for that Phase of Development shall be implemented throughout the course of the construction of that Phase of the Development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (BIODIVERSITY)

13. No development shall take place in any phase (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) for that phase has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- A) Identification of potentially damaging construction activities
- B) identification of biodiversity protection zones
- C) practical measures and sensitive working practices to avoid or reduce impacts during construction
- D) timing of works to avoid harm to nesting birds
- E) responsible persons for overseeing sensitive works
- F) use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

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 (2023).

PHASE BIODIVERSITY GAIN PLAN

14. Prior to Commencement of Development in a Phase of the Development a biodiversity gain plan for that Phase ("Phase Biodiversity Gain Plan") shall be submitted to and approved in writing by the Local Planning Authority. Such Phase Biodiversity Gain Plan must evidence:

- a) the post-development biodiversity value of the onsite habitat for the Phase of the Development to which the Phase Biodiversity Gain Plan relates,
- b) the post-development biodiversity value of the onsite habitat for each other Phase of Development (whether begun or otherwise),
- c) any registered offsite biodiversity gain allocated to the Development before the date of submission of the Phase Biodiversity Gain Plan and the biodiversity value of that gain in relation to the Development

- d) any registered offsite biodiversity gain which is proposed to be allocated to the Development and the biodiversity value of that gain in relation to the Development,
- e) any biodiversity credits purchased for the Development before the date of submission of the Phase Biodiversity Gain Plan,
- f) any biodiversity credits proposed to be purchased for the Development,
- g) any other matters specified in the Overall Biodiversity Gain Plan

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 (2023).

FOUL DRAINAGE SCHEME

15. Prior to the Commencement of Development in a Phase of the Development (excluding any Phase comprising solely infrastructure) the detailed design of the foul drainage scheme for that Phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no building shall be occupied or brought in to use until the approved foul drainage scheme serving that building has been implemented in accordance with the approved details.

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 (2023).

OPEN SPACE STRATEGY

16. Prior to the Commencement of Development in a Phase of the Development containing public open space an Open Space Strategy for that Phase shall be submitted to and approved in writing by the Local Planning Authority, to include the specification, the timing of the completion of and arrangement for the management of the following within that Phase:

- a) Casual Informal play space as broadly identified on the Approved Parameter Plans
- b) Equipped Children's Play as broadly identified on the Approved Parameter Plans
- c) Accessible Natural Green Space as broadly identified on the Approved Parameter Plans

The open space for that Phase shall be managed in accordance with the approved Open Space Strategy.

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

TREE PROTECTION PLAN

17. Prior to the Commencement of Development in a Phase of the Development, including site works of any description, a Tree Protection Plan for that Phase prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012.

Where any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed.

The Phase of Development shall be implemented in accordance with the approved Tree Protection Plan for that Phase.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

CONTAMINATION

18. Prior to the Commencement of Development in a Phase of the Development, a scheme for the investigation of any potential land contamination in that Phase shall have been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the approved details and any remediation works so approved for that Phase shall be carried out prior to that Phase 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) and the requirements of the NPPF (2023).

ARCHAEOLOGICAL WORK

19. Prior to Commencement of Development within a Phase of the Development a programme of archaeological work shall be implemented in accordance with the written scheme of investigation (Reference 42523-WSPE-XX-XX-RP-OH-00001_SO_P01.4 dated 11th January 2024) which has been approved by the Local Planning Authority. The development of the phase shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic 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 (2023).

WATER VOLE MITIGATION STRATEGY

20. No Development shall Commence within 10m of the Earl Shilton Brook until a Water Vole Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a phased programme of mitigation works relative to the build programme of the phases of development adjacent to the Earl Shilton Brook. The development shall be carried out in accordance with the approved Water Vole Mitigation Strategy.

Reason: To enhance the ecological value of the proposed development in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

EXTERNAL LIGHTING FOR NON_RESIDENTIAL

21. Prior to the commencement of development on any non-residential parcel details of any external lighting for that phase 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.

Upon completion of the development, a statement of a suitably qualified contractor shall be submitted stating that any lighting installation to which condition X above applies is fully compliant with the Institution of Lighting Professionals Guidance Note 1: "the reduction of obtrusive light" within zone E2.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

NOISE ATTENUATION

22. Development shall not begin within a particular phase until a scheme for protecting the proposed dwellings within that phase from noise from road traffic noise, industrial/commercial noise and noise from the school and recreational areas has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

NOISE ATTENUATION

23. Development shall not begin within a particular phase until a scheme for protecting nearby dwellings from noise from the proposed development, including traffic noise, 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 minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

PRE-OCCUPATION CONDITIONS

DWELLING/BUILDING VEHICULAR ACCESS

24. No dwelling or building shall be occupied until the vehicular access serving the relevant dwelling or building has been constructed at least binder course (base course) level and the access is available for use.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development

Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

A47 SOUTHERN ROUNDABOUT ACCESS WORKS

25. Other than those dwellings to be accessed off Breach Lane, no dwelling or building shall be occupied until the highway works associated with the approved A47 Southern Roundabout access as shown on drawing reference B033564-TTE-XX-XX-DR-H-0021 P06 and B033564-TTE-XX-XX-DR-H-0022 P05 have been completed and the access is made available for use to access the relevant dwelling.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

PRoW IMPROVEMENTS

26. No development shall be occupied in a particular phase until a scheme for the treatment of Public Rights of Way within that phase has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2023).

OFF-SITE HIGHWAY WORKS

27. No development shall be occupied until such time as a scheme consisting of a footway/cycleway on the A47 between the Leicester Road/Clickers Way roundabout and the junction of Desford Crossroads has been submitted to and approved in writing by the Local Planning Authority. Once approved, the scheme shall be delivered and available for use prior to occupation of the 50th dwelling.

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

RESIDENTIAL TRAVEL PLAN

28. Prior to the occupation of each Phase that includes dwellings, a full Residential Travel Plan for that Phase in accordance with the Framework Travel Plan (Reference 42523-WOOD-XX-XX-RP-OT-0001_S3_P02.1 dated December 2021 and Addendum 42523-WSPE-XX-XX-RP-OT-00002_SO_P01 dated March 2024) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Residential Travel Plan shall be implemented for that Phase 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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

EMPLOYMENT TRAVEL PLAN

29. Prior to occupation of any non-residential development in the northern employment area (as shown on Land Use Parameter Plan reference 42523-WSPE-XX-XX-FG-A-0003_S3_P01.2, dated September 2023-), an Employment Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Employment Travel Plan shall be implemented for that employment area 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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

REDUNDANT ACCESS

30. Notwithstanding the submitted details, 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 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 (2023).

CONDITIONS TO BE SATISFIED PRIOR TO OTHER STATED TRIGGERS

A47 NORTHERN ACCESS AND INTERNAL LINK ROAD

31. No more than 600 dwellings excluding those served by Breach Lane shall be occupied unless and until the A47 Northern access (as shown on drawing B033564-TTE-XX-XX-DR-H-0011 P05, B033564-TTE-XX-XX-DR-H-0012 P05 and B033564-TTE-XX-XX-DR-H0013 P04) have been completed and is available for use.

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

A47 NORTHERN ROUNDABOUT ACCESS

32. The highway works associated with the A47 Northern Roundabout access as shown on drawing reference B033564-TTE-XX-XX-DR-H-0011 P05, B033564-TTE-XX-XX-DR-H-0012 P05 and B033564-TTE-XX-XX-DR-H0013 P04 shall be completed and made available for use prior to the occupation of any of the employment uses as shown the Land Use Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0003_S3_P01.2, dated September 2023)

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

A47 NORTHERN ACCESS AND INTERNAL LINK ROAD LONG STOP

33. No more than 800 dwellings shall be occupied unless and until the A47 Northern access (as shown on drawings B033564-TTE-XX-XX-DR-H-0011 P05, B033564-TTE-XX-XX-DR-H-0012 P05 and B033564-TTE-XX-XX-DR-H0013 P04) and an internal link between the Northern and Southern A47 accesses have been completed and are available for use. The link roads shall be generally as shown by

the primary and secondary street in the Primary and Secondary Access Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0002_S3_P01.2, dated September 2023).

Reason: To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

BREACH LANE ACCESS

34. No more than 50 dwellings shall be provided with vehicular access to or from Breach Lane as approved under Access Plan – Breach Lane (Reference B033564-TTE-XX-BL-DR-H-0101 P05).

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

PRIMARY SCHOOL TRAVEL PLAN

35. Prior to occupation of the Primary School a Travel Plan in relation to the Primary School shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Primary School 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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

EARL SHILTON BROOK CROSSING

36. No permanent crossing of the Earl Shilton Brook in a Phase shall be commenced unless the design of the crossing(s) has been submitted to and approved in writing by the Local Planning Authority. The design of the crossing(s) should accord with the design principles set out in the approved Flood Risk Assessment dated December 2021 (Reference 42523-WOOD-XX-XX-RP-0W-0001_S4_P02) The approved crossing shall be implemented and be available for use in accordance with the approved details prior to first occupation of that relevant Phase of Development.

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.

PLANT & EQUIPMENT NOISE LEVELS

37. Prior to the occupation of any premises or buildings classed as non-residential an assessment of the noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, proposed external operations, loading, unloading and servicing shall be submitted to and approved by the Local Planning Authority. This assessment shall demonstrate that the plant and equipment, loading and unloading operations are capable of operating without the rating level exceeding the background level by more than 5Db(A) at the closest residential property and shall include details/calculations for any noise reduction measurements due to distance and existing or proposed noise barriers.

The mitigation, plant and equipment shall be installed and loading/unloading carried out in accordance with the approved assessment.

Reason: To ensure the protection of nearby sensitive receptors from unacceptable levels of noise pollution so as to accord with Policies DM7 and DM17 of the SADMP.

GENERAL COMPLIANCE

ACCESS TO COMPLY WITH APPROVED PLANS

38. Access to the site shall be carried out in accordance with the following approved plans or plans as modified through the s278 process:

- Access Plan – Breach Lane (Reference B033564-TTE-XX-BL-DR-H-0101 P05)
- Access Plan A47 Northern Roundabout (Reference B033564-TTE-XX-XX-DR-H-0011 P05, B033564-TTE-XX-XX-DR-H-0012 P05 and B033564-TTE-XX-XX-DR-H0013 P04)
- Access Plan – A47 Southern Roundabout (Reference B033564-TTE-XX-XX-DR-H-0021 P06 and B033564-TTE-XX-XX-DR-H-0022 P05)

Reason: For the avoidance of doubt and in the interests of proper planning.

CONTAMINATION ARISING DURING CONSTRUCTION

39. If during construction of any Phase of the Development, contamination not previously identified is found to be present at the site, no further development shall take place in that Phase until an addendum to the scheme for the investigation of all potential land contamination in the Phase is submitted in writing to and approved in writing by the Local Planning Authority. Such scheme which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved pursuant to the scheme shall be carried out in accordance with the approved scheme.

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).

FLOOD RISK ASSESMENT

40. Each Phase of Development shall be carried out in accordance with the approved Flood Risk Assessment dated December 2021 (Reference 42523-WOOD-XX-XX-RP-0W-0001_S4_P02) and the mitigation measures detailed within the approved Flood Risk Assessment including:

- a) Finished floor levels should be set at least 600mm above the modelled flood level for the 0.1% AEP event, or at least 300mm above local ground levels in the vicinity of the flood extent.
- b) Level for level floodplain compensation along the Earl Shilton Brook Corridor in broad accordance with the details set out in Section 5.1 of the approved FRA.

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

Document (2016).

RETAINED TREES & HEDGES

41. 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 prior 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 same 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).

BIRD NESTING SEASON WORKS RESTRICTION

42. No trees and shrubs shall be removed on site during the bird nesting season (1st March - 31st July inclusive) unless inspected by a qualified Ecologist.

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.

INDUSTRIAL/COMMERCIAL NOISE

43. The rating level of the noise emitted from commercial, industrial and manufacturing process, Fixed plant and equipment (mechanical and electrical), Loading and unloading of goods (industrial and/or commercial) located at the site shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

13. Notes to applicant

- 1) This application has been determined having regard to the following documents and plans submitted with the application:
- Land Use Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0003_S3_P01.2, dated September 2023)
 - Building Heights and Density Parameter Plan (Reference 42523-WOOD-XX-XX-FG-A-0004_S3_P01.3, dated October 2023)
 - Primary and Secondary Access Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0002_S3_P01.2, dated September 2023)
 - Green Infrastructure Parameter Plan (Reference 42523-WSPE-XX-XX-DR-A-00001_S0_P01.3, dated September 2023)
 - A47 Northern Roundabout:
 - B033564-TTE-XX-XX-DR-H-0011 P05 NA-Preliminary Layout [Sheet 1]
 - B033564-TTE-XX-XX-DR-H-0012 P05 NA-Preliminary Layout [Sheet 2]

- B033564-TTE-XX-XX-DR-H-0013 P04 NA-Preliminary Layout[Sheet 3]
- A47 Southern Roundabout:
 - B033564-TTE-XX-XX-DR-H-0021 P06 SA-Preliminary Layout [Sheet 1]
 - B033564-TTE-XX-XX-DR-H-0022 P05 SA-Preliminary Layout[Sheet 2]
- Breach Lane:
 - B033564-TTE-XX-BL-DR-H-0101 P05 Preliminary General Arrangement
- Design and Access Statement (Reference 42523-WOOD-XX-XX-RP-T-0001_SO_P01.1 dated December 2021 and Updated DAS Addendum dated October 2023)
- Additional Drainage Information dated 9th October 2023 (Reference 42523-WSPE-XX-XX-TN-C-00001_S2_P01)
- Archaeological Written Scheme of Investigation (Reference 42523-WSPE-XX-XX-RP-OH-00001_SO_P01.4 dated 11th January 2024)
- Framework Travel Plan (Reference 42523-WOOD-XX-XX-RP-OT-0001_S3_P02.1 dated December 2021 and Addendum 42523-WSPE-XX-XX-RP-OT-00002_SO_P01 dated March 2024)
- Flood Risk Assessment (Reference 42523-WOOD-XX-XX-RP-0W-0001_S4_P02 dated December 2021)
- Arboricultural Impact Assessment
- Odour Modelling Assessment and Addendum
- Outline Drainage Strategy (including additional information and technical note)
- Illustrative Masterplan
- Botanical Surveys and Biodiversity Net Gain Report (including Addendum and BNG Metric 3.1)
- Response to HBBC Open Space Comments
- Noise Suitability Report (including update and noise and vibration technical note)
- Playing Fields Existing Provision Plan
- Illustrative Playing Pitch Layout
- Planning Statement
- Topographical Survey
- Transport Assessment
- Utilities Technical Note
- Environmental Statement (including Non-Technical Summary, Figures, and Appendices) and Environmental Statement Addendum
- Tree Survey
- Statement of Community Involvement
- Location Plan
- Red Line Boundary Drawing
- Covering Letter (including all Notice Letters and Forms)

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Committee Report 4th June 2024
Report of Head of Planning

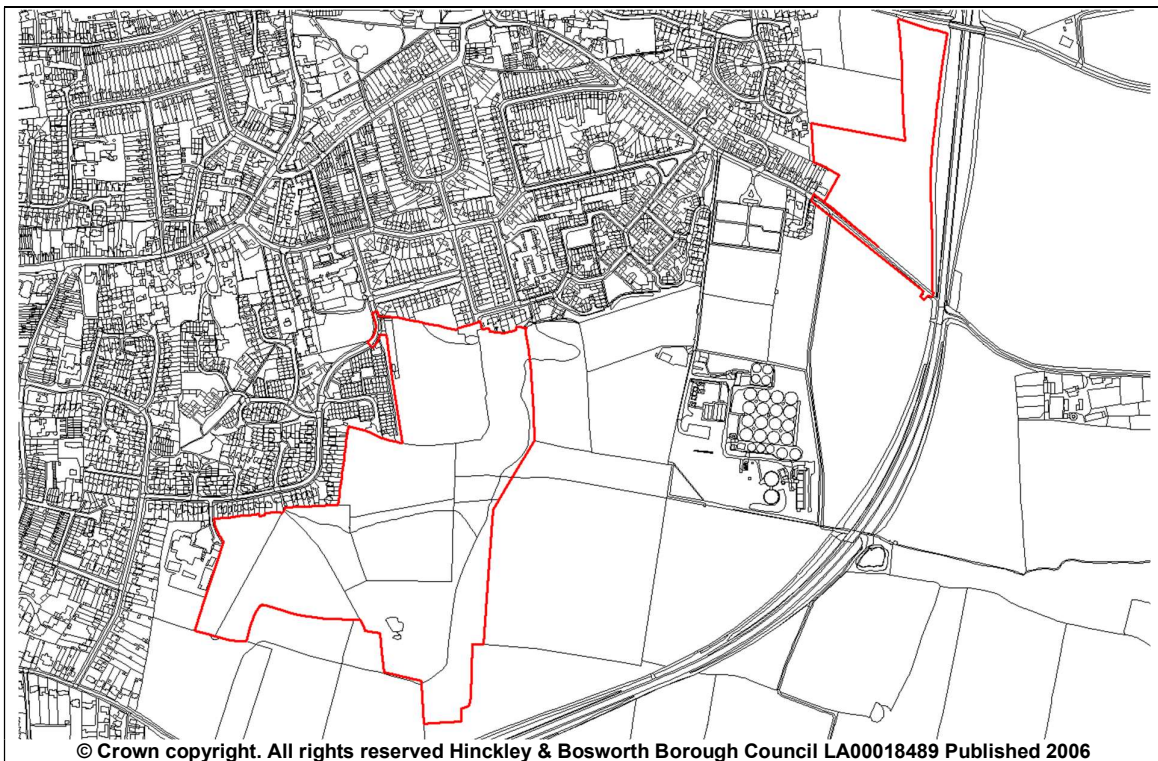
Planning Ref: 23/00330/OUT
Applicant: Mrs Julie Morgan, Barwood Land
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: Earl Shilton Sustainable Urban Extension (SUE) Mill Lane Earl Shilton
Leicestershire

Proposal: Outline application to include up to 500 dwellings, a primary school / education use (Class F1), retail (Class E), community hub (Class E/F1/F2), hot food takeaway (Sui Generis), accesses from Mill Lane and Astley Road and infrastructure including; public open space, SUDS, landscaping, the provision of associated infrastructure and ancillary works. Outline - all matters reserved except for access (EIA development)



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. This application seeks Outline application to include up to 500 dwellings, a primary school / education use (Class F1), retail (Class E), community hub (Class E/F1/F2), hot food takeaway (Sui Generis), accesses from Mill Lane and Astley Road and infrastructure including; public open space, SUDS, landscaping, the provision of

associated infrastructure and ancillary works. Outline - all matters reserved except for access (EIA development).

2.2. The following plans, reports, surveys and documents have been submitted in support of the planning application:

- Written Scheme of Investigation for Archaeological Excavation (including update, proposed mitigation area, 2020 excavation results, proposed excavation trenches and axe find grid reference)
- Design and Access Statement (including Addendum)
- Building Heights and Densities Parameter Plan
- Arboricultural Impact Assessment
- Odour Modelling Assessment
- Outline Drainage Strategy (including additional information and technical note)
- Illustrative Masterplan
- Green Infrastructure Parameters Plan
- Primary and Secondary Access Parameter Plan
- Land Use Parameter Plan
- Botanical Surveys and Biodiversity Net Gain Report (including Addendum and BNG Metric 3.1)
- Response to HBBC Open Space Comments
- Noise Suitability Report (including update and noise and vibration technical note)
- Playing Fields Existing Provision Plan
- Illustrative Playing Pitch Layout
- Access Strategy
- Primary and Secondary Street Hierarchy Parameter Plan
- Planning Statement
- Topographical Survey
- Transport Assessment
- Utilities Technical Note
- Environmental Statement (including Non-Technical Summary, Figures, and Appendices) and Environmental Statement Addendum
- Flood Risk Assessment
- Framework Travel Plan
- Tree Survey and Schedule
- Statement of Community Involvement
- Location Plan
- Red Line Boundary Drawing
- Covering Letter (including all Notice Letters and Forms)
- Mill Lane Proposed Access Plan
- Astley Road Proposed Access Plan

2.3. Amended plans have been submitted during the course of the application to respond to the various comments made by officers and consultees.

3. Description of the site and surrounding area

3.1. The application site is located to the south east of Earl Shilton and covers land currently in open space and agricultural use between Earl Shilton and the A47. The A47 forms a strong outer boundary to the SUE. Earl Shilton adjoins the neighbouring settlement of Barwell to the west and is located approximately 5km to

the north-east of the main local town of Hinckley. Further afield, Nuneaton is located 10km to the south west, Leicester is 12km to the north east.

- 3.2. The town is well connected via the A47 Clickers Way, to the strategic highway network of the A5 and M69 at Hinckley. Earl Shilton has direct public transport connections with regular bus services to Hinckley, Nuneaton, Coventry and Leicester.
- 3.3. Earl Shilton town centre is located circa 0.8km to the north-west of the site and is accessible via Astley Road and, thereafter, either Alexander Avenue or Equity Road East. There is also access to the town centre from the north-eastern area of the site via Mill Lane and Alexander Avenue. The centre and the wider town offers a range of local and higher-level services including shops, a supermarket, community uses - including a library, primary and secondary schools, sports pitches and a large medical practice - and a range of industrial and commercial employers.

4. Relevant planning history

- 4.1 The Earl Shilton Sustainable Urban Extension site is in multiple land ownerships, which has resulted in three separate applications being submitted.
- 4.2 The applicants involved with two of these applications have been working together to ensure that the SUE is joined up in its strategic planning – the result being this application, and its sister application (ref 21/01511/OUT – for up to 1000 dwellings, 5.3 ha of employment uses, primary/education uses, retail floor space as part of a community hub and other associated infrastructure). For the sake of ease, the applicants have referred to the sister application as Application B, whilst this application is referred to as Application A. The S.106 Heads of Terms referred to below relate to the share of the total required for the SUE that relate to this application.
- 4.3 The third application, or Application C, was submitted by Persimmon (under reference 20/01225/FUL) and whilst not part of the consortium working together on the wider scheme, is nonetheless being dealt with as part of the wider SUE. Thus, a proportionate share of all infrastructure required for the wider SUE will be attributed to Application C as well.
- 4.4 As set out within the Planning Statement submitted with this application, Applications A and B aim to deliver the overall allocation requirements of up to 1,500 new dwellings, up to 5.3 hectares of employment land, a new community hub that will comprise a two-form entry primary school and local retail facilities as well as improved sports provision, new play areas, public open space, landscaping, access and drainage.
- 4.5 Application A (23/00330/OUT) is submitted on behalf of Barwood Strategic Land LLP. This application proposes up to 500 dwellings, part of the primary school site, open space, and a local centre/community hub. The application is split across two land parcels located north of Mill Lane and to the south and east of Astley Road.

The application is referred to where necessary in this submission to help explain the overall approach.

- 4.6 Application B (21/01511/OUT) is submitted on behalf of Bloor Homes and Jelson. This application proposes up to 1,000 dwellings, up to 5.3 hectares for employment uses, part of the primary school site, open space and a local centre/community hub.
- 4.7 Both applications are submitted in outline with all matters other than access reserved for future determination. The applicants have worked together as a Consortium to develop a comprehensive masterplan for the SUE.
- 4.8 Application A and Application B, being effectively related to the same scheme, are brought before Committee together – to reflect the fact that each is reliant upon the other in terms of infrastructure requirements, S106 obligations and phasing.

5. Environmental Impact Assessment

- 5.1 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’.
- 5.2 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
- 5.3 In this case, the development is for more than 150 dwellings on a site that 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.
- 5.4 The Council concluded that size of the scheme, and its proximity to a number of sensitive areas (as per the definition within the Regs) required an Environmental Impact Assessment to be undertaken.
- 5.5 The applicant submitted a Scoping Request (ref 14/00243/SCOPE) to ascertain whether the proposed contents for an Environmental Statement to accompany an

Outline application were acceptable. The Council consulted on this submission, and responded with a formal comment on 29/04/2014.

- 5.6 This application has been submitted with an Environmental Statement and Addendum that covers the various areas set out by the Council and consultees; a Statement that is addressed and assessed in the various sections below.

6. Publicity

- 6.1 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.
- 6.2 There have been 15 letters of objection received from separate households, which have been summarised as follows:
- Continued no compliance with NPPF planning standards and of proximity of the employment parameters to Union Mill Close.
 - I cannot see a traffic impact assessment especially for the following roads; Thurlaston Lane/Church Street. Mill Lane and Astley Road. Please can all entry and exit roads go directly onto the bypass. These smaller roads are unable to safely take any more traffic. How will children be kept safe? Three primary schools; Mill Lane / Astley Road and leading to Meadowcourt road. Thurlaston Lane and Church street are very congested , speeding motorists at peak times of the day.
 - In the time that it has taken for the application for the housing part of the SUE to be made other house building has taken place.; some of the plans agreed by H and B;
 - Shelstone Village 350+ dwellings
 - 20/00916/FUL 50 dwellings agreed Ashby House
 - 20/01225/FUL 81 dwelling decision not yet made; I object strongly to this one having entry/exit from Thurlaston Lane; very very dangerous; needs entrance to come from bypass.
 - The lack of an up to date H and B local plan has made it unfair on the residents of Earl Shilton, planned numbers of housing as part of the SUE should be reduced to reflect the recent housing estates built.
 - Whilst I accept that urban growth is necessary the scale of this proposal, if accepted, will forever remove a rural area used for recreational purposes by so many for decades, if not centuries.
 - The proposed access and egress points onto Astley Road and Mill lane are ludicrous, neither are suitable.
 - Currently, Station Road is used as the main access in and out of Earl Shilton, this in itself is already very busy, was never designed for the purpose and has witnessed several serious road traffic collisions since Clickers Way was opened. This will obviously become more congested should this proposal be accepted, underpinned by drivers avoiding the speed humps through the town (old A47) and the completely irresponsible decision to allow a mini market to be opened along that road, opposite tower road, where delivery lorries and customers park outside on the double yellow lines, because the car parking provision is woefully inadequate.
 - Absolutely saddened and shocked that this is still trying to go ahead!! I live on Mill Lane which is a quiet place for residents to live and people to walk, cycle, ride their horses down. The lane will be turned into a busy main road and the

extra pressure on the town will be immense. And down right destructive with zero benefits to the local people or environment. Stop ruining Earl Shilton!!!

- This is a significant loss of nature and green space, which is currently a major asset to Earl Shilton.
- The local infrastructure, dentist, doctors, schools are already at or above capacity. During peak commuting times, the town centre is already grid locked. Astley Road area is too congested for an emergency vehicle to pass at school start/finish times already.
- There are no family restaurants in the town. Only small supermarkets. Honestly, what benefits does this development offer to Earl Shilton??
- Without a direct link from Clickers Way to the M69, additional people will cause extra congestion through Hinckley inevitably at peak times, where it is well documented to already be a major challenge.
- What long term employment opportunities does this present?
- Please protect this countries green spaces, before they are all gone forever.
- Granting this application loses nature, but gains literally nothing to our community.
- We object to this being built due to the nature of increase traffic and an additional road being built next to my house causing an increase in noise pollution. Also having a school opposite us this will cause more traffic issues during drop-off and pickups. Currently cars are being parked on double yellow lines and difficult to get cars out my drive making it a difficult situation with another road next to my house. Weaver Road next to my house is an issue already as cars coming from that road to Astley road don't look and drive quickly around that bend as its a narrow road (Weaver Road). To add another road is more likely to cause an issue. Also object to nature in the area as there is bats nesting nearby mostly in the fields and trees where the houses are being built.
- The waste water treatment how is this going to deal with the demand with 500 new dwellings? Also currently every summer we notice Flies coming from the Sewer treatment and a little bit of an odour from there but its not strong. Did a complaint to local council about a smell with location of dog bin next to our garden bush but I do not think its this as I went to inspect it and the smell is not coming from there. The complaint has not gone very far still waiting for them
- to get back to me. Also electrics in the area, we are constantly having power cuts every year, adding 500 more dwelling to the grid. Will this cause more down time in the area? As energy is essential for every household in the area.
- I see that Primary school is being built in the area, what about the demand for secondary school? As we only have one in the area, how is the demand for this going to cope? What will happen to Weaver Springs and when it floods?
- Also behind the area is Calor Gas and Croft Quarry is there minerals in the area? The Doctors surgery has just been enlarged for the new developments already built and it is difficult to get an appointment now, but no mention is made of a new surgery or expanding Hospital services.

6.3 2 letters of support or neutral comments have been received.

6.4 Where these matters relate to material planning considerations, they are addressed in the corresponding parts of the assessment below.

7. Statutory Consultation

7.1 No objections, some subject to conditions/contributions have been received from:

- HBBC Monitoring Officer (Nov23)
- HBBC Drainage (16/11/2023)
- LCC Education (29/11/2023)
- HBBC Environmental Pollution (16/05/2024)
- HBBC Affordable Housing
- NHS Leicester, Leicestershire and Rutland (28/07/2023)
- HBBC Waste (18/10/2023)
- Historic England (24/10/2023)
- Local Lead Flood Authority (30/10/2023)
- LCC Conservation Team (04/05/2022)
- Rugby Borough Council (10/03/2022)
- HBBC Tree Officer (18/10/2023)
- Natural England (13/11/2023)
- Blaby District Council (07/03/2023)
- Environment Agency (09/02/2023)
- Nuneaton and Bedworth Borough Council (06/04/2023)
- North Warwickshire Council (06/04/2023)
- LCC Ecology (07/02/2024)
- National Highways (15/03/2024)
- LCC Archaeology (08/03/2024)
- Sport England (03/05/2024)
- LCC Highways (17/05/2024)

7.2 Earl Shilton Town Council made the following comments in relation to Application A, and on request have confirmed that they also apply to Application B:

“Members reviewed the documents provided and the previous comments submitted to the Planning authority at HBBC.

Resolved: to carry forward the Consultee observations not amounting to an objection to the LPA (HBBC) as minuted under agenda item 22/060 c - Major application – part of Earl Shilton Sustainable Urban Extension (ES-SUE) –

- *500 dwellings of 1500 planned for the ES-SUE.*
- *A Primary School.*
- *Community Hub premises.*
- *Hot food takeaway (sui generis).*
- *Access roads from Mill Lane and Astley Rd.*

Members discussed this outline application on the basis that the ES-SUE will come forward in time however the Town Council wish to make the following points not amounting to an objection.

- 1. General: the ES-SUE is planned as a single entity primarily as 1500 dwellings not 500 as first tranche.*
- 2. Highways should be applied for in regard to the whole entity and be confirmed as up to LCC Highways ‘adoptable’ standard.*
- 3. Dwelling Internet connections should be of the highest calibre.*
- 4. s.106 contributions for the whole ES-SUE should be negotiated, agreed and confirmed before any part application is approved by the LPA and LCC.*

5. STW Sewage Treatment Works Cordon Sanitaire: if not already, it is strongly suggested that odour tests and the boundary setting are scrutinised and formally reported on by truly independent professional experts. The aim and objective will be to protect future residents to have the right to the quiet enjoyment of their property, whilst protecting STW and the LPA from hindsight criticism for the lack of a thorough duty of care."

- 7.3 It must be noted that Earl Shilton Town Council are also a landowner within the wider site – specifically the area of land that will benefit from improvements to the existing playing fields. They may also be responsible for the delivery of the qualitative upgrades associated with the Sport England response. If so, they will be signatories to the Application A S.106 Agreement. The other applications that form part of the SUE will make a financial contribution to HBBC for the upgrades.

- 7.4 An Objection remains from **LCC Minerals and Waste** (29/12/2023):

"The County Council has considered the application, having regard to the Development Plan, National Planning Policy Guidance and other relevant material considerations. In this particular instance, the County Council, as Minerals and Waste Planning Authority, comments as follows;

The application site is located entirely within a Mineral Safeguarding Area for sand and gravel as identified on Map S4/2015 of the Leicestershire Minerals and Waste Local Plan (2019-31) (MWLP) and Policy M11 outlines that mineral, including sand and gravel, will be protected from permanent sterilisation by other development. Planning applications for non-mineral development within a Mineral Safeguarding Area should be accompanied by a Mineral Assessment of the effect of the proposed development on the mineral resource beneath or adjacent to it.

Whilst it is noted that the application is supported by a range of supporting environmental documentation, there appears to be no consideration to potential mineral sterilisation, nor does this look to have been provided for in any other submitted document. We also note that paragraph 9.15 of the Earl Shilton and Barwell Area Action Plan (AAP) (2014), states that further detailed assessments are required to consider the presence of sand and gravel deposits within the site.

Therefore, after carefully considering the matter, the Mineral Planning Authority requests further information in the form of a Minerals Assessment to understand the proposed development and its impacts upon the Mineral Safeguarding Area. In general, the following matters are recommended for inclusion in mineral assessments:

- An estimate of the quality and quantity of mineral reserve impacted by the proposed development (preferably verified by evidence from borehole investigations);*
- Assessment of whether the proposal can be modified to avoid sterilisation;*
- Assessment of the potential for the use of the mineral in the proposed development and whether it is feasible and viable to extract the mineral resources ahead of the development;*
- Assessment of the commercial and practical considerations of prior extraction – such as environmental impacts, the location of processing facilities, method of transport and the interest from local mineral operators;*
- Where prior working is proposed, an explanation of how this will be carried out as part of the overall development;*
- The effect of prior extraction on the deliverability and/or viability of the proposed development.*

The full text to Policy M11 can be found on Page 38 of the Leicestershire Minerals and Waste Local Plan (2019-31) on the following link:
<https://www.leicestershire.gov.uk/sites/default/files/field/pdf/2019/10/3/Leicestershire-Minerals-and-Waste-Local-Plan-Up-to-2031-Adopted-2019.pdf>

Safeguarding Waste management Facilities

Furthermore, it is noted that the safeguarded Earl Shilton Sewage Treatment Works is within close proximity to the proposal. Policy W9: Safeguarding Waste Management Facilities of the LMWLP is therefore also relevant. The proposal does not appear to physically impact the access to the site but by their very nature, operations at sewage treatment works can on occasion give rise to environmental impacts such as out of hours working, noise and odours which could affect local amenity. Residential development of the type proposed may also prejudice the current and future operation of the facility. Your authority should be satisfied that you have sufficient information to demonstrate the above to ensure that there would be no conflict with the waste safeguarding interest."

- 7.5 **Officer Comment:** The restraints imposed on the delivery of the site were extraction required prior to the commence of delivery, alongside the benefits of that extraction, therefore need to be considered in balance against the need for the development itself – as identified within the adopted Development Plan. In this instance it is considered that the objectively identified need for housing delivery is of considerable public benefit – and that this outweighs the sterilisation of the minerals reserve on which the development would be built.

8. Policy Landscape

8.1 Core Strategy (2009)

- Policy 2: Development in Earl Shilton
- 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

8.2 Site Allocations and Development Management Policies DPD (2016)

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM2: Delivering Renewable Energy and Low Carbon 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

8.3 Earl Shilton and Barwell Area Action Plan (2006-2026)

- Policy 1: Sustainable Urban Extension (SUE)
- Policy 2: Provision of Community Facilities
- Policy 3: Primary, Secondary and upper Education provision
- Policy 4: Provision of Indoor Sports and Leisure Facilities
- Policy 5: Waste Management Provision
- Policy 6: Earl Shilton Urban Extension
- Policy 7: Housing in Earl Shilton Urban Extension
- Policy 8: Employment in Earl Shilton Urban Extension
- Policy 9: Neighbourhood Centre in Earl Shilton Urban Extension
- Policy 10: General Highways provision for Earl Shilton Urban Extension
- Policy 11: Walking and Cycling in Earl Shilton Urban Extension
- Policy 19: Regeneration of the District Centres
- Policy 20: Skills Development
- Policy 21: Infrastructure and Delivery
- Policy 22: Development and Design
- Policy 26: Vitalising District, Local and Neighbourhood Centres

8.4 National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2023)
- Planning Practice Guidance (PPG)
- Community Infrastructure Levy (CIL) Regulations (2010)

8.5 Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide
- Affordable Housing SPD (2011)
- Hinckley and Bosworth Borough Landscape Character Assessment (2017)
- Open Space and Recreation Study (2016)
- Housing Needs Study (2019)

9. Appraisal

9.1 Key Issues

- Principle of development
- Housing land supply
- Housing mix and supply
- Impact upon highway safety
- Landscape and visual impact
- Design and layout
- Heritage Impacts
- Archaeology
- Residential amenity
- Flood risk and drainage
- Ecology and biodiversity
- Archaeology
- S106 Heads of Terms
- Planning balance

Principle of development

- 9.2 The National Planning Policy Framework (NPPF) (2023) identifies that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 2 of the NPPF also identifies that the NPPF is a material planning consideration in planning decisions. Paragraph 12 of the NPPF states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where planning applications conflict with an up-to-date plan, development permission should not usually be granted unless other material considerations indicate otherwise.
- 9.3 Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The development plan in this instance consists of the adopted Core Strategy (2009) and the Site Allocations and Development Management Policies DPD (2016) (SADMP) and the Earl Shilton and Barwell Area Action Plan (2006-2026).
- 9.4 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 Emerging Local Plan is therefore delayed.
- 9.5 The spatial distribution of growth across the Borough during the plan period 2006-2026 is set out in the adopted Core Strategy. This identifies and provides allocations for housing and other development in a hierarchy of settlements within the Borough.
- 9.6 Policy 2 of the adopted Core Strategy identifies land to the south of Earl Shilton as the location for the development of a mixed use Sustainable Urban Extension (SUE) of 2000 homes, which is required to support the regeneration of the Barwell and Earl Shilton sub regional centre and seeks to diversify existing housing stock by supporting housing development that provides for a mix of housing types and tenures, as detailed in Policy 15 and Policy 16.
- 9.7 Detailed requirements for the SUE are set out in the Earl Shilton and Barwell Area Action Plan (AAP) Development Plan Document (DPD). Policy 2 of the Core Strategy also states that all development must be in conformity with the AAP and that no piecemeal developments will be permitted. The AAP at paragraph 9.1 states that "The Council considers, in line with Policies 2 and 3 of the Core Strategy, that the best way in which these requirements can be satisfied is for a single outline planning application to be made for each urban extension."
- 9.8 Relevant to this site is Policy 6 of the Earl Shilton and Barwell AAP which states that 'development of the urban extension will be required to generally follow the land uses within the Development Framework at Figure 3. Deviation from the Development Framework will be permitted where proposals would not prejudice the achievement of the overall requirements of the policies in this Area Action Plan and Local Plan (2006-2026) taken as a whole'.

- 9.9 Also relevant is Policy 7 of the Earl Shilton and Barwell AAP which sets out that a minimum of 1600 homes should be accommodated across the entire SUE. The application site would contribute 500 dwellings to the overall target of 1600 homes across the entire area of the SUE.
- 9.10 The application is therefore considered to be acceptable in principle, subject to the detailed matters below.

Housing Land Supply

- 9.11 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.
- 9.12 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.
- 9.13 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”*
- 9.14 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”.*
- 9.15 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”.*

- 9.16 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.”
- 9.17 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.
- 9.18 The provision of up to 500 dwellings, 20% of which is to be Affordable Housing, which is policy compliant, together with the associated education, employment and other infrastructure brought forward as part of the wider SUE, is considered to be a significant social and community benefit of the proposal and weighs heavily in favour of the scheme.

Housing Mix and Supply

- 9.19 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.
- 9.20 Paragraph 62 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 9.21 Final number and mix of dwellings will be determined at Reserved Matters stage, but the illustrative layout shows a mix of types and sizes can be accommodated. The development is for up to 500 dwellings and the appropriate layout and density will be determined at Reserved Matters stage.
- 9.22 This application forms part of the area designated as the Sustainable Urban Extension for Earl Shilton. Policy set out in the Core Strategy (policy 15), indicates that 20% of the dwellings in the urban areas, and in the sustainable urban extensions, 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 200 100 properties (assuming overall 500 dwellings are constructed as part of this development) should be provided for affordable housing, the tenure split would be determined by the policy in paragraph 66 of 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.”

- 9.23 Government has also introduced First Homes, through the Written Ministerial Statement of 24 May 2021, as a form of affordable home ownership, and requires that 25% of all affordable housing on qualifying sites should be for First Homes. This would apply to this application.

- 9.24 To comply with this guidance, which supersedes the tenure mix set out in the Core Strategy, 25% of the affordable housing properties should be provided as First Homes, 50% properties for affordable or social rent and 25% 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.

- 9.25 The Council's housing register has the following number of live applicants waiting for rented housing as at 12.12.23 with a preference for Earl Shilton

Bedroom size	General register	Over 60
1 bedroom	251	61
2 bedrooms	135	11
3 bedrooms	54	0
4 or more bedrooms	23	1
Total	463	73

- 9.26 The affordable housing statement submitted with the application indicates that the full 20% affordable housing requirement will be provided on site, and that all of the affordable properties will be provided as general needs housing.

- 9.27 The tenure is split between 50% affordable rent and 50% affordable home ownership, which complies with national guidance. All of the affordable homes should meet the higher bedroom space standards, so 1 bed flats should be for 2 people, 2 bed houses for 4 people, 3 bed houses for 5 people and 4 bed houses for 6 people. The properties should all have regard to the Nationally Described Space Standards (NDSS).

- 9.28 The suggested mix for affordable home ownership is split between

	First Homes	Shared Ownership
2 bed	22%	37%
3 bed	17%	24%
Total	39%	61%

- 9.29 This mix of properties is supported as being a good mix of house types for affordable home ownership.

- 9.30 The preferred mix for the affordable and / or social rent is:

1 bed flat or quarter houses	10%
2 bed bungalows	10%
2 bed houses	45%
3 bed houses	31%
4 bed houses	4%

- 9.31 As this site is part of 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.
- 9.32 The Council is following national guidance and national criteria as the Council does not have any published local criteria 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 which is the nationally discount as the Council have not currently applied any additional form of discount through adopted policies.

Impact upon highway safety

- 9.33 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)).
- 9.34 Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 9.35 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 (2023) states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 9.36 With respect to the A47 Southern Roundabout - The A47 is an A classified road subject to the National Speed Limit (NSL) (60mph). The main southern access off the A47 into the SUE will be delivered by Application B and will be achieved by and converting the existing Breach Lane A47 priority junction in to a new four-arm roundabout. The access is demonstrated on drawing no.B033564 TTE XX XX DR H 0021 P06.
- 9.37 The new roundabout will bisect bridleway U105, which runs along the northern side of the A47 at the top of the embankment. It is proposed to divert U105 along the access road within the site for a short section with a Pegasus crossing implemented to enable crossing of the Earl Shilton SUE spine road. The two A47 arms have two lane approaches whilst the site access arm and Breach Lane arm have a one lane approach. The scheme has been designed to the relevant standards within Design Manual for Roads and Bridges (DMRB). A dropped kerb pedestrian crossing with a central refuge island will be provided on the access road to link the existing shared footway/cycleway on the west side of the A47. A dropped kerb pedestrian crossing with a central refuge island will also be provided on the A47 (east) arm to replace the existing dropped kerb. The new crossing with central refuge island will enhance the existing crossing facility.
- 9.38 With respect to the A47 Northern Roundabout - Application B will also deliver this access. The access consists of a three-arm roundabout. The access is demonstrated on drawing no. B033564 TTE XX XX DR H 0011 P05. This indicates that two of the arms have one lane approaches and one arm has two lane

approaches. A dropped pedestrian crossing with a central refuge island will be provided on the access road to link the existing shared footway/cycleway on the west side of the A47.

- 9.39 With respect to Astley Road - Astley Road is an adopted unclassified road subject to a 30mph speed limit. A short right turn lane with dropped kerb and informal pedestrian crossing on the site access which will link both sides of the existing pedestrian footway on the east side of Astley Road. The access is demonstrated on drawing no.42523-WSPE-XX-XX-DR-OT-00006_S0_P02.2.
- 9.40 With respect to Mill Lane - Mill Lane is an adopted unclassified road subject to the NSL (60mph). The proposed access off Mill Lane comprises of a three-arm mini roundabout to connect Mill Lane with the internal road to the south serving employment and residential road to the north. The following is proposed:
- It is proposed that the remaining eastern section of Mill Lane would be stopped up to vehicular traffic and be available for use by pedestrians and cyclists. The access design includes for the provision of 2m footways on the northern and southern side of the carriageway that tie into the existing provision on both sides of Mill Lane.
 - A carriageway width of 5.5m along the majority of the Mill Lane vehicular access section. The exception to this is at the western end where it ties into the existing Mill Lane. At this section, it is proposed to widen the carriageway from 2.8m to 4.3m and inclusion of a 2m footway on the northern side and retention of the Union Mill Close junction arrangement. This lane width restriction will act as a horizontal traffic management feature to keep traffic speeds low and to deter general traffic. Priority will be given to traffic from the west of Mill Lane with a give way within the site for westbound traffic.
 - It is proposed that the section of internal road that serves the employment land parcels to the south of the Mill Lane mini-roundabout and north of the internal roundabout will be widened to 7.3m, as illustrated in the illustrative masterplan.
 - HGVs will not be permitted north of the employment park. A road sign will indicate that this is prohibited and a TRO will be created to extend the 7.5 tonne HGV restriction to this section of the southern arm.
- 9.41 With respect to Breach Lane - Breach Lane is an adopted unclassified road subject to a 30mph speed limit. The proposed access comprises of the following:
- 4.8m wide carriageway on the access road within the Site and on Breach Lane, requiring widening of the existing lane.
 - 2m wide footway on the western side of the access road within the Site and the northern side of Breach Lane with dropped kerbs and tactile paving at the access junction.
 - Continuance of 2m wide footway to the east of the access junction alongside tapering of the Breach Lane width to tie in with the existing carriageway to the east.
 - Informal crossing with dropped kerbs and tactile paving where the existing footway/cycleway route from Oaklands Avenue meets Breach Lane.
 - 'No through road' signage east of the junction to discourage vehicle movements along Breach Lane.
- 9.42 The LHA understand the Applicant proposes that no more than 46 dwellings being accessed off Breach Lane and the LHA would consider this acceptable. This agreement was also on the basis that construction access for HGV traffic would not

- be from Breach Lane and would instead be taken via the A47 with details submitted to be included within a Construction Traffic Management Plan conditioned below.
- 9.43 In summary, having reviewed each of the five site accesses in detail, the LHA consider safe and suitable site accesses can be achieved at the proposed locations as supported by the findings of a RSA1 and capacity assessments.
- 9.44 Earl Shilton Town Council have stated that they support the scheme only on the basis of a number of specific conditions being met – one of which is that the scheme is considered as part of the wider SUE, and that all highways matters are dealt with to the satisfaction of the relevant highways authorities.
- 9.45 Since the initial round of consultation took place and both the LHA and National Highways raised objections, the applicant has continued to work proactively with the highways authorities and officers from the Council to overcome the points raised. This has included additional transport modelling and assessments, as well as a number of design iterations. 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 the conditions and s106 contributions.
- 9.46 With respect to the requested Desford Crossroads/A47 Footway – The principle of a financial contribution towards the Desford Crossroads has been agreed between the Applicants of the Earl Shilton SUE and LCC. Additional traffic modelling undertaken by the Applicant indicates that a suitable developer funded mitigation scheme would result in the Desford junction operating better with anticipated growth in 2036 than it would without development of the Earl Shilton SUE.
- 9.47 The Applicants of the Earl Shilton SUE have set out a methodology to calculate an appropriate level of financial contribution towards the Desford Crossroads scheme (including cycle and pedestrian improvements on the A47) that they consider proportionate, justified and that accords with the requirements of the CIL Regulations. This would provide sufficient funding to deliver in full a mitigation scheme (in the form of a new roundabout) that would mitigate the impact of both the Earl Shilton and Barwell SUEs. The Applicants have also indicated that the funding could be used flexibly by LCC to deliver this tested solution or pooled with other S106 contributions to deliver an alternative scheme if preferred.
- 9.48 At the time of drafting this report, LCC were in the process of re-evaluating the scale of the proposed improvement at Desford Crossroads and updating the level of funding already secured from S106 agreements and other sources. Provision of the updated information from LCC relating to the latest scheme and methodology will ensure that the level of contribution is CIL compliant. To date discussions between the Applicant and LCC indicate that the final agreed level of contribution from the Earl Shilton SUE (Applications A and B) towards the Desford Crossroads scheme will fall within a range between £1,336,080 to £3,548,891.
- 9.49 As there is agreement on the principle of a contribution, it is proposed that the final level of developer funding be discussed further with LCC prior to completion of the S106 agreement and the grant of any planning permission. The requirement will either fall as a condition or as a S106 obligation. This matter need not delay progress and could be delegated to the Head of Planning to ensure the level of funding secured from the Earl Shilton SUE is justified in the context of the CIL Regulations and effectively mitigates the impact of the development.
- 9.50 As a result, it is considered that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Based on the information provided, the development therefore does not conflict with Paragraph

115 of the National Planning Policy Framework (2023), subject to the conditions and/or planning obligations outlined in this report.

Landscape and visual impact

- 9.51 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.
- 9.52 A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the outline planning application (Chapter 10 of the Environmental Statement).
- 9.53 With respect to its national designation, the site and entirety of the study area for the LVIA lie within National Character Area (NCA) 94: Leicestershire Vales. This sits between Hinckley in the west and Leicester in the north-east and southwards towards Market Harborough and Lutterworth.
- 9.54 With respect to its local designation, the Hinckley and Bosworth Borough Landscape Character Assessment place the site within Urban Character Area (UCA) 10: Earl Shilton, which covers the settlement of Earl Shilton and adjoining Sustainable Urban Edge (SUE) allocation. The agricultural landscape to the east of the A47 and south of Thurlaston Lane is defined as Landscape Character Area (LCA) F: Burbage Common Rolling Farmland, which encompasses an open expanse of gently rolling farmland below the ridgeline of the urban areas of Hinckley, Burbage, Earl Shilton and Barwell to the north and west.
- 9.55 The LCA includes a number of townscape strategies that are relevant to this application, for instance:
- “[Development should] Encourage local distinctiveness and high-quality design in new developments, reinforcing the distinct identities of Earl Shilton and Barwell. The Sustainable Urban Extension to the south-east of Earl Shilton should aim to create a distinct new and contemporary identity and character(s) whilst responding to the existing context e.g. by using opportunities for woodland planting along the new edge. Encourage planting of new street trees and soft landscaping to soften the streetscape.”*
- 9.56 The LVIA registers that there are *“two noticeable high points within the topography of the Site; one to the north and one to the south, separated by a low-lying valley associated with Earl Shilton Brook. From this valley, the land rises, giving Earl Shilton its character of being situated on a ridgeline...The Site as a whole is not visible from any single vantage point due to a combination of scale, the presence of the WwTW and intervening topography and vegetation within the Site and its immediate surroundings.”*
- 9.57 The LVIA goes on to state that *“the potential extent of visibility within the 1 km Study Area is primarily concentrated to the south, east, and north of the Site where the open, rolling agricultural fields and limited tree cover facilitate open views. The screening provided by existing built development within Earl Shilton means that the settlement falls outside of the zone of theoretical visibility with the exception of its southern edge, and also the land to the north and north-west of the town is also largely excluded from the zone of theoretical visibility. To the south-west of the Site, fragmented zone of theoretical visibility coverage extends across Elmhurst.”*

- 9.58 The LVIA correctly identifies that the main views, or principal views, of the site that are accessible by people (or 'sensitive receptors') are those associated with the eastern edges of Earl Shilton, along public rights of way (PRoWs) and along roads within the immediate vicinity. Other than those associated with the PRoWs, these views are casual glimpses of the more elevated portions of the site, rather than the lower edges which tend to be screened by hedgerows and mature trees.
- 9.59 Views, where they exist, are of fields and the recreation grounds – with the backdrop of urban development within Earl Shilton itself. This urban fringe landscape thus defines the site to a large degree.
- 9.60 Turning to the LVIA's assessment of the impact of the proposals, firstly with respect to landscape impact, the LVIA states:
- "The landscape and visual assessment has assessed the effects during the construction and operational phases of the Proposed Development on landscape elements within the Site, and on the character of the host Urban Character Area (UCA 10: Earl Shilton) and on the neighbouring Landscape Character Area (LCA F: Burbage Common Rolling Farmland). This has concluded that there would be no significant landscape effects as a consequence of the Proposed Development."*
- 9.61 Secondly, in terms of visual impact, the LVIA states:
- 9.62 *"The visual assessment of effects on receptors' views as a consequence of the Proposed Development has considered the extent to which the Proposed Development can be viewed and the degree to which the composition of baseline views would change. The assessment has considered the views related to 29 visual receptor groups as follows:*
- *residents at 13 individual or small groups of private properties*
 - *recreational receptors travelling along 11 PRoWs and two highway footpaths (along Mill Lane and the A47)*
 - *recreational receptors using an area of public open space (Weaver Springs Park); and*
 - *drivers and their passengers travelling along a primary route (the A47) and a single local highway."*
- 9.63 The LVIA is based on a worst-case winter scenario when screening is at its lowest – thus the visual impact is at its greatest. It concludes that significant operational visual effects would occur for the following groups of receptors:
- Residents at private properties on Mill Lane (five properties) and Union Mill Close (five properties)
 - Residents at private properties on Astley Road (five properties to the east of Northleigh Way)
 - Residents at private properties on Montgomery Road (six properties)
 - Users of the PRoW in the north-eastern part of the Site (PRoW no.1)
 - Users of the PRoW immediately south of the WwTW (PRoW no.2)
 - Users of the PRoW running centrally through the Site (PRoW no.3)
 - Users of the PRoW in the western part of the Site (PRoW no.4); and
 - Users of the PRoW immediately adjacent to the eastern edge of the Site (PRoW no.5).
- 9.64 It reasonably suggests that significant visual effects would only occur for receptors that reside in private properties adjacent to the Site boundary or are using PRoWs adjacent to or within the site itself. The development would result in baseline views of arable fields, grassland, hedgerows/hedgerow trees and some longer views to countryside with views of a *"greater complexity"* during the construction phase

(construction, equipment, plant, etc) and shortened views of built form framed by countryside beyond during the operational phase (i.e. when the dwellings, etc are built and occupied).

- 9.65 The LVIA concludes that *“the visual amenity of receptors using publicly accessible community spaces within Earl Shilton would therefore not be significantly affected.”*
- 9.66 The rate of visual change along the PRowS would be of a moderate to high level. For all other remaining visual receptors the visual changes are considered not significant.
- 9.67 With respect to mitigation, the LVIA sets out a series of site-specific measures that are outlined within the submission, and will be developed as detailed planning applications and discharge of condition applications are submitted post determination of this Outline application. These include:
- Additional tree planting along the eastern and southern boundary to mask the built form of the Site
 - Hedgerow loss has been kept to a minimum
 - All retained species-poor hedgerow will be enhanced via appropriate management, such as widening or thickening with additional planting
 - The implementation of construction management measures to avoid/minimise visual disturbance; and
 - The preparation of a CEMP and LEMP and the implementation of good practice measures throughout the construction period.
- 9.68 It is considered that where the development would be discernible its context would be seen against the wider urban edge setting of Earl Shilton. It would be reasonable, in this context, to describe the application site as having a ‘developed countryside’ character.
- 9.69 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 Earl Shilton. 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 500 dwellings (20% of which to be affordable), it is considered that the residual impact on landscape character or from a visual perspective after mitigation when balanced against the benefits of the proposed development as listed elsewhere in this report would not warrant refusal of the application.

Design and Layout

- 9.70 Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 9.71 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.
- 9.72 Policy 16 of the Core Strategy sets out a requirement for the site to achieve a density of 40 dwelling per hectare (dph). As per the Planning Statement submitted alongside the application, *“The site will accommodate an average overall net*

residential density of around 42 dwellings per hectare making efficient use of land whilst also reflecting the existing built form of Earl Shilton.”

- 9.73 This is an outline application and therefore detailed layout and appearance considerations are not being assessed at this stage - however, they will form details at the Reserved Matters stage if the outline application is approved.
- 9.74 Notwithstanding this, the indicative plans illustrate that the development will comprise up to 500 dwellings with suitable access into the site from the existing highway network. It provides a reasonable approach to the scheme that will flow through into the detailed plans submitted at Reserved Matters stage and indicate that a suitable form of development can be brought forward in accordance with Policy DM10 of the SADMP, the Good Design Guide SPD and the requirements of the NPPF (2023).

Heritage Impact

- 9.75 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.
- 9.76 Section 16 of the 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.
- 9.77 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. 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.”*
- 9.78 Policies DM11 and DM12 of the SADMP seek to ensure heritage and this historic environment are protected, preserved and enhanced.
- 9.79 The site does not contain any designated heritage assets, though there are a number within 2km of the site. These include two Conservation Areas (Barwell Arthur Street and Earl Shilton), 2 Scheduled Ancient Monuments and 14 Listed buildings.
- 9.80 Of the Listed buildings and other heritage assets within the 2km buffer zone, only the spire of the Church of St Simon and St Jude (Grade II* Listed) plays a prominent role in views of the site. Though the spire is visible from the site, the site is not visible from the church – which is surrounded by the historic core of Earl

Shilton. The Conservation Areas, Scheduled Ancient Monuments, and other Listed buildings have no meaningful relationship with the site.

- 9.81 The application includes a Heritage Impact Assessment (Chapter 9 of the Environmental Statement), which suggests that the development would have a negligible magnitude of impact, following the proposed mitigation measures detailed below, on the setting of St Simon and St Jude – with the only effect being a minor alteration to the nature of the approach to the town, with views of the Church in the background. A negligible magnitude of change to an asset of high heritage significance would result in a negligible adverse effect which would not be significant.
- 9.82 The Heritage Impact Assessment proposes some mitigation to be embedded in the proposed development, including:
- Retaining views of the Church of St Simon and St Jude Church spire from along public rights of way (PRoW) along the east of, and within the Site
 - Additional tree planting along the eastern and southern boundary to mask the built form of the site
 - Hedgerow loss to be kept to a minimum
 - All retained species-poor hedgerow is to be enhanced via appropriate management
 - All excavated archaeological assets will be recorded in accordance with an agreed method; and
 - The preparation of a CEMP and the implementation of good practice measures throughout the construction period.
- 9.83 The proposals have been subject to consultation with HBBC's Conservation Team and Historic England – neither of which have raised objections. As such, the proposal is considered to accord with the relevant legislation referred to above, Policies DM1 and D12 of the SADMP and general provision of the NPPF with regard to heritage.

Archaeology

- 9.84 Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.
- 9.85 In line with the NPPF, Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 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.
- 9.86 Following the first round of consultation on the application, an objection was raised by LCC Archaeology pending further information from the applicant. Since then there has been regular dialogue and further information submitted. This has enabled LCC Archaeology to remove their objection to the proposal, subject to the imposition of certain conditions.

- 9.87 As such the application 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 on Residential Amenity

- 9.88 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.
- 9.89 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.
- 9.90 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.
- 9.91 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.
- 9.92 This is an outline application and thus further detail will be appropriately dealt with during Reserved Matters stages – this will enable a full account to be had of the impact on existing occupiers of adjoining properties.
- 9.93 The applicant has worked closely with the Council's Environmental Protection Officer to ensure that the scheme would have a suitable impact on the existing community with respect to noise, air quality/odour, light and contaminated land. There are a number of conditions associated with these matters proposed which will ensure that the scheme continues to provide additional detail at Reserved Matters stage and pre-occupation, when the provision of further detail is possible and reasonable.
- 9.94 Of particular note is the creation of a mitigation fund for occupiers of existing properties to ensure that they are not adversely affected by noise associated with the new development. The details of how this will operate will be set out in full within the s106.
- 9.95 With respect to the proposed densities and overall layout – these give sufficient succour that no inherent problems exist from an amenity perspective for this application to be approved. The building heights plan, together with the other parameter plans and supportive documentation will provide for a robust structure in which the detailed reserved matters applications can exist.
- 9.96 Given the above it is considered the proposal would not have a significant impact on residential amenity, in accordance with Policy DM10 of the SADMP, The Good Design Guide SPD and the requirements of the NPPF (2023).

Flood Risk and Drainage

- 9.97 Policy DM7 of the SADMP requires that development does not create or exacerbate flooding and drainage. The site is situated within flood zone 1 indicating a low risk of flooding.
- 9.98 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.
- 9.99 HBBC Drainage have been consulted on the application and they raise no objection, subject to pre-commencement conditions requiring the separate submission and approval of a sustainable surface water drainage system, details in relation to the management of surface water on site during construction and details in relation to the long term maintenance of the sustainable surface water drainage system, including a SuDS Maintenance Plan.
- 9.100 Similarly, the Lead Local Flood Authority (LLFA) has been consulted, and after amendments to the scheme they stated that the proposals are considered acceptable to the LLFA, subject to pre-commencement conditions requiring the separate submission and approval of a surface water drainage scheme, details of the management of surface water on site during construction and results of infiltration testing. A pre-occupation condition has also been requested requiring the separate submission and approval of details of the long-term maintenance of the surface water drainage system.
- 9.101 Subject to the imposition of the specified conditions, the proposal is likely to have a minimal impact on flooding and drainage in compliance with policy DM7 of the SADMP and the requirements of the NPPF (2023).

Ecology and Biodiversity

- 9.102 Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation.
- 9.103 This application was submitted before the Environment Act 2021 provisions on Biodiversity Net Gain ("BNG") came into force that now require all new applications to provide 10% BNG. As such the proposed development only lawfully needs to provide net gain not the 10% net gain. The application delivers a net gain in biodiversity and indicates that the proposed development cannot provide all of its net gain on site.
- 9.104 Notwithstanding the fact the 10% net gain requirements do not apply to the application, the Council considers that it is prudent to use the new BNG guidance to guide its approach to securing the net gain. As such the net gain on site will be secured through planning a planning condition and will follow the new guidance and requirements including as regards provision of an overall biodiversity net gain plan.
- 9.105 The application is accompanied by an Extended Phase 1 Habitat Survey and Biodiversity Net Gain Assessment. LCC Ecology have been consulted on the application and have no objection to it, subject to the imposition of conditions including the requirement for a Biodiversity Net Gain Plan.
- 9.106 Natural England have no objection to the proposals.
- 9.107 The proposal would therefore have a no significant adverse impact on ecology and would result in biodiversity net gain in compliance with policy DM6 of the SADMP and requirements of the NPPF.

Minerals

- 9.108 The 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.
- 9.109 The restraints imposed on the delivery of the site were extraction required prior to the commence of delivery, alongside the benefits of that extraction, therefore need to be considered in balance against the need for the development itself – as identified within the adopted Development Plan. In this instance it is considered that the objectively identified need for housing delivery is of considerable public benefit – and that this outweighs the sterilisation of the minerals reserve on which the development would be built.
- 9.110 As such, the application is considered to be acceptable in this regard and compliant with Development Plan Policy and the requirements of the NPPF.

Infrastructure Contributions

- 9.111 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. The AAP also sets out a policy basis for the contributions and on-site provision of various forms of infrastructure the policy basis has been considered when assessing the lawfulness of the requested contributions. To support the provision of mixed, sustainable communities Policy 19 of the adopted Core Strategy seeks to address existing deficiencies in the quality, quantity and accessibility of green space and children's play provision within settlements. Indicative locations for the provision of new green spaces and green infrastructure are also set out by the Earl Shilton Sustainable Urban Extension Development Framework.
- 9.112 The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations confirm that where developer contributions are requested, they need to be necessary to make the development acceptable in planning terms, directly related and fairly and reasonably related in scale and kind to the development proposed.
- 9.113 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.
- 9.114 The application will deliver the following open space typologies (with associated areas to be provided):
- Equipped Children's Play Space - 1800sqm
 - Casual/Informal Play Spaces – 8400sqm
 - Outdoor Sports Provision – 19200sqm
 - Accessibility Natural Green Space - 20000
- 9.115 This meets the requirements of Policy 19 of the Core Strategy and the Open Space and Recreation Study (2016). In terms of playing pitch provision, the applicant has worked closely with Sport England to deliver a proposed qualitative improvement to

the existing Weaver's Field pitches that meets the requirements of Sports England and will be secured through the S106 Agreement.

- 9.116 As set out above, this application sits alongside Application B (Reference 21/01511/OUT), and the S106 Obligations for each scheme are therefore largely interrelated. The following table sets out the various consultations sought, together with how they are delivered by each of the applications.

Planning Obligation	Contribution/Works – Both Applications	Application A	Application B
Affordable housing	Provision of 20% affordable housing with split of 50% affordable rent and 50% affordable home ownership. The affordable home ownership mix will be 39% First Homes and 61% Shared Ownership. Specific mix of dwelling sizes to be agreed at reserved matters stage to reflect the latest affordable need, strategy and overall viability of the scheme at the time.		
Early Years Education Financial Contribution	Financial contribution of £975,621.40 towards construction of Early Years at new Primary School on site.	£324,901.20	£650,720.20
Early Years – new places in Employment area or Local Centre	Construction of 74 place Early Years provision on site for lease or sale.	24.8 places	49.55 places
Provision of Land for Primary School	Transfer of 1.99ha of serviced land as shown on parameter plan and transfer agreement to LCC.	0.66ha serviced site	1.33ha serviced site
Primary School construction financial contribution	Financial contribution of £9,384,696.60 towards construction of primary school on site.	£3,136,464.39	£6,248,232.21
Secondary Education (11 – 16) Financial Contribution	Financial contribution of £5,889,132.66 towards expansion of provision at Heath Lane Academy.	£1,972,049.01	£3,917,083.65
Post 16 Education Financial contribution	Financial contribution of £956,686.50 towards additional capacity at Hinckley School.	£318,895.50	£637,791.00
SEND Education Financial Contribution	Financial contribution of £846,726.48 towards the cost of expanding special school provision at the school nearest to the development (Dorothy Goodman School Hinckley)	£282,242.16	£564,484.32
Library Contribution	Financial contribution of £45,374.85 towards improvements at Earl Shilton Library.	£15,098.85	£30,276
Waste Contribution	Financial contribution of £74,295 towards increasing capacity at the Barwell Household Waste Recycling Centre.	£24,765	£49,530

Planning Obligation	Contribution/Works – Both Applications	Application A	Application B
Healthcare	Financial contribution of £1,161,600 to deliver NHS healthcare enhancement / extension schemes for providers that deliver NHS healthcare services for the locality of Hinckley. Enhancement / extension scheme to meet the needs of new residents to relate to one of the following NHS Providers whose catchment area covers the development: • Health Lane Surgery; or • Barwell & Holly Croft Medical Centres; and or; • Any other Healthcare infrastructure designed to support local patients' healthcare needs. Details of the specific scheme and confirmation of CIL compliance to be confirmed prior to payment of financial contribution. Triggers to be agreed.	£387,200	£774,400
Improvements to Weavers Springs Sport provision	Financial contribution of £1,352,435.86 towards Sports Improvements, The Indicative scheme is for new 4 changing room Pavilion with car park, and laying out of drainage for new pitches to provide greater playing capacity at Weavers Springs. Includes re-location of existing play area. Costs as set out in Cost report for Pavilion works and Agronomy report identifying pitch improvements and costs. Application A full contribution on commencement of development. Application B contribution to be made in two payments, the first (one third of the costs) on first occupation and the second payment (two thirds of the costs) on occupation of the 450th dwelling.	£450,811.95	£901,623.91
Requirement on ESTC to deliver Weaver's Springs improvements	Requirement on Earl Shilton Town Council (ESTC) to deliver the sports improvements once the S106 contributions have been received. Clause to allow HBBC to deliver the works in the event that ESTC is unable to.		
Off site highway works – Desford Crossroads	Financial contribution of between £1,336,080 to £3,548,891 towards Desford Crossroad improvement scheme, and A47/Clickers Way Footpath/Cycleway scheme subject to provision by LCC of detailed costed scheme and agreement on approach to calculation of appropriate share of total scheme costs, taking into account funding already secured for the scheme.		
Public Transport Financial Contribution	A financial contribution of £1,106,215 towards re-instatement of the No. 1 bus service in the vicinity of the site in the short term, extension of service to route through part of the site in the medium term, and extension to route through entire site in the long term. This is based on the provision of two buses. Application A to make contribution of £122,912.78 on occupation of the 75th, 225th and 350th dwelling. Application B to make contribution of £245,825.56 on occupation of 150th dwelling, 450th dwelling and 700th dwelling.	£368,738.33	£737,476.67
Travel Pack contribution	Implementation of travel plan measures (details to be agreed with LCC).	£52.85 per pack per household.	£52.85 per pack per household.
Bus pass contribution	Provision of 2 bus passes per household (home owners to apply for the passes).	£415 per pass and 2 passes per household	£415 per pass and 2 passes per household

Planning Obligation	Contribution/Works – Both Applications	Application A	Application B
Travel Plan monitoring contribution	Contribution of £12,000 for monitoring (flat rate of £6,000 per application)	£6,000	£6,000
LCC S106 Monitoring Contribution	Financial contribution of £300 per LCC contribution or 0.5% of the total value of the LCC contributions whichever is higher.		
HBBC S106 Monitoring Contribution	£1,799 per obligation		
Noise Mitigation measures contribution	Financial contribution of £184,305 to HBBC towards noise mitigation in the form of a fund to be drawn down against for the following: - double glazing to habitable rooms on front of properties of numbers 1,3,5,7,9 and 13 Astley Road, number 79 Alexander Avenue and number 23 and 24 Weaver Road. - towards noise mitigation at St. Simon and St. Judes School in the form of a fund to be drawn down against for an acoustic fence of up to 1.8m fence for either the eastern and southern boundary of the school playground or along part of Astley Road frontage, should a fence be required. Includes additional 50% contingency. Contribution to be returned to Developer if not required.	£184,305	
TOTAL FINANCIAL CONTRIBUTIONS	£21,989,089.35	£7,471,471.39	£14,517,617.96

Planning Balance

- 9.117 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.
- 9.118 The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date as they focussed on delivery of a lower housing requirement than required by the up-to-date figure. The Council also cannot demonstrate a 5-year housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Paragraph 11 of the NPPF states that any harm identified should be significant and demonstrably outweigh the benefits of the scheme. It is therefore important to identify any benefits. The three strands of sustainability the benefits are broken down into are economic, social and environmental contributions.
- 9.119 Economic- The scheme is for 500 dwellings, together with small retail and community hub offer and education facilities which would provide benefits to the local economy through the creation of jobs and demand for services and materials for the construction of the development itself. Residential development in general can bring economic benefits through increases in the local population which in turn

use local services. The development is located in close proximity of Earl Shilton and the services available there would no doubt receive some economic benefits from this development.

- 9.120 Social- The scheme would provide a moderate contribution to the overall housing supply within the Borough through the provision of 500 dwellings. In addition to this, the proposal would bring benefits through the provision of a policy compliant affordable housing where there is an identified need.
- 9.121 Environmental- The proposal is situated within the boundary of the Earl Shilton Sustainable Urban Extension and the environmental impacts and benefits of allocating this SUE were considered at the time of the allocation. Notwithstanding the application documentation has also demonstrated that the impacts upon the character and appearance of the area would not result in significant or demonstrable environmental harm.
- 9.122 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.

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 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 11.2 The housing policies in the adopted Core Strategy and the adopted SADMP are now considered to be out of date and the Council cannot demonstrate a 5-year

housing land supply. Therefore, the 'tilted' balance in paragraph 11(d) of the Framework applies where the permission should be granted unless adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 11.3 The proposed development would be a key component of the delivery of the wider Earl Shilton SUE, particularly in terms of the wider connectivity of the allocation. Furthermore, it has been successfully demonstrated that the proposal would provide safe and suitable access for all users, and that any significant impacts from the development on the transport network or highway safety can be adequately mitigated.
- 11.4 It is considered that there is no conflict with the adopted development plan and national planning guidance within the NPPF (2023) as set out in this report.
- 11.5 Therefore, the presumption in favour of sustainable development applies in this case and there are no other material considerations that would justify making a decision other than in accordance with the development plan.

12. Recommendation

- 12.1 **Approve outline planning permission subject to a S.106 Agreement being signed, and to the conditions set out below**
- 12.2 In these conditions unless otherwise agreed by the Local Planning Authority, the following terms shall have the meanings given to them for the purposes of interpretation of any of the provisions of this planning permission:
 - "Phase" shall mean any area in respect of which a Reserved Matters Application is made.
 - "Reserved Matters" means those matters listed in Condition 1.
 - "Reserved Matters Application" means an application for approval of any reserved matter.
 - "Reserved Matters Approval" means the approval of a Reserved Matters Application.

RESERVED MATTERS

- 1. Other than the approved access works, no development shall be commenced within a Phase or any part of the application site until plans and particulars of "the Reserved Matters" for that Phase have been submitted to and approved by the Local Planning Authority. The Reserved Matters are as follows:-
 - a) Appearance- including the aspects of a building or place that determine the visual impression it makes, including proposed materials and finishes
 - b) Landscaping- 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- including, the way in which buildings, routes and open spaces are provided and the relationship of these buildings and spaces outside that Phase and outside the development.
 - d) Scale- of each building proposed in relation to its surroundings.

The development of each Phase and each part thereof 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) and the requirements of the NPPF (2023).

2. Any reserved matters submitted pursuant to Condition 1 shall include details of the following:

- a) Existing and proposed ground levels
- b) Secure cycle storage for dwellings
- c) Provision of waste and recycling storage
- d) Details of EV Charging points to be provided
- e) Details of fibre broadband connections to each dwelling and timing of their availability for use
- f) Proposed finished floor levels
- g) Statement of Conformity with the National Described Space Standards

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

TIME LIMITS FOR SUBMISSION OF FIRST RESERVED MATTERS APPLICATION

3. The first Reserved Matters Application in the first Phase to be developed shall be made within three years from the date of this permission.

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.

TIME LIMITS FOR SUBMISSION OF RESERVED MATTERS APPLICATIONS

4. No Reserved Matters Application shall be made to the Local Planning Authority after the expiration of 12 (twelve) years from the date of this permission.

Reason: In order to permit sufficient time to implement this multi-phased scheme.

TIME LIMITS FOR THE COMMENCEMENT OF DEVELOPMENT

5. Any development within each part of the application site to which those Reserved Matters Approvals relate shall be begun no later than the expiration of 2 (two) years from the final approval of those Reserved Matters Approvals relating to that part of the application site.

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.

DEVELOPMENT CONFORMITY- PARAMETER PLANS AND APPROVED PLANS

6. The development, including Reserved Matters Applications, shall be carried out broadly in accordance with the approved Parameter plans:

- Land Use Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0003_S3_P01.2, dated September 2023)

- Building Heights and Density Parameter Plan (Reference 42523-WOOD-XX-XX-FG-A-004_S3_P01.3, dated October 2023)
- Primary and Secondary Access Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0002_S3_P01.2, dated September 2023)
- Green Infrastructure Parameter Plan (Reference 42523-WSPE-XX-XX-DR-A-00001_S0_P01.3, dated September 2023)

save only for minor variations where such variations do not deviate from this permission nor have any additional or materially different likely significant environmental effects to those assessed in the Environmental Statement accompanying this application.

Reason: For the avoidance of doubt and in the interests of proper planning.

CONDITIONS TO BE SATISFIED ALONGSIDE SUBMISSION OF RESERVED MATTERS APPLICATIONS

DESIGN STATEMENT

7. Any Reserved Matters Application for a Phase which includes housing or other buildings (excluding roads and bridges) shall be accompanied by the submission of a design statement demonstrating how the Reserved Matters Application broadly accords with the design principles and requirements established by the Design and Access Statement (Reference 42523-WOOD-XX-XX-RP-T-0001_SO_P01.1 dated December 2021 and Updated DAS Addendum dated October 2023) and Approved Parameter Plans.
8. **Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

SURFACE WATER DRAINAGE SCHEME

9. Any Reserved Matters Application for a Phase shall be accompanied by the submission of details of a surface water drainage scheme for that Phase of Development for approval in writing by the Local Planning Authority. No Development within the Phase shall Commence unless the surface water drainage scheme for that Phase shall have been approved by the Local Planning Authority.

The scheme for each Phase shall be broadly in accordance with the Additional Drainage Information dated 9th October 2023 (Reference 42523-WSPE-XX-XX-TN-C-00001_S2_P01) and include details of infiltration testing 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 for that Phase.

The Phase of Development shall be implemented in accordance with the approved surface water drainage scheme for that Phase and thereafter managed and maintained in accordance with the approved scheme for that Phase.

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 (2023).

PRE-COMMENCEMENT CONDITIONS

PHASING PROGRAMME

10. Other than the approved access works, no development shall be commenced until a Phasing Programme for the development has been submitted to and approved in writing by the Borough Council. The Phasing Programme shall have regard to the wider Sustainable Urban Extension without prejudicing the delivery of the application site. The development shall be carried out in accordance with the approved Application Phasing Programme or any amended scheme which may be subsequently submitted to and approved in writing by the Borough Council. Each Reserved Matters Application shall provide a Statement of Conformity with the approved Phasing Programme.

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

CONDITIONS TO BE SATISFIED PRIOR TO COMMENCEMENT OF A PHASE OF THE DEVELOPMENT

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN

11. Prior to the commencement of development in a Phase of the Development a Construction Environmental Management Plan for that Phase shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall provide details of the following:
- a) The parking of vehicles of site operatives and visitors
 - b) The hours of operation, including deliveries.
 - c) Loading and unloading of plant and materials
 - d) Storage of plant and materials
 - e) Location of contractor compounds and temporary haul roads
 - f) Wheel washing facilities
 - g) Management of surface water run-off including details of any temporary localised flooding management system and temporary earth works
 - h) Prevention of impact to existing and proposed residents from dust, odour, noise, smoke, light and land contamination.
 - i) Details of monitoring.
 - j) Routeing of construction traffic (including provision of directional signage)

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

Monday- Friday 07:30-18:00

Saturday 08:00-13:00

No working on Sundays and Bank Holidays

The approved Construction Environmental Management Plan for that Phase of Development shall be implemented throughout the course of the construction of that Phase of the Development.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN (BIODIVERSITY)

12. No development shall take place in any phase (including ground works or vegetation clearance) until a Construction Environment Management Plan for biodiversity (CEMP: Biodiversity) for that phase has been submitted to and approved in writing by the LPA. The CEMP shall include the following details:

- A) Identification of potentially damaging construction activities
- B) identification of biodiversity protection zones
- C) practical measures and sensitive working practices to avoid or reduce impacts during construction
- D) timing of works to avoid harm to nesting birds
- E) responsible persons for overseeing sensitive works
- F) use of protective fencing where required

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the LPA.

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 (2023).

PHASE BIODIVERSITY GAIN PLAN

13. Prior to Commencement of Development in a Phase of the Development a biodiversity gain plan for that Phase ("Phase Biodiversity Gain Plan") shall be submitted to and approved in writing by the Local Planning Authority. Such Phase Biodiversity Gain Plan must evidence:

- a) the post-development biodiversity value of the onsite habitat for the Phase of the Development to which the Phase Biodiversity Gain Plan relates,
- b) the post-development biodiversity value of the onsite habitat for each other Phase of Development (whether begun or otherwise),
- c) any registered offsite biodiversity gain allocated to the Development before the date of submission of the Phase Biodiversity Gain Plan and the biodiversity value of that gain in relation to the Development
- d) any registered offsite biodiversity gain which is proposed to be allocated to the Development and the biodiversity value of that gain in relation to the Development,
- e) any biodiversity credits purchased for the Development before the date of submission of the Phase Biodiversity Gain Plan,
- f) any biodiversity credits proposed to be purchased for the Development,
- g) any other matters specified in the Overall Biodiversity Gain Plan

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 (2023).

FOUL DRAINAGE SCHEME

14. Prior to the Commencement of Development in a Phase of the Development (excluding any Phase comprising solely infrastructure) the detailed design of the foul drainage scheme for that Phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no building shall be occupied or brought in to use until the approved foul drainage scheme serving that building has been implemented in accordance with the approved details.

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 (2023).

OPEN SPACE STRATEGY

15. Prior to the Commencement of Development in a Phase of the Development containing public open space an Open Space Strategy for that Phase shall be submitted to and approved in writing by the Local Planning Authority, to include the specification, the timing of the completion of and arrangement for the management of the following within that Phase:

- a) Casual Informal play space as broadly identified on the Approved Parameter Plans
- b) Equipped Children's Play as broadly identified on the Approved Parameter Plans
- c) Accessible Natural Green Space as broadly identified on the Approved Parameter Plans

The open space for that Phase shall be managed in accordance with the approved Open Space Strategy.

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

TREE PROTECTION PLAN

16. Prior to the Commencement of Development in a Phase of the Development, including site works of any description, a Tree Protection Plan for that Phase prepared by a suitably qualified arboriculturist shall be submitted to and approved in writing by the Local Planning Authority. The Tree Protection Plan shall include protective barriers to form a secure construction exclusion zone and root protection area in accordance with British Standard 5837:2012.

Where any trenches for services are required within the fenced-off areas, they shall be excavated and back-filled by hand and any tree roots or clumps of roots encountered with a diameter of 25cm or more shall be left un-severed.

The Phase of Development shall be implemented in accordance with the approved Tree Protection Plan for that Phase.

Reason: To ensure that the trees on site are to be retained and adequately protected during and after construction in the interests of the visual amenities of the area and biodiversity in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

CONTAMINATION

17. Prior to the Commencement of Development in a Phase of the Development, a scheme for the investigation of any potential land contamination in that Phase shall have been submitted in writing to and approved in writing by the Local Planning Authority. The scheme shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the approved details and any remediation works so approved for that Phase shall be carried out prior to that Phase 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) and the requirements of the NPPF (2023).

ARCHAEOLOGICAL WORK

18. Prior to Commencement of Development within a Phase of the Development a programme of archaeological work shall be implemented in accordance with the written scheme of investigation (Reference 42523-WSPE-XX-XX-RP-OH-00001_S_P01.4 dated 11th January 2024) which has been approved by the Local Planning Authority. The development of the phase shall only take place in accordance with the detailed scheme approved pursuant to this condition. The archaeological works shall be carried out by a suitable qualified body approved in writing by the Local Planning Authority.

Reason: To allow proper investigation and recording of the site, which is potentially of archaeological and historic 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 (2023).

WATER VOLE MITIGATION STRATEGY

19. No Development shall Commence within 10m of the Earl Shilton Brook until a Water Vole Mitigation Strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include a phased programme of mitigation works relative to the build programme of the phases of development adjacent to the Earl Shilton Brook. The development shall be carried out in accordance with the approved Water Vole Mitigation Strategy.

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 (2023).

EXTERNAL LIGHTING FOR NON_RESIDENTIAL

20. Prior to the commencement of development on any non-residential parcel details of any external lighting for that phase 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.

Upon completion of the development, a statement of a suitably qualified contractor shall be submitted stating that any lighting installation to which condition X above applies is fully compliant with the Institution of Lighting Professionals Guidance Note 1: "the reduction of obtrusive light" within zone E2.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

NOISE ATTENUATION

21. Development shall not begin within a particular phase until a scheme for protecting the proposed dwellings within that phase from noise from road traffic noise,

industrial/commercial noise and noise from the school and recreational areas has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

Noise Attenuation (2)

22. Development shall not begin within a particular phase until a scheme for protecting nearby dwellings from noise from the proposed development, including traffic noise, 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 minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

PRE-OCCUPATION CONDITIONS

DWELLING/BUILDING VEHICULAR ACCESS

23. No dwelling or building shall be occupied until the vehicular access serving the relevant dwelling or building has been constructed at least to binder course (base course) level and the access is available for use.

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

RESIDENTIAL TRAVEL PLAN

24. Prior to the occupation of each Phase that includes dwellings, a full Residential Travel Plan for that Phase in accordance with the Framework Travel Plan (Reference 42523-WOOD-XX-XX-RP-OT-0001_S3_P02.1 dated December 2021 and Addendum 42523-WSPE-XX-XX-RP-OT-00002_SO_P01 dated March 2024) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Residential Travel Plan shall be implemented for that Phase 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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and the requirements of the NPPF (2023).

PROW IMPROVEMENTS

25. No development shall be occupied in a particular phase until a scheme for the treatment of Public Rights of Way within that phase has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include

provision for management during construction, surfacing, width, structures, signing and landscaping, together with a timetable for its implementation. Thereafter, the development shall be carried out in accordance with the agreed scheme and timetable.

Reason: In the interests of amenity, safety and security of users of the Public Right of Way in accordance with the National Planning Policy Framework (2023).

OFFSITE HIGHWAY WORKS

26. No development shall be occupied until such time as a scheme consisting of a footway/cycleway on the A47 between the Leicester Road/Clickers Way roundabout and the junction of Desford Crossroads has been submitted to and approved in writing by the Local Planning Authority. Once approved, the scheme shall be delivered and available for use prior to occupation of the 50th dwelling.

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

REDUNDANT ACCESS

27. Notwithstanding the submitted details, 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 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 (2023).

CONDITIONS TO BE SATISFIED PRIOR TO OTHER STATED TRIGGERS

MILL LANE ACCESS

28. No more than 50 Dwellings and no commercial floor space shall be occupied in the northern development parcel until a new link road or secondary means of vehicular access from the A47 has been provided and is available for use. The link road or secondary means of access shall broadly accord with the Primary and Secondary streets in the Primary and Secondary Access Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0002_S3_P01.2).

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

ASTLEY ROAD ACCESS

29. No more than 150 Dwellings shall be occupied in the southern development parcel east of Astley Road until a new link road or secondary means of vehicular access has been provided and is available for use. The link road or secondary means of access shall broadly accord with the Primary and Secondary streets in the Primary and Secondary Access Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0002_S3_P01.2, dated September 2023).

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development

Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

PRIMARY SCHOOL TRAVEL PLAN

30. Prior to occupation of the Primary School a Travel Plan in relation to the Primary School shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Primary School 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 Policy DM17 of the adopted Site Allocations and Development Management Policies DPD (2016) and Paragraph 111 of the National Planning Policy Framework (2021).

EARL SHILTON BROOK CROSSING

31. No permanent crossing of the Earl Shilton Brook in a Phase shall be commenced unless the design of the crossing(s) has been submitted to and approved in writing by the Local Planning Authority. The design of the crossing(s) should accord with the design principles set out in the approved Flood Risk Assessment dated December 2021 (Reference 42523-WOOD-XX-XX-RP-0W-0001_S4_P02). The approved crossing shall be implemented and be available for use in accordance with the approved details prior to first occupation of that relevant Phase of Development.

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 Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF (2023).

PLANT & EQUIPMENT NOISE LEVELS

32. Prior to the occupation of any premises or buildings classed as non-residential an assessment of the noise levels for any externally mounted plant or equipment, together with any internally mounted equipment which vents externally, proposed external operations, loading, unloading and servicing shall be submitted to and approved by the Local Planning Authority. This assessment shall demonstrate that the plant and equipment, loading and unloading operations are capable of operating without the rating level exceeding the background level by more than 5Db(A) at the closest residential property and shall include details/calculations for any noise reduction measurements due to distance and existing or proposed noise barriers. The mitigation, plant and equipment shall be installed and loading/unloading carried out in accordance with the approved assessment.

Reason: To ensure the protection of nearby sensitive receptors from unacceptable levels of noise pollution so as to accord with Policies DM7 and DM17 of the SADMP and the requirements of the NPPF (2023).

GENERAL COMPLIANCE

ACCESS TO COMPLY WITH APPROVED PLANS

33. Access to the site shall be carried out in accordance with the following approved plans or plans as modified through the s278 process:

- Access Plan – Mill Lane (Reference 42523-WSP-XX-XX-DR-OT-

- 00009_SO_P02.1, dated February 2024 and 42523-WSP-XX-XX-DR-OT-00003_SO_P01.4, dated February 2024)
- Access Plan – Astley Road (Reference 42523-WSPE-XX-XX-DR-OT-00006_SO_P02.2, dated February 2024)

Reason: For the avoidance of doubt and in the interests of proper planning.

CONTAMINATION ARISING DURING CONSTRUCTION

34. If during construction of any Phase of the Development, contamination not previously identified is found to be present at the site, no further development shall take place in that Phase until an addendum to the scheme for the investigation of all potential land contamination in the Phase is submitted in writing to and approved in writing by the Local Planning Authority. Such scheme which shall include details of how the unsuspected contamination shall be dealt with. Any remediation works so approved pursuant to the scheme shall be carried out in accordance with the approved scheme.

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) and the requirements of the NPPF (2023).

FLOOD RISK ASSESMENT

35. Each Phase of Development shall be carried out in accordance with the approved Flood Risk Assessment dated December 2021 (Reference 42523-WOOD-XX-XX-RP-0W-0001_S4_P02) and the mitigation measures detailed within the approved Flood Risk Assessment including:

- Finished floor levels should be set at least 600mm above the modelled flood level for the 0.1% AEP event, or at least 300mm above local ground levels in the vicinity of the flood extent.
- Level for level floodplain compensation along the Earl Shilton Brook Corridor in broad accordance with the details set out in Section 5.1 of the approved FRA.

Reason: To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

RETAINED TREES & HEDGES

36. 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 prior 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 same 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) and the requirements of the NPPF (2023).

BIRD NESTING SEASON WORKS RESTRICTION

37. No trees and shrubs shall be removed on site during the bird nesting season (1st March - 31st July inclusive) unless inspected by a qualified Ecologist.

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 Development Plan Document (2016) and the requirements of the NPPF (2023).

INDUSTRIAL/COMMERCIAL NOISE

38. The rating level of the noise emitted from commercial, industrial and manufacturing process, Fixed plant and equipment (mechanical and electrical), Loading and unloading of goods (industrial and/or commercial) located at the site shall not exceed the existing background level at any premises used for residential purposes surrounding the site when assessed in accordance with BS 4142:2014+A1(2019).

Reason: To minimise disruption to the neighbouring residents in accordance with Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

13. Notes to applicant

- 1) This application has been determined having regard to the following documents and plans submitted with the application:

- Land Use Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0003_S3_P01.2, dated September 2023)
- Building Heights and Density Parameter Plan (Reference 42523-WOOD-XX-XX-FG-A-004_S3_P01.3, dated October 2023)
- Primary and Secondary Access Parameter Plan (Reference 42523-WSPE-XX-XX-FG-A-0002_S3_P01.2, dated September 2023)
- Green Infrastructure Parameter Plan (Reference 42523-WSPE-XX-XX-DR-A-00001_SO_P01.3, dated September 2023)
- Astley Road Access Plan (42523-WSPE-XX-XX-DR-OT-00006_SO_P02.2 dated February 2024)
- Mill Lane Access Plan (Reference 42523-WSPE-XX-XX-DR-OT-00009_SO_P02.1 dated February 2024 and 42523-WSP-XX-XX-DR-OT-00003_SO_P01.4 dated February 2024)
- Design and Access Statement (Reference 42523-WOOD-XX-XX-RP-T-0001_SO_P01.1 dated December 2021 and Updated DAS Addendum dated October 2023)
- Additional Drainage Information dated 9th October 2023 (Reference 42523-WSPE-XX-XX-TN-C-00001_S2_P01)
- Archaeological Written Scheme of Investigation (Reference 42523-WSPE-XX-XX-RP-OH-00001_S_P01.4 dated 11th January 2024)
- Framework Travel Plan (Reference 42523-WOOD-XX-XX-RP-OT-0001_S3_P02.1 dated December 2021 and Addendum 42523-WSPE-XX-XX-RP-OT-00002_SO_P01 dated March 2024)
- Flood Risk Assessment (Reference 42523-WOOD-XX-XX-RP-0W-0001_S4_P02 dated December 2021)

- Arboricultural Impact Assessment
- Odour Modelling Assessment
- Outline Drainage Strategy (including additional information and technical note)
- Illustrative Masterplan
- Botanical Surveys and Biodiversity Net Gain Report (including Addendum and BNG Metric 3.1)
- Response to HBBC Open Space Comments
- Noise Suitability Report (including update and noise and vibration technical note)
- Playing Fields Existing Provision Plan
- Illustrative Playing Pitch Layout
- Planning Statement
- Topographical Survey
- Transport Assessment
- Utilities Technical Note
- Environmental Statement (including Non-Technical Summary, Figures, and Appendices) and Environmental Statement Addendum
- Tree Survey and Schedule
- Statement of Community Involvement
- Location Plan
- Red Line Boundary Drawing
- Covering Letter (including all Notice Letters and Forms)

Committee Report 4th June 2024
Report of Head of Planning

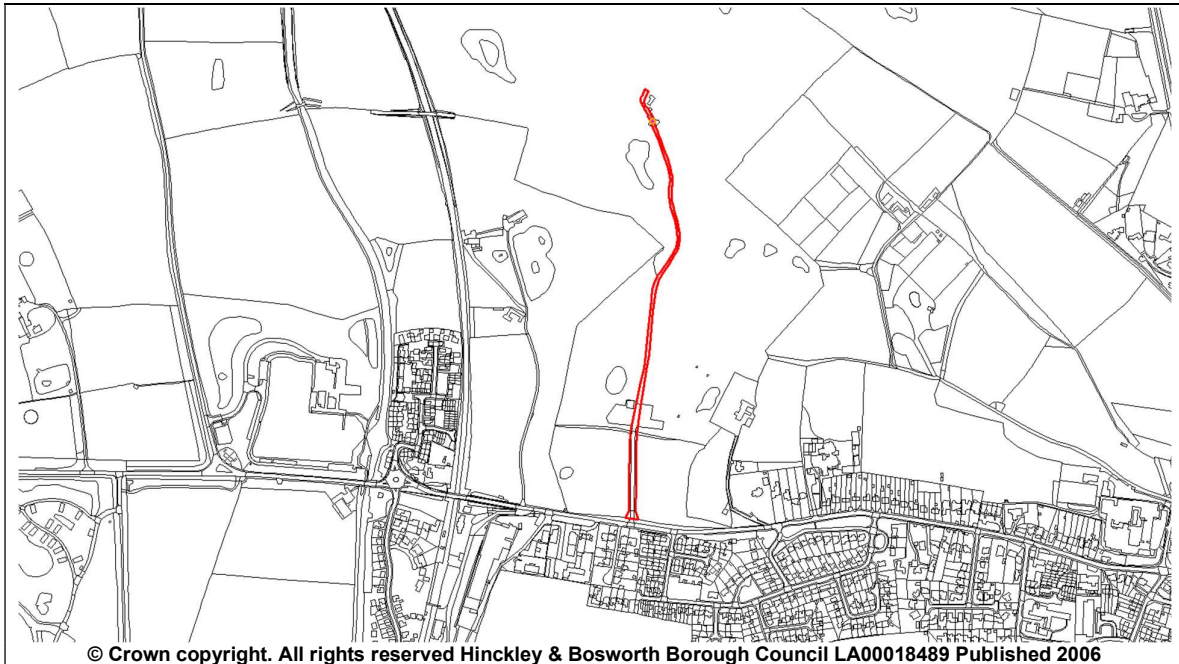
Planning Ref: 24/00026/FUL
Applicant: STATUE HOMES LTD
Ward: Cadeby, Carlton, Market Bosworth & Shackerstone



Hinckley & Bosworth
Borough Council

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

Proposal: Erection of 2x subterranean golf holiday lodges with associated works



1. Recommendation

1.1. Approve Planning Permission subject to conditions

2. Planning application description

- 2.1. The application seeks planning permission for the construction of two, x1 bedroomed, subterranean golf holiday lodges and associated works within the grounds of the Kyngs Golf and Country Club in close proximity to the 'half way house' within the site which has planning permission for conversion to a golf holiday lodge (application ref 19/00230/FUL).
- 2.2. The proposal comprises two subterranean structures with grass roofs. The submitted plans show the lodges to be partially hidden/submerged under raised ground, with their principal elevations comprising glazed doors and windows and facing onto the fairway of the 10th hole of the golf course. The walls of each structure would comprise granite stone gabion baskets as detailed within the application form. Each lodge would be approximately 10.3 metres in width and set into raised ground areas of the golf site. The rear elevation would face towards the 9th hole of the golf course.
- 2.3. Each proposed subterranean lodge would consist of an entrance, with an open plan kitchen/diner and living room area, a double bedroom with en-suite and storage area.

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 Kyngs 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 an area of raised ground situated between the 9th and 10th holes of the golf course.

4. Relevant planning history

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

92/01068/COU

- Golf course, driving range, club house and maintenance buildings
- 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 a greenkeepers store associated with the golf course
- Planning Permission
- 21.12.2007

08/00217/FUL

- Retention of slab area
- Planning Permission
- 09.04.2008

08/00365/FUL

- Erection of a golf club house, new access and associated parking and manager's flat
- Withdrawn
- 23.04.2008

08/00750/FUL

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

13/00272/CONDIT

- Variation of condition 18 of planning permission 02/00685/COU to remove 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

- Resubmission of refused planning application (LPA ref: 17/00528/FUL) for the 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 areas and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping
- 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 to 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 conditions 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 - Discharge of Conditions

- 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 - Discharge of Conditions
- 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

- Proposed erection of 50x room golf and leisure accommodation facility with associated works
- Planning Permission
- 12.04.2024

24/00027/FUL

- Erection of 4 golf holiday lodges and associated works
- Refused
- 09.05.2024

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. 23 separate third party and/or neighbour objection letters have been received raising the following concerns (in summary):
 - I object to this planning application. No golf course has been established which I believe was a condition before further development would be considered. Having walked along the footpath across this land recently there is no evidence of this taking place.
 - The community has previously shown its support for a sustainable and viable solution but only once a playable golf course has been established before any further development can be considered. Since changing hands there has been no evidence of any attempts to maintain or reinstate a golf club or course.
 - The application contains only 2 plan documents: a site location plan and a drawing of the possible layout of submerged dwelling. It is impossible to comment on how this will impact the important landscape within the countryside setting and on the potential hazards to vehicles and people caused by wayward golf balls.
 - 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.
 - There is simply not enough detail to be able to understand the issues which this application will have.

- 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.
- This is one of a series in the attempts to build on the site of the old golf course. Although they all refer to the golf course in some way, shape or form, in the last 8 years, there has been no attempt to even give lip service to the re-instatement of the playing facilities, nor to providing a financial base for the capital and revenue costings associated with this. For these reasons, I request that this application be refused.
- The application is for Holiday Lodges, something Bosworth and near surroundings has a surplus of, indeed those at Goose Green seem to have become permanent residences due to lack of demand for these type of properties in the area, Without the connection of a golf course to attract customers to these lodges, so they become Golf lodges, then again this appears a Trojan Horse application to get further permissions in the future.
- Although not shown presumably this application will require networks connecting to the local infrastructure which would intrude on the local environment against the uses shown in the local plan.

6. Consultation

6.1. No objection has been received from:

- HBBC Conservation Officer
- HBBC Waste Services
- LCC Archaeology
- LCC Highways – subject to a condition
- Sport England

6.2. Market Bosworth Parish Council/Visionary Group - We have a number of concerns and specific reasons for objection in respect of this application. Whilst submitting detailed objections to the various planning applications relevant to the now defunct Kyngs Golf Course and Country Club, has 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 table of Planning History for the site it can be noted that from 2017 onwards, each application (17/00528/FUL, 18/00732/FUL, 19/00230/FUL, 19/01437/FUL, 21/00195/FUL, 21/01473/FUL and 23/00508/FUL) are 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. BVPG are concerned that this proposal for subterranean holiday lodges can come forward as a serious application with only two documents a site location plan and a drawing of the possible layout of dwelling submerged in existing artificially made-up land. 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. The two proposed subterranean 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. Wherever such subterranean 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. BVPG are 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. With no clear understanding of location other than the lodges will be set in land that has already been artificially sculptured to create artificial hills and mounds BVPG have significant concerns about the substructure of the made up land and its suitability for such purposes. 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 the basic concept and the failure of the application to provide sufficient evidence to support the application moving forwards. On this basis BVPG object to this application for the reasons above. BVPG believe this application should be refused and no further work permitted on this site until such time as all conditions identified in Appeal B APP/K2420/W/18/3218401 and HBBC decision statement for Application 19/01437/FUL are implemented. This application should be considered as part of a more significant holistic plan to transform the golf course into holiday accommodation when considered alongside all the other application references.

- 6.3. The Market Bosworth Society – The Market Bosworth Society does not normally comment upon applications outside of the Market Bosworth Conservation Area. In this case the application is located on a valued Community Asset, Green Space, Golfing Course and on the approaches to the Conservation Area. This latest application is in line with a long string of applications to build upon the Kyns Golf Course and has little to recommend it. Siting lodges on the Golf Course will have a negative impact on the ability to play the game and also put users at risk from flying golf balls. It is assumed that the owner considers that sinking the lodge into the ground will overcome the landscape objections. This is not the case as the lodges would be visible from the road and the Public Footpath. The current issue of the NPPF 2023 Paragraph 84 states Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply. It goes on to set out 5 exceptions, none of which apply here.

Whilst the NPPF refers to isolated homes, it equally applies to Holiday Lodges. Holiday Lodges will be home to people throughout the year, whether it is the same people or different people it is still a home. In the absence of any other information it must be the intention for the lodges to be available all year round and therefore Paragraph 84 applies. The application also conflicts with the Market Bosworth Neighbourhood Plan Policy CE1 and CE1a As the inclusion of a lodge as applied for will prevent the playing of golf due to health and safety rules. It will also impact on vista 11 & 12 as identified. It is our opinion that this application should not be allowed to proceed as it stands. Once the golf course has been restored to a playable condition and is once again in use as a golf course the Market Bosworth Society would be willing to look again at provision of lodges and even that of a clubhouse, as has been the conditions appended to previous successful applications. As it stands the likelihood is that the lodges would be unattractive to potential holidaymakers due to the extremely remote position, subterranean nature and lack of facilities. It is our opinion that they would become the target for vandals and other antisocial behaviour. The Market Bosworth Society vigorously opposes 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. No ecological appraisal has been submitted as part of the application which is required at before any decision is made on the application. Therefore I would advise that this application is delayed until the following information has been submitted:

- Preliminary Ecological Appraisal (PEA) - This needs to include a UKHabs survey, protected species survey, as well as an assessment of impacts and proposed mitigation and enhancement measures. Any recommendations will need to be incorporated into the submitted plans.

Further response received from LCC Ecology 8 May 2024 – No objection. The PEA Rev1 report dated Feb 2024 completed by Swan Environmental is satisfactory. The assessment identified that the proposed development site was of no significant ecological significance and no further surveys are required prior to the determination of the planning application. There have however been recommendations for precautionary measures in relation to vegetation clearance and construction phases, along with provision of ecological enhancements which can form a suitable planning conditions. I have no holding objections or further comments to make at this stage.

- 6.5. HBBC Environmental Health - During previous applications for the site investigations for land contamination and landfill gas were carried out with recommendations made for areas of the site regarding gas protection measures. Advice should be sought regarding the suitability of the site for the proposed subterranean lodges and if suitable any gas protection measures required.
- 6.6. Carlton Parish Council – We are concerned that this application, in conjunction with application 24/00027/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. HBBC Drainage - Surface water drainage details should be submitted to clearly indicate the location of the proposed development within the wider site drainage permitted by condition under 19/01437/FUL.

Further response received 26 March 2024 - Notes to applicant:

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.

Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

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

The Market Bosworth Neighbourhood Plan Review is underway and has reached Regulation 15 of the process.

- 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) (2021)
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
- Other Matters
- 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) and the Market Bosworth Neighbourhood Plan (MBNP).
- 8.4. The Emerging Local Plan for 2020-39 has previously been out for consultation at Regulation 19 draft stage (February to March 2022). The latest Local Development Scheme (LDS), was approved at Full Council on 13 December 2022. The updated LDS extends the Local Plan period to 2041, revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a second Regulation 19 Consultation which is not scheduled until May-June 2024. The Replacement Local Plan is therefore delayed. Therefore little weight can be given to this.
- 8.5. The 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.

- 8.6. 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.
- 8.7. However, Policy DM4 of the SADMP also 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 subterranean lodges, as part of the Golf course's overall offer to users of the site.
- 8.8. 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 (MBNP) as a Leisure and Tourism facility.
- 8.9. 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.
- 8.10. 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.
- 8.11. The position of the local planning authority is that proposed holiday golf 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. 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).
- 8.12. 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).

- 8.13. 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. 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.
- 8.16. Access to the site is off Station Road which is an adopted classified C road subject to a 30mph speed limit via the existing priority access junction to Kyns Golf Club. Whilst the Applicant has not provided any detailed scaled access drawings, the LHA are satisfied the existing access arrangement would be acceptable to cater for the proposed level of traffic that could be generated by the two holiday lodges.
- 8.17. The Applicant has not provided any detailed visibility splays drawings, however, 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 finds 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 (LHDG).
- 8.18. There have been two Personal Injury Collision's (PIC's) within 500 metres on either side of the golf site access within the last five years which were recorded as being 'slight' in severity. The LHA are satisfied that there are no spatial trends / patterns in the data, and are therefore satisfied that no new highway safety issues would be introduced into the vicinity of the site contrary to the National Planning Policy Framework (December 2023).
- 8.19. Whilst the Applicant has not identified specific off-street car parking spaces for each unit of accommodation, the LHA are satisfied there is adequate space in front of the lodges and also across the site to accommodate car parking for users of the proposed accommodation. A condition for the implementation for parking and turning is proposed by the local highway authority to be in accordance with the submitted plans.
- 8.20. The LHA also notes that the access drive leading to the subterranean holiday lodges crosses Public Right of Way S70. However, the LHA consider it unlikely this would impact on the use and enjoyment of the PRoW.
- 8.21. Taking all the above into consideration, the LHA would not seek to resist the proposals on highway safety, access or parking grounds.

- 8.22. This application is considered to be acceptable with respect to highway safety, traffic and access considerations, subject to the parking condition, and, is therefore in accordance with Policies DM10, DM17 and DM18 of the Site Allocations and Development Management DPD 2106 and the requirements of the NPPF.

Design and Layout

- 8.23. 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.
- 8.24. 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.
- 8.25. The proposal comprises two, one bedroomed, subterranean golf holiday lodges and associated works within the grounds of the Kyns Golf and Country Club in close proximity to the 'half way house' within the site. The submitted plans show that the lodges would have grass roofs and would be partially hidden/submerged under raised ground, with their principal elevations comprising glazed doors and windows and facing onto the fairway of the 10th hole. The walls of the proposed structures would comprise granite stone gabion baskets as detailed within the application form. Each lodge would be approximately 10.3 metres in width and set into raised ground areas of the golf site. The rear elevation would face towards the 9th hole of the golf course.
- 8.26. Each golf holiday lodge would comprise an entrance, with an open plan kitchen/diner and living room area, a double bedroom with en-suite and storage area.
- 8.27. 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.
- 8.28. This proposal is considered to accord with Policy 23 in that the design and scale of the lodges are appropriate to minimise impact and assimilate with the character of the surrounding area with acceptable landscaping. 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 and appropriateness for the site and its context.
- 8.29. In design terms, it is therefore considered that 2x subterranean 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

- 8.30. The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Paragraph 17 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside. Paragraph 174 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.
- 8.31. 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.
- 8.32. 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.
- 8.33. 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”*
- 8.34. 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
- 8.35. 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.
- 8.36. The application site is identified within the Market Bosworth NDP as the Kyns 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.
- 8.37. 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.

- 8.38. 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.
- 8.39. 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.
- 8.40. 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.
- 8.41. The public rights of way S68 and S69 lie to the north and south of the location proposed to accommodate the subterranean lodges. Glimpses of the subterranean lodges and hardstanding areas may be partly visible from points along these footpaths given that the footpaths cross the golf 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. However, by their nature, the subterranean design of the proposed lodges would limit their exposure to users of the footpaths and the grass roof design and submerged nature would not result in prevalent or incongruous development. It is therefore considered that the views of the proposed subterranean lodges would be very localised and not necessarily apparent on approach to the site.
- 8.42. The location of the proposed subterranean lodges approximately 1km north of Station Road results in a development which would be isolated and remote from services in Market Bosworth, and highly reliant on the use of private motor vehicles. It is acknowledged 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, 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.
- 8.43. The introduction of 2x subterranean golf lodges within this setting 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 by way of their design, 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 subterranean design would also very much help to both hide and 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.

- 8.44. In terms of landscape and visual impact therefore the proposal is considered to be acceptable in this instance for the reasons set out above and in compliance with the relevant 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 130 of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 8.47. 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.
- 8.48. 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.
- 8.49. 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.
- 8.50. 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

- 8.51. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. Paragraph 194 of the NPPF also reiterates this advice.
- 8.52. 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 199 states that where loss of the whole or a material part of the heritage asset's significance is justified, local planning authorities should require the developer to record and advance understanding of the significance of the affected resource prior to its loss. The archaeological obligations of the developer, including publication

of the results and deposition of the archive, must be proportionate to the impact of the proposals upon the significance of the historic environment.

- 8.53. 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. 194-195). The application is therefore considered to accord with Development Plan Policy and the requirements of the NPPF.

Flood Risk and Drainage

- 8.54. 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.
- 8.55. Paragraph 167 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere.
- 8.56. The site is located in flood zone 1 (less than 1 in 1,000 annual probability of flooding). HBBC Drainage and the LLFA have been consulted on the proposal.
- 8.57. The LLFA (Drainage team) have no comments or concerns from a flooding, drainage or foul water perspective. No conditions have been requested in this case.
- 8.58. The HBBC Drainage officer initially commented to say that surface water drainage details should be submitted to clearly indicate the location of the proposed development within the wider site drainage permitted by condition under 19/01437/FUL. A flood risk assessment was submitted by the applicant. In a further response from HBBC Drainage some drainage notes have been suggested for the applicant to peruse. It is considered that if Members are minded to approve this application the notes can be added as an informative to the planning permission.
- 8.59. The development is therefore 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 174 of the NPPF states that development proposals should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.61. 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 up to date Preliminary Ecological appraisal was subsequently supplied by the applicant and a re-consultation with LCC Ecology was carried out. They have stated that the Preliminary Ecological Appraisal dated Feb 2024 completed by Swan Environmental is satisfactory. The assessment has identified that the proposed development site is of no significant ecological significance and no further surveys are required prior to the determination of the planning application. There have however been recommendations for precautionary measures in relation to vegetation clearance and construction phases, along with provision of ecological enhancements which can form a suitable planning conditions.

8.63. As such, it is considered that subject to the proposed conditions as advised by LCC Ecology, 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.

Other Matters

- 8.69. During previous applications for the site, investigations for land contamination and landfill gas were carried out with recommendations made for areas of the site regarding gas protection measures. Advice should be sought regarding the suitability of the site for the proposed subterranean lodges and if suitable any gas protection measures required.
- 8.70. This is considered to be a reasonable request that can be appropriately sought through condition.

Planning Balance

- 8.71. 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.
- 8.72. The site is identified within the Market Bosworth Neighbourhood Plan (MBNP) as a Leisure and Tourism facility.
- 8.73. The proposal for holiday accommodation is therefore compatible with Development Plan policy including the Market Bosworth Neighbourhood Plan.
- 8.74. Whilst impact on the visual and landscape character of the area is a material consideration it is considered in this instance that the subterranean nature and minimal number of lodges proposed would have a very 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, the subterranean lodges with grass roofs 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.
- 8.75. 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 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 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

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

- Site Location Plan received 8 January 2024
- Site Plan Drg No. A-EL-004 received 20 March 2024
- Proposed Floor Plan & Elevations - received 8 January 2024
- Rear façade elevation drawing received 1 March 2024

Reason: To ensure a satisfactory impact of the development to accord with Policies DM1, DM4 and DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF (2023).

3. No development shall commence until representative samples of the types and colours of all materials to be used on the external elevations of the approved subterranean lodges is submitted to and approved in writing by the Local Planning Authority. The development shall only be implemented in accordance with those approved material details.

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 and the requirements of the NPPF (2023).

4. No development shall commence until verification of the opted mitigation in respect of gas protection measures as per BS8485 is submitted to and approved in writing by the LPA. The development shall only be implemented in accordance with the agreed details.

Reason: As the site lies within 250 metres of a known landfill/made up ground site and in the absence of detailed information which demonstrates that the site does not have ground gas egress, in order to safeguard human health and to ensure that the necessary measures are taken to avoid any risk to public safety, in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the requirements of the NPPF (2023).

5. 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).

6. 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).

7. 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.

8. 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).

9. Prior to commencement of development a Precautionary working method statement for badgers shall be carried out by a suitable, qualified ecologist and submitted to and approved in writing by the local planning authority. The details set out below shall be followed and implemented:

- A pre-commencement badger survey should be conducted by a suitably qualified ecologist to ensure the current badger situation is known and that the recommendations are correct.
- All site personnel should be fully briefed concerning the method statement, the presence of badgers, the mitigation measures to be followed, the relevant legislation, the penalties imposed and who to contact should they need to.
- Trees and shrubs should be felled so that they fall away from the direction of a sett and outside exclusion zones.
- Ensure excavations or trenches left overnight are covered or have an escape route such as a shallow gradient at one or both ends.
- Ensure excavations or trenches are inspected each morning and evening to ensure no badgers have become trapped.

- Open pipework with a diameter of more than 120mm should be properly covered or capped at the end of the working day to prevent badgers from entering and becoming trapped.
- During the work, the storage of any chemicals should be contained in such a way that they cannot be accessed or knocked over by any roaming badgers.
- The storage of topsoil or other “soft” building materials within the site should be given careful consideration.
- Badgers will readily adopt such mounds and dig setts which would then be afforded the same protection as established setts. To avoid the adoption of such mounds, they should be subject to daily inspections before work commences or alternative measures put in place, such as being fenced off for higher-risk areas.
- Litter, tools and potentially dangerous materials on site should be cleared at the end of the working day. Care should be taken that there are no sharp metal objects or pointed protrusions on the ground which could seriously injure a badger due to their poor eyesight.
- Ensure no dogs are brought to the work site.
- Security lighting should be kept to a minimum and away from setts to avoid disturbance to any badgers on site.
- Fires should be lit only in secure compounds away from areas of badger activity and should be fully extinguished at the end of the working day.
- Use of noisy plant or machinery should cease at least two hours before sunset and not commence until an hour after sunrise to avoid causing a disturbance to badgers or preventing access or egress.

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).

10. 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).

11. 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.

12. 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.

13. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Housemartin Designs, drawing floor plans and elevations received 8 January 2024. 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 Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF 2023.

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Planning Committee 4th June 2024
Report of the Head of Planning

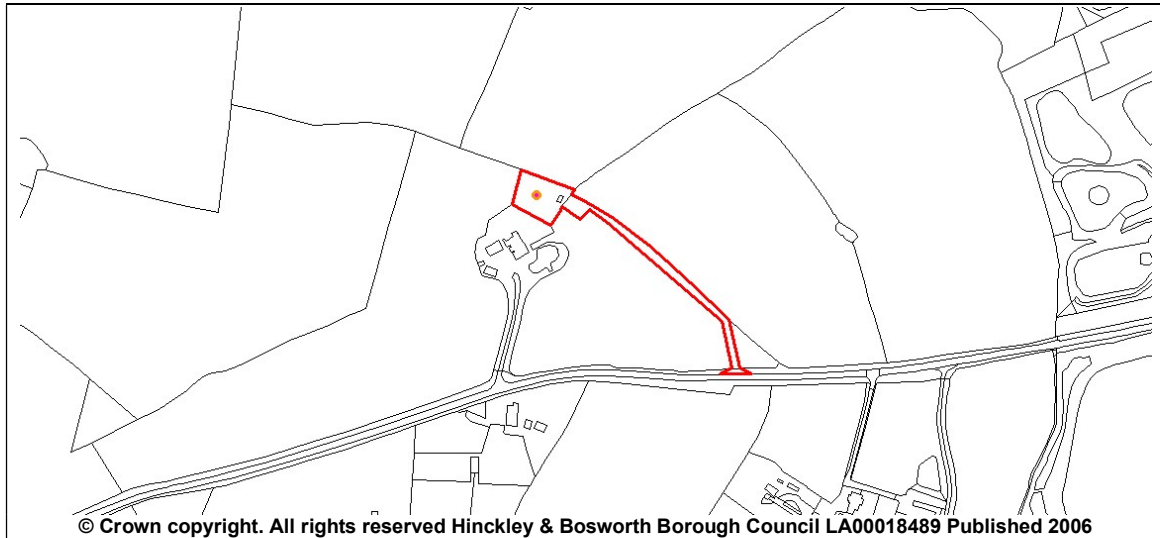
Planning Ref: 24/00322/FUL
Applicant: Mr & Mrs Warner
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: The White House Bosworth Road Wellsborough

Proposal: Erection of single storey self-build/custom-build dwelling (Resubmission of 23/00923/FUL).



1. Recommendations

- 1.1. **Refuse planning permission** subject to:
- Planning reasons outlined at the end of this report.

2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the provision of a single-storey, three-bedroom, self-build dwelling on land to the northeast of The White House, Bosworth Road, Wellsborough. The exact use of materials has not been confirmed, but the scheme utilises facing brickwork and a metal profiled roof covering system.
- 2.2. The dwelling itself is rectangular in form and externally measures 19.6m in width by 20m in depth, with a total footprint of 389.7sqm. The development is set below ground level by 0.4m and has a variety of pitched roofs that have a ridge height of 4m from ground floor level.
- 2.3. The single-storey property is bounded by a proposed brick wall on its northern, eastern, and southern elevations. The brick wall extends 7.7m on the north-eastern elevation at a height of 4.2m and 13.5m at 3.4m in height on the south-western elevation. The brick wall encompasses the principle eastern elevation of the scheme but extends to a width of 28.1m. 8.5m of the most eastern elements of the brick wall on the principal elevation of the development are 4.1m height, which then reduces to 3.4m as it continues west.

- 2.4. The site is accessed via a new 241m private gravel track, which utilises a new replacement access that was approved as an agricultural vehicular access via 20/01095/FUL, and which is accessed from Bosworth Road, but has not been implemented. The existing field access on to Bosworth Road, which lies to the east, is subsequently closed.
- 2.5. This is a resubmission of the proposal refused via full planning application 23/00923/FUL. It is noted that no alterations have been made to the scheme itself.
- 3. Description of the Site and the Surrounding Area**
- 3.1. The 0.25ha application site is located to the north of Bosworth Road outside of any identified settlement boundary in the designated countryside. The application site is within the identified boundaries of the Sheepy Parish Neighbourhood Plan (SPNP) (2022).
- 3.2. The application site is approximately 1.5km (0.93 miles) west of the identified settlement boundary of Market Bosworth, which is classified as a Key Rural Centre Stand Alone within the adopted Core Strategy (2009). The application site is also 1.7km (1.05 miles) east of Wellsborough, which is not recognised as a settlement within the adopted Core Strategy and does not feature an identifiable settlement boundary. It is considered therefore that the application site lies in an isolated location.
- 3.3. The application site comprises land that is outside of the residential curtilage of, but within the residential garden area associated with the existing dwelling, The White House. Currently in this location is one small timber shed, and an additional smaller corrugated steel outbuilding.
- 3.4. An outbuilding that is ancillary to the existing dwelling was also approved in a similar location to the proposed development via planning permission 21/01121/FUL for garden storage, a workshop, and a studio. The scheme has not been implemented. The structure was proposed to be constructed with vertical timber cladding and would have externally measured 17.5m in width x 8.4m in depth, with a total footprint of 97.7sqm. The scheme utilised a variety of flat roofs that had a maximum height of 4.2m to the south-east of the development and 3.5m to the north-west.
- 3.5. The White House itself is located 44.5m to the south-west of the application site and is accessed via a separate private drive from Bosworth Road. Bosworth Road is an adopted and classified 'C' road that is subject to the National Speed Limit.
- 3.6. With the exception of The White House, the application site is verdant in nature and is wholly surrounded by open agricultural fields. The application site is located within the Sence Lowlands Character Area within the Council's Landscape Sensitivity Assessment (2017) which comprises flat to gently rolling lowland vale landscape that gives rise to extensive and open views. The key sensitivity and value of this landscape area is the rural character and a lack of significant intrusions or light pollution, which result in a sense of 'remoteness' and tranquillity.
- 3.7. Public Right of Way (PRoW), Footpath T10, runs immediately to the north and southeast, and east of the application site, and is separated from the proposed development by an existing mature hedgerow along the perimeter of the eastern boundary of the site. This mature hedgerow leads down to the existing field access on Bosworth Road. The hedgerows adjacent to the new proposed entrance to the

site features are identified as 'Bosworth Road' hedgerows, which are identified as a Local Wildlife Site (LWS).

- 3.8. A further PRoW, Footpath S78, runs in a northerly direction approximately 100m to the north-west of the application site. Hoo Hills Farm is over 500m to the west of the application site, and there is a dwelling, Byrons Court, 177m south of the site on the other side of Bosworth Road. Immediately to the east of this southerly dwelling is Botany Spinney.

4. Relevant Planning History

4.1 23/00923/FUL

- Construction of single storey self-build dwelling
- Withdrawn
- 05.01.2024

This application was withdrawn following the Local Planning Authority's intention to refuse the development due to: the scheme's unsustainable location and its subsequent environmental harm; its significant harm to the countryside; its detrimental effect to the residential amenity of the future occupiers of the scheme as a result of poor visual outlook; and a failure to demonstrate an appropriate level of information regarding the trees within the site and the resultant impact this was likely to have on the character of the area if the trees were lost.

4.2 21/01121/FUL

- Proposed outbuilding to provide garden storage, workshop and studio.
- Permitted
- 09.03.2022

4.3 21/00489/HOU

- Proposed outbuilding
- Withdrawn
- 17.04.2023

4.4 20/01095/FUL

- Replacement vehicular access
- Permitted
- 06.01.2021

4.5 15/00612/FUL

- Two storey extensions and alterations to the existing property including the creation of an ancillary building to create a swimming pool
- Permitted
- 28.07.2015

4.6 14/00255/FUL

- Extensions and alterations to dwelling and the formation of annex including the erection of a detached garage.
- Permitted
- 29.07.2014

5. Publicity

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

5.2 No responses have been received.

6. Consultation

6.1 The Ward Councillor has called in the planning application to Planning Committee for the following reasons:

- This is a self-build dwellinghouse that is designed to a high standard of design and sustainability.
- The proposal has a limited impact on the landscape character of the area.
- Whilst in a rural location, the application site is close to Market Bosworth, which has a wide range of amenities.

The Case Officer notes that no details have been provided regarding the sustainability of the development, nor any features of the scheme that ensure the property is sustainable above that of a typical dwelling.

6.2 Sheepy Parish Council have objected to the development on the following grounds:

- The development is not compliant with Policies S1 (Countryside), S8 (Design), and S10 (Housing Development) of the legally binding Sheepy Parish Neighbourhood Plan 'made' May 2022.
- Harm to views from the adjacent Public Right of Way.
- Planning decisions should avoid the development of isolated homes in the countryside.
- The development is not genuinely outstanding, nor does it reflect the highest standards in architecture. The immediate surroundings would not be significantly enhanced.
- The proposal fails to respond to its surroundings, providing an unsuitable design that is insensitive to its local setting.

In addition, Sheepy Parish Council have noted that the Applicants' discussion of *Sinclair-Lockhart's Trustees v Central Land Board* (1950) is based on the Town and Country Planning (Scotland) Act 1947, which is not applicable to this development.

6.3 There have been no objections from the following consultants:

- Hinckley & Bosworth Borough Council (HBBC)'s Drainage Officer
- HBBC's Environmental Services' Pollution Officer
- HBBC's Waste Management Officer (subject to conditions)
- Leicestershire County Council (LCC)'s Archaeology Department
- LCC's Ecology Unit

Ecology

6.4 The County Council's Ecology Department confirmed that they had no holding objection to the development and referred to their previous response within the withdrawn planning application 23/00923/FUL.

6.5 These comments confirmed that the development site is of low ecological value due to it comprising entirely of maintained residential garden. However, the development should adhere to the best practice precautionary recommendations made within Section 4.3B of the Preliminary Ecological Appraisal in relation to breed birds, badgers, amphibians, and reptiles throughout the development and construction works on site.

- 6.6 The County Council have also confirmed that the biodiversity enhancement recommendations within Appendix 5 of the PEA, including the provision of native species-rich hedgerow planting, bird boxes, and bat boxes, should be secured via planning condition.
- 6.7 Furthermore, the Ecology Department also highlighted that a planning condition should be secured to ensure the provision of a 'like-for-like' provision of additional native hedgerow for the closure of the existing field gate and the creation of the new access.

Waste

- 6.8 The Council's Waste Management Officer requested a planning condition that secures the adequate provision of storage and collection of refuse and recycling containers. The Council's Waste Management Officer has also stated that the scheme should include an area near to the roadside for the safe placement of the various containers on collection day.
- 6.9 The Local Highway Authority and Severn Trent Water did not respond to this planning application.
- 6.10 No further responses have been received.

7. Policy

- 7.1 Core Strategy (2009):
- Policy 14: Rural Areas: Transport
- 7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):
- Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution and Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways and Transportation
 - Policy DM18: Vehicle Parking Standards
- 7.3 Sheepy Parish Neighbourhood Plan 2018 – 2035 (SPNP) (2022):
- Policy S1: Countryside
 - Policy S2: Public Rights of Way Network
 - Policy S8: Design
 - Policy S10: Housing Development
 - Policy S15: Car Parking and New Housing Development
- 7.4 National Planning Policies and Guidance:
- National Planning Policy Framework (NPPF) (December 2023)
 - Planning Practice Guidance (PPG)
 - National Design Guide (2019)
 - Technical Housing Standards – Nationally Described Space Standards (2015)
- 7.5 Other Relevant Guidance:
- Good Design Guide (2020)
 - Leicestershire Highway Design Guide (LHDG) (2022)
 - Landscape Sensitivity Assessment (2017)

8. Appraisal

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

- Principle of development
- Housing land supply
- Self-build and custom housebuilding
- Design and impact upon the character of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Planning balance

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.

8.8 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.

8.9 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.

- 8.10 Policy DM17(d) of the SADMP requires development proposals to be located where the need to travel will be minimised, and the use of sustainable transport modes can be maximised. Policy DM17 of the SADMP also states that development proposals should seek to ensure that there is convenient and safe access for walking and cycling to services and facilities; and that schemes should make the best use of existing public transport services.
- 8.11 As a result, outside defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. In addition, Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. Paragraph 180(b) specifically highlights that this should be achieved by, *“Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services.”*
- 8.12 Paragraph 84 of the NPPF and the Local Plan set a general presumption against new isolated dwellings in the countryside to protect its intrinsic value, beauty, open character, and landscape character. The exception to this stance is where:
- (a) There is an essential need for housing a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.
 - (b) The development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets.
 - (c) The development would re-use a redundant or disused building and enhance its immediate setting.
 - (d) The development would involve the subdivision of an existing residential building.
 - (e) The design is of exceptional quality in that it is truly outstanding and reflects the highest standards in architecture and would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.
- 8.13 The site lies within the wider garden of the White House, which is approximately 1.5km from the edge of Market Bosworth via a classified C road that, for the majority of that distance, has no footway, no street lighting, nor any public transport services. The application site is also not in close proximity to any other dwellings and there are no key amenities within an 800m walking distance of the site. Taking all these factors into account, the development is considered to be in an isolated position in the countryside. The development is not considered to comply with any of the exceptional circumstances of Paragraph 84 of the NPPF.
- 8.14 Paragraph 84 and Section 15 of the NPPF are supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers residential development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
 - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or

- (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
 - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
 - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation”.
- 8.15 These requirements are also echoed within Policy S10 of the SPNP, which states that, outside the Sheepy Magna and Sibson settlement boundaries, permission for housing development will be limited to:
- (a) Land allocated for residential development at Hornsey Rise Memorial Home in accordance with Policy S13 of the SPNP.
 - (b) Rural worker accommodation in accordance with Policy DM5 of the SADMP.
 - (c) Replacement dwellings in accordance with Policy DM14 of the SADMP.
 - (d) The re-use and/or adaptation of redundant rural buildings in accordance with Policy DM15 of the SADMP.
 - (e) Other circumstances as set out in Paragraph 80 of the NPPF.
 - (f) Exception sites for affordable housing in accordance with Policy S12 of the SPNP.
- 8.16 In light of the above, the proposed development does not relate to, or comply with, any of the criteria above in either Policy S10 of the SPNP, Policy DM4 of the SADMP, nor Paragraph 84 of the NPPF.
- 8.17 Nevertheless, Policy DM4 of the SADMP also requires that development meets five further requirements to be considered as sustainable development. These are discussed in detail further in the report.
- 8.18 Notwithstanding this, the development is 241m from the site’s access down a single access track, and there are no pavements or opportunities for safe pedestrian movement along the unlit, classified ‘C’ road, that is subject to the National Speed Limit in either direction. Given the fact that Market Bosworth’s settlement edge is 1.5km away from the application site, which increases to 3km from Market Place in Market Bosworth, it is considered that the application site has poor transport sustainability, which is contrary to, and in conflict with, Policy DM17 of the SADMP. As a consequence of this, the development is likely to cause significant adverse harm to the character and appearance of the area due to the environmental harm that arises from the future occupants of the proposal’s dependence on private motorised transport.
- 8.19 Given the above, the Council considers that the proposal is contrary to and in conflict with Paragraph 84 of the NPPF, Policies DM4 and DM17 of the SADMP, and Policy S10 of the SPNP. As such, the application does not accord with Development Plan Policy and is unacceptable 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

- 8.20 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.

- 8.21 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.
- 8.22 Using the standard method as outlined by the Ministry of Housing, Communities & Local Government (MHCLG), Hinckley and Bosworth Borough Council are able to demonstrate 4.89 years of deliverable housing on 01 April 2022. The latest figures up to 01 April 2023 are currently being worked on and will be available in due course.
- 8.23 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.
- 8.24 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.
- 8.25 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. The overall aim is to meet as much of the area's identified housing need as possible with an appropriate mix of housing types for the local community.
- 8.26 Paragraph 70 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. In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.
- 8.27 The development is for one residential property within a rural area, and therefore Policy 15 (Affordable Housing) and Policy 16 (Housing Density, Mix and Design) of the adopted Core Strategy are not applicable for this scheme.
- 8.28 Whilst the Council is unable to deliver a five-year supply of land for housing, given the provision of one dwelling within this application site is unlikely to be a significant benefit to the housing land supply within the Borough, it is considered that limited weight should be given to the provision of the proposed dwelling.

Custom and Self-Build Housing (CSB)

- 8.29 Paragraph 63 of the NPPF states that the need, size, type, and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who required affordable housing; families with children; older people (including those who require retirement housing, housing-with-care, and care homes); students; people with disabilities; service families; travellers; people who rent their homes; and people wishing to commission or build their own homes.

- 8.30 As of 31 January 2024, Section 123 of the Levelling Up and Regeneration Act 2023 (LURA) came into force regarding amendments to the duty in relation to self-build and custom housebuilding within Section 2A of the Self-Build and Custom Housebuilding Act 2015.
- 8.31 Section 2A of the Self-Build and Custom Housebuilding Act places a statutory duty on the Local Planning Authority to give permission to a sufficient number of self-build and custom housebuilding developments on serviced plots to meet the demand for self-build and custom housebuilding in the Authority's area.
- 8.32 Section 6 of Section 2A of the Self-Build and Custom Housebuilding Act confirms that the demand for self-build and custom housebuilding in an authority's area in respect of a base period is an aggregate of:
- (i) The demand for self-build and custom housebuilding arising in the authority's area in the base period; and
 - (ii) Any demand for self-build and custom housebuilding that arose in the authority's area in an earlier base period and in relation to which:
 - (a) The time allowed for complying with the duty in Subsection (2) expired during the base period in question, and
 - (b) The duty in Subsection (2) has not been met.
- 8.33 The demand for self-building and custom housebuilding arising in an authority's area in a base period is evidence by the number of entries added during that period to the authority's Self-Build and Custom Housebuilding Register. At the end of each base period, the Local Planning Authority have three years in which to approve an equivalent number of plots of land for self-build and custom housebuilding on serviced plots of land as there are entries for that base period. However, there is no duty for the Local Planning Authority to grant permission for land that specifically meets the requirements expressed by those on the Register.
- 8.34 Section 5 of the Self-Build and Custom Housebuilding Act confirms that a, "*Serviced plot of land*," means a plot of land that has access to a public highway, and has connections for electricity, water, and waste water, or can be provided with those things in specified circumstances or within a specified period. For clarity, "*Specified*" in this instance means specified by regulations.
- 8.35 The Applicant states that the proposed development is classified as a 'self-build; within the definition provided within the Self-Build and Custom Housebuilding Act 2015. This is a material consideration within this planning application.
- 8.36 Section 1 of the Self-Build and Custom Housebuilding Act defines self-build and custom housebuilding as the building or completion of houses by individuals, associations of individuals, or persons working with or for individuals or associations of individuals, to be occupied as homes by those individuals.
- 8.37 The Applicant has stated that they intend to create the development to downsize from their existing dwelling, The Local Planning Authority notes that the Applicant has been on the Local Planning Authority's Custom and Self Build Register since 29 September 2023, and the Applicant has submitted a Self-and-Custom Build Evidence Form in support of this application.
- 8.38 Notwithstanding this, to date, and from evidence currently available, it is considered that Hinckley and Bosworth Borough Council does not have a shortfall of self-build and custom build houses.

- 8.39 The Applicant has suggested that the Council has counted market and speculative planning permissions that are not genuine self-build or custom build dwellings towards the Borough's supply of self-build and custom housebuilding. This is an allegation that the Local Planning Authority refutes.
- 8.40 Whilst the Council require 19 suitable cumulative permissions to be granted by 30 October 2024, it must be noted that, as of 01 May 2024, the Council has currently granted 12 permissions for custom and self-build housing in this period so only 7 further permissions need to be granted before 30 October 2024. In addition, the Council will only be considered to have a shortfall if a sufficient number of suitable permissions have not been achieved after this date.
- 8.41 As the Council have supplied more suitable permissions than demand required at the end of Base Period 7 (31 October 2021 to 30 October 2022), and more suitable permissions than the demand for the next base period, it is considered that no weight can be given to the benefits of contributing to the supply of self-build and custom build dwellings at this moment in time.
- 8.42 Even if the Council's position was such that there was a shortfall and there was a need, the weight afforded to the provision of one self-build dwelling in such circumstances would need to be considered against the potential harm of the scheme within a planning balance. In such circumstances considerable weight may be given to the provision of a self-build dwelling but it is not considered likely that this would be such as to outweigh the harm of the scheme in accordance with Paragraph 11(d) of the NPPF.

Design and Impact upon the Character of the Area

- 8.43 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.
- 8.44 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.
- 8.45 Paragraph 180(b) of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland.
- 8.46 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.
- 8.47 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. Part d) of the policy requires that the use and application of building materials respects the materials of existing, adjoining and neighbouring buildings and the local area generally.
- 8.48 Policy S2 of the SPNP requires development to protect and enhance the existing Public Rights of Way within Sheepy Parish.
- 8.49 Policy S8 of the SPNP also sets out the requirements for the design of development within the Parish.
- 8.50 The detailed design of the proposed development is based on the concept of the creation of a new walled garden into which a single storey contemporary dwelling is inserted. As set out above at paragraph 8.12, paragraph 84 of the NPPF states that new isolated homes in the countryside should be avoided unless the design is of exceptional quality in that it is truly outstanding, reflecting the highest standards in architecture and would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area. Officers consider that the design is neither outstanding, nor does it enhance its immediate setting nor is it sensitive to the defining characteristics of the local area.
- 8.51 The Applicant has been encouraged though to seek the external expert advice of Design Midlands in order that compliance with part e) of paragraph 84 of the NPPF could be sought. The LPA has recently approved such a paragraph 84 dwelling on Sutton Lane in Market Bosworth (23/01102/FUL – approved 19 February 2024). The Applicant though has declined to seek the advice of Design Midlands.
- 8.52 While the detailed design has merits nothing has been submitted to demonstrate that the dwelling is of exceptional quality in any way. In particular the large thick canopy that oversails the external area on the north-west elevation appears incongruous and somewhat reminiscent of a garage forecourt and would be seen by those using the public rights of way that pass in close proximity to the site, particularly when there is less leaf cover.
- 8.53 The proposal therefore represents new and unjustified residential development within the countryside, which is protected from unsustainable and inappropriate development by both local and national planning policy. The proposed development causes environmental harm in principle and in practice and is therefore considered unacceptable.
- 8.54 With the exception of The White House, there are no other residential dwellings on the northern side of Bosworth Road within 700m of the application site. Whilst there is a further residential dwelling on the opposite side of Bosworth Road, the presence of one dwelling in the countryside does not support further domestication and development of the area. Ultimately, the development of further residential dwellings is not considered to preserve the rural character of the Sence Lowlands Character Area, nor the intrinsic value, beauty, open character, and landscape character of the countryside.

- 8.55 The Applicant has relied in large part on the acceptability of the existing outbuilding within the application site that was approved via 21/01121/FUL to justify their current development.
- 8.56 It is noted that 21/01121/FUL has not been implemented yet and would need to be implemented by 09 March 2025 in accordance with its planning conditions.
- 8.57 The Planning Officer at the time considered that this development was acceptable on balance given the fact that the development was an outbuilding that was ancillary to the existing dwelling and that the proposal was a similar height, design, and scale to the existing timber storage building on site.
- 8.58 However, it is noted that the 'existing storage building' was constructed without planning permission in 2018, and, based on historic satellite imagery, is approximately 7m in width by 4m in depth, which is significantly smaller than the approved development in 2021. It is also highlighted that the existing timber storage building was not included within the submitted plans of the 2021 planning application. In addition, an existing timber storage building is not considered to be comparative to a brick-built and timber clad outbuilding, albeit that both would clearly be perceived as being ancillary outbuildings.
- 8.59 In spite of this background, the now existing outbuilding benefits from mature vegetation to its southern site boundary, which reduces its visual impact on the surrounding area. However, this mature vegetation is removed within this current planning application, which increases its visibility from Bosworth Road and the Public Right of Way, Footpath T10.
- 8.60 Furthermore, it appears that the development requires the removal of several trees to the northwest of the site, which is considered to harm the character of the site and is likely to have a detrimental impact on the visual amenity of the views when passing the site along Footpath T10. Ultimately, the Applicant has failed to provide any information to demonstrate that the trees within the site are not harmed or removed within this application, and these impacts are likely to cause significant harm to the character of the surrounding area and the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.61 Although some of this vegetation is replaced with landscaping on the south-eastern boundary of the site, it is considered that this new landscaping overdevelops and domesticates the development, which is alien to the rural context of the surrounding area. This is considered to result in significant adverse harm to the character of the countryside and the surrounding area.
- 8.62 Fundamentally, the approved outbuilding within the site was clearly ancillary to the host dwelling whereas the currently proposed development is almost four times larger in footprint than this approved development. Therefore, it is not considered that the presence of this existing outbuilding justifies a development of this magnitude.
- 8.63 Moreover, based on the approved plans within planning permission 15/00612/FUL, the existing dwelling externally measures 23.4m in width x 33.8m, with a total footprint of 466.1sqm. However, the pool room alone is 17.8m in depth and has a footprint of 167.1sqm. Therefore, excluding the swimming pool, the dwelling externally measures 23.4m in width 15m in depth, with a total footprint of 297.8sqm, which is almost 100sqm smaller than the currently proposed development.

Therefore, the proposed scale of the development is considered to eradicate the visual subservience and ancillary nature of the existing outbuilding.

- 8.64 On top of this, the siting of the development appears to have an unusual relationship with the existing dwelling, and it does not reflect the character and structure of the buildings at The White House in any way. This is not considered to represent good design, and this is exacerbated by the significant scale of the scheme. Therefore, the siting and scale of the scheme is considered to result in harm to the character of the surrounding area.
- 8.65 Crucially, the provision of a new independent dwelling is considered to have a significant and materially different impact to the character of an area in comparison to an outbuilding associated with an existing dwelling. Given the context of the surrounding area, the domestication of the site, including the access, through the provision of a new residential property is considered to fundamentally, and adversely, alter the character of the site and the surrounding area.
- 8.66 This can also be seen through the provision of the new 241m hard surfaced driveway, which is considered to significantly, and detrimentally, alter the rural character of the site and the surrounding area.
- 8.67 Despite the Applicants' claims that careful consideration was given to the local context within the design of the scheme, a brick finish dwelling is not considered to assimilate with, or be demonstrative of, the rural character of the area. The principal elevation of the scheme is a 28m wide brick wall that is between 3.4 and 4.1m in height. In addition, the finish of the scheme doesn't assimilate with the character of the nearest two dwellings, The White House, or the dwelling to the south of Bosworth Road, which both utilise render finishes. Ultimately, the proposal is not considered be sensitive to the defining characteristics of the local area.
- 8.68 Nevertheless, the development has a maximum height of 4.1m and is over 170m from the public highway. Due to this distance and the scheme's single storey massing, it is considered that there are limited views of the development from Bosworth Road from the west. However, it is considered that the scheme is likely to be visible from Bosworth Road and the Public Right of Way, Footpath T10. Therefore, the scheme is likely to represent the sporadic domestication of the countryside, which is visible from the public highway and the adjacent Public Right of Way, which is considered to result in significant adverse harm to the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.69 To summarise, the proposed development is not of outstanding design quality and so fails the requirements of paragraph 84 of the NPPF. It is unacceptable and causes environmental harm both in principle and in practice. The scheme is four times larger than the approved, but currently unbuilt, outbuilding on the site and intrudes into the verdant rural character of the area by virtue of its siting, size, scale, design, use of materials, and poor relationship to the existing residential structures near the site. Ultimately, the proposal represents new and unjustified residential development in the countryside, which is protected from unsustainable and inappropriate development by both local and national planning policy.
- 8.70 The development is therefore considered to cause significant detrimental harm to the intrinsic value, beauty, open character, and landscape character of the countryside and the Sense Lowlands Character Area. This harm is exacerbated by its visibility from Bosworth Road and Footpath T10 and the lack of submitted information to fully assess the scheme's impact on the trees within the site. Given

the above, the development is considered to be contrary to, and in conflict with, Policies S1, S2, S8, and S10 of the SPNP, Policies DM4 and DM10 of the SADMP, and Sections 12 and 15 of the NPPF, and the Good Design Guide.

Impact upon Residential Amenity

- 8.71 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.
- 8.72 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.
- 8.73 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.
- 8.74 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.
- 8.75 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.”*
- 8.76 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.
- 8.77 The only property in close proximity to the development is The White House but given the development's distance from this dwelling and the scheme's size, scale, siting, and massing, the proposal is not considered to result in any detrimental impacts to the neighbouring residential amenity of The White House.
- 8.78 However, the principal habitable window for the bedroom in south-western corner of the development is only 5.4m from the new 3.4m high boundary brick wall. Furthermore, the bedroom on the south-eastern corner of the proposal is only 3m from the 4.1m high boundary brick wall. These distances are considerably less than the requirements of the Good Design Guide and are likely to result in poor visual outlook for principal habitable windows that causes significant harm to the residential amenity of the future occupiers of the dwelling.
- 8.79 To support the residential amenity of future occupiers of the scheme, one of the aims of Section 4 (New Residential Development) within The Good Design Guide is to ensure that new residential development exceeds the internal space standards set by the Technical Housing Standards (THS) (2015) wherever possible.

- 8.80 To comply with the THS, proposals for three-bedroom, single storey dwellings should provide a minimum of 74sqm of floor space and 2.5sqm of built-in storage in accordance with the Technical Housing Standards (THS).
- 8.81 Furthermore, in accordance with Paragraph 10(c) of the THS, to provide one bed space, a single bedroom should have a floor area of at least 7.5sqm, and a width of at least 2.15m. In order to provide two bed spaces, a double or twin bedroom should have a floor area of at least 11.5m, and a width of 2.75m for the master bedroom, and a width of 2.55m for every other bedroom in accordance with Paragraphs 10(d) and (e) of the THS.
- 8.82 The proposal is considered to comply with all the minimum requirements of the THS.
- 8.83 To comply with the Good Design Guide, three-bedroom houses must also provide a minimum of 80sqm of private outdoor amenity space with a minimum length of 7m.
- 8.84 The Proposed Site Plan suggests that the scheme features a private outdoor amenity space exceeds the requirements of the Good Design Guide, which is supported by the provision of green space to the front of the property.
- 8.85 In light of the unacceptable outlook from principal windows to habitable rooms, the scheme is considered to result in significant adverse harm to the future occupiers of the development, contrary to Policy DM10 of the SADMP, Paragraph 130 of the NPPF, and the Good Design Guide.

Impact upon Parking Provision and Highway Safety

- 8.86 Paragraph 114(b) of the NPPF states that planning decisions should ensure that developments provide safe and suitable access to the site for all users. In accordance with Paragraph 114(d) of the NPPF, 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.
- 8.87 Ultimately, 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, in accordance with Paragraph 115 of the NPPF.
- 8.88 To support this, Policy DM17 of the SADMP states that development proposals need to demonstrate there is not a significant adverse impact upon highway safety and that the residual cumulative impacts of development on the transport network are not severe. 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)).
- 8.89 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.90 Paragraph 3.151 (Quantum) of Part 3 of the LHDG requires two off-street vehicle parking spaces for three-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.

- 8.91 The Proposed Site Plan demonstrates that the site features four off-street vehicle parking spaces, which is in accordance with Paragraph 3.151 of Part 3 of the LHDG. Whilst the spaces are not demarcated within the plan, there appears to be 11.2m in width and 5.7m in depth to accommodate these four spaces, which is in accordance with Paragraph 3.165 of Part 3 of the LHDG.
- 8.92 The development utilises a new site access on to Bosworth Road, which was approved via planning permission 20/01095/FUL. Within this application, the Local Highway Authority (LHA) confirmed that they were satisfied that the new access accord with Figure DG20 of Part 3 of the LHDG in terms of an effective access width for a minimum distance of 11m behind the highway boundary and radii.
- 8.93 In addition, the LHA were satisfied that the site access' visibility splays of the new access accord with Table DG4 of Part 3 of the LHDG.
- 8.94 In light of the above, 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 and in accordance with Policy DM17(c) and (e), and Policy DM18 of the SADMP, and the LHDG.

Planning Balance

- 8.95 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. It is necessary therefore to consider that 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.
- 8.96 Policy DM4 of the SADMP and Policy S10 of the SPNP are considered to be broadly consistent with the overall aims of the NPPF, and therefore significant weight should be attached to the fact that the proposal is contrary to the Development Plan and undermines the plan led approach endorsed by the Framework.
- 8.97 Given the Council's current failure to deliver a five-year supply of land for housing, it is considered that weight should be given to the additional provision of housing within the Borough. In addition, Paragraph 69 of the NPPF also suggests that small and medium sized sites can make an important contribution to meeting the housing requirements of an area. However, Paragraph 69(c) of the NPPF only gives great weight to the benefits of using suitable sites within existing settlements for new homes. As the proposal is only for a single dwelling outside of any existing settlement, only limited weight can be provided to this benefit in the planning balance.
- 8.98 Moreover, as per the latest monitoring position of the self-build and custom housebuilding within the Borough, Hinckley and Bosworth Borough Council does not have a shortfall of self-build and custom housebuilding, and therefore it is considered that no weight can be given to the benefits of contributing to the supply of self-build and custom build dwellings at this moment in time.

- 8.99 Whilst the Applicant may disagree with the Council's position on the supply of self-build and custom housebuilding, ultimately, the reliance on the benefits of providing one single self-build dwelling within the Borough is not considered to have sufficient justification nor weight in the planning balance to outweigh the significant and demonstrable adverse impacts of the proposed development.
- 8.100 Furthermore, it is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants, and economic benefits associated with the construction of the dwelling and future occupants' opportunity to act as customers and employees for local businesses and services.
- 8.101 Nevertheless, these benefits when associated with one dwelling are modest and are not considered to maintain or enhance the local community. In addition, there are no planning benefits such as affordable housing or essential infrastructure provision as identified within Paragraph 12.13 of the SADMP. Therefore, these benefits are afforded limited weight in the planning balance.
- 8.102 In comparison to the previously withdrawn application, the Applicant has attempted to justify their development by referring to the Coalition Government's 2011 'Laying the Foundations' document, and the Prime Minister's 2021 Independent Review of self-commissioned new homes within their Design and Access Statement. However, no further information, justification, or assessment of the scheme has been provided in relation to either of these documents.
- 8.103 In addition, the Applicant has attempted to justify their development by referring to an outline planning application, 18/01252/OUT, which was for up to 80 dwellings in Desford.
- 8.104 That Desford scheme was allowed following a Public Inquiry appeal in 2019 on the grounds that the benefits of the development significantly and demonstrably outweighed the potential harm of the scheme. It is also noted that the appeal site abutted the settlement boundary of Desford and was adjacent to existing housing within the Key Rural Centre.
- 8.105 In contrast, the current application proposal is for one residential dwelling in an isolated position in the countryside over 1.5km from the nearest settlement boundary. It is therefore considered that this outline planning application has significantly materially different considerations and site-specific circumstances in comparison to this development.
- 8.106 A more relevant comparison would be with the application for a single dwelling in an isolated position in the countryside that is referred to above at paragraph 8.51.
- 8.107 It is evident that the application site suffers from poor transport sustainability, and it does not promote sustainable transport, the best of use of public transport, nor does it provide any safe walking and cycling access to facilities. Therefore, the future occupants of the scheme are highly likely to be dependent on private motorised transport to meet their day-to-day needs. Consequently, the development is contrary to, and in conflict with, Policy DM17 of the SADMP, and Section 9 of the NPPF. This dependence on private motorised transport is also likely to result in significant environmental harm, which is contrary to, and in conflict with, the environmental objective of sustainable development within Paragraph 8 of the NPPF. This harm is given significant weight in the planning balance.

- 8.108 Ultimately, the development represents unjustified and unrestricted development that is unacceptable and causes environmental harm in principle. By virtue of its siting, size, scale, design, use of materials, and poor relation to the existing residential structures near the site, the development also results in a detrimental and irreversible urbanising and domesticating effect on the intrinsic value, beauty, open character, and landscape character of the countryside and the Sense Lowlands Character Area. This harm is exacerbated by its visibility from Bosworth Road and Footpath T10 and the lack of submitted information to fully assess the scheme's impact on the trees within the site. This is given significant weight in the planning balance.
- 8.109 Moreover, in light of the unacceptable outlook from principal windows to habitable rooms, the scheme is considered to result in significant adverse harm to the future occupiers of the development, contrary to Policy DM10 of the SADMP, Paragraph 130 of the NPPF, and the Good Design Guide. This is also given significant weight in the planning balance.
- 8.110 The development does offer some limited social and economic benefits, but even if greater weight was given to the provision of a self-build dwelling the benefits of the development of one dwelling do not significantly and demonstrably outweigh the significant harm that would be caused.
- 8.111 In conclusion, the development results in significant and detrimental adverse impacts to the environment; the open character and landscape character of the Sense Lowlands Character Area, the countryside, and the surrounding area; and to the residential amenity of the future occupiers of the scheme. This harm is considered to significantly and demonstrably outweigh any potential benefits of the provision of one self-build dwelling in an isolated location. Therefore, the proposal is contrary to, and in conflict with, Policies S1, S2, S8, and S10 of the Sheepy Parish Neighbourhood Plan (2022), Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraph 84 and Sections 2, 9, 11, 12, and 15 of the National Planning Policy Framework (December 2023), and the Council's Good Design Guide (2020).

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 refused.

11. Recommendation

11.1 **Refuse planning permission** subject to:

- Planning reasons outlined at the end of this report.

11.2 Reasons

1. The development represents unjustified development in an area of poor transport sustainability and fails to promote sustainable transport, the best use of public transport, nor provide any safe walking and cycling access to services and facilities. Therefore, the future occupants of the scheme are highly likely to be dependent on private motorised transport to meet their day-to-day needs. Consequently, the proposal is in an unsustainable location for residential development and results in significant environmental harm due to the future occupants of the development's dependence on private motorised transport. As a result, the proposal is contrary to, and in conflict with, Policies DM4 and DM17 of the adopted Site Allocations Development Management Policies Development Plan Document (2016), as well as Paragraph 8 and Sections 9 and 15 of the National Planning Policy Framework (December 2023).
2. The development lies outside of any identified settlement boundary and in an isolated location within the countryside. By virtue of its siting, size, scale, design, use of materials, and poor relation to the existing residential structures near the site, the development results in a detrimental and irreversible urbanising and domesticating effect on the intrinsic value, beauty, open character, and landscape character of the countryside, the Sense Lowlands Character Area, and the surrounding area. Ultimately, the benefits of the development of one dwelling do not significantly and demonstrably outweigh this harm. Therefore, the proposal is contrary to, and in conflict with, Policies S1, S2, S8, and S10 of the Sheepy Parish Neighbourhood Plan (2022), Policies DM1, DM4, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraph 84 and Sections 2, 9, 11, 12, and 15 of the National Planning Policy Framework (December 2023), and the Council's Good Design Guide (2020).
3. The Applicant has failed to provide sufficient information to demonstrate that the scheme does not result in a significant adverse impact on the existing trees within the site. Without this information, the development has the potential to result in detrimental impacts to the existing trees within the site, which is likely to cause significant harm to the character of the site and on the intrinsic value, beauty, open character, and landscape character of the countryside. Consequently, the proposal is contrary to, and in conflict with Policies S1 and S8 of the Sheepy Parish Neighbourhood Plan (2022), Policies DM4 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraph 136 of

the National Planning Policy Framework (December 2023), and the Council's Good Design Guide (2020).

4. The proposal results in significant harm to the residential amenity of the future occupiers of the development as a result of poor visual outlook from principal windows to habitable rooms. This is in conflict with, and contrary to, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), Paragraph 135 of the National Planning Policy Framework (December 2023), and the Council's Good Design Guide (2020).

a. **Notes to Applicant:**

1. This application was assessed by the documents submitted by the Applicant that were received by the Local Planning Authority, as follows:
 - Application Form (submitted: 03.04.2024)
 - Design and Access Statement (submitted: 03.04.2024)
 - Phase 1 Preliminary Ecological Appraisal (submitted: 03.04.2024)
 - Proposed Elevations P004 Rev B (submitted: 03.04.2024)
 - Proposed Elevations P005 Rev B (submitted: 03.04.2024)
 - Proposed Floor Plan P002 Rev B (submitted: 03.04.2024)
 - Proposed Roof Plan P003 Rev B (submitted: 03.04.2024)
 - Proposed Visual Images (submitted: 03.04.2024)
 - Site Location and Block Plan Rev A (submitted: 03.04.2024)
 - Visibility Splay Dwg 04 (submitted: 03.04.2024)

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Planning Committee 4th June 2024
Report of the Head of Planning

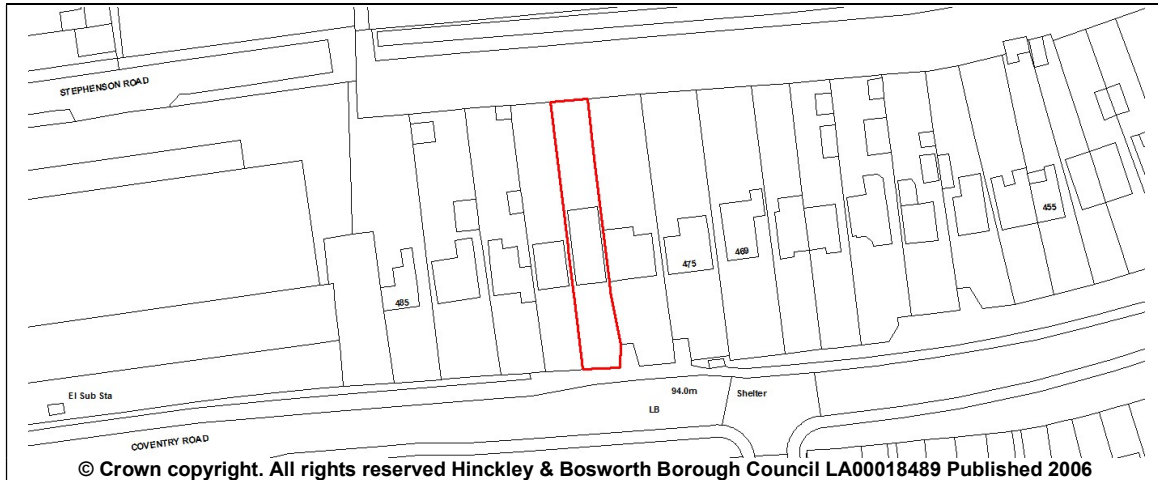
Planning Ref: 24/00263/CONDIT
Applicant: Mr Dilawar Alshibahie
Ward: Hinckley Clarendon



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. The application was deferred at planning committee on the 7th May 2024 for a committee site visit, the contents of the report below are as previously set out.
- 2.2. 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.
- 2.3. 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.

- 2.4. 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.
- 2.5. 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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