

# Public Document Pack



Hinckley & Bosworth  
Borough Council

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

**Date: 13 January 2025**

**To: Members of the Planning Committee**

Cllr MJ Crooks (Chair)	Cllr C Gibbens
Cllr J Moore (Vice-Chair)	Cllr SM Gibbens
Cllr CM Allen	Cllr CE Green
Cllr RG Allen	Cllr E Hollick
Cllr SL Bray	Cllr KWP Lynch
Cllr MA Cook	Cllr LJ Mullaney
Cllr DS Cope	Cllr H Smith
Cllr REH Flemming	Cllr BR Walker
	(1 vacancy)

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, 21 JANUARY 2025** 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

## Fire Evacuation Procedures

- On hearing the fire alarm, leave the building **at once** quickly and calmly by the nearest escape route (indicated by green signs).
- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

## Recording of meetings

At HBBC we are open and transparent about how we make decisions. We allow recording, filming and photography at all public meetings including Council, the Executive and Planning Committee as long as doing so does not disturb or disrupt the proceedings. There may occasionally be some reports that are discussed in private session where legislation requires this to happen, but this is infrequent.

We also allow the use of social media during meetings, which helps to bring the issues discussed to a wider audience.

Members of the public, members of the press and councillors are hereby informed that, in attending the meeting, you may be captured on film. If you have a particular problem with this, please contact us so we can discuss how we may accommodate you at the meeting.

## Use of mobile phones

To minimise disturbance to others attending the meeting, please switch off your phone or other mobile device or turn it onto silent or vibrate mode.

Thank you

**PLANNING COMMITTEE - 21 JANUARY 2025**  
**A G E N D A**

1. **APOLOGIES AND SUBSTITUTIONS**

2. **MINUTES (Pages 1 - 4)**

To confirm the minutes of the meeting held on 17 December 2024.

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

To be advised of any additional items of business which the Chair decides by reason of special circumstances shall be taken as matters of urgency at this meeting. Items to be taken at the end of the agenda.

4. **DECLARATIONS OF INTEREST**

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's Code of Conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. **QUESTIONS**

To hear any questions in accordance with Council Procedure Rule 12.

6. **DECISIONS DELEGATED AT PREVIOUS MEETING**

To report progress on any decisions delegated at the previous meeting.

7. **24/00461/REM - LAND SOUTH OF MARKFIELD ROAD, RATBY (Pages 5 - 18)**

Application for approval of reserved matters (appearance, landscaping, layout and scale) for outline application 22/00648/OUT for residential development of up to 75 dwellings alongside associated site infrastructure, open space and discharge of condition 2.

8. **24/00139/FUL - LAND NORTH OF DEEPPDALE FARM, LUTTERWORTH ROAD, BURBAGE (Pages 19 - 50)**

Full planning application for the provision of additional 23 residential dwellings including vehicular access, landscaping, drainage and all other associated works.

9. **23/01182/FUL - ALLBAR SPORTS, TRINITY LANE, HINCKLEY (Pages 51 - 86)**

Application for change of use from cinema (sui generis) to 40 one-bedroom apartments (use class C3) with associated car parking and landscaping.

This item was deferred at a previous meeting and therefore no public speaking will be permitted in accordance with the council's constitution.

10. **APPEALS PROGRESS (Pages 87 - 92)**

To report on progress relating to various appeals.

This page is intentionally left blank

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

17 DECEMBER 2024 AT 6.30 PM

PRESENT: Cllr MJ Crooks – Chair  
Cllr J Moore – Vice-Chair  
Cllr RG Allen, Cllr MC Bools (for Cllr LJ Mullaney), Cllr SL Bray, Cllr MA Cook,  
Cllr DS Cope, Cllr REH Flemming, Cllr C Gibbens, Cllr SM Gibbens,  
Cllr CE Green, Cllr KWP Lynch, Cllr M Simmons (for Cllr CM Allen), Cllr H Smith  
and Cllr BR Walker

Also in attendance: Councillor WJ Crooks

Officers in attendance: Sullivan Archer, Chris Brown, Rebecca Owen and  
Edward Stacey

#### 309. **Apologies and substitutions**

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

Councillor Bools for Councillor Mullaney  
Councillor Simmons for Councillor Allen.

#### 310. **Minutes**

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

RESOLVED – the minutes of the meeting held on 19 November be  
confirmed as a correct record.

#### 311. **Declarations of interest**

Councillors Allen, Cook, Simmons and Smith declared a non-registrable interest  
in application 24/00322/FUL as the applicant was a close associate and  
undertook to leave the meeting during discussion on the item and in application  
24/00897/HOU as the applicant was a relative of a group member.

#### 312. **Decisions delegated at previous meeting**

Members were updated on decisions delegated at the previous meeting.

#### 313. **23/01182/FUL - Allbar Sports, Trinity Lane, Hinckley**

Application for change of use from cinema to 40 one-bedroom apartments with  
associated car parking and landscaping.

Two objectors and the applicant spoke on this application.

Members expressed concern about the lack of parking provision on the site which would exacerbate the on-street parking problems in the area. It was moved by Councillor Bray and seconded by Councillor Allen that the application be deferred to allow for further discussion on parking provision. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred.

314. **24/00484/OUT - Land east of Leicester Road, Earl Shilton**

Outline planning application for the erection of up to 33 dwellings, including affordable housing, public open space, landscape planting, sustainable drainage system and new access arrangements from the unnamed road.

It was moved by Councillor Allen that permission be refused due to the visual impact and concerns around highway safety. In the absence of a seconder, the motion was not put.

It was subsequently moved by Councillor Bray and seconded by Councillor Allen that permission be granted with a note to applicant in relation to lowering the speed limit and introducing a one-way system on the unnamed road. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Permission be granted subject to:
  - a. The conditions outlined in the officer's report
  - b. The entering into of a S106 agreement relating to affordable housing, highway improvements, open space provision and management and the financial contributions outlined in the officer's report
  - c. The requested note to applicant
- (ii) The Head of Planning be granted authority to determine the final detail of planning conditions, obligations and drainage information;
- (iii) Leicestershire County Council as lead local flood authority confirming that it has no objections.

Having declared a non-registrable interest in the following item, Councillors Allen, Cook, Simmons and Smith left the meeting at 7.12pm.

315. **24/00322/FUL - The White House, Bosworth Road, Wellsborough**

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

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

RESOLVED – permission be refused for the reasons contained in the officer’s report.

Councillors Allen, Cook, Simmons and Smith returned to the meeting at this juncture.

316. **24/00897/HOU - 136 Leicester Road, Groby**

Application for erection of a front porch.

It was moved by Councillor Bray, seconded by Councillor C Gibbens and

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

317. **Appeals progress**

Members were updated on progress in relation to appeals.

(The Meeting closed at 7.24 pm)

---

CHAIR

This page is intentionally left blank



Planning Committee 21 January 2025  
Report of the Head of Planning

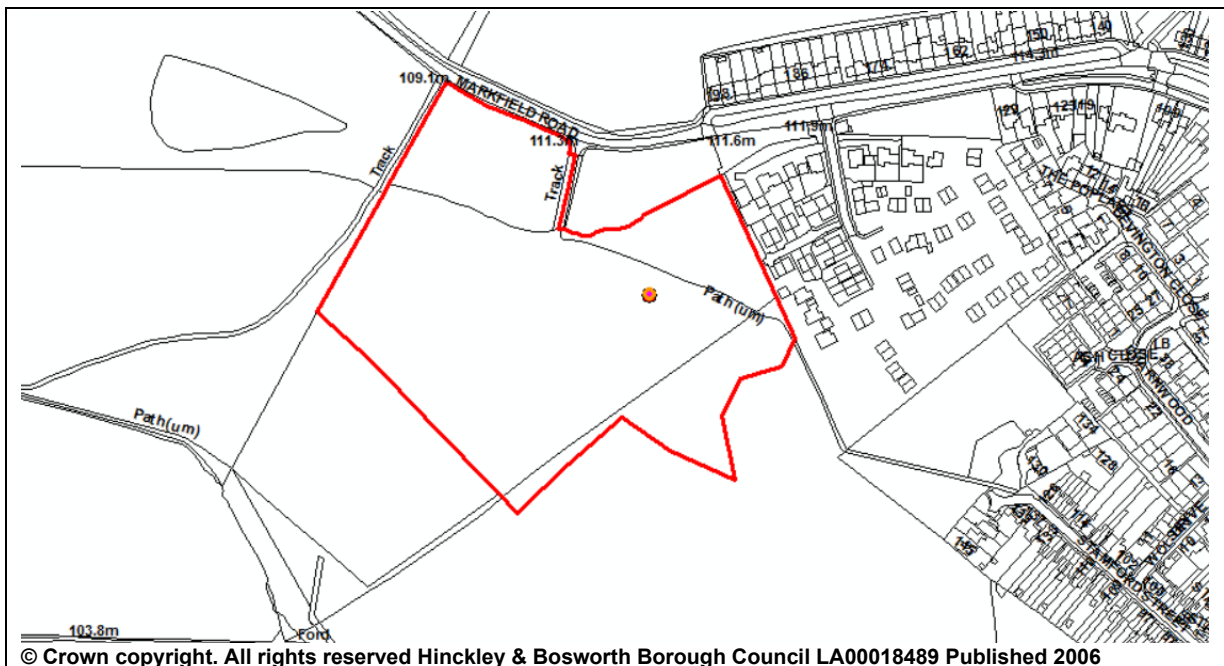
Planning Ref: 24/00461/REM  
Applicant: LAGAN HOMES LIMITED  
Ward: Ratby Bagworth And Thornton



Hinckley & Bosworth  
Borough Council

Site: Land south of Markfield Road, Ratby, Leicestershire

Proposal: Approval of Reserved Matters (appearance, landscaping, layout and scale) for outline application 22/00648/OUT for residential development of up to 75 dwellings alongside associated site infrastructure, open space and discharge of Condition 2



## 1. Recommendations

- 1.1. Approve Reserved Matters details subject to:
  - Planning conditions outlined at the end of this report

## 2. Planning application description

- 2.1. The application seeks approval of Reserved Matters comprising appearance, landscaping, layout and scale further to outline permission ref 22/00648/OUT for residential development of up to 75 dwellings alongside associated site infrastructure, open space and the discharge of Condition 2 of the outline permission which requires the submission of reserved matters details before development can commence on site.
- 2.2. The mix of accommodation on site will comprise the following:
  - 4x 1 bed maisonettes
  - 16x 2 bed houses
  - 36x 3 bed houses

- 19x 4+ bed houses
  - 75 dwellings in total
- 2.3. Affordable housing provision on site has been agreed at the outline stage as part of the S106 legal agreement and comprises 8x Affordable First Homes, 11x Affordable Rent and 11x Shared Ownership units.
- 2.4. Site access has already been approved as part of the outline permission 22/00648/OUT.
- 2.5. The existing Public Right of Way which runs through the site will be maintained and will provide a link to the Phase 1 development site which lies to the east of this development.
- 2.6. As originally submitted, the application was considered to require some further information/clarification in relation to the following matters:
- Layout
  - Drainage details
  - Open space
  - Boundary treatments
  - Garden sizes
- 2.7. Further information was subsequently submitted by the applicant and a re-consultation carried out.

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

- 3.1. The site is located off Markfield Road, west of Ratby, Leicestershire. The site comprises approximately 13.52 acres (5.47 hectares) of two arable fields and is bordered to the north by a natural green buffer (Martinshaw Wood) against Markfield Road which also forms the site access. To the west of the site there is more natural buffer land where Pear Tree Wood is located, to the south lies rough natural pasture land and to the east is the development area phase 1 under construction (Planning Ref.20/00462/FUL).
- 3.2. The site is surrounded by hedges along the boundary except for the south western edge and also along both sides of the current access to the site. There is also an additional hedgerow stretching across the site from the west to end of the access road. The topography of the site varies but generally slopes from the centre to the west with a 5m drop in height from the centre to the western edge of the site.

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

#### **22/00648/OUT**

- Outline Planning Application for residential development of up to 75 dwellings alongside associated site infrastructure and open space (All matters reserved except for access)
- Approved subject to conditions and S106 Agreement
- 18.09.2023

## **5. Publicity**

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

5.2. 6 public comments have been received, raising the following concerns/objections:

- The destruction of the countryside
- Loss of wildlife
- Pressure on local infrastructure
- Traffic levels will increase and create further congestion
- Air quality concerns
- The erosion of green spaces is shameful
- Where is the evidence for this housing demand?
- What steps have been taken to audit the existing brownfield land in the district rather than using greenfield sites?
- Very little is done to placate the people most affected
- Anti-social behaviour will increase
- Flooding concerns
- Why do developers not provide bungalows?
- Loss of green space
- The development should have provided a school
- Doctor appointments will be even more difficult to get

## **6. Consultation**

6.1. No objection has been received from:

- Historic England
- Environment Agency
- LCC Archaeology
- LCC Minerals and Waste
- HBBC Environmental Protection Team
- LCC Tree Officer
- HBBC Conservation Officer
- Leicestershire Police
- LCC Ecology (subject to condition)
- Natural England
- HBBC Drainage

6.2. Following the submission of further information or clarification, no objections have been received from:

- HBBC Affordable Housing
- HBBC S106 Monitoring and Open Spaces Officer
- Lead Local Flood Authority (LLFA)

6.3. Local Highway Authority (LHA) – Following amendments, the internal road layout is now suitable to be considered for adoption by LCC. As advised previously, the

site is crossed by Public Footpath R50. The LHA response issued on 25th November 2024 raised various questions about the treatment of this public right of way (PRoW). Of the various amended plans added to the LPA website on 18/12/2024, none of them makes any material change to the treatment of the PRoW. The issues previously raised, and further issues identified are:

1. Current plans have a physical path approximately 1.5 metres south of the official alignment of Footpath R50 legally fixed by the Definitive Map of public rights of way.
2. The physical footpath will be hemmed-in on the north side by fencing immediately next to the tarmac surface in front of plots 59-62 and plots 64-67.
3. Proposed tree planting is very close to the tarmac surface of the physical footpath that approximately corresponds to Footpath R50.
4. The physical footpath will be further hemmed-in by two Shared Bin Collection Points (BCPs) backing onto the physical footpath parallel to the line of tree planting, creating two narrow corridors each approximately 6.5 metres long.

However, subject to conditions, in particular a condition for the treatment of the PRoW, the application is considered to be acceptable.

- 6.4. HBBC Waste Team - I have viewed the plans to consider the implications for the recycling and refuse collections. If all or part of the new road to the new properties is to be private (un-adopted) or there are private driveways then consideration will need to be given to adequate and safe collection point space next to the adopted highway boundary for the placement of all the containers on collection day (up to 2 bins per property at one time).

Please ensure adequate space on properties to store the various containers, preferable in rear gardens. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins will be brought to the collection point and returned back to private properties after collections have taken place, please ensure occupiers are advised of the procedure and bin collection point. We request the following condition:

No development shall take place until a scheme makes adequate provision for waste and recycling storage of containers and collection across the site which has been submitted to and approved in writing to the Local Planning authority. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

\*A refuse plan has been provided as part of the reserved matters details.

## **7. Policy**

### **7.1. Core Strategy (2009)**

- Policy 7: Key Rural Centres
- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 17: Rural Needs
- Policy 19: Green Space and Play Provision

- Policy 20: Green Infrastructure
- Policy 21: National Forest
- Policy 24: Sustainable Design and Technology

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the countryside and settlement separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM9: Safeguarding Natural and Semi-Natural Open Spaces
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

## 7.3. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

## 7.4. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highway Design Guide
- Ratby Village Design Statement SPD (2011)

## 8. **Appraisal**

8.1. This is a reserved matters application following approval of outline planning permission. Access was a detailed consideration at the outline stage and therefore the following matters represent the key issues:

- Principle of development
- Layout
- Appearance
- Landscaping
- Scale
- Other matters

### **Principle of development**

8.2. The principle of development (including access) has already been established following the granting of outline planning permission under planning permission reference 22/00648/OUT. This report therefore specifically focuses on the matters

that remain outstanding for consideration – i.e. the Reserved Matters, these include the appearance, landscaping, layout and scale of the development proposal.

- 8.3. As previously stated, affordable housing numbers, mix and tenure was considered and agreed at the outline stage and is set out within the S106 legal agreement. Therefore, this is not a consideration at this reserved matters stage.

#### **Layout**

- 8.4. Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.
- 8.5. Policy DM4 of the SADMP requires that development in the countryside does not have an adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside, does not undermine the physical and perceived separation and open character between settlements and does not create or exacerbate ribbon development.
- 8.6. The Good Design Guide outlines that building plots should be a similar size to the wider context and the layout should not adversely impact upon the prevailing grain of development. Built development should also be of similar scale, mass and roof form to the wider context, allowing it to sit comfortably within the street scene.
- 8.7. Entrance to the site is from Markfield Road with existing and replacement hedgerows framing the site on arrival. A main internal spine route runs north-south through the site with housing on either side of this route.
- 8.8. Similar to the housing located to east of the site, the built development is to be set back from Markfield Road. This allows the field adjacent to Markfield Road along with Martinshaw Wood to be designed as a green space area for habitat creation which includes introducing blocks of new broadleaved woodland and tree planting.
- 8.9. There are three main areas of the site comprising a triangular area of housing development to the north eastern section of the site, north of the Public Right of Way. A central core of development which comprises the most amount of housing in one large block with a drainage basin and open space to the south. The western section of the site is made up of two blocks of housing development with open space, recreational routes and on site play provision also on the western side of the development.
- 8.10. Larger detached dwellings are located around the periphery of the development looking onto the Public Open Space, whilst smaller and semi-detached homes are clustered more centrally within the site.
- 8.11. The layout includes a large number of properties with their outlook facing onto or towards the on-site open space. This provides a visually attractive outlook for residents but also helps to provide natural surveillance for users of the recreational routes and the on-site play area.
- 8.12. Back to back distances between properties have been checked and comply with the Good Design SPD to ensure appropriate privacy and minimise overlooking for

future occupiers of the site. Garden sizes have also been reviewed and a revised plan has been submitted to ensure that dwellings have appropriate private amenity space relative to the size of the dwelling.

- 8.13. Amended plans have also been received in respect of the internal road layout and parking spaces to ensure routes and spaces are wide enough and accord with the requirements of the local highway authority.
- 8.14. All properties include on plot car parking provision except for a parking court located in the central part of the development which comprises 10 spaces for Plots 44-52. However, these spaces are directly opposite or in close proximity to the respective dwelling they provide parking for. Each plot also has an EV charging point and the plans as submitted show the location for these points.
- 8.15. The Waste team for HBBC have been consulted on the application and have stated that if all or part of the new road to the new properties is to be private (un-adopted) or there are private driveways then consideration will need to be given to adequate and safe collection point space next to the adopted highway boundary for the placement of all the containers on collection day (up to 2 bins per property at one time). They have requested a condition to ensure that there is adequate provision for waste and recycling storage of containers and collection across the site. However, the applicant has submitted a refuse plan which shows bin storage and collection points across the site which is considered to satisfy the waste team's comments.
- 8.16. Comments were received from the local highway authority requesting that the roads were built to adoptable standards. Revised plans were submitted on 18 December and a re-consultation was carried out. The LHA consider that the roads are now suitable for adoption and are satisfied with the parking provision on site. They have raised concerns about the Public Right of Way but have stated that the matters can be satisfactorily addressed by means of a suitably worded condition.
- 8.17. Subject to conditions proposed by the local highway authority, the revised layout of the site is considered to be acceptable and in compliance with Policy DM10 of the SADMP, the Good Design Guide SPD and the requirements of the NPPF.

### **Appearance**

- 8.18. House type designs as proposed are based on traditional forms and simple vernacular style characteristics. Materials for the dwellings comprise predominantly red facing bricks and some of the properties will have render. Roof tiles proposed are red, brown and grey. An array of colours are proposed for front doors and garage doors are to be white.
- 8.19. Boundary treatment details have been provided as part of the application submission. A feature stone wall will frame the entrance to the site from Markfield Road. Knee rail treatment will run along the Public Right of Way and help to define the public and private realm areas of the development. Stone walls will form the boundary treatment for rear gardens of dwellings that are located side onto a highway or are prevalent from the public realm in order to help raise the quality of the development. Close boarded fences are limited to rear gardens that cannot be viewed from the public realm or as boundaries between rear gardens of neighbouring properties.
- 8.20. Ratby lies within the National Forest. Policy 21 of the Core Strategy expects a proportion of new development in this location to be woodland planting and

landscaping. The plans as submitted show the provision of woodland planting and scrub to the western edge of the application site.

- 8.21. It is a verdant development overall, set back from Markfield Road and will provide a sympathetic and complementary appearance when considered against the adjacent countryside and green backdrop beyond the development edges. The site provides for a good amount of on-site open space. This is set out in more detail in the landscape section below.
- 8.22. This development is therefore considered to accord with the design and appearance requirements set out within the Good Design Guide SPD, Policy 21 of the Core Strategy and the Ratby Village Design Statement.

### **Landscaping**

- 8.23. A Landscape plan has been provided as part of the reserved matters submission. It shows the provision of replacement hedgerows and also the retention of a number of existing hedgerows on site. Proposed hedgerow species include common dogwood, hazel, common hawthorn, holly, common honeysuckle and dogrose.
- 8.24. Street trees and shrubs are proposed along the main spine road of the development and several Hornbeam trees are to be sited along the Public Right Way which runs through the site. Street furniture e.g benches will also be provided along the PRow for people to sit and/or meet up.
- 8.25. The site includes a drainage basin located to the south western part of the development and comprises wetland grass mix surrounded by flowering lawn and species rich meadow mix.
- 8.26. As part of the landscape provision across the site, to the west of the development, there will be woodland planting and woodland scrub planting to help soften the western edge of the development and respect the adjacent natural environment. Proposed tree species include field maple, silver birch, crab apple, wild cherry and rowan.
- 8.27. Bulb planting comprising daffodils, snowdrops, crocuses and bluebells will be provided along the main spine route of the site in addition to shrubs, grassland and individual trees and are clearly shown on the landscape details as submitted.
- 8.28. Open space on site includes the required typologies as stipulated by the S106 legal agreement. This includes:
- Equipped Children's Play Area
  - Local Area of Play (LAP)
  - Accessible Natural Greenspace
  - Casual/Informal Open Space and
  - Woodland
- 8.29. Further information in respect of on-site open space was sought as part of the consultation process and a meeting was held with the applicant, case officer and S106 monitoring and open space officer. Open space typologies on site have been further defined and a revised plan submitted to satisfy the concerns raised by the Open Space Officer.



- 8.30. The plans as submitted denote a Childrens' Play Area in the north western part of the site. Further details of this will be required as part of a suitably worded condition to ensure the provision of suitable play equipment/materials for this development.
- 8.31. Overall, the details as submitted are considered to be suitable with respect to landscaping considerations and comply with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

#### **Scale**

- 8.32. The proposal comprises predominantly two storey dwellings with just two plots comprising two and a half storeys (Housetype Hollymount). These dwellings are located at the far end of the main spinal route, on the edge of the development (towards the southern part of the site).
- 8.33. The scale of the housing development proposed is considered to be in keeping with the surrounding local context and is therefore in compliance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016.

#### **Other matters**

- 8.34. Policy DM6 of the SADMP states that development proposals must demonstrate how they conserve and enhance features of nature conservation and geological value including long term future management. Paragraph 180 of the NPPF states that planning decisions should contribute to and enhance the natural environment by minimising impacts on and providing net gains for biodiversity.
- 8.35. The Ecologist team were consulted on the application. They have reviewed the updated BNG metric and BNG technical note, as well as the Detailed Landscape Plan prepared by FPCR (March 2024). They consider that the documents are acceptable and demonstrate a commendable increase in biodiversity units. They have recommended a condition should Members be minded to approve the application in order to ensure that the landscape and ecological features are suitably implemented and maintained.
- 8.36. Therefore, subject to a Landscape and Ecological Management Plan condition, this application is considered to be acceptable with respect to ecological matters and in compliance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.
- 8.37. 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.
- 8.38. The 5.47ha application site is located within Flood Zone 1 being at low risk of fluvial flooding and a very low to surface water flooding. The proposals seek to discharge at 9.9 l/s to the on-site watercourse.
- 8.39. The LLFA were consulted on the application and initially requested further information. The applicant provided the requested details and a re-consultation was carried out. The LLFA have confirmed that the application documents as submitted are sufficient to support the approval of the reserved matters. The proposal is therefore in accordance with Policy DM7 of the Site Allocations and

Development Management Policies DPD 2016 and the requirements of the NPPF with respect to drainage considerations.

### **Planning Balance**

- 8.40. 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.
- 8.41. Subject to the imposition of conditions as set out below this reserved matters application is considered to be acceptable in planning terms and recommended to Members for approval.
- 8.42. Condition 2 of the outline permission 22/00648/OUT is also discharged as part of this proposed approval.

### **9. Equality implications**

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

A public authority must, in the exercise of its functions, have due regard to the need to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2 Officer have taken this into account and given due regard to this statutory duty in the consideration of this application.

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

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

### **10. Recommendation**

- 10.1 **Approve Reserved Matters consent subject to Conditions.**
- 10.2 **That the Planning Manager be given powers to determine the final detail of planning conditions**

### **Conditions and Reasons**

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

- Site Location Plan 0201 D5 P1 received 13 May 2024
- Site Layout Plan 0230 D5 P3 received 18 December 2024
- Detailed Landscape Plan 0009-0012-P08 received 18 December 2024
- Open Space Provision Plan 10783-FPCR-XX-XX-DR-L-0008 P09 received 18 December 2024
- Grass Provision Plan 10783-FPCR-XX-XX-DR-L-0016 P03 received 18 December 2024
- External Materials and Boundary Treatment Plan 0231 D5 P3 received 18 December 2024
- Surfacing Materials Plan 0232 D5 P3 received 18 December 2024
- Affordable Tenure Plan 0233 D5 P3 received 18 December 2024
- Refuse Management Plan 0234 D5 P3 received 18 December 2024
- Parking Strategy Plan 0235 D5 P3 received 18 December 2024
- Garden sizes Plan 0236 D5 P3 received 18 December 2024
- EV Charging Plan 0237 D5 P3 received 18 December 2024
- PV Plan 0238 D5 P3 received 18 December 2024
- Bushmills Housetype and Elevations 0105 D5 P2 received 13 May 2024
- Killykeen Housetype and Elevations 0106 D5 P2 received 13 May 2024
- Enfield Side Patio Housetype and Elevations 0109 D5 P3 received 29 October 2024
- Enfield Rear Patio Housetype and Elevations 0110 D5 P3 received 29 October 2024
- Tollymore Side Patio Housetype and Elevations 0111 D5 P3 received 29 October 2024
- Greencastle Housetype and Elevations 0113 D5 P3 received 29 October 2024
- Hollymount Housetype and Elevations 0114 D5 P2 received 13 May 2024
- Castletown Housetype and Elevations 0115 D5 P3 received 29 October 2024
- Knightstown Housetype and Elevations 0116 D5 P2 received 13 May 2024
- Kinnegad Housetype and Elevations 0117 D5 P3 received 29 October 2024
- Palmerstone Housetype and Elevations 0118 D5 P3 received 29 October 2024
- Cavan Housetype and Elevations 0119 D5 P2 received 13 May 2024
- Cookstown Housetype and Elevations 0122 D5 P2 received 13 May 2024
- Cavan FH Housetype and Elevations 0123 D5 P2 received 13 May 2024
- Aff1B Maisonette Housetype and Elevations 0124 D5 P2 received 13 May 2024
- Carlow Housetype and Elevations 0127 D5 P2 received 13 May 2024
- Cavan SO Housetype and Elevations 0128 D5 P2 received 13 May 2024
- Cavan SO\_R Housetype and Elevations 0129 D5 P2 received 13 May 2024
- Lettermore Housetype and Elevations 0135 D5 P1 received 29 October 2024

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

2. No development shall take place (including ground works or vegetation clearance) until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The LEMP shall include the following details:
  - A. description and evaluation of the features to be created/enhanced
  - B. aims and objectives of management
  - C. appropriate management options for achieving aims and objectives

- D. prescriptions for management actions
- E. work schedule
- F. species/seed mixes to be planted/sown
- G. ongoing monitoring and remedial measures

The approved plan will be implemented in accordance with the approved details.

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

3. No development shall take place until a scheme for the treatment of the Public Right of Way (R50) has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction (including proposed temporary route(s)); ensuring plans reflect the correct legally-recorded PRoW alignments; and any new construction works. Physical construction should address width, surfacing, drainage, structures, signposting, and impacts of any landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted guidance on Development and Public Rights of Way. Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

**Reason:** To ensure layout and design quality of the scheme in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and to ensure the Public Right Way of Way is appropriately provided and treated in accordance with the Leicestershire County Council's adopted guidance on Development and Public Rights of Way and the requirements of the NPPF.

4. No development shall commence until a scheme for the provision of Children's Equipped Play Space and LAP on site is submitted to and approved in writing by the local planning authority. The scheme shall include the number and type of play equipment items, their design, materials, surfaced path details to the LEAP and a timeframe for implementation. The scheme shall be implemented in accordance with the agreed details.

**Reason:** To ensure satisfactory and appropriate provision of on-site play space in accordance with Policy 19 of the Core Strategy and the requirements of the NPPF.

5. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with McBains drawing numbers LWRAT MCB ZZ ZZ DR A 0235 D5 Rev. P3 (Parking Strategy Plan) and LWRAT MCB ZZ ZZ DR A 0232 D5 Rev. P3 (Surface Materials Plan). Thereafter the on-site parking provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

6. The development hereby permitted shall not be occupied until such time as 1 metre by 1 metre pedestrian visibility splays have been provided on both sides of the private driveways or shared private drive serving each plot. Nothing within these splays shall be higher than 0.6 metres above the level of the back of the footway/verge/highway and, once provided, these splays shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

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

**Reason:** To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

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

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

This page is intentionally left blank

Planning Committee 21 January 2025  
Report of the Head of Planning

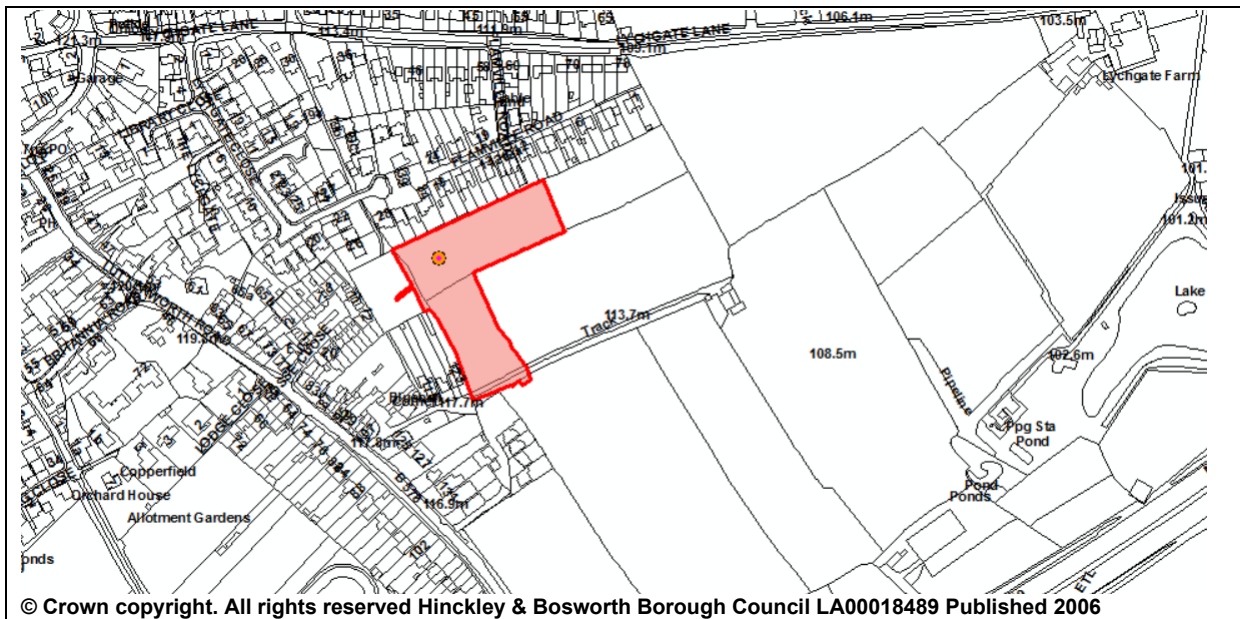
Planning Ref: 24/00139/FUL  
Applicant: Mr Paul Waterfield  
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth  
Borough Council

Site: Land North Of Deepdale Farm, Lutterworth Road, Burbage

Proposal: Full planning application for the provision of additional 23 Residential Dwellings Including Vehicular Access, Landscaping, Drainage and all other Associated Works.



## 1. Recommendations

### 1.1. Grant planning permission subject to

- The completion of a S106 agreement relating to affordable housing, open space provision, biodiversity net gain and the financial contributions detailed above.
- Planning conditions outlined at the end of this report

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

1.3. That the Head of Planning be given delegated powers to determine the terms of the S106 agreement including trigger points.

## 2. Planning application description

2.1. This planning application seeks full planning permission for the provision of 23 dwellings and associated infrastructure at Land North of Deepdale Farm, Lutterworth Road, Burbage. The site is part of the approved Lutterworth Road, Burbage development site which is currently under construction and will provide 135 dwellings. This proposal seeks approval for 23 dwellings (with associated infrastructure) on part of the site that is currently proposed to be retained as grassland/open space.

- 2.2. The development consists of 18 market dwellings and 5 affordable dwellings. Access is proposed to be taken from the adjacent development which is currently under construction. The development is proposed as an L-shaped extension to the north of the existing development, with a pedestrian access link proposed to Lychgate Close via the existing PRow to the north west of the site.
- 2.3. No additional open space is proposed as part of the development, the development seeks to utilise existing open space approved as part of the wider development which can be found to the east and south of the application site itself.
- 2.4. The dwellings are proposed to be traditional in design, with a range of 2-2.5 storey dwellings. The predominant material would be red brick with all properties proposed to have pitched tiled roofs.

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

- 3.1. The Site, is located to the east of Lutterworth Road, on the south-easterly edge of Burbage. As detailed above the site is part of the approved Lutterworth Road, Burbage site which is currently under construction and is providing 135 dwellings. The adjacent development is referred to as the 'wider development' within this report. A more detailed summary of the application history is included in paragraphs 4.3 and 4.4 of this report.
- 3.2. The site is approximately 0.91 ha in size and lies to the north of the wider development. The site comprises two adjoining field meadows separated by a hedgerow with trees which runs east to west through the centre of the site. The site is bound by fencing and scrub along the northern and western boundaries, which back onto existing gardens and residential housing to the north (Flamville Road and Lychgate Close) and to the west (Lutterworth Road). Further residential development has been permitted to the north east of the site off Lychgate Lane, this is separated from the site by intervening open space/BNG areas.
- 3.3. A PROW runs north to south adjacent to the north western corner of the site and links Lychgate Close to Lutterworth Road.
- 3.4. The M69 lies approximately 330m to the south of the site.
- 3.5. There are no designated or non-designated heritage assets within the site or within the vicinity of the site.

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

#### **19/01405/OUT**

- Residential development of up to 135 dwellings (Outline- access only)
- Allowed at appeal
- 06.10.2021

#### **22/00636/REM**

- Approval of reserved matters (appearance, landscaping, layout and scale) for the erection of 135 dwellings pursuant to Outline Planning Permission 19/01405/OUT. (Appeal ref APP/KR420/W/20/3265143)
- Approved
- 06.07.2023

#### **23/00160/NMA**



- Non material amendment to planning permission 19/01405/OUT. Amendment to the wording to condition 20 to reflect the latest biodiversity metric
- Approved
- 20.04.2023

#### **23/00977/NMA**

- Non material amendment to planning application 22/00636/REM. Amendments to House types, Parking spaces, Garages, driveways, affordable housing plots, materials.
- PERNMA
- 25.10.2023

#### **24/00388/NMA**

- Non material amendment to 22/00636/REM. Amendment substitution of house type on plots 93 & 112-119.
- PER
- 29.05.2024

- 4.1 Various other applications to discharge conditions relating to applications 22/00636/REM and 19/01405/OUT have been received and approved.
- 4.2 The planning history for the site is pertinent in this case and is explained in further detail below. The scheme seeks permission for an additional 23 dwellings beyond those approved and currently being developed at Lutterworth Road, Burbage.
- 4.3 Application 19/01405/OUT was an outline application which was initially submitted for up to 165 dwellings before being amended to seek permission for up to 135 dwellings. This application was allowed at Appeal in 2021. The application site for the application being considered was included within the red line application boundary for application 19/01405/OUT. The indicative masterplan assessed as part application 19/01405/OUT also included dwellings positioned on the parcel of land now considered for development under this application. The development of 135 dwellings across the site (including this application site) was accepted in principle, with conditions and a legal agreement securing the provision of open space, ecological enhancements and the provision of biodiversity net gain including through off site credits.
- 4.4 At reserved matters stage (22/00636/REM), where approval of the detail of the layout, scale etc of the dwellings was sought, the placement of the 135 dwellings was amended from the illustrative layout considered at Outline stage and the dwellings were instead approved on the southern parcels of the wider application site. The parcel of land where the additional 23 dwellings are now proposed was to be retained as open space and for ecology/biodiversity net gain purposes. Subsequent minor amendments to the layout have been approved under the aforementioned non-material amendment applications but no development with the exception of a portion of road is included in the area now proposed to be developed for 23 houses.

## 5. Publicity

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

5.2. 18 objections have been received from 11 households, these are summarised below:

### *Principle of development:*

- Burbage is being ruined by constant unrequired housing developments.
- The development is not infill development
- The site is in the countryside and outside of the settlement boundary

### *Infrastructure:*

- The area is already over populated, lack of facilities, schools, dentists and transport in/out routes make the area congested.
- Local health services are constrained, putting health of local residents at risk through negligence of increasing the population in an already overly populated village

### *Roads/Highways:*

- Traffic already builds up in the area and on the A5
- The application will increase traffic and congestion issues in the local area
- Concerns about public rights of way and their retention from the approved plans under 22/00636/REM

### *Flooding/Drainage:*

- Concerns about flooding given that existing properties on Flamville Road sit lower than the site

### *Ecology:*

- The site was considered as part of a biodiversity protection zone
- The application was received after the Biodiversity Net Gain (BNG) requirements came into force and should be rejected given it does not offer a calculation. *Officer Note: The application was received immediately prior to the date for mandatory 10% BNG.*
- The development site contains species rich habitats of principal importance
- The application goes against the council's targets to maintain BAP habitat and Local Wildlife Sites.
- Concerns about false statements in the application stating that there are no priority species or important habitats or other biodiversity features on the proposed development location.
- The field is a wildlife corridor and home to a variety of wildlife including pheasants and bats.

### *Character/Design:*

- Harm to the character of the surrounding area, countryside and landscape
- Harm to the character and history of Burbage
- Concerns that the layout is not in keeping with existing houses

### *Residential Amenity*

- Harm to the mental wellbeing of residents
- Loss of privacy and light and a sense of enclosure to No 34 Lychate Close and Flamville Road properties
- Concerns that the back gardens will completely overlook existing dwellings

### *Archaeology and Heritage*

- Harm to ridge and furrow

*Other matters:*

- "The developer promised to keep these fields free of development as part of the appeal/approval, they are untrustworthy and should be held to previously agreed promises".
- Concerns that the development would be in breach of the previous planning permissions

## **6. Consultation**

- 6.1. Consultee responses are summarised below. With the exception of Burbage Parish Council no objections have been received.

Burbage Parish Council

- 6.2. "Burbage Parish Council objects to this application for the following reasons:
- Existing public services in the parish, including GP and dental practices, are already straining to cope with current demand.
  - Schools within the parish are already over-subscribed and no further provision is proposed. The Council is aware of a recently approved application to expand facilities at Hastings High School but would point out that this has been planned to meet only current requirements and not future growth.
  - The development would generate further traffic, adding to existing issues across the parish. Existing infrastructure is already unable to cope at peak times and no improvements are proposed".

Lead Local Flood Authority

- 6.3. "The site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding.
- 6.4. The application is for additional residential units and related infrastructure to a 135 dwelling development approved in application reference 19/01405/OUT with surface water drainage conditions subsequently discharged.
- 6.5. The proposed surface water drainage seeks to discharge to the existing drainage sewer in the wider development. This proposes to discharge into the earlier phase at an unlimited rate. Subsequent to the previous LLFA response the applicant has submitted a new revision of drainage network calculations for Phase 1. Within this the applicant has included the contributing area to surface water drainage of the Phase 2 development proposed in this application. The modelled results of this contribution in critical storm events are deemed acceptable".
- 6.6. Conditions recommended

HBBC Drainage

- 6.7. "Whilst a drainage strategy has been provided for the proposed development, an assessment of the impact on the approved drainage network of Phase 1 has not been submitted as previously requested".
- 6.8. Officer Note- The above is addressed in the Lead Local Flood Authorities comments above.

HBBC Waste Services

- 6.9. "The collection point for domestic recycling, garden waste and refuse is from the adopted highway boundary."

- 6.10. “A bin collection point needs to be installed for plots 15 and 16 due to the shared driveway. This will then meet with the Councils requirements.”

LCC Highways

- 6.11. “The Local Highway Authority advice is that, in its view, 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 (December 2023), subject to the conditions and/or planning obligations outlined in this report”.
- 6.12. Detailed comments from LCC highways are included within the relevant highways section of the report.

LCC Archaeology

- 6.13. “Having reviewed the application against the Leicestershire and Rutland Historic Environment Record (HER), we can confirm that previous trial trench evaluation undertaken within the application area has indicated a low archaeological potential. Whilst we would regret the partial loss of ridge & furrow earthworks as a result of the proposals, the impact of this has been offset through a satisfactory programme of archaeological recording (topographic survey) in response to the previous planning application. As such we would therefore advise that the application warrants no further archaeological action (NPPF Section 16, para. 200-201)”.

LCC Waste and Minerals

- 6.14. “The application site is located entirely within a Mineral Safeguarding Area for sand & gravel as identified on Map (relevant map number) of the Leicestershire Minerals and Waste Local Plan (2019-31) (MWLP) and Policy M11 outlines that mineral, including sand & 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.
- 6.15. It is the case however that whilst Biodiversity offset is different in its effects on mineral safeguarding than the construction of housing, as the site is very close to extant housing it is unlikely that mineral resources could be worked. It is also acknowledged that this area forms part of the approved planning layout for 22/00636/REM and therefore the wider site already has outline permission for housing as part of this application. As such the County Council has no objections to the proposal”.

LCC Planning Obligations Team

**Summary of Infrastructure Requirements**

<b>Infrastructure Category</b>	<b>Location / Description</b>	<b>Amount</b>
Libraries	Burbage Library	£664.35
Waste	Barwell HWRC	£1,139.19
Primary Education (Infant)	Burbage Church of England Infant School - No requirement	£0.00
Primary Education	Burbage Junior School	£65,916.40
Secondary Education (11-16)	Hastings High School	£62,691.13
Post 16 Education	The Hinckley School	£13,393.61
<b>Total</b>		<b>£143,804.68</b>

National Highways

- 6.16. "The traffic generated by the proposed development is not expected to have an adverse impact on the operation of the SRN. National Highways therefore has no objection to this application."

NHS England

- 6.17. A contribution request of £17, 811.20 for the use at Station View Health Centre and/or Burbage Surgery and or to develop alternative Primary/Community healthcare infrastructure that will be directly impacted due to the increase in population linked to this housing development.

HBBC Affordable Housing Officer

- 6.18. "The applicant is offering 2 x 1 bed 2 person houses, 2 x 2 bed 4 person houses and 1 x 3 bedroom 5 person house as the affordable housing offer. This is an acceptable mix and the properties are of an acceptable size. Although the number of dwellings is small, it is part of a larger development and therefore it is expected it may attract RP interest as part of the total number of dwellings.

- 6.19. As this site is in the urban area, the section 106 agreement should contain a requirement for applicants for rented properties to have a local connection to the Borough of Hinckley and Bosworth. First Homes applicants will also be required to have a local connection. The Borough Council is following national guidance with respect to First Homes properties, therefore the local connection will be set as people who have current residency, employment requirements, family connections or special circumstances, such as caring responsibilities. The level of discount for the First Homes properties will be at 30% discount from open market values".

HBBC Compliance and Monitoring Officer

- 6.20. "I can see that an additional 23 dwellings has been proposed on the existing grassland which is included in application 19/01405/OUT & 22/00636/REM. This will result in a significant loss of existing open space to be retained for biodiversity enhancements."

- 6.21. "Should the development be found to be acceptable I would be asking for additional equipped and casual informal plus accessible natural green space on site and an off site for outdoor sports."

HBBC Environment Team

- 6.22. Conditions are requested relating to contaminated land surveys, a Construction Environmental Management Plan and Construction Hours.

LCC Ecology

- 6.23 "With regard to the BNG part of the phase 2 development, I am satisfied with the rationale for the approach towards the ecological baseline taken in the RammSanderson letter dated 12<sup>th</sup> November, given the time lapsed since the initial survey was undertaken in 2019 by Focus Environmental Consultants. This new baseline should inform the current planning application for phase 2. I am also satisfied with the information that has been put forward in this letter, regarding the habitat type and condition with respect to the definition of "modified grassland" against the criteria in UK Hab. I would therefore expect the difference between the pre- and post-development habitat value to use the RammSanderson new baseline.

- 6.24 However, I would recommend that the determining authority seeks clarification with respect to the separate, prior approved application being referred to as "surrounding development" in the letter. My concern is that if this current planning application is on the BNG area in relation to this new planning application, then the BNG in relation to the original application must be revised. The original agreed baseline (ie.

that supplied by Focus Environmental Consultants) should continue to be applied for this separate planning application. New BNG information needs to be submitted for post-development habitat value, which addresses the BNG required at an alternative location. I would recommend that this is dealt with either before or at the same time as the current planning application if possible, or the BNG issues may not be addressed and will remain outstanding. This can be submitted on two separate metrics or combined (ie to show remaining BNG value on the area now being built out plus the new BNG location)".

## **7. Policy**

### **7.1. Core Strategy (2009)**

- Policy 4: Development in Burbage
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Borough's Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

### **7.3. Burbage Neighbourhood Plan 2015-2026 (2021)**

- Policy 1: Settlement Boundary
- Policy 2: Design and Layout
- Policy 4: Parking
- Policy 5: Footpaths and Cycleways
- Policy 11: Area of Landscape Sensitivity
- Policy 12: Important Trees

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

- National Planning Policy Framework (NPPF) (2024)
- 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
- Landscape Character Assessment (2017)
- Landscape Sensitivity Study (2017)

- The Green Infrastructure Strategy (2020)
- Open Space and Recreation Study (2016)
- Affordable Housing SPD (2011)
- Housing Needs Study (2024)

## **8. Appraisal**

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

- Principle of development
- Housing mix and supply
- Design, layout and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Archaeology
- Impact upon highway safety
- Flooding/Drainage
- Open Space
- Ecology
- Infrastructure and development contributions
- Planning balance

### Principle of Development

8.2. 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. Paragraph 2 of the National Planning Policy Framework (NPPF) repeats this and states 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.

8.2 Paragraph 11 of the NPPF and Policy DM1 of the Site Allocations and Development Management Policies (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 current Development Plan consists of the adopted Core Strategy (CS), the adopted SADMP and the Burbage Neighbourhood Plan (BNP).

8.3 The Emerging Local Plan for 2020-41 has been consulted upon at Regulation 18 draft stage, with the consultation period ending in September 2024. The latest Local Development Scheme (LDS) outlines further public consultation on the submission Draft Plan (Regulation 19) in 2025. At this stage given its early stage of preparation the Emerging Local Plan is attributed no weight when determining this application.

8.4 The CS sets out the settlement hierarchy for the Borough. Burbage is identified as a sub-regional centre, Policy 4 allocates land in Burbage for development of a minimum of 295 residential dwellings, seeking to diversify existing housing stock in accordance with policies Policy 15 and 16. Burbage is generally a sustainable location for housing with reasonable services and facilities.

8.5 However, the site lies outside, albeit adjacent to the settlement boundary of Burbage as identified on the Borough Wide Policies Map and BNP. The site is therefore located within the designated open countryside. Policy DM4 of the SADMP is therefore relevant, the policy states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside

from unsustainable development. The policy only considers 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.

In summary, the application site is within the designated open countryside, and it does not relate to, or comply with, any of the criteria in Policy

8.6 The development does not relate to, or comply with, any of the above criteria in Policy DM4 of the SADMP. However, this does not mean that the development is not sustainable. Importantly, 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.

8.7 Policy 1 of the BNP is more up to date than Policy DM4 of the SADMP. Policy 1 is more flexible in that it is supportive of residential development on land within or adjacent to the settlement boundary, subject to the development complying with other development plan policy. The development is adjacent to the settlement boundary and therefore accords with Policy 1 of the BNP.

8.8 Policy DM17(b) 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. The site is located within walking distance to the centre of Burbage which contains shops, eateries and services alongside the primary school. The site is within 500-800m of a bus stop which provides reasonable access to higher order services within Hinckley and Nuneaton. A pedestrian link previously included in the wider development linking the site to the PRoW between Lychgate Close and Lutterworth Road is retained in the proposal, this provides a more direct link to the village centre. Overall, the site is in a sustainable location whereby future occupants would not be reliant on private cars and would have a choice of sustainable transport modes. The proposal complies with Policy DM17(b) in that regard.

8.9 The planning history is a material consideration for this application. The application site was included in the original outline application for 135 dwellings, the Inspector when approving the application did not raise issue with the locational sustainability of the site. The principle of housing on this parcel was previously accepted. As with the original development, there is policy conflict with Policy DM4, this must be weighed in the planning balance. The proposal does however comply with Policy 1 of the BNP and Policy DM17(b) of the SADMP.

#### Housing Mix and Supply

8.10 The NPPF was updated on 12 December 2024 and the National Planning Practice Guidance (NPPG) has revised the standard method for calculating the local housing need assessment. As a result, the Council must re-visit its Five-Year Housing Land Supply (5YHLS) position. Whilst further assessment must be made, the Council are



now unlikely to be able to demonstrate a 5YHLS, which is one of the circumstances for engaging the 'tilted' balance of Paragraph 11(d).

- 8.11 In any event, due to the age of relevant housing policies within the adopted CS, the 'tilted' balance in Paragraph 11(d) of the NPPF (2024) is already triggered in accordance with Footnote 8 and Paragraph 11.
- 8.12 The revised NPPF states that when the 'titled' balance is engaged, decision making must have particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination. Overall, the new NPPF means that the Council can no longer demonstrate a five-year supply of land for housing and that further weight should be given to housing applications. In light of this the provision of 23 dwellings to the Borough's supply of land for housing is considered to attract moderate weight within the planning balance.
- 8.13 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.
- 8.14 Policy 15 of the CS sets out that a minimum of 2,090 affordable homes will be provided in the Borough from 2006 to 2026. At least 480 dwellings will be in the rural areas, at a rate of 40%. The rest will be delivered in urban areas such as this site at a rate of 20%. For all sites, Policy 15 of the adopted Core Strategy requires a tenure split of 75% social rented units and 25% intermediate housing units.
- 8.15 Paragraph 66 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across Social Rent, other affordable housing for rent and affordable home ownership tenures.
- 8.16 The Borough has an unmet affordable housing need, and this is given significant weight in the planning balance. The Housing Needs Study (2024) identifies a Borough net need of 430 affordable homes per annum, the study identifies a specific net need of 39 units in Burbage Sketchley and Stretton Ward per annum.
- 8.17 HBBC's affordable housing officer considers that the proposed provision of 2 x1 bed 2 person houses, 2 x 2 bed 4 person houses and 1 x 3 bedroom 5 person house (5 affordable units in total) as the affordable housing offer is an acceptable mix and the properties are of an acceptable size. Although the number of dwellings is small, it is part of a larger development and therefore it was hoped that it may attract Register Provider (RP) interest as part of the total number of dwellings. However, the Developer has found difficulty in finding a RP for the wider site and is seeking permission to instead provide a Commuted Sum for the previously approved affordable units. For this development the applicant has expressed they still wish to find a RP, however, it is recommended that the S106 includes fall-back position allowing the applicant to provide a commuted sum to HBBC in the event an RP cannot be secured. The proposal complies with Policy 15 of the CS and whilst a small number of affordable units are proposed, given the shortage of affordable units within the Borough and that this proposal would add 5 units to the specific net need of 39 units in its Ward, the provision of affordable units is attributed significant weight in the planning balance.
- 8.18 The market mix of dwellings in comparison to the suggested mix in the HEDNA is included in the table below. There is a slight overprovision of larger units, however, considering this equates to a small number of market dwellings this is not judged to significantly vary from the suggested mix within the Housing Needs Study. The

proposal is in general conformity with the latest housing needs data and therefore Policy 16 of the CS.

Dwelling size (Bedrooms)	HEDNA market percentage equivalent (right)	Suggested dwellings (left)	Mix for by and numbers	Proposed market dwellings (left)	Application Mix of percentage dwelling numbers (right)
1 bed	5%	1		0%	0
2 beds	35%	6		22%	4
3 beds	40%	7		44%	8
4+ bed	20%	4		33%	6

Design, layout and impact upon the character of the area

- 8.19 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 places.
- 8.20 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.
- 8.21 Outside the defined settlement boundaries, the countryside is not regarded as a sustainable location for new development. Section 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment.
- 8.22 Paragraph 187(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...”
- 8.23 This is supported by Policy DM4 of the SADMP, which 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 Polices 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.
- 8.24 Policy DM10(c), (d) and (e) of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials respects the materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.

- 8.25 Policy 2 of the BNP requires future residential development to respect its surroundings and, where appropriate, to follow the existing pattern of development and retain existing important natural features on sites, such as trees, hedgerows and streams.
- 8.26 Policy 10 of the BNP identifies a Key Viewpoint to the north of the application site. Any development that has a significant impact on this Key Viewpoint which cannot be sufficiently mitigated, will not be supported.
- 8.27 Policy 11 of the BNP outlines an area of open countryside which is designated as an area of landscape sensitivity. The site, alongside the wider development, is included within this area. Any new development within this area should:
- a) Seek to avoid development on the higher ridge top area adjacent to the cemetery which forms the immediate rural setting to the historic core of Burbage – and maintain this area as a rural green wedge.
  - b) Plan for successful integration of development in the landscape through sensitive design and siting, including use of appropriate materials and landscape mitigation to enhance sense of place.
  - c) Seek to retain historic field patterns where distinctive s-shaped or dog-leg boundaries remain.
  - d) Retain pattern of hedgerows and hedgerow trees and incorporate further buffer planting to major transport corridors and new development.
  - e) Promote opportunities to maintain and enhance the network of rights of way and consider opportunities to create and promote an integrated green infrastructure network around Burbage, Hinckley, Barwell and Earl Shilton urban edge.
  - f) Protect localised areas that retain a natural character, notably the small areas of seminatural woodland, plus streams and small waterbodies.
- 8.28 Policy 12 of the BNP resists the loss of trees protected by a TPO or trees of significant amenity value. Where any trees are felled as part of a development, there is a presumption that they should be replaced on at least a one to one basis.

#### *Landscape Impacts*

- 8.29 The Hinckley and Bosworth Borough Landscape Character Assessment 2017 (LCA) categorises the site as being within Landscape Character Area F: Burbage Common Rolling Farmland. The LCA identifies key characteristics of the area as gently rolling arable and pasture farmland with medium to large scale rectilinear field pattern bounded by low hedgerows.
- 8.30 The LCA also identifies key sensitivities and values and records that the area east and south of Burbage provides a rural setting to the settlement. The HBBC Landscape Sensitivity Assessment (LSA) identifies the site as being within Sensitivity Area 08: Burbage South and East (Area 08). The LSA also identifies low hedgerows to field boundaries and the semi-rural character of the area. The LSA notes that the settlement of Burbage is situated on higher ground with strong visual connections to the area. In some places linear development has extended out from Burbage along roads and small residential closes and more recent residential development has also crossed the established settlement edge. The landscape is considered to have overall low-medium sensitivity to residential development due to the strong influences of the existing settlement edge and the M69 on the rural agricultural character. In allowing the appeal for the wider site (application reference 19/01405/OUT), the Inspector agreed with the findings of the LCA and the sensitivity of the wider site for development. The LCA goes on to provide guidance to ensure that new development avoids the higher ridge top area adjacent to Burbage cemetery which forms the immediate rural setting to the core of Burbage.

Opportunities should ensure that the pattern of hedgerows and historic field patterns, where distinctive s-shaped or dog leg boundaries remain, are retained.

- 8.31 As outlined above, the current application site was within the application site of the Outline application allowed at appeal, with the masterplan assessed at the time including residential development in a similar location as to the current proposal. At the time of the appeal the Inspector judged that whilst the wider site covered quite a large area, the site is separated into smaller fields as a result of existing hedging which lends the site a degree of containment. Although the LSA recognises that the M69 is a distracting feature in the landscape which interrupts the flow of pasture fields, the Inspector judged that the wider site retained a measure of beauty and its size, relative openness and undeveloped nature forms part of the countryside that contributed towards the rural setting that surrounds Burbage.
- 8.32 The majority of the appeal site was found not to be readily visible from public views, save for those areas which back onto existing housing such as dwellings on Lychgate Close and Flamville Road or from footpath U79 that crosses a small portion of the site. It is this part of the site which is under consideration here. However, the Inspector noted that these properties, and indeed others on Lutterworth Road, are readily apparent from within the site and have a suburbanising impact upon its margins.
- 8.33 Ultimately the Inspector was not persuaded that the development would lead to a total loss of key features and elements that contribute towards the rural setting of Burbage. The Inspector recognised that the wider development was not a field sized development, and clearly hedgerows would need to be removed and the historic field pattern altered or lost. However, a large amount of the existing hedging would be retained and complemented through additional planting. The Inspector concluded that the wider site was not remote, there is no public access to the vast majority of the site and it is also heavily influenced by the presence of suburban features such as the M69, electricity pylons, existing housing on its fringes and its position adjacent to Lutterworth Road and indeed the built-up area of Burbage.
- 8.34 With regards to the layout, whilst the Inspector noted the layout of the proposal was reserved for future consideration, from the illustrative layout they noted that large areas of the appeal site could remain undeveloped. The Inspector commented that the intervisibility between the built up area of Burbage and the nucleus of the appeal site would be limited and development on the periphery would adjoin the existing built up area of Burbage.
- 8.35 Ultimately under the reserved matters approval, development was removed from the current application site and the site was to be undeveloped open space. However, it is clear from the Inspectors decision that they judged development in this location to be acceptable owing to it adjoining the built up area of Burbage. Considering the approved development to the south of the site, the application site would be surrounding on three sides by housing. Whilst views of the site will be possible from surrounding housing and the PRoW it would not appear out of keeping with the immediate built edge of Burbage.
- 8.36 The loss of open space is regrettable from a landscape perspective and does diminish the quality of the approved scheme, however, the open space to be lost is judged to be in a less sensitive location than areas to the east of the site adjacent to the open countryside. A sufficient degree of open land in more sensitive locations is still judged to be retained to ensure that, to a degree, the rural setting of Burbage is preserved.
- 8.37 The Key Viewpoint identified within Figure 27 of the BNP will not be affected by the development and the church spire would remain a dominant feature within the

landscape. Additionally, given its location to the northeast, its distance and intervening landscaping, the development is unlikely to be visible from Burbage cemetery.

- 8.38 Returning to the Inspectors decision for the outline scheme, they noted that, whilst the development would be well related to the existing edge of Burbage in terms of proximity and access off Lutterworth Road, it would result in a built form that would inevitably result in a fundamental change to the character of the landscape, from open countryside to a suburban form. Although this harm could be tempered by additional landscaping, the contained layout and amount of development, the change to the character of the land would nonetheless result in some moderate harm to the character and appearance of the area. The Inspector therefore found conflict with Policy DM4 of the SADMP and Policy 11 of the BNP which seek, amongst other things, to protect the intrinsic value, beauty, open character and landscape character of the countryside from unsustainable development and retain historic field patterns.
- 8.39 Whilst much smaller in scale than the comparable wider development, the present application would continue to cause fundamental change to the character of the landscape from open countryside to suburban form and therefore a degree of conflict with Policy DM4 of the SADMP and Policy 11 of the BNP remains. However, considering the wider development which is now occurring to the south of the site, the proposed housing would be viewed against the backdrop of existing housing on three sides. This alongside the scale of development is judged to temper the harm of the current application to minor harm to the character and appearance of the countryside.

#### *Design and Layout*

- 8.40 The layout of the proposed development differs from the pattern of development approved on the wider site in that it is an L shaped spur of development continuing the main spine road of the development to the south east. Plots 136-140 are positioned to visually continue the linear development of 115-123 Lutterworth Road although no access is proposed at this point.
- 8.41 The L shaped layout of the development is not wholly in keeping with the existing approved pattern of the development. However, the proposed layout is a variation to the illustrative layout considered at outline stage which the Inspector judged to be acceptable. The proposed housing backs on to existing development on each side with the front elevations facing over the open space/BNG areas which provides some context and a focal point for the proposed layout. Furthermore the layout as proposed largely retains and responds to the existing field boundary hedge which runs north east-south west within and adjacent to the site.
- 8.42 Twelve different housetypes are proposed which is a good degree of variation for a development of 23 dwellings. The housetypes match those used on the adjacent development and are in keeping with the surrounding built form. A good degree of architectural detailing is proposed including a mixture of brick course detailing, chimneys, stone window arches, feature bay windows and some limited mock tudor detailing to dormer windows. The predominant facing material is proposed to be brick with a range of four facing brick types proposed, roofing materials are a mixture of slate, red and russet tiles. The materials are similar to those used on the wider development and again are in keeping with the prevailing character of the area.
- 8.43 Boundary treatments would include 1.8m close boarded fencing to private amenity areas, publicly visible boundaries are proposed to be 1.8m high brick screen walls. Plots 153 and 158 are proposed to have front gardens enclosed by 0.8m high black

ball top railings. The boundary treatments are judged to present good quality design.

- 8.44 Soft landscaping includes shrub and hedgerow planting to plot frontages and along screen walls. Frontage tree planting is proposed along the access road including a mixture of Hornbeam, Magnolia and Birch trees. The existing field boundary hedgerows are largely to be retained and existing trees within the hedgerow and site boundaries are retained.
- 8.45 The Good Design Guide encourages the provision of parking in a range of ways to suit the context, character and density of a site. Parking is generally on plot to the side of houses in driveways, around half of the plots also have garages. An acceptable level of frontage parking is proposed, where there are rows of frontage parking it is broken up by sufficient landscaping areas.
- 8.46 Acceptable waste bin storage and collection points have been provided and shall be conditioned with the exception of plots 150 and 151 which require an additional bin collection point to be provided adjacent to the highway. A condition requiring details of a bin collection point for plots 150 and 151 is therefore recommended.
- 8.47 The design and layout of the development is therefore considered to comply with Policy DM10 of the SAMDP and Policy 2 of the Burbage NP. However, as outlined above by virtue of the fundamental change to the character of the landscape from open countryside to suburban form a degree of conflict with Policy DM4 of the SADMP and Policy 11 of the BNP remains. However, the harm is considered to be minor considering the presence of the wider development and the scale/location of this proposal. This will be weighed in the planning balance.

Impact upon neighbouring residential amenity

- 8.48 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.
- 8.49 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.
- 8.50 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.
- 8.51 The internal plot relationships are acceptable with separation distances that exceed the guidance within the Good Design Guide. All plots have gardens and all are afforded with garden sizes which again comply with the depth and area requirements contained within the Good Design Guide. On most plots the garden sizes noticeably exceed the requirements.
- 8.52 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. It is considered that the dwellings comply with the internal floor space standards of required by the THS.

- 8.53 There are a number of existing residential properties which adjoin the site, this includes properties to the north of the site off Lychgate Close and Flamville Road and properties to the west/south west of the site off Lutterworth Road. The development will permanently alter the outlook of these properties who currently have reasonably open views of countryside, albeit with some views of the wider development. Loss of or change to a view is not however a material planning consideration. Separation distances between neighbouring dwellings and the proposed units exceed the separation distance of 21m outlined within the Good Design Guide. The distance is judged to mitigate adverse amenity impacts such as loss of light, overdominance and loss of privacy sufficiently.
- 8.54 Some existing residents will experience additional overlooking into private garden areas. For those to the north of the site the separation distances will mitigate this sufficiently. 123 Lutterworth Road is located to the west of the site and the rear elevations of Plots 141-147 would overlook the side boundary of these properties garden. It is likely that despite a separation distance being in excess of 16m to the boundary owing to the extent of properties and associated habitable room windows some loss of privacy would occur to the garden of this property. Additional mitigation has therefore been secured through additional tree planting along this shared boundary. It is acknowledged that this will take time to mature and for the full benefit to be experienced, however, ultimately the additional overlooking to this property is not considered to be of a degree which would warrant refusal of the application.
- 8.55 The application is therefore considered to comply with policy DM10 of the SADMP with regards to residential amenity.

#### Archaeology

- 8.56 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.
- 8.57 Previous trial trench evaluation undertaken within the application area has indicated a low archaeological potential. The partial loss of ridge & furrow earthworks on the wider site as a result of the proposals has previously been considered and the impact of this has been offset through a satisfactory programme of archaeological recording (topographic survey) in response to the previous planning application.
- 8.58 The proposal therefore complies with policy DM13 of the SADMP and no further conditions relating to archaeology are required.

#### Impact upon highway safety

- 8.59 Section 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that in assessing specific applications for development it should be ensured that sustainable transport modes are prioritised, safe and suitable access to the site can be achieved for all users, the design of streets, parking areas and other transport elements reflect national guidance. 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.
- 8.60 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, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.

- 8.61 Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.62 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.63 Policy 4 of the BNP requires at least two off-street parking spaces within the curtilage for each new 2 bed or larger dwelling unless it is unachievable, for example in an infill plot in a row of terraces.
- 8.64 Policy 5 of the BNP states that the protection of footpaths and cycleways will be supported.
- 8.65 Leicestershire County Council (LCC) as the Local Highway Authority (LHA) commented that they were aware of application reference 19/01405/OUT, which was originally for 165 dwellings. The LHA advised no objection subject to conditions and contributions to that proposal on 5th March 2020. The Applicant did however subsequently reduce the scale of the proposals to 135 dwellings and the LHA then again advised no objection subject to conditions and contributions on 28th August 2020. No objections are raised to this current application and the addition of 23 dwellings.

#### *Site Access*

- 8.66 The site would be accessed via a continuation of Road 01 of the adjacent development which was granted planning permission as part of application reference 22/00636/REM. The site connects to the adopted highway at Lutterworth Road, a B classified road (B578) subject to a 30mph speed limit. The access arrangements on to the adopted highway were approved as part of application 19/01405/OUT. The LHA advise it does not foresee any highway safety concerns in respect of extending Road 01 in to the site given the LHA advised no objection to the overall development access on to Lutterworth Road for up to 165 dwellings and the proposals would result in 158 dwellings being built at the site, it also has no concerns with the intensification in use which the additional 23 dwellings could generate.

#### *Highway Safety*

- 8.67 Based on available records to the LHA, there has been one Personal Injury Collision (PIC) recorded within 500m either side of the site access with Lutterworth Road within the last five years up to the end of December 2023. This was recorded as slight and involved a single vehicle and wildlife in the road.

#### *Trip Generation*

- 8.68 As detailed above, the LHA has previously advised no objection to a development of 165 dwellings at the site. Whilst that assessment would now be considered out of date, based on the scale of development proposed a detailed new assessment in to the level of traffic that could be generated has not required by the LHA.

#### *Internal Layout*

- 8.69 The acceptability of an adopted road layout is subject to a Section 38 (S38) agreement in accordance with the Highways Act (1980). In order for the site to be suitable for adoption, the internal layout must be designed fully in accordance with



the Leicestershire Highway Design Guide (LHDG). The LHA has reviewed the plans and advise that whilst the road is designed to an adoptable standard, some additional points such as speed control measures will need to be included in the scheme for it to achieve adoptable standards. The additional measures are minor and would be incorporated as part of the Section 38 process.

#### *Parking Provision*

- 8.70 On the whole the parking arrangements are in accordance with the LHDG. Some of the garage dimensions are below the dimensions stated within the LHDG and therefore cannot be counted towards usable parking spaces. Whilst this means Plot 19 is short of one parking space, the LHA do not consider this could lead to inappropriate parking within the highway to the detriment of highway safety. All other plots are considered to have an appropriate level of parking without the garage provision. The LHA also advises that the dimensions of the parking spaces are in accordance with the LHDG.

#### *Transport Sustainability*

- 8.71 Given the proposals would represent an additional 23 dwellings over and above those permitted at the wider site, the LHA advises that the Applicant should provide one travel pack (currently £52.85 per pack if supplied through LCC) and two x six month bus passes (currently £510 each for an Arriva service) per dwelling in the interests of encouraging sustainable travel to and from the site. Whilst the proposals are not of a scale which requires a Travel Plan (TP), the LHA has also strongly advised and encouraged the Applicant to include the additional 23 dwellings within the TP for the wider site, this has been added as a note to applicant.

#### *Construction Management Plan*

- 8.72 A construction management plan and route and traffic management plan have already been agreed for the wider development. A condition requiring construction is carried out in compliance with these plans is therefore included.

#### *Public Rights of Way*

- 8.73 Public Footpaths No. U79 is located within the north west corner of the site but would not be affected by the proposals. However, a link from the footpath into the wider site is to be provided. This is welcomed and improves pedestrian connectivity to/from the site.

#### *Conclusion*

- 8.74 In conclusion the highway arrangements are considered to be acceptable and to comply with policies DM17 and DM18 of the SADMP, policies 4 and 5 of the Burbage NP and the LHDG.

#### Flooding and Drainage

- 8.75 Policy DM7 of the SADMP outlines that adverse impacts from flooding will be prevented. Developments should not create or exacerbate flooding by being located away from area of flood risk unless adequately mitigated in line with National Policy. Policy DM10 outlines the requirement for an appropriate Sustainable Drainage Scheme.
- 8.76 Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states applications which could affect drainage on or around the site should incorporate sustainable drainage systems to control flow rates and reduce volumes of runoff, and which are proportionate to the nature and scale of the proposal. These should provide multifunctional benefits wherever possible, through

facilitating improvements in water quality and biodiversity, as well as benefits for amenity. Sustainable drainage systems provided as part of proposals for major development should: a) take account of advice from the Lead Local Flood Authority; b) have appropriate proposed minimum operational standards; and c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development.

- 8.77 The site is located within Flood Zone 1 being at low risk of fluvial flooding and a low to medium risk of surface water flooding.
- 8.78 The proposed surface water drainage seeks to discharge to the existing drainage sewer in the wider development. This proposes to discharge into the earlier phase at an unlimited rate. The applicant has submitted a new revision of drainage network calculations for the approved development, within this the applicant has included the contributing area to surface water drainage of the development proposed in this application. The modelled results of this contribution in critical storm events are deemed acceptable to the Lead Local Flood Authority. Further conditions have been included requiring the submission of a surface water drainage scheme and management plan. Subject to these conditions, the development complies with Policy DM7 of the SADMP.

#### Open Space

- 8.79 Policy 19 of the Core Strategy sets out standards to be used in relation to green space and play provision in the Borough to ensure all residents have access to sufficient, high quality, accessible green spaces and play areas.
- 8.80 No open space is proposed as part of this development and this proposal seeks to construct housing on land which was to be open space as part of the wider development. As a result, were the development to proceed, the development as a whole would include more housing with less open space than originally approved under applications 19/0105/OUT and 22/00636/REM. Paragraph 140 of the NPPF is clear that Local Planning Authorities (LPAs) should seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme. It could be argued that the quality of the resultant development would be diminished should this application be approved, as future residents would have access to less open space and there would be a knock on impact on the on-site BNG provided. Therefore ensuring adequate public open space for not only the additional 23 units proposed within this application but the adjacent development of 135 dwellings has been a key issue during the determination of this application.
- 8.81 The applicants have demonstrated that even with the loss of the open space for the housing and associated infrastructure, the development as a whole would still result in the over-provision of all typologies of open space. In total a development of 158 dwellings (calculated on the basis of the wider development and the additional 23 units) would require a total of 9543.2 m<sup>2</sup> of open space split across equipped children's play space, casual/informal play space and accessible natural green space. The development would provide 22, 682 m<sup>2</sup>. In addition to this additional 10,602m<sup>2</sup> of BNG area is also proposed, however, this would be inaccessible. A contribution towards outdoor sports provision would be secured through the S106 agreement.
- 8.82 Therefore overall whilst the development would lead to a loss of open space when considering the originally approved development, the development continues to significantly overprovide open space for a development of the total scale. Thus the quality of the development would not be diminished to an unacceptable level and future residents would benefit from adequate open space.

## Ecology

- 8.83 Policy DM6 of the SADMP states that major development must include measures to deliver biodiversity gains through opportunities to restore, enhance, and create valuable habitats, ecological networks, and ecosystem services. On-site features should be retained, buffered, and managed favourably to maintain their ecological value, connectivity, and functionality.
- 8.84 Policy 8 of the BNP seeks to protect local wildlife sites within the Parish (with none on site) and Policy 9 of the BNP seeks to maintain wildlife and green corridors, including species rich hedgerows, with the nearest important hedge located off the site to the north east along Lychgate Lane.
- 8.85 The application was submitted prior to the introduction of mandatory Biodiversity Net Gain (BNG), there is therefore no mandatory requirement to achieve a 10% gain in biodiversity. However, Policy DM6 of the SADMP does require major development to deliver biodiversity gain.
- 8.86 The application has been supported by a suite of ecological information include a Preliminary Ecological Appraisal Report and Biodiversity Impact Assessment Rationale Letter. The site history is also of relevance here with the original outline consent including conditions and clauses within the S106 agreement securing BNG and ecological mitigation/enhancements including grass translocation on/from the site.
- 8.87 Further ecology surveys of the current site have been undertaken utilising an up-to-date BNG metric. The methodology of the updated baseline for the application site has been accepted by LCC Ecology.
- 8.88 Grassland areas on the application site will be lost to the development. The Local Wildlife Site (LWS) criteria for Leicester, Leicestershire and Rutland (Leicestershire County Council, 2011) has been reviewed, it has been deemed that the site no longer meets LWS criteria. This is due to the grassland species diversity (in particular, herb abundance and diversity) having decreased since 2020. Less than 20m of hedgerow would be affected by the scheme. All trees with potential for bat roosting within the site are to be retained. And overall subject to working practice recommendations the development is unlikely to harm species such as badger, bats and great crested newts. A condition is required requiring compliance with the recommendations of the Preliminary Ecological Appraisal Report in that regard.
- 8.89 Turning to BNG the Biodiversity Impact Assessment (BIA) based on the current application alone concludes that post development the Scheme would result in the loss of 5.35 area-based habitat units (a 86.56% loss) and a loss of 0.91 hedgerow units (a 30.07% loss). Whilst the development is not subject to mandatory BNG, the biodiversity gain hierarchy (UK Government, 2024) states that habitat offsetting for BNG should be focused on-site as a priority. However, due to the small scale of the site, there are only limited opportunities for habitat compensation/enhancement measures which means that achieving 10% BNG within the site boundary itself is unlikely. As such, off-site compensation will be required to offset the BNG losses a result of the scheme.
- 8.90 A draft enhancement scheme has been submitted with the application which includes enhancing grassland on the wider site (areas which would not be developed) to a good condition. Other measures include the creation of scrubland. If these measures are achieved the development would achieve a gain of 22.13% for area-based habitat. For hedgerow habitats it is recommended that a minimum of 0.12km of species-rich hedgerow with trees is created either on-site or off-site (potentially around the field boundaries). This would achieve a gain of 10.15% for hedgerow habitats.

- 8.91 Other enhancements are recommended such as bird and bat boxes which would not contribute to the BNG figure but would lead to ecological enhancement on site more generally. The application has therefore demonstrated to a sufficient level that biodiversity gains can be achieved on/offsite to comply with Policy DM6. However further detail is required ensuring the submission and approval of full BNG mitigation and enhancement measures, these measures should broadly accord with the recommendations of the submitted BIA. This will address biodiversity gain for the 23 dwellings proposed under this application.
- 8.92 However, the LPA must also consider the loss of/amendments to the BNG strategy for the wider development. The application site currently contributes to the wider site's BNG strategy, grassland which would have been retained as part of this strategy would be built on to provide the 23 dwellings. Therefore if the application were approved the site and grassland would no longer contribute towards the BNG enhancement strategy for the wider site. Similarly to the open space assessment, this development would diminish the quality of the wider development through the loss of on-site BNG. Were the previous development or the current application subject to mandatory BNG the biodiversity gain hierarchy would provide a more robust argument to resist the loss of on-site BNG as the hierarchy states that habitat offsetting for BNG should be focused on-site as a priority. However, in this case, both applications pre-date mandatory BNG and the BNG hierarchy. Furthermore, the wider site was approved in the knowledge of and subject to some off-site habitat offsetting as solely on-site BNG mitigation was not sufficient.
- 8.93 The principle of off-site BNG enhancement has therefore already been accepted and were the current application accepted the applicant proposes to offset the BNG through the use of further BNG credits ("offsetting the offset"). This will require amendments to the approved BNG related conditions and the S106 agreement for the original application (19/01405/OUT). The applicant is committed to submitting an application for these amendments as soon as possible should this application be granted an approval resolution by Planning Committee. Should this application be approved, the applicant will be required to amend the original application for the development to be lawful. Ultimately, through the amendment to the original application the same level of BNG can be secured, however, the level of off-site BNG would need to be increased to compensate for the loss of on-site BNG.
- 8.94 In conclusion, the development of 23 dwellings is acceptable subject to the submission of further detailed BNG enhancements. Subject to the final detail, 10% BNG can be achieved for the current application. However, the development would lead to the loss of on-site BNG for the original development which is clearly regrettable and does diminish the quality of the previously approved scheme. Notwithstanding this, a mitigation strategy has been proposed which would provide compensatory BNG off-site credits. This would ensure that BNG is provided for the 23 dwellings in addition to the BNG enhancements required for the original development, however, more would be provided off-site. Overall, subject to conditions and a legal agreement, the application is therefore considered to comply with Policy DM6 of the SADMP.

#### Infrastructure and developer contributions

- 8.95 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.

#### *Affordable Housing*

8.96 See paragraphs 8.14-8.17. It is considered that the development can provide a policy compliant provision of affordable housing in accordance with Policy 15 of the adopted Core Strategy and National Planning Policy

8.97 *Infrastructure Contributions*

8.98 The following infrastructure contributions totalling £229,858.95 have been requested by Leicestershire County Council, the Council's Section 106 and Monitoring and Compliance Officer and NHS England.

• Healthcare (NHS)	£17, 811.2
• Libraries (Burbage Library)	£664.35
• Waste (Barwell HWRC)	£1,139.19
• Primary Education (Burbage Junior School)	£65, 916.40
• Secondary Education (11-16) (Hastings High School)	£62, 691.13
• Post 16 Education (The Hinckley School)	£13, 393.61
• Off-site Outdoor Sports Provision Contribution	£7, 992.96
• Off-site Outdoor Sports Maintenance Contribution	£3, 797.76
• On-site Open Space Maintenance	£31, 776.80
• Six month bus passes (two per dwelling) (£510 each for an Arriva service)	£23,460
• Travel Packs (one per dwelling) (£52.85 per pack)	£1215.55

8.99 LCC have confirmed that the development is not required to provide financial contributions to infant primary education, this is separate to the contribution required for general primary education at Burbage Junior School.

8.100 Monitoring fees will also be required for HBBC and LCC.

8.101 All of the above contributions are considered to meet the tests for planning obligations and should therefore form part of the Section 106 legal agreement to be formulated should the application be approved. Therefore, subject to the above contributions, the development is considered to comply with Policy DM3 of the SADMP, and Policy 19 of the Core Strategy.

#### Planning Balance

8.102 The NPPF was updated on 12 December 2024 and the NPPG has revised the standard method for calculating the local housing need assessment. As a result, the Council must re-visit its 5YHLS position. Whilst further assessment must be made, the Council are now unlikely to be able to demonstrate a 5YHLS, which is one of the circumstances for engaging the 'tilted' balance of Paragraph 11(d).

8.103 In any event, due to the age of relevant housing policies within the adopted Core Strategy (2009), the 'tilted' balance in Paragraph 11(d) of the NPPF (2024) is already triggered in accordance with Footnote 8 and Paragraph 11.

8.104 Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless 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.

8.105 Paragraph 14 of the NPPF does not apply to this case as whilst the BNP became part of the Development Plan less than five years ago, the neighbourhood plan does not contain allocations to meet its identified housing requirement.

8.106 The development is considered to result in an adverse impact to the rural character of the site. However, given the context of the site, the scale of the development and the adjacent development, it is considered that the scheme is only likely to result in

limited harm. As a result, it is considered that the harm to the rural character of the site attracts only limited weight in the planning balance.

- 8.107 It is acknowledged that the development would diminish the approved wider development in terms of the level of on-site open space and BNG mitigation. However, as outlined in the report, this can be mitigated and therefore the conflict with paragraph 140 of the NPPF and the negative impact on the amount of open space and on-site BNG and the quality of the resultant development is therefore attributed limited weight.
- 8.108 On the other hand, there are social benefits from the scheme. Firstly, the development provides 23 dwellings to the Borough's housing land supply in a sustainable location adjacent to the Burbage's' settlement boundary. In the absence of a five-year housing land supply this is attributed moderate weight in the planning balance.
- 8.109 The development would provide a policy-compliant level of affordable housing which in light of the need for affordable units is considered to attract significant weight in the planning balance. Furthermore, the proposal's social benefits include providing housing for a range of occupants including families. There are also economic benefits associated with the construction of the development, as well the opportunity for future occupants to act as new customers and employees for local businesses and services. These benefits when associated with 23 dwellings are considered to attract moderate weight in the planning balance.
- 8.110 By virtue of these factors, it is considered that, whilst the scheme is likely to cause some harm to the rural character of the application site and would diminish the quality of the wider development, this limited harm is not considered to significantly nor demonstrably outweigh the benefits of the scheme in these site-specific circumstances in accordance with Paragraph 11(d) of the NPPF.

#### Equality implications

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

## **9. Conclusion**

- 9.1 Taking national and local planning policies into account, and regarding all relevant material considerations, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions.

## 10. Recommendation

### 10.1 Grant planning permission subject to:

- The completion of a S106 agreement relating to affordable housing, open space provision, biodiversity net gain and the financial contributions detailed above.
- Planning conditions outlined at the end of this report

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

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

### 10.4 Conditions and Reasons

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

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

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

Location Plan dwg. no. BURB\_400

Planning Layout dwg. no. BURB\_101 Rev P04

Materials and Boundary Treatment Plan BURB\_201 Rev P04

Garage Type SG1-4 Single Garage Front Gable Elevations and Floor Plans Rev A

Garage Type SG3-4 Twin Single Garage Hipped Elevations and Floor Plans Rev B

Garage Type SG10-4 Double Hipped Garage Elevations and Floor Plans Rev A  
Housetype Elevations and Floorplans DH200VE-5, DH301GE-5, DH302VE-5, DH313B-5, DH318B-5, DH409GH-5, DH425GG-5, DH430B-5, DH501G-5, AH16GE-5, AH21GE-5, AH31GE-5

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

3. No development approved by this planning permission shall take place until a full scheme of soft landscaping works for the site, including an implementation and management scheme, has been submitted to and approved in writing by the Local Planning Authority. The soft landscaping scheme shall be in general accordance with the submitted Soft Landscape Proposals plan dwg.no. GL119901 and in full accordance with any subsequently approved Biodiversity Enhancements and Mitigation Plan. Thereafter the scheme shall be carried out in

full accordance with the approved landscaping, implementation and management scheme.

The soft landscaping scheme shall be retained and maintained for a minimum period of five years from the date of planting with the exception of the trees planted within Plots 141-149 which shall be retained and maintained for a minimum of ten years from the date of planting. During this period, any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

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

4. No development approved by this planning permission shall take place until a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation of any dwelling. Thereafter surface water shall not drain into the Public Highway.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site and to reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users in accordance with and in accordance with Policy DM7 and Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

5. No development approved by this planning permission shall take place until details in relation to the management of surface water on site during construction of the development has been submitted to and approved in writing by the Local Planning Authority. The construction of the development must be carried out in accordance with these approved details.

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

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



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

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

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

8. Notwithstanding Planning Layout dwg. No BURB\_101 Rev P04, no development approved by this permission shall be commenced until details of a bin collection point for plots 150 and 151, which should be adjacent to the adopted highway boundary, have been submitted to and agreed in writing by the Local Planning Authority. The bin collection points (BCPs) shall be implemented in accordance with these approved details for plots 150 and 151 and approved plan 'Planning Layout dwg. No BURB\_101 Rev P04' for the remainder of the site prior to first occupation of the development and maintained as such in perpetuity.

**Reason:** To support the policies within the Wheeled Bin and Container Policy (updated March 2018) and to ensure that there is adequate provision of waste and recycling storage so that the amenity of the occupants of the proposed development are not adversely affected in accordance with Hinckley and Bosworth Borough Council's Wheeled Bin and Contained Policy (updated March 2018), Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Section 46 of the Environmental Protection Act 1990.

9. No development approved by this permission shall be commenced until a Construction Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored. The CEMP will provide a procedure for the investigation of complaints. The agreed details shall be implemented throughout the course of the development.

**Reason:** To protect the amenities of the occupiers of neighbouring residential properties throughout the course of the development in accordance with Policy

DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

10. The construction of the development hereby approved shall be in accordance with the Construction Management Plan details submitted to and approved by the Local Planning Authority to discharge condition 11 of application 19/01405/OUT namely:
- Davidsons Homes, 'Construction Environmental Management Plan - Lutterworth Road, Burbage ', dated August 2023; and
  - Davidsons Homes drawing number: BURB\_600, 'Build Route & Traffic Management Plan', dated August 2023.

**Reason:** To reduce the possibility of deleterious material (mud, stones etc.) being deposited in the highway and becoming a hazard for road users, to ensure that construction traffic does not use unsatisfactory roads and lead to on-street parking problems in the area in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

11. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Davidsons drawing number BURB\_101 Rev P04 have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

12. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Davidsons drawing number BURB\_101 Rev P04. Thereafter the onsite parking and turning provision shall be kept available for such uses in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally and to enable vehicles to enter and leave the site in a forward direction, in the interests of highway safety and in accordance with Policy DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

13. No part of the development hereby permitted shall be occupied until such time as 1.0 metre by 2.0 metre pedestrian visibility splays have been provided on the highway boundary on both sides of the access to each dwelling/ shared private drive with nothing within those splays higher than 0.6 metres above the level of

the adjacent footway/verge/highway and, once provided, shall be so maintained in perpetuity.

**Reason:** In the interests of pedestrian safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

14. Any dwellings that are served by private access drives (and any turning spaces) shall not be occupied until such time as the private access drive that serves those dwellings has been provided in accordance with Figure DG17 of the Leicestershire Highway Design Guide. The private access drives should be surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 5 metres behind the highway boundary and, once provided, shall be so maintained in perpetuity.

**Reason:** To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.) in the interests of highway safety and in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

15. The development hereby permitted shall not be occupied until details of bird boxes, bat boxes and hedgehog holes in fencing and associated signage to be installed on the site have been submitted to, and approved in writing by, the Local Planning Authority. Details should include the type of boxes, hedgehog fencing, associated signage and their positioning. Any boxes need to be shown on all relevant submitted plans and elevations. Thereafter the bird and bat boxes, hedgehog holes and signage shall be installed in accordance with the approved details prior to first occupation of any dwelling that these measures relate to.

**Reason:** In order to protect the protected wildlife species and their habitats that are known to exist on site and to enhance biodiversity on site to accord with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2024).

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

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and the National Planning Policy Framework (December 2023).

17. The development shall be carried out in accordance with the recommendations contained within Section 2 of the "Additional Plots at Lutterworth Road, Burbage, Preliminary Ecological Appraisal Report (PEAR)" by RammSanderson.

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

18. During the construction period, none of the trees or hedges indicated to be retained on the Soft Landscape Proposals plan dwg.no. GL119901 shall be cut down, uprooted, or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority.

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

#### **Notes to applicant**

1. Whilst the proposals are not of a scale which requires a Travel Plan (TP), the Local Planning Authority and Local Highway Authority strongly advise and encouraged the Applicant to include the additional 23 dwellings within the TP for the wider site.
2. The scheme shall include the utilisation of holding sustainable drainage techniques with the incorporation of sufficient treatment trains to maintain or improve the existing water quality; the limitation of surface water run-off to equivalent greenfield rates; the ability to accommodate surface water run-off on-site up to the critical 1 in 100 year return period event plus an appropriate allowance for climate change, based upon the submission of drainage calculations.

Full details for the drainage proposal should be supplied including, but not limited to; construction details, cross sections, long sections, headwall details, pipe protection details (e.g. trash screens), and full modelled scenarios for event durations up to the 24 hour (or longer where required) for the 1 in 1 year, 1 in 30 year and 1 in 100 year plus climate change return periods with results ideally showing critical details only for each return period.

3. Details should demonstrate how surface water will be managed on site to prevent an increase in flood risk during the various construction stages of development from initial site works through to completion. This shall include temporary attenuation, additional treatment, controls, maintenance and protection. Details regarding the protection of any proposed infiltration areas should also be provided.
4. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway you must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 305 0001. It is an offence under Section 148 and Section 151 of the Highways Act 1980 to deposit mud on the public highway and therefore you should take every effort to prevent this occurring.

5. If the roads within the proposed development are to be offered for adoption by the Local Highway Authority, the Developer will be required to enter into an agreement under Section 38 of the Highways Act 1980. Detailed plans will need to be submitted and approved, the Agreement signed and all sureties and fees paid prior to the commencement of development. The Local Highway Authority reserve the right to charge commuted sums in respect of ongoing maintenance where the item in question is above and beyond what is required for the safe and satisfactory functioning of the highway. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.

If an Agreement is not in place when the development is commenced, the Local Highway Authority will serve Advanced Payment Codes in respect of all plots served by all the roads within the development in accordance with Section 219 of the Highways Act 1980. Payment of the charge must be made before building commences. Please email [road.adoptions@leics.gov.uk](mailto:road.adoptions@leics.gov.uk) in the first instance.

6. To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).
7. All proposed off site highway works, and internal road layouts shall be designed in accordance with Leicestershire County Council's latest design guidance, as Local Highway Authority. For further information please refer to the Leicestershire Highway Design Guide which is available at <https://resources.leicestershire.gov.uk/lhdg>.
8. A Public Right of Way must not be re-routed, encroached upon or obstructed in any without authorisation. To do so may constitute an offence under the Highways Act 1980.

This page is intentionally left blank

Planning Committee 21 January 2025  
Report of the Head of Planning

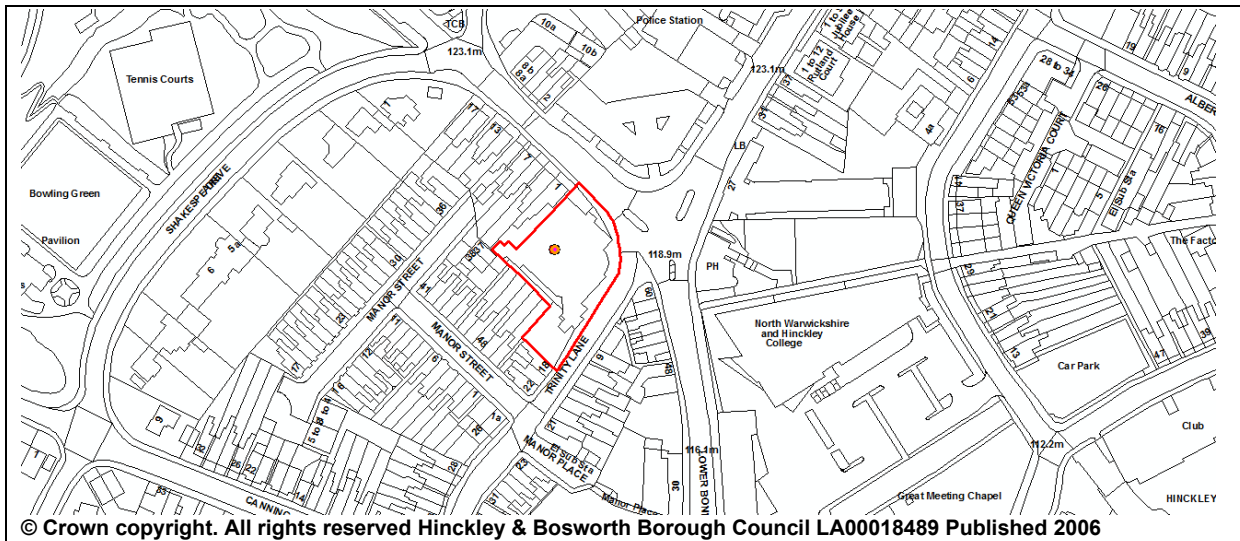
Planning Ref: 23/01182/FUL  
Applicant: Mr Chima  
Ward: Hinckley Castle



Hinckley & Bosworth  
Borough Council

Site: Allbar Sports, Trinity Lane, Hinckley

Proposal: Change of use from cinema (Sui Generis) to 40 one-bedroom apartments  
Use Class C3) with associated car parking and landscaping



## 1. Recommendations and Preamble

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report; and
- The entering into of a S106 Agreement relating to affordable housing, highway improvements, open space provision and management and the financial contributions detailed above; and
- That the Head of Planning be given powers to determine the final detail of planning conditions and S106 obligations.

1.2. The planning application was deferred at Planning Committee on 17 December 2024 to allow for further discussions with the Applicant in relation to parking provision for the proposal. This Committee Report has been revised to include the further details, which have been discussed with the Applicant, which are from Paragraph 8.79 of this Report.

1.3. Additional revisions to the Report have been made in light of the updates to the National Planning Policy Framework and the Leicestershire Highway Design Guide.

Leicestershire County Council as the Local Highway Authority have been re-consulted on the application in light of the revisions to these documents and the details of their response to the current planning application shall be included within the Late Items Report ahead of the Planning Committee.

## **2. Planning Application Description**

- 2.1. This planning application seeks full planning permission for the conversion of a former cinema into a residential building accommodating 40 one-bedroom build-to-rent apartments over five-floors of accommodation with associated landscaping at Allbar Sports, Trinity Lane, Hinckley. The proposal is provided with 13 off-street vehicle parking spaces and 50 cycle storage spaces.
- 2.2. To facilitate this, a new floor of accommodation is proposed that is set back by 1m from the Hollycroft, Trinity Lane, and Manor Street facing elevations. The Hollycroft and Trinity Lane facing elevations of this fourth floor are constructed with standing seam zinc metal cladding panels. The Manor Street facing rear elevation of the property is demolished and reconstructed in Ibstock Common Red Brick. The height of the existing parapet roofs of the property are retained.
- 2.3. 21 new 1.2m wide and floor-to-ceiling in height anthracite PVC windows are proposed on the rear Manor Street facing elevation of the property, 30 new 1.2m wide and 1.9m high powder-coated aluminium windows are proposed on the front Hollycroft-facing elevation of the structure, and 8 1.2m wide and 1.3m high powder-coated aluminium windows are proposed on the Trinity Lane facing side elevation of the development.
- 2.4. The scheme features 1.2m boundary treatment along the frontage of the site, which consists of a 0.3m high brick wall and 0.9m high metal railings alongside a low maintenance hedging.
- 2.5. Following extensive discussions with the Local Planning Authority, the proposal has been revised several times to address the Council's concerns in relation to potential adverse impacts to residential amenity, the character of the surrounding area, and the historic environment. Originally, the application sought permission for 36 one-bedroom apartments over four floors of accommodation.
- 2.6. The application is accompanied by the following reports and documents:
  - Design and Access Statement
  - Heritage Assessment
  - Highway Impact Assessment & Addendums
  - Planning Statement
  - Preliminary Roost Assessment
- 2.7. This application was submitted prior to the implementation of the mandatory biodiversity net gain requirements.



### **3. Description of the Site and the Surrounding Area**

- 3.1. The 1,450sqm application site is located on a prominent corner just beyond the northern edge of Hinckley Town Centre but within the identified boundaries of the Hinckley Town Centre Area Action Plan (HTC AAP) (2011) and is immediately to the west of the confluence of Trinity Lane, Hollycroft, Lower Bond Street, and Upper Bond Street, which is referred to as 'Bond Street Circus.' Bond Street Circus is a principal route into Hinckley Town Centre. Hollycroft and Trinity Lane bound the northern and north-eastern, and south-eastern and southern boundaries of the site respectively.
- 3.2. Upper Bond Street and Lower Bond Street are classified 'B' roads, whereas Trinity Lane is a classified 'C' road, and Trinity Lane is an adopted, but unclassified public highway. All these identified roads are subject to a 30mph speed limit.
- 3.3. The application site and Bond Street Circus are located at the eastern entrance to, and are located within, the Hollycroft Conservation Area. Notably, the land to the rear of the existing structure within the application site adjacent to 18 Trinity Lane is not within the Conservation Area. The eastern entrance to the Conservation Area is defined by a group of striking interwar buildings, including the former cinema, the former police station, the former offices of Leicester and Warwickshire Electric Power Company, and the Grade II Listed Hollybush public house, that are distributed around Bond Street Circus. This eastern entrance is considered to be one of the Conservation Area's five distinct character areas, which includes a protected view immediately to north of the application site along Hollycroft that faces towards the Holly Bush and Bond Street Circus.
- 3.4. The application site is bounded by terraced housing to the northwest, west, and south of the site. The properties to the northwest of the application site, No. 1 – 17 Hollycroft, are identified as Unlisted Buildings of Local Historic or Architectural Importance within the HCAA.
- 3.5. The application site itself features a 1930s Art Deco landmark building that is identified as a non-designated heritage asset within the Hollycroft Conservation Area Appraisal (HCAA) (2011) due to the significant historical and architectural interest of the property that positively contributes to the character of the Conservation Area.
- 3.6. The cinema building's principal façade faces southeast and features a curved single storey concrete entrance porch. The porch has a coffered frieze and a moulded stepped cornice that recedes as the porch meets the rest of the building behind. Behind the porch, the rest of the building is constructed out of brick in Flemish bond. The building has a decorative stepped brick cornice with the parapet topped with sections of blue brick and reconstituted stone.
- 3.7. The northeast elevation of the existing structure faces onto Hollycroft and contains two projecting brick blocks which originally housed the cinema's screen within. The

southeast elevation faces onto Trinity Lane and contains a stair tower at its western end. Five large window openings with curved brick reveals and stepped cills are located in the centre of this elevation, which originally lit the cinema's main foyer. The fifteen-pane windows survive but they have been boarded up. Beneath the windows is a decorative brick band which continues around the foyer.

- 3.8. The south-western rear elevation contains a number of window openings within the main block, containing metal casements that have been boarded up. There are ten regularly spaced openings at first floor level with two further small openings at the top of the building. The northwest elevation is partially visible from Manor Street and does not feature any opening.
- 3.9. The HCAA notes that both internally and externally, the non-designated heritage asset suffers, "*Badly from lack of maintenance.*"
- 3.10. Originally, the structure was used as a cinema, called the 'Danilo Cinema,' which was built to the designs of Ernest S Roberts in 1937 on a former hosiery factory site and functioned as a cinema until 1993 under different ownerships and names. This development is noted as being the last super cinema to be constructed in Hinckley. The lower levels of the building were then utilised as a sports bar from 1997 to 2004, and the property has been vacant since.
- 3.11. In recent years, the building was become partially derelict and in 2023 the property was stripped of the majority of its fixtures and fittings, including the removal of the roof, and the interior was stripped back to brick.

#### **4. Relevant Planning History**

##### **4.1 16/00503/FUL**

- Demolition of cinema and erection of mixed-use development including 29 flats. The building use will be made up of retail units and residential access at ground floor, with residential to the three levels above.
- Not Proceeded With
- 29.03.2018

#### **5. Publicity**

- 5.1 The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site, and a notice was displayed in the local press. A further round of public consultation was undertaken in light of the latest revised plans.
- 5.2 On the first round of public consultation, a Borough Councillor called the proposal into Planning Committee on the grounds of parking and the scheme's impact on neighbouring amenity. 20 letters of objection were received from 14 separate addresses.

- 5.3 An online petition was also created and, as of 02 December 2024, this was signed by 44 people in objection to the scheme due to insufficient parking provision. A further paper petition was created and 52 people signed in objection to the scheme due to insufficient parking provision.
- 5.4 On the second round of public consultation, 10 letters of objection were received from nine separate addresses, three of which had not previously commented on the proposal. The following reasons were identified within the objections from members of the public in both rounds of consultation:
- Drainage concerns
  - Ecology
    - The ivy on the property is a nesting ground for many native bird species
  - Harm to the character of the area
    - The development is not in keeping with the existing historic buildings in the area.
    - Harm to the Hollycroft Conservation Area
    - Indiscriminate parking resulting in harm to the character of the Hollycroft Conservation Area
    - Minimal proposed planting and landscaping
    - New metalwork shall detract from the protected view within the Conservation Area
    - Overdevelopment of the site
  - Highway safety
    - Absence of a safety assessment
    - Bin collection and management
    - Errors in the Highway Impact Assessment
    - Failure to include a serious accident in the vicinity of the site in the Personal Injury Collision data analysis
    - The highway infrastructure cannot cope with a minimum of 36 additional cars
    - Inadequate visibility splays
    - Increased congestion
    - Increased likelihood of collisions
    - Pedestrian safety
  - Inappropriate use of the site
    - The building should be used for leisure purposes and public use
    - There are already a lot of flats in the area

- Infrastructure
  - Increased demand on existing infrastructure
  - One-bedroom market apartments does not align with the housing needs of Hinckley
- Parking
  - Car clubs are ineffective
  - Car clubs contribute to parking issues
  - Exacerbation of existing on-street parking problems
  - Exacerbation of existing indiscriminate parking problems
  - Inappropriate proposed off-street parking provision on Hollycroft
  - Indiscriminate on-street parking
  - Insufficient parking provision
  - Insufficient parking for construction vehicles
- Neighbouring residential amenity
  - Air pollution from additional traffic
  - Boundary treatment concerns
  - Construction impacts
  - Devaluation in property prices
  - Disturbance of the structural integrity of neighbouring properties
  - Increased litter
  - Loss of light and overbearing impacts
  - Noise and disturbance from 36 additional neighbours
  - Noise pollution from traffic
  - Odours due to proximity of bins to neighbouring properties
  - Overlooking and loss of privacy impacts to neighbouring properties and their gardens
- Residential amenity of future occupants
  - Cramped development
  - Lack of amenity space
  - Lack of privacy
  - The development does not meet the minimum Nationally Described Space Standards
  - Too many flats are proposed
- Unsustainable location for development

5.5 Members of the public also raised concerns about access to their property being required during construction and the dismantling of their fence adjacent to the site.

*The Case Officer notes that the Applicant cannot enter or utilise third-party land as part of their construction works without the consent of the owner. Should this be required, or if a fence that is not within the ownership of the Applicant is required to be dismantled, this will require agreement from the owner of the land.*

- 5.6 Based on the 2021 Census, one member of the public confirmed that only 12.7% of households in Hinckley and Bosworth had no access to a car.

*The Case Officer notes that as the largest town in the Borough with the greatest number of services it would be expected that car ownership within Hinckley was lower than other locations within the Borough.*

- 5.7 No further responses have been received.

## **6. Consultation**

- 6.1 Statutory consultees were reconsulted following the provision of the latest revised plans. There have been no objections from the following consultants:

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

- 6.2 Historic England did not comment on the planning application. The Hinckley Area Committee did not respond to the planning application.

### Archaeology:

- 6.3 The County Council's Historic and Natural Environment Team (HNET) recommended that a Level 2 'Descriptive Survey' level of building recording, as specified within *Historic England's Understanding Historic Buildings: A Guide to Good Recording Practise* (2016), is required, and secured via planning condition, to record and advance the understanding of the potential heritage asset.

- 6.4 LCC HNET confirmed that the exterior and the interior of the building should be investigated, described, and photographed. The examination of the building should produce an analysis of its development and use, and the record should include the conclusions reached. The survey should result in the preparation of accurate plans, elevations, and/or sections, where applicable utilising available survey data or plan records.

### Cinema Theatre Association (CTA)

- 6.5 Originally, the Cinema Theatre Association (CTA) confirmed that the proposed use of the building represented a good attempt to bring the property back into an economic use whilst retaining as much of its architectural quality as possible.
- 6.6 However, the CTA requested five design recommendations including the retention of the exterior brick envelope and the unique quarter-circle entrance feature, as well as ensuring that all new brickwork and window surround details exactly match the original brickwork and that smaller windows are utilised for bathrooms on the retained outer walls.
- 6.7 Upon re-consultation on 06 December 2024, the Cinema Theatre Association (CTA) welcomed the latest version of the scheme and overall supported the proposal. The CTA also highlighted that the quarter-circle entrance feature of the non-designated heritage asset is unique in the UK, and careful treatment of the window openings on the Trinity Lane frontage is important.

### Conservation:

- 6.8. Although the building was purpose-built as a cinema, given the economic context of this use, the general condition of the building with most of its interior being stripped out, and its long-term vacancy, the Council's Conservation Officer considered that an alternative use for the site was likely to be acceptable and may provide the investment required for the long-term conservation of the built fabric of the building.
- 6.9. Overall, the Conservation Officer considered that the proposal preserved the significance of the Conservation Area and is compatible with the significance of the Listed Buildings located within its setting, subject to planning conditions that secure details of the proposed aluminium windows, the construction materials, a detailed soft and hard landscaping scheme including boundary treatments, and the implementation of the repairs and maintenance schedule.

### Drainage:

- 6.10. The County Council as the Lead Local Flood Authority (LLFA) confirmed the change of use of the building is not considered to have an impact on surface water and therefore the LLFA referred to standing advise.

### Ecology:

- 6.11. The County Council's Ecology Department confirmed that, whilst the Preliminary Roost Assessment did not record any potential roosting features, care should be taken during works and if any bats are found works should stop and an ecologist

should be contacted. LCC Ecology requested a planning condition that ensures bat boxes and bird boxes are incorporated into the scheme.

#### Highways:

- 6.12. On 29 April 2024, the Local Highway Authority (LHA) advised that in its view, 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, subject to four planning conditions and planning obligations.
- 6.13. Following re-consultation on the revised scheme, the LHA requested that the site plan was amended so the proposed car club parking bay became a regular parking bay. The LHA also requested clarity on the scheme's cycle storage provision and advised that the provision of 50 'Cardiff' style cycle rack spaces was the most preferable.
- 6.14. The LHA highlighted that the proposed increase in apartment numbers reduced the off-street-parking-to-bedroom-number ratio to 0.3. Whilst this would be lower than that permitted for the nearby Hinckley Police Station via 15/00942/FUL, which the LHA calculated to have a ratio of 0.37, given the sustainable location of the site in conjunction with the on-street parking restrictions in the vicinity, the LHA was content that 12 off-street parking spaces and one off-street disabled parking bay would be sufficient for the development.
- 6.15. On 26 November 2024, the Applicant submitted revised plans that converted the car club parking space into a regular off-street vehicle parking space and provided further clarification that 40 'Cardiff' style cycle rack spaces are provided behind the off-street parking spaces, and an additional 10 'Sheffield' style cycle rack spaces are provided at the base of the southern stairwell.
- 6.16. On 11 December 2024, the Local Highway Authority welcomed the removal of the proposed car club scheme and were content with the provision of 40 'Cardiff' style cycle racks and 10 'Sheffield' style cycle racks within the site. Overall, the Local Highway Authority advised 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.
- 6.17. As a result, based on the information provided, the Local Highway Authority did not consider the development to conflict with Paragraph 115 of the National Planning Policy Framework, subject to four conditions and planning obligations for travel packs and two six-month bus passes per apartment.

#### Waste

- 6.18. The Council's Waste Management Officer confirmed that the bin store area is in a suitable location and meets the Council's policy.

6.19. No further responses have been received.

## **7. Policy**

7.1 Core Strategy (2009):

- Policy 1: Development in Hinckley
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision

7.2 Site Allocations and Development Management Policies Development Plan Document (SADMP) (2016):

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

7.3 National Planning Policies and Guidance:

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- National Design Guide (2019)

7.4 Other Relevant Guidance:

- Affordable Housing Supplementary Planning Document (2011)
- Good Design Guide (2020)
- Hinckley Town Centre Area Action Plan (HTC AAP) (2011)
- Hollycroft Conservation Area Appraisal (HCAA) (2011)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Open Space and Recreation Study (2016)
- Technical Housing Standards – Nationally Described Space Standards (2015)

## **8. Appraisal**

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

- Principle of development



- Housing land supply
- Design and impact upon the character of the area and the significance of the Hollycroft Conservation Area
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Infrastructure and development contributions

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.
- 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). Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 34 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.
- 8.6. Nevertheless, in accordance with Paragraph 232 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.
- 8.7. Paragraph 125(c) of the NPPF states that planning decisions should give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, proposals for which should be approved unless substantial harm would be caused.
- 8.8. Policy 1 of the Core Strategy states that the Council will allocate land for the development of a minimum of 1,129 new residential dwellings within Hinckley. One of the opportunities for the enhancement of the Hollycroft Conservation Area is the re-use of redundant historic buildings. Specifically, a suitable use and renovation of the cinema is encouraged by the Hollycroft Conservation Area Appraisal (HCAA).

- 8.9. The development is within the identified settlement boundary and represents the beneficial use of brownfield land for the re-use of the former cinema building, which is supported by Policy 1 of the adopted Core Strategy, Paragraph 125(c) of the NPPF, and the ambitions of the HCAA. Given the above, the proposal is acceptable in principle and attracts substantial weight in the planning balance, 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:

- 8.10. Chapter 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 should be to meet an area's identified housing need, including an appropriate mix of housing types for the local community.
- 8.11. Paragraph 73 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, are essential for Small and Medium Enterprise housebuilders to deliver new homes, and are often built out relatively quickly.
- 8.12. 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.
- 8.13. Using the revised standard method in national planning practice guidance as required by Paragraph 62 of the NPPF, Hinckley and Bosworth Borough Council are unable to demonstrate a five-year supply of land for housing. In light of this, and due to the age of relevant housing policies within the adopted Core Strategy, the 'tilted' balance in Paragraph 11(d) of the NPPF is triggered in accordance with Footnote 8 and Paragraph 11 of the NPPF.
- 8.14. Paragraph 11(d)(ii) of the NPPF requires planning permission to be granted unless 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.15. For decision-taking, 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 strong 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, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.
- 8.16. Footnote 7 of the NPPF confirms that areas and assets of particular importance include designated heritage assets (and other heritage assets of archaeological interest referred to in Footnote 75 of the NPPF), amongst others.
- 8.17. Footnote 9 of the NPPF confirms that these key policies include Paragraphs 66 and 84 of Chapter 5 (Delivering a Sufficiently Supply of Homes), 91 of Chapter 7 (Ensuring the Vitality of Town Centres), 110 and 115 of Chapter 9 (Promoting Sustainable Transport), 129 of Chapter 11 (Making Effective Use of Land), and 135, and 139 of Chapter 12 (Achieving Well-Designed Places).
- 8.18. The Hinckley Town Centre Area Action Plan (HTC AAP) highlights that the market for one- and two-bedroom apartments within Hinckley is saturated, especially in terms of buy-to-let. Therefore, one of the key objectives of the HTC AAP is to ensure an appropriate range and mix of housing types. However, it is appreciated that the HTC AAP is over ten years old and is considered to be out of date.
- 8.19. In summary, as the Council is not able to deliver a five-year supply of land for housing, the provision of 40 one-bedroom flats within this application site is considered to attract significant weight in the planning balance.

Design and Impact upon the Character of the Area and the Significance of the Hollycroft Conservation Area:

- 8.20. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the Local Planning Authority when determining applications for development which affects a Listed Building or its setting to have special regard to the desirability of preserving the Listed Building or its setting or any features of special architectural and historic interest which it possesses.
- 8.21. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 8.22. Chapter 16 of the National Planning Policy Framework provides the national policy on conserving and enhancing the historic environment. Heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their

significance so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

- 8.23. Therefore, in determining applications, Paragraph 212 of the NPPF requires great weight to be given to the conservation of designated assets and the more important the asset, the greater the weight should be.
- 8.24. Paragraph 216 of the NPPF highlights 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 directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.25. Paragraph 213 of the NPPF states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting) should require clear and convincing justification. The need for clear and convincing justification is re-iterated in Policy DM12 of the SADMP.
- 8.26. Nevertheless, Paragraph 219 of the NPPF confirms that local planning authorities should look for opportunities for new development within Conservation Areas, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
- 8.27. The Planning Practice Guide (PPG) and Historic England Advice Note 2 (HEAN2) Making Changes to Heritage Assets sets out how the policies of the NPPF are expected to be applied and includes guidance on the conservation of and making changes to the historic environment.
- 8.28. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. Policy DM11 of the SADMP requires all developments proposals which have a potential to affect a heritage asset or its setting to demonstrate:
- (a) An understanding of the significance of the heritage asset and its setting; and
  - (b) The impact of the proposal on the significance of the asset and its setting, including measures to minimise or avoid these impacts; and
  - (c) How the benefits of the proposal will outweigh any harm caused; and
  - (d) Any impacts on archaeology in line with Policy DM13 of the SADMP.
- 8.29. Policy DM12 of the SADMP confirms that all developments affecting heritage assets and their setting will only be permitted where it is demonstrated that the proposals are compatible with their significance and their setting. Assets identified on the

Locally Important Heritage Asset List should be retained and enhanced wherever possible.

- 8.30. Policy DM10(c) of the SADMP states that developments will be permitted where they complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.31. Given the significant length of time the building has been vacant and its deteriorated state, it is considered that the property is extremely unlikely to be viable to operate as a cinema. Therefore, the conversion of the building to a residential use is acceptable in principle to enable the retention and conservation of the remaining historic value and fabric of the building.
- 8.32. The existing architectural features of the building that are to be retained or repaired are detailed within the Repair and Maintenance Schedule. To ensure these works are undertaken, and given the deteriorating state of the building, a planning condition can be utilised to ensure that the completion of these works is undertaken prior to the occupation of the development. A planning condition can also be utilised to secure the details of a hard and soft landscaping scheme for the site.
- 8.33. No extensions into the grounds of the application site are proposed to facilitate the conversion of the building into a residential use and therefore the scale and mass of the non-designated heritage asset is retained. Although the massing of the structure is increased due to the provision of an additional floor of residential accommodation, this new level does not exceed the existing ridge height of the building.
- 8.34. In addition, the existing stepped brick parapet walls to the roof structure facing the Trinity Lane are retained and the new fourth floor elevation is clad in a standing seam zinc material on the Trinity Lane elevation, behind this parapet wall, and across the entire Hollycroft elevation. This allows for the appearance of the modern fourth-floor intervention to be differentiated from the existing original building, which ensures that the historic construction of the non-designated heritage asset remains discernible. The details of the materials of the new fourth-floor can be secured via planning condition.
- 8.35. Therefore, the increased massing via the flat-roofed fourth floor is not considered to adversely affect the original design composition of the building or have an overbearing impact upon the building or the wider street scene.
- 8.36. The proposal retains the five tall, corbelled brick window openings on the Trinity Lane elevation. However, given the poor condition of the existing windows, the windows are not viable for retention and are consequently replaced with aluminium framed windows that feature the same reveal and match the 15-pane arrangement as the existing windows as well as a spandrel panel to conceal the internal development between the floors of the development.
- 8.37. The new windows on the Hollycroft, Trinity Lane, and Manor Street facing elevations to serve the internal accommodation are arranged in regular intervals

across their respective elevations and are considered to have appropriate proportions to provide a visually pleasing and traditionally characteristic solid-to-void ratio, which ensures that they sit comfortably on each elevation. This is particularly important given that the original design of the building was not intended to feature fenestration.

- 8.38. The style of the windows to the Hollycroft and Trinity Lane elevations follows a typical inter-war period design consisting of slim glazing bars with both a horizontal and a vertical emphasis. The new windows feature an aluminium frame material, which respects traditional characterises and allows for the slim slight lines required to ensure that the windows have an acceptable appearance.
- 8.39. Given the difficulties of creating a corbelled or similar detailed brick reveal within the currently blank brick elevations, the reveals for the new windows are lined with an aluminium strip finished in anthracite grey to match the colour and material of the window frames. This is considered to provide an appropriate architectural detail to the windows that results in a satisfactory appearance to the development, and the details of the fenestration materials can be secured via planning condition.
- 8.40. In comparison to the more textured brick used in the construction of the Hollycroft and Trinity Lane elevations, the existing rear-facing south-western elevation of the building is currently constructed with a common brick. The proposal rebuilds this rear wall in the same common brick and features new windows that are of a simpler and more contemporary appearance in comparison to the other elevations. This is considered to be an appropriate design approach given its lower position in the design hierarchy of the elevations of the building and its limited visibility from the wider area including the street scene of the Conservation Area.
- 8.41. In summary, the proposed conversion of the non-designated heritage asset into residential accommodation would result in the retention of its historic value. By virtue of the scheme's scale, massing, design, construction materials and architectural features, the proposal is considered to respect the architectural value of the building and preserve the heritage significance of the non-designated heritage asset. Given the above, the development is considered to ensure that the existing building continues to contribute positively to the character and heritage significance of the Hollycroft Conservation Area whilst maintaining the group value with the collection of other inter-war buildings located within its setting, including the Grade II Listed Hollybush public house. The proposal is therefore considered to be in accordance with Policies DM10, DM11, and DM12 of the SADMP, Chapter 16 of the NPPF and the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon Residential Amenity:

- 8.42. 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.

8.43. 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.

8.44. 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.

*Neighbouring Residential Amenity:*

8.45. To protect neighbouring residential amenity, the Council's Pollution Officer has requested that a Construction Environmental Management Plan be submitted for approval and that limitations on site preparation and construction hours are secured via planning condition.

8.46. No extensions are proposed beyond the walls of the existing structure. However, a fourth floor of accommodation is proposed, which increases the height of the rear Manor Street facing elevation. However, the new fourth floor does not exceed the existing total ridge height of the structure, and it is set back from the existing third floor by 1m. In addition, the height of the third floor is reduced from 12.8m to 11.5m due to the proposed replacement of the rear wall.

8.47. In light of these factors, it is not considered that the development increases any overbearing or loss of light impacts to neighbouring residents to the degree that it results in significant adverse impacts to their residential amenity.

8.48. There are no windows on the north-western elevation of the property. In addition, the windows on the northern Hollycroft-facing elevation of the scheme are approximately 24m from the principal windows to the habitable rooms of the apartments within the former Police Station on the opposite side of Hollycroft. This exceeds the separation distances within the Good Design Guide and therefore the proposal is not considered to result in any adverse impacts to residential amenity on this elevation.

8.49. Properties No. 9 to No. 21 Trinity Lane are located beyond the rear elevation of the building and therefore the new windows within the scheme are not considered to increase in any adverse impacts such as overlooking or loss of privacy.

8.50. However, it is noted that there are some principal windows to habitable rooms on the rear of the properties No. 50 to 60A Lower Bond Street.

8.51. The rear window to No. 58 Lower Bond Street is approximately 15.6m from the southern side elevation of the development. Whilst this is below the 21m separation

distance between principal habitable windows advised within the Good Design Guide, the Good Design Guide confirms 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.”*

In light of this and the orientation of the Lower Bond Street properties in comparison to the development, the proposal is not considered to result in any adverse impacts to the residential amenity of these properties as a result of overlooking or loss of privacy.

- 8.52. The windows on the rear elevation of the scheme are between 13m and 22.7m to the rear elevations of the properties along Manor Street and only 1.6m of this distance is not directly into the rear gardens of these properties. This is below the separation distances within the Good Design Guide and is likely to result in loss of privacy to the private outdoor amenity space and the habitable rooms on the rear elevation of the properties along Manor Street.
- 8.53. However, following discussions with the Local Planning Authority, the windows on the rear of the development are now obscure glazed and non-openable to a height of 1.7m. This is considered to address any overlooking or loss of privacy impacts of the development to the neighbouring residents along Manor Street.
- 8.54. By virtue of these factors, the proposal is not considered to result in any significant adverse impacts to the residential amenity of neighbouring residents.

*Future Occupant Residential Amenity:*

- 8.55. Following revisions in light of the Local Planning Authority’s concerns, each habitable room is provided with a minimum of 1.2m wide externally facing window. The windows to the flats on the rear of the property are floor-to-ceiling in height, whereas those on the Trinity Lane south-eastern elevation are 1.3m in height, and the windows on the Hollycroft northern elevation are 1.9m high. These are considered to provide adequate visual outlook and natural light provision for each apartment to protect the residential amenity of the future occupiers of the scheme.
- 8.56. As mentioned at Paragraph 8.44 of this Report, the windows on the rear elevation of the scheme are obscure glazed and non-openable to a height of 1.7m, which is secured via condition. Whilst the windows on the rear elevation are not obscured above 1.7m in height, given the height of the neighbouring dwellings, this is considered sufficient, to prevent any overlooking or loss of privacy impacts to existing neighbouring residential amenity and the residential amenity of the future occupiers of the scheme.
- 8.57. At the request of the Local Planning Authority, two eight-person lifts have also been provided to ensure that the development is inclusive and accessible.



- 8.58. 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 Nationally Described Space Standards (NDSS) (2015) wherever possible.
- 8.59. Proposals for two-person one-bedroom, single storey dwellings should provide a minimum of 50sqm of internal floor space and 1.5sqm of built-in storage in accordance with the NDSS. This reduces to 39sqm of internal floor space and 1sqm of in-built storage for one-person, one-bedroom, single storey dwellings.
- 8.60. Following discussions with the Local Planning Authority, all apartments within the proposal now comply with the minimum bedroom size standards of the NDSS.
- 8.61. In accordance with Paragraph 10(c) of the NDSS, 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 NDSS.
- 8.62. Following discussions with the Local Planning Authority, all bedrooms within the scheme now comply with the minimum bedroom size standards of the NDSS.
- 8.63. Although the proposal does not offer any private outdoor residential amenity for its future occupants, it is noted that the site is in a sustainable edge of town centre location within 100m of Hollycroft Park. Therefore, this lack of private outdoor amenity space is not considered to be unacceptable in these site-specific circumstances.
- 8.64. Given the above, the development is considered to protect the residential amenity of the future occupants of the scheme.

*Summary:*

- 8.65. In summary, it is considered that the proposal does not result in any significant adverse impacts to the residential amenity of neighbouring residents or the future occupants of the scheme. Therefore, the development is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

Impact upon Parking Provision and Highway Safety:

- 8.66. Paragraph 115(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 115(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 through a vision-led approach.

- 8.67. 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, following mitigation, would be severe, taking into account all reasonable future scenarios in accordance with Paragraph 116 of the NPPF.
- 8.68. Policy DM17 of the SADMP states that development proposals need to demonstrate that 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.
- 8.69. 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)) (2024).

*Highway Safety:*

- 8.70. The Applicant's submitted Highway Impact Assessment Addendum provided a detailed Personal Injury Collision (PIC) appraisal within 200m of the site between 2017 and 2023, based on data provided by the LHA. This appraisal identified 15 PICs, of which 12 resulted in 'slight' injuries and three resulted in 'serious' injuries.
- 8.71. The LHA reviewed this appraisal, and concurred with the conclusion that there are no trends / patterns in the observed data which could represent an existing highway safety issue. As a result, and in conjunction with the LHA, it is considered that the proposed development would not have any significant impacts on the transport network in terms of highway safety.

*Trip Generation:*

- 8.72. Whilst the submitted HIA was not considered to be provide an accurate comparative trip generation assessment, this was acknowledged within the document.
- 8.73. Nevertheless, given the scale and type of development, in conjunction with the quantum of proposed off-street vehicle parking, the LHA did not consider it necessary to request an amended trip generation amendment in this instance because the LHA did not consider that the level of vehicular trips that would be generated by the scheme in the network peak hours to have a material impact on the performance of any nearby junctions in terms of capacity.

*Site Access:*

- 8.74. The submitted Highway Impact Assessment indicates that 85th percentile vehicle speed data at the site access is not possible as the location is unsuitable for an ATC survey or radar survey due to the high degree of on-street parking, the proximity of the junction located on the access approach and the absence of

suitable locations to secure equipment. On this basis, given the nature of the road (i.e. a narrow, one-way street with significant amounts of on-street parking) the LHA considered vehicular visibility splays that were designed for 20mph speeds to be acceptable in these site-specific circumstances.

- 8.75. The Proposed Site Access Visibility Assessment (Rev C) within the Proposed Access Drawings (HAS/23-071) (Rev C) also indicates that a 2.4m by 25.5m vehicular visibility splay is achievable to the southwest of the access in accordance with the LHDG, and this would also be sufficient for 85th percentile vehicle speeds of 20mph. The above plan also satisfactorily demonstrates that 2 metre by 2 metre pedestrian visibility splays can be provided on both sides of the site access.

*Off-Site Implications:*

- 8.76. Within Appendix C, the Highway Impact Assessment (HIA), the Applicant has queried Leicestershire County Council's position of the highway boundary, which does not show an adequately wide footpath at the site frontage within Trinity and Hollycroft, which indicates that highway incursions have occurred into the private site.
- 8.77. The LHA have looked into this matter and notes an inaccuracy in their Ordnance Survey overlay. Therefore, they have responded with a revised drawing that indicated the LHA's understanding of the approximate position of the carriageway limit on the ground.
- 8.78. Notwithstanding this, the LHA notes that there appears to be incursions into the Applicant's land. Therefore, the LHA agree to the Applicant's proposals to realign the highway boundary.

*Internal Layout:*

- 8.79 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.
- 8.80 Table 28 (Residential Parking Standards) of the LHDG states that dwellings with up to three bedrooms should provide a minimum of two off-street parking spaces but the table does not differentiate between a three-bed dwelling in a rural hamlet and a one bed apartment on the edge of Hinckley's town centre.
- 8.81 The LHDG confirms that visitor parking is required for residential developments of more than 10 dwellings on a basis of 0.25 spaces per dwelling. In apartment developments, visitor parking should be provided by additional spaces within the allocated parking area. Table 27 (Minimum Cycle Parking Provision) of the LHDG confirms that Use Class C3 uses should provide one secure and under cover cycle parking space for every bedroom.
- 8.82 Any reduction below these minimum standards requires robust justification that is discussed with the Local Highway Authority. Table 26 of the LHDG confirms that

this justification can be based on factors such as the location of the proposal. However, given the rural nature of Leicestershire, Table 26 (Parking Standard Types) of the LHDG confirms that 'car free' developments (i.e., with no car parking spaces) or only very limited parking are unlikely to be acceptable outside of built-up town centres with excellent levels of sustainable accessibility and/or local employment opportunities.

- 8.83 Based on Tables 27 and 28 of the LHDG, and not taking account of Table 26 which implies that developments with limited or no car parking may be acceptable in town centre locations, the updated LHDG would require 80 off-street vehicle parking spaces, one additional visitor parking space, and 40 cycle parking spaces. Clearly, this takes no account of the fact that the application relates to the conversion of an existing locally listed building within a conservation area, and it is important to reiterate that the Local Highway Authority considers the parking provision to be acceptable as set out at Paragraph 6.14.
- 8.84 40 cycle storage spaces within a 'Cardiff'-style cycle rack are proposed within the rear courtyard of the development and an additional 10 cycle storage spaces are provided at the base of southern stairwell in a 'Sheffield'-style cycle storage rack.
- 8.85 Whilst Figure 43 of the LHDG prefers the use of Sheffield stands, it is noted that that the provision of 50 cycle spaces complies with the minimum quantum guidance contained within Table 27 of the LHDG. It is therefore considered that this provision of cycle parking is acceptable in these site-specific circumstances.
- 8.86 The development provides 13 off-street vehicle parking spaces within the site, which all comply with the dimension requirements of Figure 44 of the LHDG. Five of these spaces are located within the grounds of the site and the remaining eight spaces are located within the ground floor of the structure.
- 8.87 This provision of parking spaces is below the minimum requirements detailed within the LHDG. However, based on calculations derived from the Department for Communities and Local Government (DCLG) research paper on residential car parking, the Applicant has stated that only between 18 to 25 off-street parking spaces should be provided for the development. The LHA has not sought to disagree with this estimate. Nevertheless, this still represents a shortfall of between 5 and 12 spaces.
- 8.88 To justify this shortfall in parking provision, the Applicant has submitted a Highways Impact Assessment (HIA). The HIA highlights that the application site is within a sustainable location in transport terms.
- 8.89 This can be seen by the fact that the application site is located on the edge of Hinckley Town Centre, in walking distance to a variety of services. For example, the site is within a seven-minute walk (550m) of The Crescent, a ten-minute walk (700m) of Hinckley Leisure Centre, and a 15-minute walk (1km) of Hinckley Train Station, which provides hourly services to Leicester and Birmingham. The entirety

of Hinckley and Burbage are also within a 5km cycling distance of the application site.

8.90 It is also noted that the application site is within a one-minute walk (120m) of four bus services. The Hollycroft Bus Stop is 33m away from the application site and accommodates Bus Services 7 and 7A between Burbage and Nuneaton. As of 06 January 2025, this service runs from The Crescent Bus Station on Mondays to Fridays between 07:25 AM and 07:20 PM. The Well Lane Bus Stop, which accommodates Arriva Bus Service 158 and Stagecoach Bus Service 148 that run between Leicester and Nuneaton are 150m from the application. As of 06 January 2025, the 158 Bus Service runs from The Crescent Bus Station on Mondays to Fridays between 05:20 AM and 11:37 PM. All four of these bus services also stop at the Upper Bond Street Bus Stop, which is 120m from the application site.

8.91 Furthermore, there are several car parks within the vicinity of the site, which include:

- Lower Bond Street (150m)
- Hollier's Walk (190m)
- Mansion Street (190m)
- Rear of Castle Street (400m)
- Stockwell Head (400m)
- Trinity Vicarage Road (500m)
- Church Walk (550m)
- St. Mary's Road (600m)
- Hill Street (650m)

Parking charges only apply in these locations between 8 AM and 6 PM on Mondays to Saturdays and therefore evening and overnight parking could be accommodated within these locations at no cost to any future resident.

8.92 The Local Planning Authority are currently in discussion with the Council's Street Scene Services Department and the Applicant to review whether car parking permits at the car park on Lower Bond Street can be secured via Section 106 Agreement for the future occupants of the scheme, should they request a permit.

8.93 Ultimately, this is a conversion of an existing building that does not remove parking spaces from existing residents and the scheme is only for rented one-bedroom accommodation.

8.94 In light of this and given the extent of the existing on-street parking issues in the area, it is considered that any potential resident that requires off-street parking provision is unlikely to rent an apartment within this development.

8.95 Furthermore, had the building remained in operation as a cinema, that previously had 1,250 seats, it is considered that this would generate significantly more parking and significantly greater impacts on parking on the local highway network than the current proposal.

- 8.96 In addition, it is noted that a sufficient package of on-street parking controls is in place in the vicinity (including 'no waiting at any time' restrictions) to prevent unsafe or undesirable on-street parking. The proposed planting to the Hollycroft frontage is also welcomed by the LHA to prevent informal parking to the rear of the footway. Therefore, the proposal is not considered to result in an unacceptable impact on highway safety due to a shortfall in off-street parking.
- 8.97 The HIA indicates that the parking spaces within the site are all allocated and controlled, with residents being given the option of purchasing a car parking permit for the site when taking up residence on a 'first come, first served' basis. The allocation of parking spaces is welcomed by the LHA and a Parking Management Plan can be secured via planning condition to ensure that the development does not exacerbate existing parking problems in the area.
- 8.98 In light of the parking concerns raised by members of the public and the Planning Committee, the Applicant has explored alternative opportunities to address the scheme's shortfall in off-street parking provision. For example, the Applicant contacted two car club promoters to provide membership to the application site. Both of the promoters declined the opportunity to create a car club in this location, and one of the promoters confirmed that it is highly unlikely that a car club at this application site would be commercially viable.
- 8.99 Following discussions with the LHA, the Applicant has agreed to provide one travel pack for each apartment and two six-month bus passes for each apartment via a Section 106 Agreement to inform new residents of, and to encourage them to utilise, sustainable modes of transport that are available in the surrounding area. The LHA have confirmed that this is appropriate.
- 8.100 Furthermore, the Applicant has compared the proposal to the conversion of Hinckley Police Station into flats via planning application 15/00942/FUL, which only had an off-street parking to bedroom number ratio of 0.37 per bedroom. It is noted that the current planning application has a slightly lower ratio of 0.3 spaces per bedroom.
- 8.101 Nevertheless, the Applicant has highlighted that the footprint of the former cinema means that there is very limited scope to provide further parking spaces within the site. In addition, any reduction in the number of flats within the scheme is likely to threaten the financial viability of the proposal, which preserves the existing historic fabric of the non-designated heritage asset.  
Summary:
- 8.102 In summary, the application does not provide a sufficient amount of off-street parking spaces on-site to accommodate the future occupants of the scheme. Based on the estimates of the Applicant which are not contested by the LHA, the proposal has a shortfall of between 5 and 12 parking spaces. Whilst the bedroom to parking space ratio similar to that of the approved scheme at the Hinckley Police Station, the current development still provides less parking spaces than this comparative development.

- 8.103 However, the application site is within a highly sustainable location adjacent to Hinckley Town Centre that is within close proximity to amenities, bus and train services, car parking, and is surrounded by a sufficient package of on-street parking controls (including 'no waiting at any time' restrictions) to prevent unsafe or undesirable on-street parking. Despite the challenges of the limited space within the application site for parking spaces and the financial viability of the proposal, the Applicant has explored several opportunities to address concerns regarding insufficient parking, has provided a site-specific parking assessment and has agreed to provide a Parking Management Plan via planning condition as well as travel packs and bus passes via a Section 106 Agreement to mitigate these issues.
- 8.104 The Local Planning Authority are also currently in discussion with the Council's Street Scene Services Department and the Applicant to review whether car parking permits at the car park on Lower Bond Street can be secured via Section 106 Agreement for the future occupants of the scheme, should they request a permit.
- 8.105 Taking Paragraph 116 of the NPPF, the LHA's advice and all the above into account, it is not considered that the proposed shortfall in off-street vehicle parking is likely to result in an unacceptable impact on highway safety. Therefore, the proposal accords with Policies DM17 and DM18 of the SADMP, Paragraphs 115 and 116 of the NPPF, and the LHDG.
- 8.106 Overall, it is considered that, in accordance with the professional advice of the Local Highway Authority and the requirements of Paragraph 116 of the NPPF, the impacts of the development on highway safety are not unacceptable, and when considered cumulatively with other developments, the impacts on the road network are not severe, subject to four planning conditions. Therefore, the scheme is regarded as acceptable in accordance with Policies DM17 and DM18 of the SADMP, and the LHDG.

Infrastructure and Development Contributions:

- 8.107 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.

*Affordable Housing:*

- 8.108 Policy 15 of the adopted Core Strategy states that developments in urban areas, including Hinckley) that provide 15 dwellings or more should allocate 20% of its units towards affordable housing. Given the development's proposed tenure is wholly build-to-rent, the Council's Affordable Housing Officer has confirmed that the scheme should provide eight affordable or social rent units.

*Infrastructure Contributions:*

8.109 The following infrastructure contributions totalling £79,633.27 have been requested by the County Council, the Council's Section 106 Monitoring and Compliance Officer, and NHS England:

- Healthcare (NHS England) (£19,200.00)
- Libraries (Hinckley Library) (£603.95)
- Off-Site Public Open Space Contributions (£9,767.32)
- Off-Site Public Open Space Maintenance (£9,006.80)
- Six-Month Bus Passes (two per dwelling) (£36,960.00)
- Travel Packs (£52.85 per pack) (£2,114.00)
- Waste (Barwell Household Waste and Recycling Centre) (£1,981.20)

*Highways:*

8.110 To comply with Government guidance in NPPF and commensurate with Leicestershire County Council Planning Obligations Policy, the Local Highway Authority confirmed that the following contributions would be required in the interests of encouraging sustainable travel to and from the site, achieving modal shift targets, and reducing car use:

1. Travel Packs, one per dwelling; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack).

**Justification:** To inform new residents from first occupation what sustainable travel choices are available in the surrounding area.

2. Six-month bus passes, two per dwelling (two application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car (can be supplied through LCC at the current cost of £462.00 per pass).

**Justification:** To encourage new residents to use bus services as an alternative to the private car to establish changes in travel behaviour from first occupation.

8.111 In total, these highways contributions equate to £39,074.00 (£36,960.00 for the Travel Packs and £2,114.00 for the six-month bus passes).

*Public Open Space (POS):*

8.112 Policy 1 of the adopted Core Strategy asserts that the Council will address the existing deficiencies, quantity and accessibility of green space and play provision



within Hinckley. New green space and play provision will be provided where necessary to meet the standards set out in Policy 19 of the adopted Core Strategy.

8.113 Policy 19 of the Core Strategy identifies standards for play and open space within the Borough. Developments should accord with this 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 identifies the costs for off-site and on-site contributions.

8.114 Following discussions with the Council's S106 Monitoring and Compliance Officer, it was confirmed that contributions should be secured towards off-site casual, informal, outdoor sports, and accessible natural green space by way of provision and maintenance sums. Given the scheme is for one-bedroom apartments, the contribution calculations have been reduced to reflect the appropriate provision for one person per dwelling. Therefore, the following off-site public open space provisions are therefore required:

<b>Off-Site Public Open Space (POS) Provision Requirements</b>			
<b>POS Type</b>	<b>Casual / Informal Space (C/ I S)</b>	<b>Outdoor Sports Provision</b>	<b>Accessible Natural Green Space (ANGS)</b>
<b>Provision per Dwelling (1 Person per Dwelling)</b>	7	16	16.7
<b>No. of Dwellings</b>	40	40	40
<b>Sqm to Provided</b>	280	640	668
<b>Off-Site Provision (per sqm)</b>	£4.44	£9.05	£4.09
<b>Provision Contribution</b>	£1,243.20	£5,792.00	£2,732.12
<b>Maintenance Contribution per sqm (Based on 20 Years)</b>	£5.40	£4.30	£7.10
<b>Maintenance Contribution</b>	£1,512.00	£2,752.00	£4,742.80
	£9,767.32		

<b>POS Provision Total:</b>	
<b>POS Maintenance Total:</b>	£9,006.80

### *Summary*

8.115 In light of the above, planning obligations totalling £79,633.27 have been requested. All the above contributions are considered to meet the tests for planning obligations and should therefore form part of the Section 106 legal agreement to be formulated should the application be approved. Therefore, subject to the above contributions, the development is considered to comply with Policy DM3 of the SADMP, and Policy 19 of the Core Strategy

## **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 In conclusion, the development is within the identified settlement boundary and represents the use of brownfield land for housing, which is supported by Policy 1 of the adopted Core Strategy and offered substantial weight in the planning balance by Paragraph 125(c) of the NPPF. The recently revised NPPF states that proposals that use suitable brownfield land for new homes should be approved unless substantial harm would be caused. As the Council is not able to deliver a five-year supply of land for housing, and in light of this and the latest NPPF's requirement to support the Government's objective of significantly boosting the supply of homes, the provision of 40 one-bedroom flats within this application site is considered to attract significant weight in the planning balance.
- 10.2 By virtue of the scheme's scale, massing, design, construction materials and architectural features, the proposal is considered to respect the architectural value of the building and preserve the heritage significance of the non-designated heritage asset, which ensures that the existing building continues to contribute positively to the character and heritage significance of the Hollycroft Conservation Area. The proposal is therefore considered to be in accordance with the HTCAAP, Policies DM10, DM11, and DM12 of the SADMP, Chapter 16 of the NPPF and the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.3 In addition, it is considered that the proposal does not result in any significant adverse impacts to the residential amenity of neighbouring residents or the future occupants of the scheme, and the impacts of the development on highway safety are not unacceptable, and, when considered cumulatively with other developments, the impacts on the road network are not severe, subject to conditions. Therefore, the development is considered to be in accordance with Policies DM10, DM17, and DM18 of the SADMP, the Good Design Guide, and the LHDG.
- 10.4 Taking national and local planning policies into account, and regarding all relevant material considerations, including the 'tilted' balance, it is recommended that planning permission to be granted, subject to the imposition of appropriate conditions and the entering into of a Section 106 Agreement relating to affordable housing, highways, open space provision and management, and the financial contributions detailed above.

## **11 Recommendation**

- 11.1 **Grant planning permission** subject to:
- Planning conditions detailed at the end of this report; and
  - The entering into of a S106 Agreement relating to affordable housing, highways, open space provision and management, and the financial contributions detailed above; and
  - That the Head of Planning be given powers to determine the final detail of planning conditions and S106 obligations.

## 11.2 Conditions and Reasons

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

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

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

- Existing Elevations 07B (submitted: 08.11.2024)
- Existing First Floor Layout (submitted: 22.07.2024)
- Existing Ground Floor Layout (submitted: 22.07.2024)
- Existing Second Floor Layout (submitted: 22.07.2024)
- Existing Roof Layout 20D (submitted: 06.11.2024)
- Existing Third Floor Layout (submitted: 22.07.2024)
- Proposed Access Drawings (HAS/23-071) (submitted: 11.03.2024)  
(Rev C)
- Proposed Demolition and Maintenance Elevations 15 (submitted: 08.11.2024)
- Proposed Demolition Ground Floor Plan 17A (submitted: 06.11.2024)
- Proposed Elevations 08E (submitted: 08.11.2024)
- Proposed First Floor Plans 02D (submitted: 06.11.2024)
- Proposed Fourth Floor Plan 01E (submitted: 08.11.2024)
- Proposed Ground Floor Plan 01 (Rev F) (submitted: 26.11.2024)
- Proposed Landscaping Plan 10 (Rev C) (submitted: 26.11.2024)
- Proposed OS Plan 09 (Rev B) (submitted: 26.11.2024)
- Proposed Replacement Window Details 28C (submitted: 06.11.2024)
- Proposed Roof Layout 16C (submitted: 08.11.2024)
- Proposed Second Floor Layout 03D (submitted: 06.11.2024)
- Proposed Site Plan 06 (Rev C) (submitted: 26.11.2024)
- Proposed Third Floor Layout 04D (submitted: 06.11.2024)
- Site Location Plan 23-848-09 (submitted: 05.12.2023)

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

3. The development hereby permitted shall be constructed with the following materials in accordance with the Proposed Elevations 08E (submitted: 08.11.2024), Alitherm Heritage Windows Brochure (submitted: 08.11.2024), Alitherm Heritage Windows Data Sheet (submitted: 08.11.2024), and Proposed Replacement Window Details 28C (submitted: 06.11.2024):

### Trinity Lane and Hollycroft Facing Elevations

- Grey, double glazed, slimline square profile PC aluminium-framed, Smart Alitherm windows (150mm window reveal with powder coated aluminium flashings)
- Standing seam zinc metal cladding panels on fourth floor.

### Rear Manor-Street Facing Elevation

- Ibstock Common Red Brick
- Anthracite PVC double glazed slimline windows (150mm window reveal) with aluminium flashing and 25mm front lip

### Rainwater Goods:

- Aluminium drainage pipes
- Cast aluminium hopper heads

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

4. No demolition/development shall take place/commence until a Written Scheme of Investigation (WSI) has been submitted in writing to, and approved in writing by, the Local Planning Authority. For the land and structures that are included within the WSI, no demolition/development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and:

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

**Reason:** To ensure a satisfactory historic building survey and to record and advance understanding of the significance of the affected resource prior to its loss in accordance with Policies DM11 and DM12 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 16 of the National Planning Policy Framework (2024).

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

**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).

6. The development hereby permitted shall not be occupied until such time as the access arrangements shown on Proposed Access Drawings (HAS/23-071) (Rev C) (submitted: 11.03.2024) have been implemented in full.

**Reason:** To ensure that vehicles entering and leaving the site may pass each other clear of the highway, in a slow and controlled manner, in the interests of general highway safety and in accordance with the National Planning Policy Framework (2024).

7. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with the Proposed Site Plan 06 (Rev C) (submitted: 26.11.2024). Thereafter the onsite parking (and turning) facilities shall be kept available for such uses in perpetuity.

**Reason:** To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street parking problems locally (and to enable vehicles to enter and leave the site in a forward direction) in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

8. The development hereby permitted shall not be occupied until such time as the cycle parking facilities have been implemented in accordance with the plan named Proposed Ground Floor 01 (Rev F) (submitted: 26.11.2024) and the Cycle Storage Details (submitted: 26.11.2024). Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

**Reason:** To promote travel by sustainable modes in accordance with the National Planning Policy Framework (2024).

9. The development hereby permitted shall not be occupied until such time as a Parking Management Plan, which minimises the need for residents to park on the local road network has been submitted in writing to, and approved in

writing by, the Local Planning Authority. The use and operation of the development shall thereafter be carried out in accordance with the approved details at all times.

**Reason:** To ensure that the development does not exacerbate existing parking problems in the area in accordance with Policies DM17 and DM18 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and the National Planning Policy Framework (2024).

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

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

11. The development hereby permitted shall not be brought into first use until details of the bird box and bat boxes to be installed onto the building have been submitted to, and approved in writing by, the Local Planning Authority. Details should include the type of boxes and their positioning. Any boxes need to be shown on all relevant submitted plans and elevations. The bird and bat boxes shall be installed in accordance with the approved details prior to first occupation of the development.

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

12. The development hereby permitted shall not be brought into first use until full details of the external lighting to be incorporated within the development, have been submitted to, and approved in writing by, the Local Planning Authority. This information shall relate to all pedestrian and vehicular routes and 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 approved lighting shall be installed prior to first

occupation of the development and maintained and operated in accordance with the approved details thereafter.

**Reason:** In the interests of the amenity of future occupiers, to protect the appearance of the area, and to protect neighbouring residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. The development hereby permitted shall not be brought into first use until the repairs and maintenance works as detailed within the Proposed Demolition and Maintenance Elevations 15A (submitted: 08.11.2024) and the Repairs and Maintenance Schedule (submitted: 25.10.2024) have been implemented in full.

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

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

**Reason:** To enable a vehicle to stand clear of the highway in order to protect the free and safe passage of traffic including pedestrians in the public highway in accordance with the National Planning Policy Framework (2024).

15. The windows on the rear elevation of Proposed Elevations 08E (submitted: 08.11.2024) hereby permitted shall be fitted with obscure glazing to a minimum of level 3 of the Pilkington scale and non-openable to a minimum height of 1.7m from the floor of their respective room. Once so provided the window(s) shall be permanently maintained as such at all times thereafter.

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

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

Monday – Friday 07:30 – 18:00  
Saturday 09:00 – 14:00  
No working on Sundays and Bank Holidays

**Reason:** To protect the amenities of the occupiers of neighbouring residential properties from unsatisfactory noise and disturbance in accordance with



Policy DM7 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

### Notes to Applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at [building.control@blaby.gov.uk](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.
2. This decision is conditional upon the terms of the planning agreement, which has been entered into by the developer and the Council under Section 106 of the Town and Country Planning Act 1990 (as amended.) The Agreement runs with the land and not to any particular person having an interest therein.
3. The Council requires monitoring fees for each planning obligation that is secured within a Section 106 Agreement, which include the following:
  - 11 to 50 dwellings or 1,000 to 3,000sqm gross floor space: (£419 per obligation).
  - Site Inspection Fee (minimum of 2): (£219 per visit).
  - Approval of Details/ Documents: (£327 per document).
  - Deed of Variation: (£649 per Section 106 topic).
4. The Written Scheme of Investigation must be prepared by an archaeological contractor acceptable to the Planning Authority. To demonstrate that the implementation of this written scheme of investigation has been secured the applicant must provide a signed contract or similar legal agreement between themselves and their approved archaeological contractor.
5. The County Council's Historic and Natural Environment Team, as advisors to the Planning Authority, will monitor the archaeological work, to ensure that the necessary programme of archaeological work is undertaken to the satisfaction of the Planning Authority. The 'Programme of work' in this instance refers to the historic building survey recording during development, in accordance with the Specification to be agreed.

This page is intentionally left blank

# PLANNING APPEAL PROGRESS REPORT - Week ending: 10.01.25

WR – WRITTEN PRESENTATIONS

HAS – HOUSEHOLDER APPEAL

IN – INFORMAL HEARING

PI – PUBLIC INQUIRY

File Ref	Case Officer	Application No	Type	Appellant	Development	Appeal Status	Process Dates
24/00028/PP	LA	23/01229/OUT (PINS: 3348387)	IH	Redrow Homes	Land East of the Common Barwell  (Outline Planning application for up to 95 dwellings with associated access, open space and landscaping following demolition of all buildings on site)	Start Date Hearing Letter Hearing 2days	06.11.24 04.02.25 25.02.25
24/00029/PP	JF	24/00596/FUL (PINS: 3355084)	WR	Ms Gillian Nicol	7 Springfield Road Hinckley  (Proposed wooden cattery)	Start Date Final Comments	28.11.24 16.01.24
	JF	24/00529/FUL (PINS: 3357325)	WR	Ms E Clarke	15 Hill View House Sheepy Rod Twycross (Formation of new access and parking area)	Awaiting Start Date	12.12.24
	MJ	24/00301/CLE (PINS: 3349395)	WR	Mr M Deacon	Breach Lane Farm Breach Lane, Earl Shilton  (Use of former farm buildings for the restoration, storage and sale of historic motor vehicles (as defined by the Historic Tax Class)	Awaiting Start Date	05.08.24
	TH	24/00229/FUL (PINS: 3357570)	PI	Mrs Nicola Lea	Oddfellows 25 Main Street Higham-On-The-Hill  (Proposed development of 7 dwellings – the conversion of the existing building into 2 dwellings and 5 new build properties)	Awaiting Start Date	17.12.24

23/000018/PP	SA	23/00020/CLE (PINS:3320892)	WR	ET Planning	6 Kingfisher Way Sheepy Parva  (Use of land as incidental residential garden and commencement of construction of an outbuilding (within the curtilage of the dwellinghouse).	<b>Awaiting Decision</b>	
23/00033/CLD	SJ	22/01121/CLE (PINS: 3330026)	WR	Lindley Hall Farms Ltd	Wide View Fenn Lane, Fenny Drayton.  (Use of land for storage of agricultural machinery, vehicles, and materials)	<b>Awaiting Decision</b>	
	SI	23/01098/TPO (PINS: 10017)	WR	Claire Bradbury	28 Spinney Drive Botcheston  (Carry out works to protected trees, to fell T1 Canadian Pine)	<b>Awaiting Decision</b>	
24/00003/PP	CZ	23/00013/UNHOUS (PINS: 3336333)	WR	Mr B Watson	1 Sherborne Road Burbage  (Timber structure on side elevation fronting a highway)	<b>Awaiting Decision</b>	
24/00005/ENF	CZ	22/00121/UNBLDS 22/00989/HOU (PINS: 3337207)	WR	Mrs Jackie Carrino	39 Wykin Road, Hinckley  (breach of planning control)	<b>Awaiting Decision</b>	
24/00017/PP	RW	23/00560/FUL (PINS:3346910)	WR	Mr N Hayre	37A London Road Hinckley  (Conversion of detached outbuilding to studio apartment)	<b>Awaiting Decision</b>	
24/00014/PP	MJ	24/00118/FUL (PINS: 3344038)	WR	CW Property Lettings Ltd	Land adjacent 10 Wolsey Drive, Ratby  (Erection of 2 dwellings)	<b>Awaiting Decision</b>	

24/00019/PP	DS	24/00021/FUL	WR	Mr Joe Mitson	Poplar Cottage Little Shaw Lane, Markfield  (Part change of use of site to retail to allow public access to the nursery and the provision of a car park)	<b>Awaiting Decision</b>	
24/00021/PP	TH	23/01195/FUL (PINS: 3348843)	WR	Mr & Mrs David and Cheryl Gagin	Land Northeast of The Hovel, Spinney Drive Botcheston  (Proposed dwelling with detached garage and creation of new access (Resubmission 22/01071/FUL) (Self Build))	<b>Awaiting Decision</b>	
24/00023/PP	DS	23/01173/FUL (PINS: 3349885)	WR	Ms Rebecca Redford	Land Adjacent To 22 Rookery Lane, Groby  (Construction of two-bedroom dwelling)	<b>Awaiting Decision</b>	
24/00022/PP	SA	24/00476/FUL (PINS: 3350799)	WR	Hussein Essajee	87B & 87C High Street, Barwell  (Change of use from two dwellinghouses Class C3 to Childrens Care Home Class C2)	<b>Awaiting Decision</b>	
24/00027/PP	SA	24/00275/OUT (PINS: 3351678)	WR	Ms Tracey Cleall	21 Greenmoor Road Burbage  (Outline application for the provision of a single dwelling (all matters reserved except for Access and Layout.)	<b>Awaiting Decision</b>	
24/00018/ENF	CZ	23/00143/UNBLDS (PINS: 3346915)	WR	Mr M Hayre	Land at 37 London Road, Hinckley  (Outbuilding to the rear has been turned into habitable accommodation)	<b>Awaiting Decision</b>	
24/00026/ENF	CZ	21/00251/UNUSES (PINS: 3347029)	WR	Mr J Hemmings	Land at Shenton Lane, Upton  (Use of agricultural land for car sales business)	<b>Awaiting Decision</b>	

## Decisions Received

24/00016/PP		23/00716/FUL (PINS: 3346306)	WR	Mr D Richardson	Land adjacent to Barwell Constitutional Club Chapel Street Barwell  (Proposed 3no. residential dwellings with associated vehicular access, parking, amenity space and other Works)	<b>Dismissed</b>	<b>28.10.24</b>
24/00020/PP	JF	24/00338/FUL (PINS: 3348095)	WR	Ryan Pugh	Willow Barn, Wykin Lane Stoke Golding  (Erection of single storey extension to form garage and workshop)	<b>Dismissed</b>	<b>29.10.24</b>
24/00024/F TPP	TH	24/00647/HOU (PINS: 3352117)	HAS	Mr Stewart Muscutt	132 Stanley Road Hinckley  (Two storey rear extension)	<b>Dismissed</b>	<b>19.11.24</b>
24/00021/PP	SJ	23/01195/FUL (PINS: 3348843)	WR	Mr & Mrs Gagin	Land Northeast of The Hovel Spinney Drive Botcheston  (Proposed dwelling with detached garage and creation of new access (Resubmission 22/01071/FUL)	<b>Dismissed</b>	<b>12.12.24</b>
24/00025/F TPP	RW	24/00646/HOU (PINS: 3352127)	WR	Mr & Miss James and Alice Hames and Croucher	Owl Barn, Brockey Farm Kirkby Road, Barwell  (Single storey rear extension to replace existing timber fenced area)	<b>Allowed</b>	<b>23.12.24</b>



This page is intentionally left blank