

# Public Document Pack



Hinckley & Bosworth  
Borough Council

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

**Date: 04 August 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 KWP Lynch
Cllr SL Bray	Cllr LJ Mullaney
Cllr MA Cook	Cllr H Smith
Cllr DS Cope	Cllr BR Walker
Cllr REH Flemming	Cllr R Webber-Jones
	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, 12 AUGUST 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

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Thank you

## PLANNING COMMITTEE - 12 AUGUST 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 15 July 2025.

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. **24/00264/OUT - LAND NORTH OF NORMANDY WAY, HINCKLEY (Pages 5 - 42)**

Outline planning application for the erection of up to 415 dwellings including landscaping, open space, drainage and associated infrastructure (outline – access only).

8. **24/00709/REM - ASHFIELD FARM, KIRKBY ROAD, DESFORD (Pages 43 - 62)**

Application for approval of reserved matters (relating to appearance, landscaping, layout and scale for the erection of 120 dwellings and associated works) attached to planning permission 22/01227/OUT (APP/K2420/W/23/3320601) including discharge of conditions 5 (ecological constraints and opportunities), 6 (biodiversity details), 9 (surface water scheme) and 11 (site/ground investigation).

9. **25/00476/FUL - ADJACENT THOMPSTONE COTTAGE, MAIN ROAD, SHEEPY MAGNA (Pages 63 - 82)**

Application for demolition of the existing commercial workshop, removal of existing containers and erection of a replacement commercial workshop.

10. **25/00362/FUL - 3 EVERARD WAY, STANTON UNDER BARDON, MARKFIELD (Pages 83 - 94)**  
Application for change of use from existing residential dwelling to residential care home (class C2) for up to three people and conversion of existing garage to office space.
11. **24/00769/FUL - KYNGS GOLF AND COUNTRY CLUB, STATION ROAD, MARKET BOSWORTH (Pages 95 - 112)**  
Application for change of use of land and siting of nine single storey holiday lodges with vehicle parking and associated works (revised scheme 23/00508/FUL).
12. **24/01079/OUT - LAND NORTH OF STATION ROAD, MARKET BOSWORTH (Pages 113 - 178)**  
Outline application for up to 126 dwellings (all matters except access).
13. **APPEALS PROGRESS (Pages 179 - 184)**  
To report on progress relating to various appeals.

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

15 JULY 2025 AT 6.30 PM

PRESENT: Cllr MJ Crooks - Chair  
Cllr J Moore – Vice-Chair  
Cllr CM Allen, Cllr RG Allen, Cllr SL Bray, Cllr MA Cook, Cllr REH Flemming,  
Cllr C Gibbens, Cllr SM Gibbens, Cllr DT Glenville (for Cllr DS Cope),  
Cllr CE Green, Cllr L Hodgkins (for Cllr R Webber-Jones), Cllr KWP Lynch,  
Cllr LJ Mullaney, Cllr H Smith and Cllr BR Walker

Also in attendance: Councillor CW Boothby, Councillor WJ Crooks and Councillor BE Sutton

Officers in attendance: Emma Baumber, Chris Brown, Rebecca Owen and Edward Stacey

#### 106. **Apologies and substitutions**

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

Councillor Glenville for Councillor Cope  
Councillor Hodgkins for Councillor Webber-Jones.

#### 107. **Minutes**

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

RESOLVED – the minutes of the meeting held on 17 June be confirmed as a correct record.

#### 108. **Declarations of interest**

Councillor Cook declared a registrable interest in application 22/00882/OUT as the works would affect her due to her address.

With reference to application 22/00882/OUT, Councillor C Gibbens stated she was a contractor for Natural England and DEFRA, however her role was not related to planning or the site in question, therefore she had no disclosable interest.

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

The Head of Planning updated members on decisions delegated at the previous meeting.

110. **25/00461/FUL - Hinckley and District General Hospital, Mount Road, Hinckley**

Application for demolition of former cottage hospital and development of new day case surgery building with associated landscaping and parking.

In presenting the report, the case officer reported that a request had been submitted to the Department for Culture, Media and Sport by a member of the public to review their decision not to list the hospital building, and that should permission be granted for the planning application, the decision would not be issued until the outcome of the review was known. Officers also committed to urging the government department to expedite the review. It was noted that, should the building be listed, the application would need to be brought back to the Planning Committee.

Two representatives of the applicant spoke on the application.

Councillor Bray, seconded by Councillor Lynch, proposed that:

- “(i) Permission be granted subject to the conditions contained in the officer’s report and late items, with authority delegated to the Head of Planning to determine the final detail of the conditions;
- (ii) A note to applicant be added to urge them to continue throughout the construction of the new day case unit to look for ways to work with local heritage groups and others to seek to preserve as many heritage features as possible;
- (iii) Disappointment be expressed that the Secretary of State had not responded to the Leader of the Council’s letter urging the government to look at providing the new day case facilities whilst simultaneously protecting the locally recognised heritage asset;
- (iv) The scaremongering by the Member of Parliament for Hinckley & Bosworth, who sought to distort the position taken by those who have tried constructively to deliver the new facilities whilst seeking a better building design, be condemned;
- (v) The NHS be urged to continue to seek ways to further improve the overall health provision locally. Local people have previously been promised a walk-in / minor injuries unit and we urge the NHS to bring forward these plans.”

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

RESOLVED –

- (i) Permission be granted subject to the conditions contained in the officer’s report and late items, with authority delegated to

the Head of Planning to determine the final detail of the conditions;

- (ii) A note to applicant be added to urge them to continue throughout the construction of the new day case unit to look for ways to work with local heritage groups and others to seek to preserve as many heritage features as possible;
- (iii) Disappointment be expressed that the Secretary of State had not responded to the Leader of the Council's letter urging the government to look at providing the new day case facilities whilst simultaneously protecting the locally recognised heritage asset;
- (iv) The scaremongering by the Member of Parliament for Hinckley & Bosworth, who sought to distort the position taken by those who have tried constructively to deliver the new facilities whilst seeking a better building design, be condemned;
- (v) The NHS be urged to continue to seek ways to further improve the overall health provision locally, including bringing forward plans for a walk-in / minor injuries unit.

Having declared an interest in the following item, Councillor Cook left the meeting at 7.10pm.

**111. 22/00882/OUT - land adjacent to MIRA Technology Park, Caldecote**

Outline application (all matters reserved) for extension of MIRA Technology Park to comprise employment use (class B2), associated office and service uses (class E g), storage (class B8), new spine road, car parking, landscaping and enabling works (cross boundary application with North Warwickshire Borough Council).

The ward councillor spoke on this application.

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

**RESOLVED –**

- (i) Permission be granted subject to
  - a. The conditions outlined in the officer's report;
  - b. A S106 agreement to secure off site highways improvements including bus service improvements and with regards to employment and skills training.
- (ii) The Head of Planning be granted delegated authority to determine the final detail of the planning conditions.

112. **Appeals progress**

Members were updated on progress in relation to appeals. The report was noted.

(The Meeting closed at 7.25 pm)

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CHAIR



Planning Committee 12 August 2025  
Report of the Head of Planning

Planning Ref: 24/00264/OUT

Applicant: Richborough Estates Mr & Mrs Adcock, Mrs Morrison  
and Mr Mayn

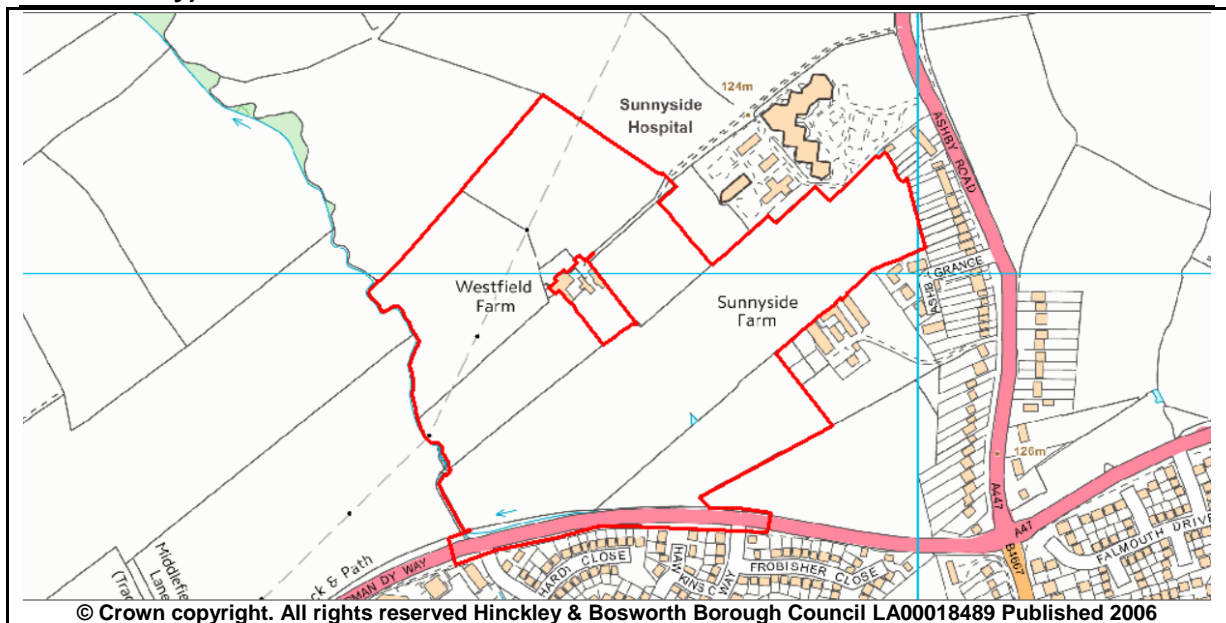
Ward: Hinckley DeMontfort



Hinckley & Bosworth  
Borough Council

Site: Land North Of A47 Normandy Way, Hinckley Leicestershire

Proposal: Outline planning application for the erection of up to 415 dwellings including landscaping, open space, drainage and associated infrastructure (outline – access only)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Section 106 agreement (as per the Heads of Terms set out in this report)
- Planning conditions outlined at the end of this report
- That the Planning Manager be given powers to determine the final detail of planning conditions and terms of the S106 agreement

## 2. Planning application description

### 2.1. The application seeks outline permission for the erection of up to 415 dwellings, open space, drainage, landscaping and associated infrastructure with all matters reserved except for access.

### 2.2. Proposed access for the development would comprise a 3-arm roundabout along the A47 Normandy Way, with shared footway/cycleway provision along the northern arm.

### 2.3. All detailed matters are reserved except for access which is a consideration for this outline application.

### 2.4. The following briefly summarises the development proposal as demonstrated within the Illustrative Masterplan:

- Dwellings predominantly two storey in height, with some ‘pepper-potting’ of up to 2.5 storeys
- Access to the development will be via a new traffic island and access from Normandy Way on the southern site edge;
- Main vehicle route through the scheme from the new traffic island, with secondary and tertiary routes radiating from;
- Combined pedestrian and cycle route across the proposed scheme;
- Formal public open space and informal pocket parks through the scheme;
- Green corridor routes running through the scheme for pedestrian and cycle friendly movement, and linkage to the wider urban area and open countryside beyond the boundary of the site;
- SUDs attenuation basins and swales; and
- Public open space including the provision children’s play areas, formal and informal landscape treatment, ecological betterment and habitat creation.

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

- 3.1. The site is located to the north of Hinckley, north of Normandy Way and to the west of Ashby Road. Westfield Farm lies in the middle of the site but is outside of the red line of the planning application. The Hinckley and Bosworth Community Hospital is situated to the north-east of the site and the northern boundary by existing hedgerows and associated trees. It is commonly referred to as Hinckley North Phase 2.
- 3.2. Hinckley North Phase 1, west of the site, was granted outline approval for the erection of up to 475 dwellings including reserving land for a primary school (plus expansion land) at appeal (reference 22/00318/OUT). A reserved matters application for 475 dwellings is currently under consideration by the Council (reference 25/00537/REM). A second outline application for Phase 1, also for the erection of up to 475 dwellings but excluding the school land previously approved gained a resolution to approve by Members subject to conditions and a Section 106 legal agreement (planning ref 23/00432/OUT). The Section 106 legal agreement is still progressing.
- 3.3. The site generally falls from a high point in the north-west toward the lower parts along the watercourse in the south.

### 4. Relevant planning history

- 4.1. **22/00318/OUT** - Outline planning application for the erection of up to 475 dwellings, including public open space, land reserved for a primary school together with future expansion land (Use Class F1(a)), drainage, landscaping and associated infrastructure – **REFUSED – ALLOWED AT APPEAL (18 Jan 2024) (adjacent to the site)**
- 4.2. **23/00432/OUT** – Outline planning application for the erection of up to 475 dwellings including public open space, drainage, landscaping and associated infrastructure – **Resolved to approve by Members subject to conditions and a Section 106 agreement (adjacent to the site) – S106 not yet signed/sealed**
- 4.3. **25/00537/REM** – Approval of reserved matters (appearance, landscaping, layout and scale) of outline planning permission 22/00318/OUT for construction of 475

dwelling and associated infrastructure and landscaping works – **pending consideration**

- 4.4. Under the Town and Country (Planning Impact Assessment) Regulations 2017 there is a requirement to 'screen' certain types of major development or other industrial, agricultural schemes to ascertain whether they would have significant environmental effects and are considered to be EIA development. Under Schedule 2 of these Regulations there are thresholds and criteria that are applicable to certain types of development in order to be 'Schedule 2 development'.
- 4.5. This development is considered under Category 10 (b) 'urban development project' and the thresholds for this are:
- The development includes more than 1 hectare of urban development which is not housing development
  - The development includes more than 150 dwellings
  - The overall site of the development exceeds 5 hectares
- 4.6. In this case, the development includes more than 150 dwellings and exceeds 5 hectares and so is considered to be Schedule 2 development. This type of development requires 'screening' to determine whether it requires an Environmental Impact Assessment. The scheme has been screened by the Council as part of the pre application advice and it has been concluded that the site is not in or adjacent to an environmentally sensitive area (as per the definition within the EIA Regs), is not unusually complex and does not pose potentially hazardous environmental effects. Although it is acknowledged that the proposal would create some effects upon the environment when compared to the existing situation it was concluded that these effects would not be 'significant' and therefore under the provisions of the screening regulations the proposal did not require an Environmental Impact Assessment.
- 5. Publicity**
- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site and a notice was displayed in the local press.
- 5.2. 27 public comments have been received, raising the following concerns/objections:
- The proposed changes to the road by placing a roundabout right outside my garden wall will impact directly upon my property and my physical and mental health. Our garden will be unusable due to noise and pollution from cars. It also encroaches on my personal space. There are already 2 junctions entering this estate from the Perimeter Road which would be better suited to accommodate a roundabout, why have these not been considered? Therefore please reconsider the placement of the roundabout and move it away from my garden and property.
  - Traffic has increased significantly since 2022 when the last road survey was completed and the road is usually at a stand still in peak times, we cannot turn right out of the estate onto the perimeter road and there are queues up to the lights on Ashby Road and down to the Morrisons lights. I would urge another traffic survey is undertaken in 2024 as a priority. My property is already suffering from damage due to the vibration and noise from the constant traffic and lorries. If the proposed roundabout will be built adjacent to my garden and

property, we need to know who will be liable for damage to my property, and future health issues and concerns that this will cause?

- It is difficult to ascertain exactly where the site southern boundary lies and how close it is to the existing gardens (outdoor living space) for the properties on Hardy Close?
- Given the western downward gradient, water run off onto Normandy Way is often currently seen, so any drainage mitigation must account for this so existing properties are not subjected to adverse or increased flood risk, both during construction and once the development is completed.
- Any planning decision related to this application (24/00264/OUT) should also take into account the existing impact and or possible future impact of other local and county planning applications, namely The HNFRI, Hollycroft Grange and phase 1 (22/00318/OUT).
- We haven't got the supporting infrastructure to cover all the new housing developments that are popping up all around Hinckley, schools are at their limits for pupils, it is nearly impossible to get a doctor's appointment anymore because they are beyond capacity and adding more housing is only going to push these issues beyond the limits.
- Please stop over developing the area and let the people and animals continue to enjoy the green spaces left.
- There are brownfield sites in Hinckley, such as the Midland Studio College on London Road that could be developed before sacrificing yet more countryside.
- Climate change is adversely affected by building on greenfield sites when compared to brown field sites.
- The dwelling density is not in keeping with any of the housing in the surrounding roads. For example, a similar area on the opposite side of Normandy Way, contains approximately 226 dwellings, about 90% less dense.
- Ashby Grange suffers regular power cuts, sometimes lasting several hours. With this number of new dwellings that will no doubt be fitted with heat pumps and car charging points, it will be inevitable that a substantial upgrade to the grid substation will be needed. Phase one, 22/0318/OUT, adds a further 475 dwellings, likely compounding the issue. There is no mention of provision for this in any of the documents relating to the application.
- Mobile broadband is quite poor at busy times in the area. With an extra 890 homes in the immediate vicinity this would again need a major upgrade.
- Ashby Grange residents are all retired and benefit from the amenity of a quiet, semi-rural, open aspect area with a high degree of privacy. However the only amenity that appears to be "protected" is retaining the existing hedges. This loss of amenity could be offset, at the very least, by providing a planting strip, including trees, along the entire length of number 4 and 5's northern boundaries, similar to that proposed along much of the northern site boundary with the hospital.
- Concerned by the damage this development will cause to ecological habitat.
- If the estate is built, roads and access should not be directed to the perimeter road. More suitable methods of traffic control should be used.
- The local hospital has many elderly patients. I see no indication that the impact on the hospital has been considered.
- The development of the land in Barwell has been planned for several years. There are many hundreds of houses planned for this development. As such there is no need for these additional houses, especially with the recent estate on the perimeter road from Bloor Homes.
- The proposed plan includes 20% of social housing which will undoubtedly increase crime rates and lower the value of current housing in the area.

- Hinckley and Bosworth Local plan is not yet finalised, which is crucial in any planning application decision. There are no up to date figures for the council's plan on how many homes they need to build in the next 10 years, without this information, I don't see how a committee could reasonably make a decision. Therefore I ask you to postpone this decision until the local plan is complete.
  - The proposed development is not in-keeping with the area.
  - Bats are present at the site, it is an integral bat highway used for foraging at dusk and dawn. This land is critical in the survival of the bat population in Hinckley.
  - The development will result in a decrease in property values for existing houses.
  - These are already Road traffic accident prone areas including sadly a motorcyclist fatality in the last year and a serious accident occurring at the cross roads just on Friday 5/4/24. The additional traffic would increase the risk of such incidents occurring.
- 5.3. 1 letter of support has been received from a third party which states the following:
- On behalf of Leicestershire Partnership NHS Trust, freehold owner of Hinckley and Bosworth Community Hospital, we do not object to this application in principle. The Trust requests are that any layout of the new estate should reflect the presence of the hospital so that privacy is maintained.
  - The Trust also request that appropriate boundary fencing be included with the development to assist with the future security of the hospital site.
- 6. Consultation**
- 6.1. No objection has been received from:
- Leicestershire Badger Group
  - Environment Agency
  - LCC Minerals and Waste Authority
  - LCC Archaeology
  - Leicestershire Police (subject to a financial contribution as part of a S106 agreement)
  - LCC Tree Officer
  - HBBC Environmental Health (Conditions relating to noise, CEMP, land contamination, construction hours)
  - HBBC Drainage
  - HBBC Waste (Condition relating to refuse storage and collection)
  - LCC Drainage (Conditions relating to surface water drainage, management thereof and long-term maintenance thereof)
  - LCC Planning Obligations Team – subject to request for planning obligations including libraries, waste, early years, secondary, post 16 and SEND education contributions
  - LCC Ecology (subject to conditions – CEMP, LEMP and mandatory BNG condition)
  - NHS – (subject to request for healthcare contributions as part of a Section 106 agreement)
  - Severn Trent Water – subject to condition
  - Open Space and S106 Monitoring Officer – subject to latest open space parameters plan
- 6.2. HBBC Affordable Housing – The application for this site is for 415 dwellings on land North of Normandy Way Hinckley.

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

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

83 dwellings should be for affordable housing. The tenure mix should provide 21 properties as First Homes, 41 properties for affordable or social rent and 21 for shared ownership. This would satisfy the requirements in NPPF that 25% of all affordable housing should be provided as First Homes, and meet the requirement for 10% of all dwellings for affordable home ownership.

The Council’s housing register has the following number of live applicants waiting for rented housing as at 05.04.24 with a preference for Hinckley:

Bedroom size	General register
1 bedroom	457
2 bedrooms	212
3 bedrooms	87
4 or more bedrooms	45
Total	801

As this is a development which will provide a significant amount of affordable housing for the Borough, a cross section of properties types for rented accommodation is requested. As there are 154 live applicants amongst the total number who are aged 60 and over and would be able to apply for housing for older people, it is requested that a proportion of the affordable housing should be for 2 bedroomed bungalows.

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

Property type	Affordable rent	Shared ownership	First Homes
1 bed 2 person quarter house or apartment	13%	0%	0%
2 bed 4 person bungalows	13%	0%	0%
2 bed 4 person houses	43%	50%	50%
3 bed 5 person houses	25%	50%	50%
4 bed 6 person houses	6%	0%	0%
Total	100%	100%	100%

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

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

- 6.3. Local Highway Authority – no objections subject to conditions and planning obligations including financial contributions of £1,515,341.71 towards A47 corridor improvements.
- 6.4. Active Travel – no objections subject to requested conditions/contributions.
- 6.5. National Highways – Requested further information including the development's impact on the Long Shoot and Dodwells junctions on the A5. Further comments are expected prior to committee and will be provided in the late items report.
- 6.6. HBBC Conservation Officer - I agree with the conclusions of the Built Heritage Impact Assessment submitted to accompany the proposal, with there being no adverse impacts upon designated heritage assets resulting from the proposal so it complies with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD (SADMP) and Section 16 of the National Planning Policy Framework (NPPF). The Assessment does however identify that Westfield Farm and the former Isolation Hospital, Ashby Road (considered to be a non-designated built heritage asset) have the potential to be affected by development within the application site through changes within their settings. I agree with the conclusions of the Assessment which are summarised below. Westfield Farm will be retained within the proposed development. The loss the farmland surrounding will not affect the understanding of the significance of the farmhouse itself, which principally relies on its physical fabric, rather than a contribution from its setting. Westfield Farm as part of the setting of medieval ridge and furrow located within the site does, however, makes a negligible contribution to the significance of these earthworks. The ridge and furrow have been assessed as a non-designated heritage asset within the RPS Archaeological Desk-Based Assessment. The proposed preservation of a complete set of selions within the proposed landscape area of the proposals will ensure their historic and aesthetic value, as part of the Medieval landscape continuing into 19th and 20th century farming will remain appreciable. Owing to the proposed preservation of the ridge and furrow, the loss of the remaining farmland surrounding Westfield Farm is not considered to result in a harmful impact to the significance of Westfield Farm. The assessment establishes that the proposed development will have no impact on how the relationship of the buildings of the Isolation Hospital are understood or appreciated within their immediate setting of the hospital complex, which forms the most important part of their setting. However, the proposed development will reduce the rural setting surrounding the Isolation Hospital. The proposed development will be offset from the Isolation Hospital and proposed planting schemes has the potential to complement the immediate setting of the Isolation Hospital. The reduced wider rural

setting of the Isolation Hospital will cause a harmful impact on the historic narrative of the Isolation Hospital, but this will not alter how the more important functional relationships of the buildings and their immediate setting is appreciated or understood. In the context of the National Planning Policy Framework, this will engage the test of paragraph 209. Paragraph 209 of the NPPF states that “the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” Policy DM12 of the SADMP states that development proposals should make every effort to retain the significance of locally listed heritage assets. The application of paragraph 209 of the NPPF within the overall planning balance is left to the decision-taker, however in my opinion I agree with the assessment that given the limited significance of the Isolation Hospital and the low contribution the application site makes to this as part of its total rural setting, the impact of the proposed development on the significance of the Isolation Hospital is a small consideration within the overall planning balance.

#### Public Realm Improvements Contribution

A number of projects towards public realm and transportation improvements in Hinckley Town Centre have been identified within the Hinckley Town Centre Area Action Plan (Policy 11) and the Hinckley Town Centre Public Realm Strategy. The Major Projects Team are of the opinion that such contribution is necessary, directly related to the development, is fair and reasonably related. A figure of £75,000 has been secured for public realm improvements as part of the Section 106 agreement for the approved 475 dwellings on the adjacent site to the west (reference 22/00318/OUT). The above equated to an average of £158 per dwelling. Given that this application proposes up to 415 dwellings, a proportionate figure using the recent agreement above is (415 x 158) £65,570, rounded up to £66,000. The same clause as per the Section 106 (4.4) in that there shall be no first occupation of more than 50% of the dwellings unless and until the owner shall have paid the contribution to the Council, should also be applied.

## **7. Policy**

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

- Policy 1: Development in Hinckley
- Policy 5: Transport Infrastructure in the sub regional centre
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

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

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



- Policy DM18: Vehicle Parking Standards
- 7.3. National Planning Policies and Guidance
- National Planning Policy Framework (NPPF) (2023)
  - Planning Practice Guidance (PPG)
  - National Design Guide (2019)
- 7.4. Other relevant guidance
- Good Design Guide (2020)
  - National Design Guide (2019)
  - Leicestershire Highway Design Guide
  - Landscape Character Assessment (2017)
  - Landscape Sensitivity Assessment (2017)
  - Landscape Sensitivity and Green Infrastructure Study for Leicester & Leicestershire (October 2017)
  - Open Space and Recreation Study (2016)
  - Housing Needs Study (2024)
  - Affordable Housing SPD
  - Leicestershire Minerals and Waste Local Plan
- 8. Appraisal**
- 8.1. As this is an outline planning application with all matters reserved except for access, the number of detailed considerations relevant at this stage are limited. Nonetheless, the following represent the key issues:
- Principle of development
  - Housing land supply
  - Housing mix and supply
  - Impact upon highway safety
  - Landscape and visual impact
  - Heritage Impacts
  - Archaeology
  - Residential amenity
  - Flood risk and drainage
  - Ecology and biodiversity
  - Minerals
  - Planning Obligations
  - Planning balance
- Principle of development**
- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF confirms that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.
- 8.3. Paragraph 11 of the National Planning Policy Framework (NPPF) and Policy DM1 of the Site Allocation and Development Management Policies Development Plan Document (SADMP) set out a presumption in favour of sustainable development, and state that development proposals that accord with the development plan should be approved unless other material considerations indicate otherwise. The

development plan in this instance consists of the adopted Core Strategy (2009) (CS) the Site Allocations and Development Management Policies DPD (2016) (SADMP).

- 8.4. The Emerging Local Plan is due to cover the plan period 2024-2045. The previous public consultation on the Regulation 18 Draft Local Plan ran from Wednesday 31 July to Friday 27 September 2024. The latest Local Development Scheme (LDS), was published on 06 March 2025 and can be found on the Council's website. The update revises the timetable for production of the Local Plan and establishes key milestones for public consultations, including a further Regulation 18 consultation scheduled for September/October 2025, and the Regulation 19 consultation scheduled for around March/April 2026. Given the early stage of the Emerging Local Plan and outstanding evidence still to be undertaken, the emerging policies are therefore attributed very limited weight.
- 8.5. The site is located in open countryside outside of the settlement boundary of Hinckley, however the site did feature within a wider proposed housing allocation in the Regulation 18 draft version of the Local Plan (July-September 2024). Draft Policy SP02, found within the main draft Local Plan document states that provision has been made through this wider draft allocation at 'land north of Normandy Way, Hinckley' for a minimum of 1200 homes. However this can only be given limited weight at this stage as it has not been tested through examination in public.
- 8.6. The site ref 'AS1031 A' was submitted to the Borough Council through the Call for Sites process and is included within the SHELAA (2022). The site is slightly different in size to the application, given a central pocket contained within the SHELAA site around Westfield Farm is removed from the application red line. The outcome in the SHELAA 2022, is that the site is suitable, available and achievable. The timeframe given in the SHELAA 2022 trajectory for was for the site to be under construction within 6-10 years and for completion within 11-15-year timeframe. The site is classified as developable.
- 8.7. Policy DM4 of the SADMP states "that to protect its intrinsic value, beauty, open character and landscape character, the countryside will first and foremost be safeguarded from unsustainable development.
- 8.8. Development in the countryside will be considered sustainable where:
- a) It is for outdoor sport or recreation purposes (including ancillary buildings) and It can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
  - b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
  - e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation
- And
- i) It does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside and
  - ii) It does not undermine the physical and perceived separation and open character between settlements and
  - iii) It does not create or exacerbate ribbon development

- iv) If within a Green Wedge it protects its role and function in line with Core Strategy Policies 6 and 9 and
  - v) If within the National Forest it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21
- 8.9. The proposed development does not relate to any of the criteria above. The application sets out why development in this location is deemed to be sustainable; and provides a reasonable and accurate assessment of how the proposal would contribute to sustainable development as required by the NPPF. The proposal is also supported by a Landscape Visual Impact Assessment (LVIA) setting out the impact on the wider landscape character.
- 8.10. Whilst there is conflict with Policy DM4, the proposed development is located on the edge of an urban settlement, is not considered to be isolated, does not exacerbate ribbon development and is not within the National Forest. It needs to be assessed against the material planning considerations set out in the below sections.
- 8.11. An appeal for application 22/00318/OUT for up to 475 dwellings has been allowed by the Planning Inspectorate (18 Jan 2024) and a subsequent planning application has been resolved to be approved subject to conditions and a Section 106 legal agreement (23/00432/OUT) – Phase 1. This is a material consideration for this planning application which lies adjacent to this application site.
- Housing land supply**
- 8.12. 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.
- 8.13. The Planning Policy team are currently reviewing the revised NPPF (2024) and implications for the Council's Five Year Housing Land Supply. A revised position will be published in 2025 once the monitoring for the 2024/25 year has been completed. It is however very likely that, with the revised housing need figure of 682 dwellings per annum from the Dec 2024 NPPF (649dpa + 5% buffer as per Para 78a), that the Council will be unable to demonstrate a Five Year Housing Land Supply once the revised position is published.
- 8.14. As part of the planning appeal APP/K2420/W/24/3357570 at the Oddfellows Arms, 25 Main Street, Higham on the Hill, the Council have provided an indicative housing land supply figure via an Interim Five-Year Housing Land Supply Statement (2024 and 2025). When applying the standard method figure and the 5% buffer to the Council's requirement of land for housing, the Policy Team confirmed that, as of 29 July 2025, the Local Planning Authority could demonstrate a 3.89-year supply of land for housing. Paragraph 3.5 of this Statement confirms that these figures are indicative, and the supply figures are expected to decrease slightly as the monitoring exercise is further progressed.
- 8.15. For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. Due to the age of relevant housing policies in the Core Strategy, in accordance with paragraph 11d) of the NPPF, the Council should grant permission for housing unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole. This is weighed in the balance of the merits of the application when considered with the

policies in the SADMP and the Core Strategy which are attributed significant weight as they are consistent with the Framework. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

- 8.16. Under these circumstances, the NPPF sets out, in paragraph 11d) that, for decision makers:

*“where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (8), granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”*

- 8.17. Paragraph 61 of the NPPF sets out that *“it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay”*.

- 8.18. Paragraph 79 of the NPPF sets out that:

*“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority’s housing requirement over the previous three years, the following policy consequences should apply:*

- where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;*
- where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 78 of this framework, in addition to the requirement for an action plan.*
- where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.”*

- 8.19. Therefore, currently the ‘tilted’ balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

- 8.20. The provision of up to 415 dwellings, 20% of which is to be Affordable Housing, is considered to be a significant social, economic and community benefit of the proposal for the Hinckley area and weighs heavily in favour of the scheme.

#### **Housing mix and supply**

- 8.21. Policy 16 of the CS requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings, taking account of the type of provision that is likely to be required, based upon table 3 in the CS and informed by the most up to date housing needs data. All developments of 10 or more dwellings are also

required to meet a 'very good' rating against Building for Life, unless unviable. The Good Design Guide SPD also advocates the use of the Building for Life assessment.

- 8.22. Paragraph 63 of the NPPF states that the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies.
- 8.23. The final number and mix of dwellings will be determined at Reserved Matters stage, but the illustrative layout shows a mix of types and sizes can be accommodated (up to 415 dwellings).
- 8.24. 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%. But this policy is now considered to be out of date. When compared with the 2019 Housing Needs Study, the up to date 2024 study points to a stronger need for housing from households unable to rent in the market (and therefore a greater need for rented affordable products) – the difference looks to be driven by worsening affordability due to increased private rental costs and a reduction in turnover of the social housing stock (fewer relets). However, both studies clearly point to a high level of affordable need and for the Council to need to seek to maximise delivery.
- 8.25. Given the nature of the area and the needs identified, the analysis suggests that the majority of units should be houses rather than flats although consideration will also need to be given to site specific circumstances (which may in some cases lend themselves to a particular type of development). There is potentially a demand for bungalows, although realistically significant delivery of this type of accommodation may be unlikely. It is however possible that delivery of some bungalows might be particularly attractive to older person households downsizing and may help to release larger (family-sized) accommodation back into family use.
- 8.26. In all sectors the analysis points to a particular need for 2-bedroom accommodation, with varying proportions of 1-bedroom and 3+-bedroom homes. For general needs rented affordable housing there is a clear need for a range of different sizes of homes, including 40% to have at least 3-bedrooms.
- 8.27. The Housing Officer has requested 20% affordable housing provision as set out in the Core Strategy, Policy 15. This would give 83 dwellings for affordable housing. Guidance in the National Planning Policy Framework states that:
- “Where major development involving the provision of housing is proposed, planning policies and decisions should expect that the mix of affordable housing required meets identified local needs, across social rent, other affordable housing for rent and affordable home ownership tenures.*
- 8.27. At the time this application was submitted (early 2024), the policy relating to tenure required at least 10% of all housing on qualifying sites to be for affordable home ownership, and 25% of the affordable housing provision to be for First Homes. Negotiations around affordable housing provision on this site complied with this guidance and offered the appropriate mix. However, this guidance was removed in the most recently published National Planning Policy Framework issued in December 2024. Notwithstanding this, the Housing Officer has confirmed in her latest response that the changes do not apply retrospectively and therefore the

affordable housing tenure split for this application remains as per tenure delivery for affordable housing as follows:

- 21 homes for First Homes
- 41 homes for affordable rent
- 21 homes for shared ownership
- = Total 83 affordable units

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

8.29. As this is a development which will provide a significant amount of affordable housing for the Borough, a cross section of properties types for rented accommodation is requested. As there are 154 live applicants amongst the total number who are aged 60 and over and would be able to apply for housing for older people, it is requested that a proportion of the affordable housing should be for 2 bed roomed bungalows. The optimum mix for property types for each tenure would be as follows:

Affordable rent

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

Shared Ownership

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

First Homes

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

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

8.31. Subject to these requirements being met through completion of a Section 106 legal agreement, this proposal is deemed to be acceptable with respect to housing mix and affordable housing provision and in compliance with development plan policy.

**Impact upon highway safety**

8.32. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and

changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).

- 8.33. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.34. Paragraph 116 of the NPPF outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 117(e) of the NPPF states development should be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
- 8.35. Both National Highways and Active Travel have been consulted on this application. In their initial responses they requested that determination of this application be deferred whilst further information is sought/assessment of the application considered. National Highways are of the view that based upon this level of impact, and in order to be consistent with other planning applications within the local area, an assessment needs to be undertaken using the agreed A5 Padge Hall Farm VISSIM model so that the impact upon the SRN at both the Dodwells roundabout and A5 / Longshoot signals can be understood. It should also include sensitivity testing with and without the Padge Hall Farm development including associated committed mitigation proposals at the A5 Dodwells roundabout.
- 8.36. Active Travel stated that further information was needed on:
- Trip generation and assignment
  - Active travel route audit
  - Pedestrian access to local amenities
  - Cycling accessibility
  - Access to public transport
  - Off-site transport infrastructure
  - Site permeability
  - Placemaking
  - Cycle parking and trip-end facilities
  - Travel planning
- 8.37. The applicant subsequently provided additional details in respect of the above matters and Active Travel removed their objection subject to conditions and contributions.
- 8.38. The Local Highway Authority also responded initially with the request for further information. Specifically they requested that the PIC data did not cover the latest five-year period and updates were required. The area of influence identified that the following junctions required further investigation/assessment in the 2032 and 2036 future year scenarios:
- Stoke Road/A47 roundabout;
  - Ashby Road/A47 signal junction;
  - A47/Wykin Road roundabout
  - A47/Roston Drive roundabout
  - Stoke Road/Tudor Road priority junction

- Stoke Road/Hollycroft/Wykin Road mini roundabout
  - The Common/A47 roundabout;
  - Leicester Road/Highfields Road signal junction; and
  - Hinckley Road/Stoke Road mini roundabout
- 8.39. It was established that the developments traffic would have an impact at the A47/A447 junction because of the junction capacity assessment undertaken which tested the junction with a LCC mitigation scheme in place. The Pan Regional Transport Modelling assessment also shows strategic impact along A47 corridor both south towards A5 Longshoot Dodwells and north along A47 towards Leicester. On the basis of the above, the LHA has agreed a total strategic highway contribution with the applicant based on the impact. The LHA will use the contribution towards delivering necessary highway improvements along the A47 corridor and it will be used to deliver network improvements in line with LCC's wider delivery strategy and network priorities. The contribution amount is calculated on the basis of the site's proportionate impact at these junctions calculated as a proportion of the total scheme costs. The delivery strategy therefore is to pool contributions to provide comprehensive improvements to account for the severe cumulative impact of this and other planned and speculative growth coming forward whilst adhering to a CIL compliant obligation request.
- 8.40. The LHA are now satisfied with the application as proposed subject to conditions and off site highway contributions. A total contribution of £1,515,341.71 towards off site strategic highway improvements along the A47 corridor has been requested alongside Travel Packs, Bus Passes for each dwelling, STARS and a Construction Traffic Routing Agreement.
- 8.41. At the time of writing the Committee report, the Council is still awaiting updated comments from National Highways. The agreed contributions to the A47 corridor may address National Highways' concerns. An update will be provided to Members at the Planning Committee through the late items report.
- 8.42. Overall, it is currently considered that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe. Therefore, the development accords with policy 17 of the SADMP and paragraph 116 of the National Planning Policy Framework (2024).
- Landscape and visual impact**
- 8.43. Policy DM4 of the adopted SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character and landscape character of the countryside; and it does not undermine the physical and perceived separation and open character between settlements; and it does not create or exacerbate ribbon development. The site is located within open countryside, outside of the settlement boundary and is therefore considered against this policy.
- 8.44. A Landscape and Visual Impact Assessment (LVIA) has been submitted as part of the outline planning permission by a qualified Landscape Architect from ZLA who undertook a site-based assessment. Field-based observations were undertaken during late autumn (mid-November 2023). ZLA visited publicly accessible locations, walked PRow and drove around the local road network. The LVIA



includes 17 representative viewpoints from which landscape impact from the proposed development is assessed.

- 8.45. The site does not lie within or close to a nationally designated landscape. Indeed, there are no landscape or environmental designations or sensitivities or note for the site and its immediate surroundings.
- 8.46. In the Landscape Sensitivity and Green Infrastructure Study for Leicester & Leicestershire (October 2017), the site is found to be within the regional landscape character area, the Mease/Sence Lowlands Landscape Character Area.
- 8.47. The site constitutes eight interconnecting fields managed for livestock pasture north of the A47, Normandy Way and west of the A447 Ashby Road. This land parcel is found to the north of Hinckley town centre. Internally, there are mature hedgerows (native species), scattered hedgerow trees (broadleaf species) which broadly define each field, as well as a small tree groups scattered around the site's northern edge with the neighbouring Hinckley and Bosworth Community Hospital.
- 8.48. The brook (a tributary of the River Tweed) is situated running along the site's western boundary. This watercourse separates the site from the Hinckley Phase 1 site (LPA planning application refs: 22/00318/OUT and 23/00432/OUT) to the west.
- 8.49. There are no Public Rights of Way (PRoW) passing through the application site, or along its boundaries.
- 8.50. The site lies within the local landscape Character Area 'E' (Stoke Golding Rolling Farmland); the key characteristics include:
- Undulating arable and pasture farmland with gentle valleys sloping down to the Ashby Canal, Tweed River and associated tributaries.
  - Small to medium scale rectilinear field pattern divided by low hedgerows and mature hedgerow trees typical of parliamentary enclosure, with smaller pasture fields around settlements, creating a largely unified field pattern and providing continuity with the agricultural past.
  - Rural settlement pattern with former agricultural villages typically demonstrating a historic core, modern outskirts and sporadic farmsteads on the outer edges, within a strong rural setting.
  - Historic villages occupying higher ground with attractive red brick cottages fronting onto the road and connected by rural lanes with grass verges and well-maintained hedgerows.
  - Church spires and towers within villages in and around the character area form distinctive landmarks on the skyline.
  - Associations with the Battle of Bosworth, particularly at Crown Hill in Stoke Golding.
  - Ashby Canal has affiliations with coal mining that has influenced the landscape over the years and is designated as a conservation area. It is now important for biodiversity and tourism.
- 8.51. The HBBC Landscape Character Assessment (September 2017) shows that the application site is also located within Sensitivity Area 6 – Hinckley West and North which has the following key sensitivities:
- The rural and sparsely settled character of the landscape with a relative sense of tranquillity

- Low hedgerows and mature hedgerow trees define historic field patterns and form part of the overall ecological network
  - The remaining historic country houses and associated designed landscape which create a sense of historic time depth and visual amenity
  - The open countryside that forms much of the separation between the settlements of Hinckley and Stoke Golding
  - The character of the rural lanes
  - The River Tweed and local tributaries and associated habitat values
  - The Ashby de la Zouche Canal – historic character and role as part of the Green Infrastructure Network
  - The uninterrupted views over undulating farmland which contributes to the high scenic quality and attractive setting to Hinckley
- 8.52. However, it is highlighted that the site occupies an urban edge location situated off Normandy Way on the northern edge of Hinckley. Consequently, the site is overlooked by and enclosed along its southern and eastern peripheries by existing residential development, as well as commercial/employment built form on Normandy Way. Planning permission for 475 dwellings has also been granted to the west of the application (22/00318/OUT and 23/00432/OUT). It is considered, therefore, that the site is part of the transition from the urban edge to the wider open countryside rather than an isolated rural site. Consequently, the site area, and its immediate context is not considered to have 'strong rural qualities' when compared to other parts of the wider Character Area.
- 8.53. Notwithstanding this, given the nature of the development proposal, it is inevitable that the landscape character of the site would be impacted as a result of the development over the short and long term (1-15 years). The landscape character assessment categorises this sensitivity area (06) as having a medium to high sensitivity to residential development. However, it is recognised that some parts of the area have a stronger relationship with the settlement of Hinckley and as such are influenced by adjacent urban development. The application site is considered to be one such area.
- 8.54. The LVIA submitted as part of the application states that the following landscape mitigation measures would be provided by the applicant:
- Proposed residential dwellings to be located within the main body of the site area, enabling land within the periphery of the site to be developed for retaining existing landscape fabric, new landscaping and the provision of public open space.
  - Residential built form will be set inside and set back from the northern site boundary to enable the development to be situated at lower topography, below that of the open countryside beyond the site.
  - Toward the southern edge of the site, new development is set within the existing field pattern, creating a softer development edge.
  - Development is to be set back from the western edge in order to protect the existing brook (a tributary of the River Tweed), and affords the opportunity for proposed attenuation features and retention of a proportion of the existing field pattern to compliment that retained west of the brook
  - The existing field pattern is to be retained, and development integrated within, and new access routes provided at natural openings or degraded sections of the existing hedgerow structure where protection of tree fabric is not a restriction.

- Primary streets are to be generally oriented north east to south west through the length of the site enabling the opportunity for extensive tree planting within the street layout.
  - Tree planting will run through the core of the development breaking up the mass of the scheme and filtering views of the proposed built form.
  - Secondary and tertiary routes and private driveways afford the opportunity for tree planting to further break up the mass of development and filter views of the scheme. These routes interconnect with proposed green corridors and green infrastructure for a similar effect.
  - Building heights have been restrained to those similar to the site's context with existing residential development and arranged in a manner to reduce their discernibility against the wider environment.
  - The margin of retained ridge and furrow has been aligned to where these features are most prevalent, and the scheme devised around that as a parameter.
- 8.55. Physical features, landform, built form and landscape fabric determines the Zone of Primary Visibility for the application site. This 'ZPV' is located largely to local setting of the application site which is considered to be:
- Rogues Lane running north east to north west;
  - A447 Ashby Road between the Hinckley and Bedworth Community Hospital and Brook Hill Farm (before landform slopes further to a lower level where the River Tweed passes through the open countryside) – situated to the north east-east;
  - Hinckley Lane to the east (around the junction with the A447) to the east;
  - A47 Normandy Way passing between the A447 and Stoke Road from south east to south west;
  - A47 Normandy Way passing west-south west from the junction of the A47 and Stoke Road.
  - Dwellings situated to the east along Ashby Road which neighbour the application site, including Ashley Grange bounds the eastern site edge
  - The western edge of Barwell along the Hinckley Road; Residential neighbourhoods situated off Normandy Way (A47) including Nelson Drive and Drake Way to the south
  - The outlying settlements of Stoke Golding and Dadlington; and scattered isolated dwellings off Rogues Lane.
- 8.56. Given the development proposals, it is acknowledged that the site will be changed from open agricultural fields of pasture to become part of the built settlement, adopting similar characteristics of built form within the site's immediate context. A change of landscape character is therefore inevitable. However, it is considered that where the development would be discernible, its context would be seen against the wider urban edge setting of Hinckley, including long-standing development along the A47 Normandy Way which comprises employment and commercial development, the wider industrial estate and the surrounding residential neighbourhoods rather than the more rural isolated parts of the sensitivity area. It would be reasonable, in this context, to describe the application site as having a 'developed countryside' character. This is distinct from other portions of Sensitivity Area 6, which are not so visually linked with the existing built form.
- 8.57. The tranquillity of the site is diminished and adversely impacted by traffic movement along the A47 Normandy Way and A447 Hinckley Road, with the site

perceived as being overlooked by existing urban development. There is intervisibility between the site and the wider urban settlement of the Hinckley. Consequently, the site is considered to have a stronger relationship with the urban setting than the wider open countryside.

- 8.58. Overall therefore, the landscape in this character area is considered to have a moderate to medium sensitivity to residential development due to the strong influences of the existing settlement edge of Hinckley, the A47 and the recent permission for 475 dwellings to the west of the application site.
- 8.59. It is important however that tree planting should be incorporated into the landscaping scheme, especially if tree removal is required to facilitate the development proposal and this would need to form a key part of the landscaping details as part of any future Reserved Matters application. Such planting would enhance the landscape setting of the site and provide long-term amenity benefits to the surrounding areas. With the mitigation measures proposed, the resultant impact is considered to be minor-moderate. It is considered that the proposals would not have such a detrimental impact on landscape character or from a visual perspective to warrant refusal of the application. Therefore, the proposals are considered to be acceptable with respect to landscape and visual impact and development plan policy.

#### **Heritage Impacts**

- 8.60. 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.
- 8.61. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 205 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 208 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 8.62. Paragraph 209 states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
- 8.63. Policies DM11 and DM12 of the Site Allocations and Development Management Policies (SADMP) Development Plan Document seek to protect and enhance the historic environment and heritage assets. Policy DM11 states that the Borough Council will protect, conserve and enhance the historic environment throughout the borough. This will be done through the careful management of development that might adversely impact both designated and non-designated heritage assets.
- 8.64. A Heritage Impact Assessment has been submitted as part of the application details.

- 8.65. The Conservation Officer has been consulted on the application and does not object to the proposal. The Assessment identifies that Westfield Farm and the former Isolation Hospital, Ashby Road (considered to be a non-designated built heritage asset) have the potential to be affected by development within the application site through changes within their settings.
- 8.66. Westfield Farm will be retained within the proposed development. The loss of the surrounding farmland is not considered to affect the understanding of the significance of the farmhouse itself, which principally relies on its physical fabric, rather than a contribution from its setting. Westfield Farm as part of the setting of medieval ridge and furrow located within the site does, however, makes a negligible contribution to the significance of these earthworks. The ridge and furrow have been assessed as a non-designated heritage asset within the RPS Archaeological Desk-Based Assessment. The proposed preservation of a complete set of selions within the proposed landscape area of the proposals will ensure their historic and aesthetic value, as part of the Medieval landscape continuing into 19th and 20th century farming will remain appreciable. Owing to the proposed preservation of the ridge and furrow, the loss of the remaining farmland surrounding Westfield Farm is not considered to result in a harmful impact to the significance of Westfield Farm.
- 8.67. The assessment establishes that the proposed development will have no impact on how the relationship of the buildings of the Isolation Hospital are understood or appreciated within their immediate setting of the hospital complex, which forms the most important part of their setting. However, the proposed development will reduce the rural setting surrounding the Isolation Hospital. The proposed development will be offset from the Isolation Hospital and proposed planting schemes have the potential to complement the immediate setting of the Isolation Hospital. The reduced wider rural setting of the Isolation Hospital will cause a harmful impact on the historic narrative of the Isolation Hospital, but this will not alter how the more important functional relationships of the buildings and their immediate setting is appreciated or understood.
- 8.68. Given the limited significance of the Isolation Hospital and the low contribution the application site makes to this as part of its total rural setting, the impact of the proposed development on the significance of the Isolation Hospital is a small consideration within the overall planning balance.
- 8.69. Therefore, overall, the proposed development of the site is considered to be in accordance with the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and conforms to the requirements of the NPPF and local planning policy with regard to Heritage considerations, specifically Policies DM11 and DM12 of the SADMP.

### **Archaeology**

- 8.70. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. The NPPF also reiterates this advice.
- 8.71. In line with the National Planning Policy Framework, Section 16, the planning authority is required to consider the impact of the development upon any heritage assets, taking into account their particular archaeological and historic significance. Paragraph 207 states that where a site on which development is proposed includes or has the potential to include heritage assets with archaeological

interest, local planning authorities should require developers to submit an appropriate desk based assessment and where necessary a field evaluation.

- 8.72. The Leicestershire and Rutland Historic Environment Record (HER) notes that the site lies within an area of archaeological interest. The applicant has commissioned an archaeological desk-based assessment.
- 8.73. The geology of the site includes sands and gravels, which would have been conducive for settlement in the prehistoric and Anglo-Saxon periods. The site also appears to have suffered relatively little disturbance, as such there is a likelihood that any buried archaeological remains present will be well-preserved.
- 8.74. The applicant has provided a geophysical survey, although LCC Archaeology considered that the results of this work were largely inconclusive. Not all types of archaeological deposit are sensitive to detection by this method, and are therefore rarely identified through geophysical survey alone. The survey has however identified a number of linear and discrete anomalies identified as being of uncertain, but possibly archaeological origin. Given the limitations of geophysical survey as a means of archaeological evaluation and taking into account the scale of the proposals, LCC Archaeology recommended that further information be provided specifically a programme of evaluation trial trenching in order to assess the character, quality and extent of any archaeological buried remains present within the site and an earthwork survey. LCC Archaeology also noted that archaeological remains may be adversely affected by this proposal and requested that an Archaeological Impact Assessment be submitted.
- 8.75. The applicant subsequently provided the additional information and a re-consultation was carried out.
- 8.76. The Archaeology Team have no objections to the application being granted permission and recommend no conditions. It is therefore considered that proposal accords with Policy DM13 of the SADMP and the requirements set out within the NPPF with respect to archaeological considerations.

**Impact upon neighbouring residential amenity**

- 8.77. 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.
- 8.78. The Good Design Guide SPD outlines that development will need to provide high quality internal amenity space as this is critical to the quality of life of residents. The guide states that new developments should meet minimum standards of garden sizes and separation distances between dwellings. The National Design Guide also promotes a healthy, comfortable and safe internal and external environment.
- 8.79. Paragraph 135 (f) of the NPPF states that decisions should create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

- 8.80. Paragraph 198 of the NPPF states that decisions should ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development
- 8.81. The scheme, subject to the detailed matters to come forward at Reserved Matters stage, will have a suitable relationship with nearby residential units.
- 8.82. The Environmental Health Officer has requested conditions with respect to noise, a construction environmental management plan including air mitigation, construction hours and land contamination. These are all reasonable requests that can be appropriately sought through conditions and will help to protect residential amenity.
- 8.83. Objections from third parties/local residents have been received in relation to noise and air pollution concerns. It is considered that the proposed conditions to be placed on the scheme (particularly those relating to noise, air quality and construction management), together with the Council's continued role in approving detailed plans at Reserved Matters stage, will ensure that sufficient scrutiny and control will be retained and that these concerns can be appropriately mitigated.
- 8.84. Subject to conditions recommended by the Environmental Health Team this application is considered to be acceptable in amenity terms and in compliance with Policy DM10 a and b of the SADMP, The Good Design Guide SPD and the requirements of the NPPF.

#### **Flood Risk and Drainage**

- 8.85. 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.
- 8.86. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 181 also states that developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.87. The application site is located greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a predominately very low risk of surface water flooding with the sites western boundary having associated high risk areas due to the adjacent unnamed ordinary watercourse.
- 8.88. The site is proposed to be split into 4 sub-catchments, each seeking to discharge at the average greenfield runoff rate (estimated at 4.4 l/s/ha) for a total cumulative discharge rate of 50.1 l/s via rain gardens and associated attenuation basins to the aforementioned on-site watercourse at the western boundary.
- 8.89. The material provided is sufficient to demonstrate the surface water drainage strategy expected in an outline planning application.
- 8.90. Swales are also proposed in the text of the surface water drainage strategy however are not shown on plan drawings. The applicant should confirm the

location of these as well as the location of proposed rain gardens and any other source control SuDS in any application to support approval of reserved matters.

- 8.91. Severn Trent has also responded to the application and stated that with respect to sewerage matters this application is acceptable subject to a suitably worded condition relating to foul drainage.
- 8.92. The LCC Drainage Team advises that the proposals are acceptable subject to conditions and the development will satisfy Policy DM7 of the SADMP and the requirements of the NPPF.

#### **Ecology and Biodiversity**

- 8.93. 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 187 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.
- 8.94. The Ecologist requested on initial submission of the application that a number of surveys were to be provided in respect of bats and birds. The report showed a -28.50% decrease in habitat biodiversity, a +18.26% increase in hedgerow biodiversity, and a 0% change in watercourse biodiversity. Therefore, as stated in the report, 20.81 habitat units, and 0.53 watercourse units will need to be gained off-site.
- 8.95. Further information was submitted by the applicant. The details were assessed by LCC Ecology and considered to be acceptable/satisfactory.
- 8.96. Subject to suitably worded conditions in respect of badgers, a construction and environment management plan, a landscape and ecological management plan and mandatory BNG 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.

#### **Minerals**

- 8.97. The application site sits within a Minerals Safeguarding Area for sand and gravel, and therefore policy M11 of the Leicestershire Minerals and Waste Local Plan is a relevant development plan policy. The planning application is supported by a Minerals Assessment.
- 8.98. The Minerals and Waste Team at LCC has been consulted on the application and has no objection to the proposed development. No conditions have been requested by the Minerals Team in this case. As such, the application is considered to be acceptable in this regard and compliant with relevant Development Plan Policy and the requirements of the NPPF.

#### **Planning Obligations**

- 8.98. Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study



2016 updates these standards and also identifies the costs for off-site and on-site contributions. The applicant has submitted a Parameters Plan which sets out the various on-site open space typologies for this development as set out below:

- 1494 sq metres of Equipped Children's Play Space – comprising 1x LEAP, 1x MUGA, 1 LAP and 2x Play on the Way events
- 6972 sq metres of Casual/Informal Space
- 16,600 square metres of Accessible Natural Green Space

The outdoor sports provision will be provided as an off-site financial contribution towards Richmond Park.

8.99. The request for any planning obligations (infrastructure contributions) must be considered alongside the requirement contained within the Community Infrastructure Levy Regulations 2010 (CIL). The CIL Regulations and paragraph 58 of the NPPF state that planning obligations must only be sought where they meet all of the following tests:

- A) Necessary to make the development acceptable in planning terms;
- B) Directly related to the development; and
- C) Fairly and reasonably related in scale and kind to the development.

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

- **Off site Outdoor Sports Provision - £144,220.80 (Richmond Park)**
- **Off site Outdoor Sports maintenance - £68,524.80 (Richmond Park)**
- **On site Children's Equipped Play - £271,803.42 (minimum spend for play provision on site)**
- **On site Children's Equipped Play maintenance - £262,346.40**
- **On site open space provision in accordance with the Open Space Parameters Plan including Casual/Informal Space and Accessible Natural Green Space (see paragraph 8.98)**
- **Affordable Housing – 20%**
  - 21 homes for First Homes
  - 41 homes for affordable rent
  - 21 homes for shared ownership
- **Library Services (£12,532.05)**
- **LCC Waste Management (£20,554.95)**
- **Healthcare (£321,376.00.)**
- **Early years education (£647,507.90)**
- **Primary Education (no contribution sought)**
- **Secondary Education (£1,238,896.18)**
- **Post 16 Education (£264,683.27)**
- **SEND Education (£234,260.99)**
- **A total contribution of (£1,515,341.71) towards off site strategic highway improvements along the A47 corridor.**
- **Travel Packs; to inform new residents from first occupation what sustainable travel choices are in the surrounding area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500**
- **Six-month bus passes, two per dwelling (application forms to be included in Travel Packs and funded by the developer); to encourage new residents to use bus services, to establish changes in travel**

**behaviour from first occupation and promote usage of sustainable travel modes other than the car. This can be supplied through LCC at (average) £445.00 per pass.**

- **STARS for (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000.**
- **A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times**
- **£66,000.00 towards Hinckley Town Centre public realm projects**
- **A Local Employment and Training Strategy**
- **Council's Monitoring Fees**
- **Council's Legal Fees**

- 8.101. The nearest library to this development is Hinckley Library and it is estimated that the total assumed occupancy of 1245 arising from the development will create additional pressures on the availability of the facilities at that library, and others nearby. This contribution would be used at to provide improvements to this and its facilities, including, but not limited to, books, materials, or associated equipment or to reconfigure the internal or external library space to account for additional usage of the venue arising from an increase in members to the library as a result of this development.
- 8.102. The nearest Recycling and Household Waste Site to this development is Barwell RHWS and the proposed development of 415 dwellings would create additional pressures on the site. The contribution is determined by multiplying the proposed dwellings by the current rate for the above RHWS, which is £49.53 per dwelling.
- 8.103. In terms of healthcare the housing development will result in a minimum population increase of 1,004.30 patients. The GP Practices in closest proximity of the application site are Barwell & Hollycroft Medical Centres. These practices are already experiencing capacity issues in relation to their premises and would need to increase facilities to meet the needs resultant of this development; therefore the requested contribution of **£321,376.00** would be required prior to first occupation.
- 8.104. With respect to early years education a desktop review of providers in a one-mile radius of the site is undertaken using the most recent capacity figures against a pupil yield rate of 8.5 children per 100 dwellings of 2 bedrooms or more (or 0.085 children per dwelling). A request for contributions is made where there is not sufficient capacity within those providers, and a cost multiplier of £18,356 per place is applied to the likely number of children generated. This development will see an increase of 40.375 Early Years children to the area. There is currently 1 provider within a one-mile distance of the proposed development site, providing a total of 104 spaces. In the summer period 2022, there were 62 children aged 2, 3 and 4 years who claimed the Free Early Education as recorded on the Headcount. This does not take into account babies, 1-year olds and non FEEE 2-year-olds. This means that there is a surplus of 42 places. There are 3 other developments within Hinckley with a planned housing total of 924 dwellings. This creates 78.54 places that are required. This deficit along with the additional 40.375 places from this development creates a total deficit of 118.915 places, so a full claim is justified. This contribution would be used to accommodate the early learning capacity issues created by the proposed development at Hinckley Parks Primary School, a new school being built or, by improving, remodelling, or enhancing existing facilities at other schools or other early learning provision within the

locality of the development. The average cost to provide an Early Years place is £18,356.00, and therefore the total contribution requested from this development in respect of Early Years Education is **£647,507.90**.

- 8.105. The development yields 125 primary aged children. Richmond Primary School is the catchment primary school for the development and has a net capacity of 630 places and there will be a deficit of 109 places if this development goes ahead. The overall surplus including all schools within a two-mile walking distance of the development is 4 pupil places. The 125 places created by this development can therefore be fully accommodated at nearby schools. Therefore, there is no claim for a developer contribution on this occasion.
- 8.106. The development yields 70 secondary aged children. Redmoor Academy is the catchment secondary school for the development and has a net capacity of 925 places and there will be a deficit of 331 places if this development goes ahead. The overall deficit including all schools within a three-mile walking distance of the development is 421 pupil places. A total of 283 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 138 places. The 70 places created by this development can therefore not be accommodated at nearby schools. Therefore, there is a justified full claim for a developer contribution towards the secondary sector of **£1,238,896.18**
- 8.107. The development yields 14 post 16 aged children. The Hinckley School is the catchment post 16 school for the development and has a net capacity of 300 places and there will be a deficit of 108 places if this development goes ahead. A total of 50 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 58 places. The 14 places created by this development can therefore not be accommodated at nearby schools. Therefore, there is a justified full claim for a developer contribution towards the post 16 education sector of **£264,683.27**.
- 8.108. This development yields 4 SEND children. The Dorothy Goodman School Hinckley is the nearest area special school and has a net capacity of 369 places and there will be a deficit of 67 places if this development goes ahead. The overall deficit including all area special schools near to the development is 74 pupil places. A total of 10 pupil places have been deducted that are being funded from S106 agreements for other developments in the area, leaving a deficit of 64 places. This development will yield 1.51 primary aged children with SEND, and 1.66 secondary aged children with SEND. Therefore a full request for contributions in respect of the SEND education sector of **£234,260.99** is justified.
- 8.109. Contributions have been sought by Leicestershire Police in order to help mitigate the additional impacts of this development as existing infrastructure will not have the capacity to meet this new demand = Total contribution is **£87,148.00**. The applicant has queried the Leicestershire Police request and stated that they are of the view that the financial contribution request does not meet the Reg 122 CIL test and the NPPF requirements. No further justification or information has been provided by the Police. The Council considers that this request does not meet the tests set out within Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010.
- 8.110. The Local Highway Authority have requested a number of planning obligations. Firstly, Travel Packs are required in order to inform new residents from first occupation what sustainable travel choices are available within the surrounding

area (can be supplied by LCC at £52.85 per pack). If not supplied by LCC, a sample Travel Pack shall be submitted to and approved in writing by LCC which will involve an administration charge of £500. The Local Highway Authority has also requested six-month bus passes, two per dwelling (application forms to be included in Travel Packs and funded by the developer); in order to encourage new residents to use bus services, to establish changes in travel behaviour from first occupation and promote usage of sustainable travel modes other than the car. This can be supplied through LCC at (average) £445.00 per pass. The LHA have also requested STARS (Sustainable Travel Accreditation and Recognition Scheme) monitoring fee of £6,000. This is to enable Leicestershire County Council to provide support to the appointed Travel Plan Co-ordinator, audit annual Travel Plan performance reports to ensure that Travel Plan outcomes are being achieved, and to take responsibility for any necessitated planning enforcement. A Construction Traffic Routing Agreement to be submitted to and approved in writing by the Local Highway Authority. During the period of construction, all traffic to and from the site shall use the agreed route at all times.

- 8.111. A total contribution of **£1,515,341.71** towards off-site highway strategic improvements along the A47 corridor.
- 8.112. The Council's Planning Majors Team and the Conservation Officer have requested a public realm contribution for Hinckley Town Centre comprising **£66,000.00**.
- 8.113. The Economic and Regeneration Officer has also requested a Local Employment and Training Strategy to form part of the Section 106 legal agreement.
- 8.114. The Council also require monitoring fees and legal fees as part of any agreed Section 106 Agreement.
- 8.115. All of the above contributions (save for the Police request) are considered to meet the tests within the Community Infrastructure Levy (CIL) Regulations 2010, and therefore will form part of a Section 106 legal agreement if Members are minded to approve the application. Subject to the signing and sealing of a Section 106 Legal Agreement the application is considered to be in accordance with Policy DM3 of the Site Allocations and Development Management Policies Development Plan Document, Policy 19 of the Core Strategy and the requirements of the NPPF.

#### **Planning Balance**

- 8.116. 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.
- 8.117. The Council cannot demonstrate a 5-year housing land supply and the housing policies in the adopted Core Strategy and the housing policies of the adopted SADMP are considered to be out of date as they focused on delivery of a lower housing requirement than is now required. Therefore, the 'tilted' balance in paragraph 11(d) of the NPPF applies and planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 8.118. The provision of up to 415 dwellings (20% of which to be affordable units) is considered to be a significant benefit of the proposal and weighs heavily in favour of the scheme.

- 8.119. The scheme does not fully comply with Policy DM4 of the SADMP but the impact on landscape and visual amenity has been assessed and is considered to be medium for this development proposal. In addition, the provision of much-needed housing is considered to outweigh the landscape impact identified. Therefore, the adverse impact does not significantly and demonstrably outweigh the benefits in this case.
- 8.120. An application for 475 dwellings lies adjacent to this application site (22/00318/OUT) and has been allowed at appeal by the Planning Inspectorate and is dated 18 Jan 2024. This is another key material consideration in favour of granting permission for this application.
- 8.121. In light of the above, and the 'tilted' balance required by Paragraph 11(d) of the NPPF, it is not considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole. As a result, it is recommended that, in accordance with Paragraph 11(d) of the NPPF that planning permission is granted subject to the imposition of conditions and the signing of a Section 106 Legal Agreement.

## **9. Equality implications**

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

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

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

- 9.2 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 Grant planning permission subject to:
- Section 106 agreement (as per the Heads of Terms set out in this report)
  - Planning conditions outlined at the end of this report
  - That the Planning Manager be given powers to determine the final detail of planning conditions and terms of the S106 agreement

### Conditions and Reasons

1. An application for the approval of reserved matters shall be made within 3 years from the date of this permission and the development shall be begun not later than two years from the date of approval of the last of the reserved matters to be approved.

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

2. No development shall be commenced until plans and particulars of "the reserved matters" referred to in the above conditions relating to the:-
  - a) Appearance of the development including proposed materials and finishes
  - b) Landscaping of the site including treatment of private and public space to enhance or protect the site's amenity through hard (boundary treatments) and soft measures and details of boundary planting to reinforce the existing landscaping at the site edges, provision of trees
  - c) Layout of the site including the housing mix, the location of electric vehicle charging points and the way in which buildings, routes and open spaces are provided. This should include a design statement that sets out how consideration has been given to densities that are appropriate to the hierarchy of streets.
  - d) Scale of each building proposed in relation to its surroundings have been submitted to and approved, in writing, by the Local Planning Authority.

The development shall be carried out in accordance with the approved details.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

3. The development hereby permitted shall not be carried out otherwise than general accordance with the submitted application details, as follows:
  - Site Location Plan – n2225 001D received 20 March 2024
  - Parameters Plan – Open Space Provision n2225 004-02 received 11 March 2025
  - Proposed Site Access Layout T23548.001 rev H received 15 July 2025

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

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

and adjoining buildings. The development shall be carried out in accordance with the approved levels.

**Reason:** To ensure that a satisfactory relationship is achieved between buildings in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

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

6. No development shall commence above base course until representative samples of the types and colours of materials to be used on the external elevations of the proposed dwellings and garages have been deposited with and approved in writing by the local planning authority, and the scheme shall be implemented in accordance with those approved materials.

**Reason:** To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

**Reason:** To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

**Reason:** To ensure that risks from land contamination to future users of the site are minimised thus ensuring that the land is fit for purpose and to accord with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

**Reason:** Whilst landscaping is a reserved matter, a condition is necessary at this stage to ensure that the existing landscaping on the site is protected in accordance with DM4 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

**Reason:** To ensure that the existing trees on the site are retained and protected in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

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

12. No development shall commence on site until a Construction Environmental Management Plan has been submitted to and approved in writing by the local planning authority and the approved details shall then remain in force throughout the construction period. The plan shall detail how, during the site preparation and construction phase of the development, the impact on existing and proposed residential premises and the environment shall be prevented or mitigated from dust, odour, noise, smoke, light and land contamination. The plan shall detail how such controls will be monitored and a procedure for the investigation of complaints. Site preparation and construction work shall be limited to between 0730 to 1800 Monday to Friday and 0800 to 1300 on Saturdays. There shall be no working on Sundays and Bank Holidays. The CEMP shall include the provision of mitigation measures for construction phase dust emissions as set out within the Air Quality Assessment prepared by BWB Consulting.

**Reason:** To ensure the protection of neighbouring residential amenity during construction to accord with Policies DM7 and DM17 of the Site Allocations and Development Management DPD 2016 and the requirements of the National Planning Policy Framework.



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

**Reason:** To reduce the possibility of deleterious material (mud, stones etc) being deposited in the highway and becoming a hazard for road users, and lead to on-street parking problems in the area in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

**Reason:** To protect the appearance of the area, the environment and local residents from nuisance from artificial light in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework .

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

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

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

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

17. No development approved by this planning permission shall take place until such time as a surface water drainage scheme and foul 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 commencement of development.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site

Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

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

19. No occupation of the development approved by this planning permission shall take place until such time as details in relation to the long-term maintenance of the surface water drainage system within the development have been submitted to and approved in writing by the Local Planning Authority. The surface water drainage system shall then be maintained in accordance with these approved details in perpetuity.

**Reason:** To establish a suitable maintenance regime that may be monitored over time; that will ensure the long-term performance, both in terms of flood risk and water quality, of the surface water drainage system (including sustainable drainage systems) within the proposed development strategy in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

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

21. Development shall not begin until a scheme for protecting the proposed dwellings from noise from the adjacent road network and the adjacent farms has been submitted to and approved by the Local Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

**Reason:** To ensure the protection of neighbouring residential amenity to accord with Policies DM7 and DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

22. No development shall commence on site until a scheme that makes provision for the secure storage of cycles for each dwelling has been submitted to and

approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

**Reason:** In the interests of promoting a modal shift in transport movements and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

23. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on Proposed Site Access Layout T23548.001 Rev H have been implemented in full. Visibility splays once provided shall thereafter be permanently maintained with nothing within those splays higher than 0.6 metres above the level of the adjacent footway/verge/highway.

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

24. No part of the development shall be occupied until such time as the offsite works shown on Proposed Site Access Layout, drawing number 001 Rev H have been implemented in full.

**Reason:** To mitigate the impact of the development, in the general interests of highway safety and in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

**Reason:** To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

26. No dwelling hereby approved shall be occupied unless and until a Public Transport Strategy has been submitted to and agreed in writing by the Local Planning Authority. The Public Transport Strategy shall include details of upgrades of the Ashby Road bus stops to include shelters with seating and Real Time Information timetables.

**Reason:** To reduce the need to travel by single occupancy vehicle and to promote the use of sustainable modes of transport in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

27. No development shall take place (including ground works or vegetation clearance) until an updated badger survey has been submitted to and approved in writing by the Local Planning Authority. This survey is to be carried out within 6 months of the likely commencement of works on site. It is to include details on mitigation

measures for badgers if necessary (such as badger gates). All works are to proceed strictly in accordance with the approved document.

**Reason:** In order to protect badgers and their habitats on site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the National Planning Policy Framework.

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

- A. Identification of potentially damaging construction activities
- B. practical measures and sensitive working practices to avoid or reduce impacts during construction on protected species.
- C. timing of works to avoid harm to nesting birds
- D. responsible persons for overseeing sensitive works
- E. use of protective fencing where required

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

**Reason:** In order to help protect wildlife species and their habitats on site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

29. 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:** In order to help protect wildlife species and their habitats on site in accordance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

30. No development shall commence on site until a plan detailing the phasing of the permitted development has been submitted to and approved by the Local Planning Authority. The Phasing Plan shall include details of the maximum number of dwellings and other development to be implemented within each phase of the development.

**Reason:** To ensure the satisfactory phasing of development and delivery of infrastructure development in accordance with Policies DM1, DM10 and DM17 of the adopted Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.



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Planning Committee 12 August 2025  
Report of the Head of Planning

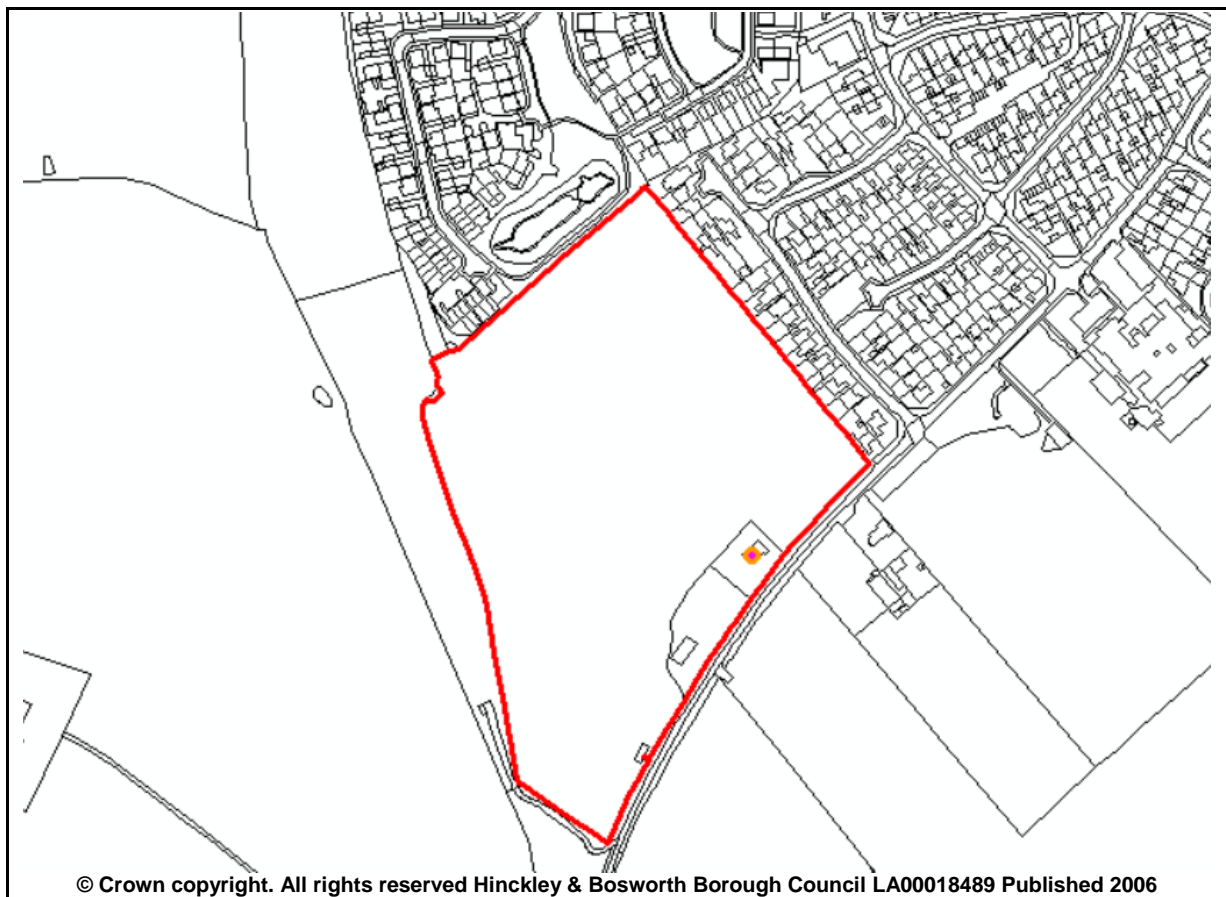
Planning Ref: 24/00709/REM  
Applicant: DAVIDSON'S DEVELOPMENT LTD  
Ward: Newbold Verdon with Desford and Peckleton



Hinckley & Bosworth  
Borough Council

Site: Ashfield Farm, Kirkby Road, Desford, Leicestershire

**Proposal:** Application for approval of Reserved Matters (relating to Appearance, Landscaping, Layout and Scale for the erection of 120 dwellings and associated works.) attached to planning permission 22/01227/OUT (APP/K2420/W/23/3320601) including discharge of conditions 5 (Ecological Constraints and Opportunities), 6 (Biodiversity details), 9 (Surface Water Scheme) and 11 (Site/Ground Investigation) of planning permission 22/01227/OUT.



## 1. Recommendations

- 1.1. Approve Reserved Matters details subject to:
- Planning conditions outlined at the end of this report
  - The Head of Planning being given powers to determine the final detail of planning conditions

Approve Conditions 5, 6, 9 and 11 of planning permission 22/01227/OUT.

## **2. Planning application description**

2.1. The application seeks approval of Reserved Matters comprising appearance, landscaping, layout and scale further to outline permission ref 22/01227/OUT for residential development of 120 dwellings alongside associated site infrastructure, open space.

2.2. The mix of accommodation on site will comprise the following:

- 1 Bed – 10% (12 Plots)
- 2 Bed – 22% (27 Plots)
- 3 Bed – 36% (43 Plots)
- 4 & 5 Bed – 32% (38 Plots)

Total = 120 Plots

\*This accommodation also includes the provision of two 2 bed bungalows on site

2.3. Affordable housing provision on site has been agreed at the outline stage as part of the S106 legal agreement and comprises 12x First Homes, 27x Affordable Rent and 9x Shared Ownership units. 40% affordable housing is to be provided on site totalling 48 units.

2.4. Site access has already been approved as part of the outline permission 22/01227/OUT.

2.5. Details relating to Conditions 5, 6, 9 and 11 of outline planning permission 22/01227/OUT has also been submitted as they were details required as part of the reserved matters application.

2.6. As originally submitted, the application was considered to require some further information/clarification in relation to the following matters:

- Boundary treatment
- Road adoption/layout
- Affordable housing layout
- Parking provision
- Bin storage
- Materials
- Open Space
- Drainage
- Landscaping

2.7. Further information was subsequently submitted by the applicant and a re-consultation carried out including a site notice.

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

3.1. The application site measures 5.35ha approximately and is located to the western edge of Desford within open countryside. The site is relatively flat and bordered by Kirkby Road to the south, agricultural fields to the west and residential properties within the established neighbourhoods of Desford to the north and east.

3.2. An existing football playing field and a play area is located to the east of the proposed site.



3.3. The site is located in Flood Zone 1, the area with lowest probability of flooding.

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

4.1. 22/01227/OUT - Outline Planning Application for residential development of up to 120 dwellings alongside associated site infrastructure and open space (All matters reserved except for access) – **ALLOWED ON APPEAL**

#### **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. 20 public comments have been received, raising the following concerns/objections:

- Boundaries - many of my concerns would be resolved if building distances to Cambridge Drive properties were similar to the proposed building line between Ashfield build and the newly built properties on Bellway Estate. A less dense housing approach would also make the build area more attractive.
- Residential Amenity - the separation distances and height of houses mean those living on Cambridge Drive will suffer loss of amenities as the proposed plan will adversely affect Daylight, Sunlight, Light to internal spaces and privacy.
- Environment - destruction of hedges will affect the wildlife and visual appeal.
- Loss of Privacy - the proximity of properties backing onto the rear of existing housing mean those residents are entitled to a greater degree of privacy than is offered. The current layout and types of houses will be overlooking bedrooms, work area, living rooms to existing properties
- Occupants will be looking down into the living area of the proposed new build from less than the regulatory 35 metres.
- Daylight and Sunlight - having occupied my property for over forty-five years this should give me certain rights over Daylight, Sunlight and Privacy plus quiet enjoyment. The loss of light may break the 25 degree rule frequently applied to existing properties. My property will be adversely affected by the loss of sunlight due to the height and position of building shown in currently proposed plans. (Has a report on the Site Layout Planning for Daylight and Sunlight been submitted for planning consultation).
- Health & Safety - during development large vehicles will have great difficulty negotiating the narrow roads both entering Desford and approaching the site adding risk of injury and damage to property of Desford inhabitants. Post development the daily commute will give rise to around 600\* vehicle journeys leaving or returning to the estate and the majority passing the junior school. This raises Health & Safety plus pollution concerns and requires to be managed, would it be possible to make the whole of Desford a 20mph limit? Those with respiratory problems are going to suffer medically while everyone will be affected by the dust and noise.
- Parking for those working on site may be problematic as the car park adjacent to the Junior School is usually used by the parents and this needs

to be kept available. This may cause even more on street parking in the surrounding area, therefore temporary on-site parking is required.

- House Design - the types of houses proposed are out of keeping with the locale and combined with the high density are more suited to inner city development than the countryside. No Bungalows or accommodation suitable for the aged or infirm are included on the plot.
- I note from the layout plan that the houses at the back of numbers 1 and 2 Cambridge Drive have been replaced with bungalows, and that the houses at the back of numbers 5 onwards, which actually are bungalows are to have 4 bedroom detached houses directly behind them. I personally will have plot 16 gazing directly into my bedroom.
- Looking at the map there is a buffer zone of 1.9m before the new build back garden starts which will only be approximately 20m long. Therefore we in the bungalows along this hedge line will have large detached houses which will have our bedrooms and back rooms in a direct line of sight with the houses. Why are the bungalows not being built at the back of the existing line of bungalows? I think having these houses so close will impinge on our personal privacy, not to mention probably denying us a lot of light especially in the winter when the sun is low.
- I notice that to the northwest side of the plan is an attenuation pond. Why can this not be placed to rear of our properties so that if houses have to be built they are significantly further away from our properties? This would reduce our privacy worries.
- We will suffer years of noise and dust with what seems no consideration for existing home owners.
- The proposed development has a footpath leading into the existing Bellway Estate. As the residents pay privately for the maintenance of the green areas, this footpath will lead to a further toll on the paths, grassy areas and park. This will in turn increase the costs to the Bellway residents through no fault of their own. With costs increasing year on year, I am at a loss to understand why such a path is required and who has approved this? Should the Bellway residents not be consulted and provide final say?
- Objection to height of Plots 22-23 backing onto Cambridge Drive.
- 45 of the 48 units as part of the Affordable Housing compliment are clearly and markedly clustered and restricted to one end of the proposed site. There is no 'pepper-potting' and as such, there is a distinct lack of integration with the open market homes which will limit the ability to create a mixed, balanced and sustainable community. Furthermore, the 'Material and Boundary Layout' document highlights that without exception, the 48 affordable units all utilise the Ibstock - Hardwick Welbeck Red Mix facing bricks which would further the distinction between the affordable and market homes.

## **6. Consultation**

### **6.1. No objection has been received from:**

- Environment Agency
- LCC Archaeology
- LCC Minerals and Waste
- LCC Ecology
- Leicestershire Police
- HBBC Environmental Protection Team (subject to condition)
- HBBC Housing Officer
- HBBC Conservation Officer

- HBBC Drainage

6.2. Local Highway Authority – The acceptability of an adopted road layout is subject to a Section 38 agreement in accordance with the Highways Act (1980). For the site to be suitable for adoption, the internal layout must be designed fully in accordance with the LHDG. After reviewing Davidsons drawing number XXXX\_100 Rev P03, the LHA advises that the internal access roads are currently still not suitable for adoption. The LHA advises that whilst the road layout is not considered unsafe and adoptability is not a material planning consideration, the following amendments to the layout are required at the application stage prior to determination as plot layouts could be affected.

- The links between Street 02 and Street 03 have been severed by the introduction of bollards on the private drives. The specification for these will need to be provided.
- Concern remains that the grassed area adjacent Shared Drive 08 could be used to bypass the bollards. Likewise Shared Drive 10/06.
- Refuse tracking shows the fire tender overhanging the balancing pond next to Shared Drive 03.
- Footway provision of 2m has now been shown, largely adjacent to the carriageway and are always present on both sides where properties are served. A minimum 1m hard surfaced service margin is no longer an option within the LHDG and this should be replaced with 2m minimum hard surface, or a 1m minimum width verge (min 10m2 overall verge size).
- Where footways are set back, a commuted sum will be charged for all additional footway, verge and carriageway areas not required for safe function of the highway.
- The roads proposed will need to have adequate speed control features so that they conform to LHDG standards. Junction table(s) should be designed in accordance with the guide and plateau length above the minimum required.
- No obstructions should be present in visibility splays both at the access and for internal junctions and bends. Visibility splays must be contained wholly within the highway envelope.
- Visibility on all bends has been added but no dimensions shown. The applicant should note that forward visibility for Residential Roads is 25m at all bends. Visibility at 90-degree bends is shown at 17m, rather than the required 25m.
- The applicant is required to clarify the usage proposed for the 4m wide track off Shared Drive 04.

6.3. S106 Monitoring and Open Space Officer – Reviewing the landscaping plans, I would like to see amenity grass along plots 111, 110 120 if we keep it wildflowering mix (EM2) it can look unmanaged as it is likely to be maintained less than amenity grass. I appreciate the "mown path" will be amenity grass around the pond which should continue between the swales and adjacent plots - again wouldn't want these areas to look unmanaged by being kept longer and not mowed as often (EM1) for one of the feature areas could also look really messy if left and as it's a key area in the middle of the site it should look well managed and maintained with appropriate amenity grass. As part of the open space scheme, I would like to see some benches, bins and a sign for the responsibility of the open space areas on the site with contact details should any issues need to be reported by residents.

\*amended plans received with requested details above. At the time of writing the report no further response has been received from the S106 Monitoring and Open Space Officer.

6.4. Desford Parish Council - We request that the layout is reconfigured to site the blocks of flats so that they are not overlooking the gardens of residents on

Cambridge Drive. We also request that the hedge is retained along the boundary with the gardens of Cambridge Drive.

- 6.5. LLFA – the 5.35 ha greenfield site is located within Flood Zone 1 being at low risk of fluvial flooding and a very low to low risk of surface water flooding. The proposals seek to discharge at 23.5 l/s via pervious paving and a dry detention basin to an existing Severn Trent Water (STW) surface water sewer to the north-east of the site with two options. The proposed site layout has altered slightly from the previous consultation, and from the layout that was approved in 22/01227/OUT. The latest changes show a reduction in the capacity of the attenuation basin from 1413m<sup>3</sup> to 1355m<sup>3</sup>. This change is mostly due to a reduction in the freeboard of the pond from 595mm to 300mm, which is still compliant with freeboard requirements. The LLFA has also been consulted on the matters relating to Condition 9, which requires full drainage details to be submitted. The LLFA provided an initial response on 5th June 2025 requesting the submission of further information as summarised below:

- A catchment area plan to support a revised set of hydraulic calculations
- Flood flow routing plan
- Private drainage details
- Cross-sectional details of the proposed attenuation basin and flow control chamber (site specific details, as opposed to typical details)
- Runoff rate calculation / catchment area

The applicant has provided revised hydraulic model which now includes the areas of all impermeable surfaces. The approach undertaken is acceptable to the LLFA and is based on planning policy guidance at the time the original planning application was submitted. Some plot levels are lower than the modelled top water level of the downstream drainage network. This is likely to result in private plot drainage flooding prior to the main infrastructure drainage. It is not good practice to flood private plots by design. Following further discussion on this matter with the applicant, the LLFA is in agreement that further details relating to private / external levels can be provided at a later stage and will therefore need to be conditioned as part of any subsequent approval of Reserved Matters. Subject to imposing of a new condition on any subsequent approval of the Reserved Matters, the LLFA advises that the documents as submitted are sufficient for the LLFA to support the discharge of Condition 9 of 22/01227/OUT. Subject to a further condition recommended below, the LLFA also advises the LPA that the application documents as submitted are sufficient for the LLFA to support the approval of the Reserved Matters.

- 6.6. HBBC Waste Team – No comments received to date.

## **7. Policy**

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

- Policy 8: Key Rural Centres relating to Leicester
- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure
- Policy 24: Sustainable Design and Technology

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

- Policy DM1: Presumption in Favour of Sustainable Development

- Policy DM3: Infrastructure and Delivery
- Policy DM4: Safeguarding the countryside and settlement separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy 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. Desford Neighbourhood Plan

- Policy H3: Reserve Sites
- Policy H4: Affordable Housing
- Policy H5: Housing Mix
- Policy H7: Housing Design
- Policy ENV 3: Biodiversity General
- Policy ENV 6: Safeguarding Important Views
- Policy F2: New or Improved Community Facilities
- Policy T1: Traffic Management
- Policy T3: Electric Vehicles

#### 7.4. National Planning Policies and Guidance

- National Planning Policy Framework (NPPF) (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

### 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 through appeal, planning reference 22/01227/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.

8.4. The access point into the site has also been established and agreed at the outline stage.

**Layout**

8.5. 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.

8.6. 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.

8.7. Policy H7 of the Desford Neighbourhood Plan (DNP) states that design should reflect the properties nearby and if adjacent to open countryside, seek to reduce the visual impact of the new development. All new development should satisfy the following 10 design principles:

- Enhance and reinforce the local distinctiveness and character of the area. Care should be taken to ensure that the development does not disrupt the visual amenities of the street scene and impact negatively on wider landscape views.
- Adequate off road parking should be provided
- All new housing should continue to reflect the character and historic context of existing developments within the Parish and incorporate a diversity of materials
- Development should be enhanced by fostering biodiversity and landscaping with existing trees and hedges
- Where possible, enclosure of plots should comprise native hedging, wooden fencing or brick/stone walls (which maintain connectivity of habitat for hedgehogs)
- Development should incorporate sustainable design and construction techniques to meet standards for water and energy efficiency
- Security lighting and light spillage must be considered
- Development should incorporate sustainable drainage systems
- Development should be of a density that respects the desirability of maintaining an area's prevailing character and setting
- Properties should have built in facilities for wildlife, for example bee bricks and swift boxes

8.8. 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.

8.9. The built development is to be set back from Kirkby Road and lies on the edge of the existing settlement of Desford. Large detached dwellings front the entrance to the scheme. A swathe of open space on entrance to the site has been provided to help enhance and define the development and enrich and complement the visual aesthetics of the site on approach from Kirkby Road.

- 8.10. The development provides a central square feature where the front gardens of properties at this location are bounded by hedgerows. A linear landscaping feature is located in front of plots 84-87 which further enhances and provides a verdant feature to this part of the development site.
- 8.11. Back to back distances between properties have been checked and exceed 21 metres for two storey properties. This complies with the Good Design SPD to ensure appropriate privacy and minimise overlooking for future occupiers of the site. Garden sizes have been reviewed to ensure that dwellings have appropriate private amenity space relative to the size of the dwelling.
- 8.12. Two bungalows have been introduced along the line of proposed units backing onto Cambridge Drive as part of the revisions to the scheme in order to help further alleviate overlooking and privacy concerns raised by local residents.
- 8.13. The block of affordable units towards the rear of the site has been inset from the boundary – there is now 5.7 metres from the side elevation of this block to the edge of the application site.
- 8.14. Bin storage details for the two storey flatted development to the north of the site has been provided to show that bins for these units will be in a secure, enclosed building to help with both security and odour concerns.
- 8.15. All properties include on plot car parking provision except for a parking area for a small block of units located towards the rear of the site. However, these spaces are directly opposite or in close proximity to the respective unit they provide parking for.
- 8.16. Concerns have also been raised about the location/layout of affordable dwellings on site i.e. being too concentrated and located within one area of the development (to the north of the site). This matter was flagged with the applicant and revised details were provided to dilute the concentration of affordable dwellings in one location and disperse the affordable units more evenly across the site. It is considered that the revision is acceptable and whilst there is still a focus of affordable units towards the north of the site, this development is providing 40% affordable housing provision and so it is difficult to evenly distribute this number of dwellings. It is however noted that tenure mix has also been taken account of to ensure that first homes, affordable rent and shared ownership units are also evenly spread.
- 8.17. 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. The LHA consider that the roads are not unsafe but not suitable for adoption as shown. They are satisfied with the parking provision on site. The applicant has stated that the updated internal road layout meets relevant design requirements for a private scheme. A Roads and Refuse Services document has been submitted which details the highways and refuse, construction and ongoing management implications of the applicant's decision to not seek public adoption of the roads. In short, the roads will be built to LCC's standards for private roads that are to be publicly accessible and will be inspected during their construction by the County Council. This will ensure refuse vehicles will not damage the final road surface and the submitted drawings demonstrate that suitable turning space is available for refuse and fire tender vehicles. Therefore, refuse can be collected in the same way as if the roads were publicly adopted and bin collection points are provided for dwellings accessed from

shared drives. Finally in this regard, LCC can require the applicant to submit a bond to ensure that the roads are completed to the stated standard.

- 8.18. 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, Policy H7 of the Desford Neighbourhood Plan, the Good Design Guide SPD and the requirements of the NPPF.

### **Appearance**

- 8.19. House type designs as proposed are based on the arts and crafts movement with a focus on decorative details to the design of the dwellings. This helps to raise the overall standard of design across the development as a whole. Examples include quoin blocks details, large windows, oriel windows, chimneys, decorative lintels, brick archway features, door canopies and dwellings comprising asymmetrical designs.
- 8.20. Materials for the dwellings comprise predominantly red facing bricks and some of the properties will comprise a render mix too. A mix of materials are proposed across the site to ensure that from an appearance perspective the proposal is tenure blind.
- 8.21. Boundary treatment details have been provided as part of the application submission. Red brick walls, railings or hedges will form the boundary treatment for 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.
- 8.22. The applicant has confirmed that existing hedges will be retained along the site's boundary with properties along Cambridge Drive.
- 8.23. The proposed 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 design requirements as set out within the Desford Neighbourhood Plan.

### **Landscaping**

- 8.24. Revised landscaping plans and an open space plan have been provided as part of the reserved matters submission.
- 8.25. The landscaping details set out the type and location of shrubs, trees and hedgerows to be provided across the development site. As stated previously, the existing hedgerow along the boundary with Cambridge Drive is to be retained and will act as a further buffer between the development and existing properties backing onto the site.
- 8.26. Trees are to be provided 'on plot' within the frontage of a number of dwellings across the site and also within parking court areas and across the open space areas of the development.
- 8.27. The open space plan shows the provision of various open space typologies including casual informal open space across various parts of the development site and a landscape buffer along the western edge of the development site which borders the open countryside. The landscape buffer area is for ecological provision in order to provide for 25% biodiversity net gain requirement (BNG) on



site. This is to be appropriately fenced in order to allow the area to establish and prevent damage. This area is separated by the grass mown path area corridor.

- 8.28. Meadow Grassland of different varieties have been proposed alongside amenity grassland for grass mown path areas and margins.
- 8.29. The northern corner of the site will be mown and maintained in order to allow for casual informal play on site.
- 8.30. The swales and attenuation basin are not permanently wet water bodies that hold water but are designed to convey water when water events are live. The attenuation basin base will be designed to be wet. The grass mown path runs the length of the site and runs around the balancing areas and then provides a linkage to the north.
- 8.31. Bins and benches across the site are also proposed as part of the landscaping details and include information boards providing details about the responsibility of the open space areas on the site with contact details should any issues need to be reported by residents.
- 8.32. The applicant will be paying an 'off-site' contribution for the provision of Equipped Area of Play (play equipment) as part of the S106 requirements agreed at the outline stage and so there is no play equipment to be provided on site. The site lies in very close proximity to an existing play area/open space along Kirkby Road and this off site contribution will seek to benefit both new and existing residents. Desford Parish Council have been approached to enquire how/where this money will be spent within the locality when it is received.
- 8.33. 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**

- 8.34. The proposal comprises predominantly two storey dwellings with two plots comprising bungalows.
- 8.35. A number of objections have been received in respect of the location and proximity of two storey properties backing onto the boundary with existing dwellings along Cambridge Drive. Whilst the concerns raised are noted, the distance between the rear elevations of the proposed dwellings and existing dwellings exceed 21 metres and this is considered to be an acceptable relationship with respect to residential amenity and complies with the requirements set out within the Council's Design SPD.
- 8.36. Some concerns have also been raised by local residents about the number of larger homes on site when compared to smaller, starter homes. From the revised plans provided the housing schedule clearly shows that 68% of the properties proposed for the site would be 1, 2 or 3 bed units = 82 units out of 120. 32% would be 4 or 5 bed units which equates to 38 units. This is considered to be an acceptable mix for a development of this size and illustrates that there are in fact less, larger homes than smaller ones.

- 8.37. 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**

- 8.38. 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.
- 8.39. LCC Ecology were consulted on the application. They have reviewed the application details. They consider that the documents are acceptable as 25% BNG is provided on site in accordance with the outline permission requirements and is shown on the open space/landscaping plans.
- 8.40. Therefore, this application is considered to be acceptable with respect to ecological matters in compliance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.
- 8.41. Policy DM7 of the SADMP states that seeks to prevent development from resulting in adverse impacts on flooding by ensuring that development does not create or exacerbate flooding.
- 8.42. The LLFA have responded to the application and stated that subject to imposing a new condition on any subsequent approval of the Reserved Matters, the application documents as submitted are sufficient for the LLFA to support the discharge of Condition 9 of 22/01227/OUT and sufficient for the LLFA to support the approval of the Reserved Matters.
- 8.43. The Conservation Officer was also consulted on this application. Due to a combination of the topography and presence of intervening built form and vegetation there is no inter-visibility between the application site and any designated heritage assets, nor is there any known key historic, functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and none of these heritage assets would be sensitive to or affected by an appropriate form of development within the application site. Therefore in my opinion the impact of the proposal upon designated heritage assets is not a material consideration for this reserved matters application.
- 8.44. The Minerals and Waste Team have no comments to make on this application.
- 8.45. Details in respect of Conditions 5, 6, 9 and 11 of outline permission 22/01227/OUT have also been submitted as part of this application as these conditions were worded to require these specific details as part of the Reserved Matters application.
- 8.46. Condition 5 states that:
- ‘With or before the submission of Reserved Matters an Ecological Constraints and Opportunities Plan (ECOP) shall be submitted to and approved in writing by the local planning authority. The ECOP should identify the following, in accordance with BS 42020:2013 Clause 5.4:

- Areas and features including appropriate buffer areas that, by virtue of their importance, should be retained and avoided by both construction activities and the overall footprint of the development.
  - Areas and features where opportunities exist to undertake necessary mitigation and compensation.
  - Areas and features with potential for biodiversity enhancement, in line with the submitted Defra metric.
  - Areas where ongoing ecological management is required to prevent deterioration in condition during construction/implementation.
  - Areas needing protection on site and/or in adjacent areas (e.g. from physical damage on site or pollution downstream) during the construction process.
- Appeal Decision APP/K2420/W/23/3320601  
<https://www.gov.uk/planning-inspectorate> 12
- Areas where biosecurity measures are necessary to manage the risk of spreading pathogens or non-native invasive species.
- The development hereby permitted shall be carried out in accordance with the approved details and in accordance with any approved timeframes.'

The Ecology Team are satisfied that the updated Ecological Constraints and Opportunities Plan (Brindle & Green, June 2025) meets the requirements of Condition 5 and recommend discharge of this ecological condition.

- 8.47. Condition 6 states that:  
 'With or before the submission of Reserved Matters a scheme that demonstrates a Biodiversity Metric 3.1 calculation achieving a minimum 25% net gain in area habitat value shall be submitted to and agreed in writing by the local planning authority. The approved scheme shall be implemented in accordance with the agreed details.'

The Ecology team are satisfied that the submitted Biodiversity Metric 3.1 meets the requirements of Condition 6 and recommend discharge of this ecological condition.

- 8.48. Condition 9 states that:  
 'With or before the submission of Reserved Matters a surface water drainage scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include evidence to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element. The development must be carried out in accordance with these approved details and completed prior to first occupation.'

The LLFA are content to discharge this condition and require a further condition as part of the Reserved Matters approval. HBBC Drainage are also content for this condition to be discharged.

- 8.49. Condition 11 states that:  
 'With or before the submission of Reserved Matters a scheme for the investigation of any potential land contamination on the site has been submitted in writing to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.'

The Environmental Health Team are satisfied with the information provided but advised that Condition 11 can only be partially discharged. The further information

requested in this regard will be submitted as part of a new reserved matters condition (number 10) and so condition 11 of the outline permission will be fully discharged.

### **Planning Balance**

- 8.50. 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.
- 8.51. 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.
- 8.52. Conditions 5, 6 and 9 are fully discharged/agreed as part of this planning decision.
- 8.53. Condition 11 can be partially discharged and a further condition is suggested to be imposed should the Reserved Matters be approved.

## **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:**
- Planning conditions outlined at the end of this report
  - The Head of Planning being given powers to determine the final detail of planning conditions
- 10.2 Approve Conditions 5, 6, 9 and 11 of outline permission 22/01227/OUT.

## Conditions and Reasons

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

- Site Location Plan P01 1089 xxxx 400 received 2 August 2024
- Planning Layout P05 1089 100 received 15 July 2025
- Highways Layout P03 xxxx 101 received 10 June 2025
- Swept Path Analysis Refuse Vehicle 1089 ENG 1251B received 15 July 2025
- Materials and Boundary Treatment Layout P04 xxxx 200 received 15 July 2025
- Open Space Plan P04 xxxx 170 received 20 June 2024
- Soft landscaping proposals GL2335 LP 01 Rev D received 15 July 2025
- Soft landscaping proposals GL2335 LP 02 Rev D received 15 July 2025
- Soft landscaping proposals GL2335 LP 03 Rev D received 15 July 2025
- SW Drainage Scheme 1089-ENG-0005 received 12 May 2025
- SW Calculations 1089-CALC-0005 received 12 May 2025
- Housetype – floorplans and elevations Rev C01 Dwg no. DB210G-5 AS and OP
- Housetype – floorplans and elevations Rev C02 -Dwg no. DH301GE-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH313B-5 AS and OP
- Housetype – floorplans and elevations Rev P00 Dwg no. DH314V-5 OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH318B-5 AS and OP
- Housetype – floorplans and elevations Dwg no DH360 BE-5 AS and OP
- Housetype – floorplans and elevations Dwg no DH360 BI-5 AS and OP
- Housetype – floorplans and elevations Rev P00 Dwg no. DH390R-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH402R-5 AS
- Housetype – floorplans and elevations Rev P00 -Dwg no. DH409GH-5 AS and OP
- Housetype – floorplans and elevations Rev P00 -Dwg no. DH409GH-5 Plot 118 AS
- Housetype – floorplans and elevations Dwg no – DH422GR-5 OP
- Housetype – floorplans and elevations Rev C05 Dwg no. DH422G-5 AS
- Housetype – floorplans and elevations Rev C05 Dwg no. DH422GR-5 OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH425GG-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH425GH-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH425GH-5 Plot 114 AS
- Housetype – floorplans and elevations Rev P00 Dwg no. DH427B-5 AS and OP
- Housetype – floorplans and elevations Rev C03 Dwg no. DH430B-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH430BR-5 AS
- Housetype – floorplans and elevations Rev C04 Dwg no. DH501G-5 AS and OP

- Housetype – floorplans and elevations Rev C01 Dwg no. DH509V-5 AS and OP
- Housetype – floorplans and elevations Rev C01 Dwg no. DH532BR-5 AS and OP
- Affordable housetype floorplans and elevations, Rev C00 Dwg no. AH10G-5 M4(2) & HQI AS
- Affordable housetype floorplans and elevations, Rev C04 Dwg no. AH16GEA-5 M4(2) & HQI AS
- Affordable housetype floorplans and elevations, Rev P00 Dwg no. AH21GE-5 M4(2) & HQI AS and OP
- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH21GG-5 M4(2) & HQI AS
- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH21GI-5 M4(2) & HQI AS and OP
- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH31GE-5 AS and OP
- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH31GG-5 OP
- Affordable housetype floorplans and elevations Rev P00 Dwg no. AH31GI-5 AS and OP
- Affordable housetype and floorplans and elevations Rev C00 AH35GE-5 AS and OP
- Affordable housetype floorplans and elevations Rev C00 Dwg no. DH16GEA-5 AS
- Affordable housetype floorplans and elevations Rev C00 Dwg no. DH260BE-5 AS and OP
- Affordable housetype floorplans and elevations Rev C00 Dwg no. DH260BI-5 AS
- Affordable housetype floorplans and elevations Dwg no DH313B-5 AS
- Affordable housetype floorplans and elevations Rev C00 Dwg no. AH35G-5 AS and OP
- Affordable housetype floorplans and elevations Rev C01 Dwg no. DH201BR-5 AS
- Affordable housetype floorplans and elevations Rev C01 Dwg no. DH201BRS-5 AS
- Affordable housetype floorplans and elevations Rev C01 Dwg no. DH202BR-5 AS
- Garages - Elevations and floorplan - Rev C01 Dwg no. LG1-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C01 Dwg no. LG3-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C00 Dwg no. MG1-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C01 Dwg no. SG1-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C03 Dwg no. SG3-4 Single Garage AS
- Garages - Elevations and floorplan - Rev C01 Dwg no. SG10-4 Double Garage AS
- Garages – Elevations and floorplan - Dwg no SG23-4 Single & Double Garage AS
- Garage – Elevations and floorplans – Dwg No LG10-4 Double Garage (AS)
- Desford Bin Store – Elevations and floorplans - Rev P01

**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. The development hereby approved shall be implemented in strict accordance with the Constraints and Opportunities Plan (Brindle & Green, Rev 4) unless otherwise agreed in writing by the LPA. Photographs of the faunal enhancement measures including the integrated bird and bat boxes, hedgehog highways and hibernacula within the new development shall be provided prior to occupation of the development.

**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. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with drawing number Planning Layout P05 1089\_ 100 received 15 July 2025. 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.

4. 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.

5. 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 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 Site Allocations and Development Management Policies DPD (2016) and the NPPF.

6. 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.

7. 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.

8. Notwithstanding the provisions of Article 3, Schedule 2, Part 1, Classes A-E of the Town and Country Planning (General Permitted Development Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings hereby permitted shall be carried out unless planning permission for such development has been granted by the local planning authority.

**Reason:** To safeguard the amenities of neighbouring properties in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

9. The Landscaping Scheme hereby approved shall be fully implemented in accordance with revised drawings GL2335 LP 01D, 02D and 03D and in accordance with a programme to be submitted and approved in writing by the Local Planning Authority prior to commencement of development with details to include phasing and timescales for delivery of the hard and soft landscaping on site. The soft landscaping provision 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 landscaping work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

10. Notwithstanding the Phase II Investigation report and Gas Addendum Letter submitted no development approved by this permission shall be commenced in the farm yard area (house, former yard and buildings) until a scheme for the investigation of any potential land contamination in the farm yard area has been submitted to and agreed in writing by the Local Planning Authority which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details and any remediation works so approved shall be carried out prior to the site first being occupied.



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

11. With the exception of the attenuation basin and swales, no piped drainage infrastructure shall be constructed until such time as revised hydraulic calculations and private plot external levels have been submitted to, and approved in writing by the Local Planning Authority. The development must then be carried out in accordance with these approved details and completed prior to first occupation.

**Reason:** To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

12. The development hereby permitted shall not be occupied until such time as the refuse vehicle and fire tender turning facilities have been implemented in accordance with drawing numbers 1089-ENG 1250 A and 1089-ENG 1251B. Thereafter the on-site turning provision shall be so maintained in perpetuity.

**Reason:** To ensure that adequate on street turning provision is made to ensure refuse vehicles and fire tender vehicles can serve the site in accordance with Policy DM17 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

#### INFORMATIVES:

- Nesting birds are protected under the Wildlife & Countryside Act 1981 (as amended); therefore all removal of trees/shrubs/hedges should take place outside the breeding season (March to August inclusive) unless carefully checked beforehand by a suitably qualified person.
- Badgers and their setts are protected by law. A badger sett is defined by law as 'any structure or place which displays signs indicating current use by a badger'. Under the Protection of Badgers Act 1992 it is an offence to: Take, injure, or kill a badger (or attempt to do so); Cruelly ill-treat a badger; Intentionally or recklessly damage, destroy or obstruct access to a badger sett; and Intentionally or recklessly disturb a badger when it is occupying a badger sett. Therefore no works should occur near to a badger sett unless carefully checked beforehand by a suitably qualified person.
- Slow-worm, common lizard, adder and grass snake are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This legislation makes it an offence to deliberately kill, injure or take slow-worm, common lizard, adder or grass snake. As such, care should be taken to avoid impacting reptiles during the development.
- 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.

- To erect temporary directional signage you must seek prior approval from the Local Highway Authority in the first instance (telephone 0116 305 0001).

Planning Committee 12 August 2025  
Report of the Head of Planning

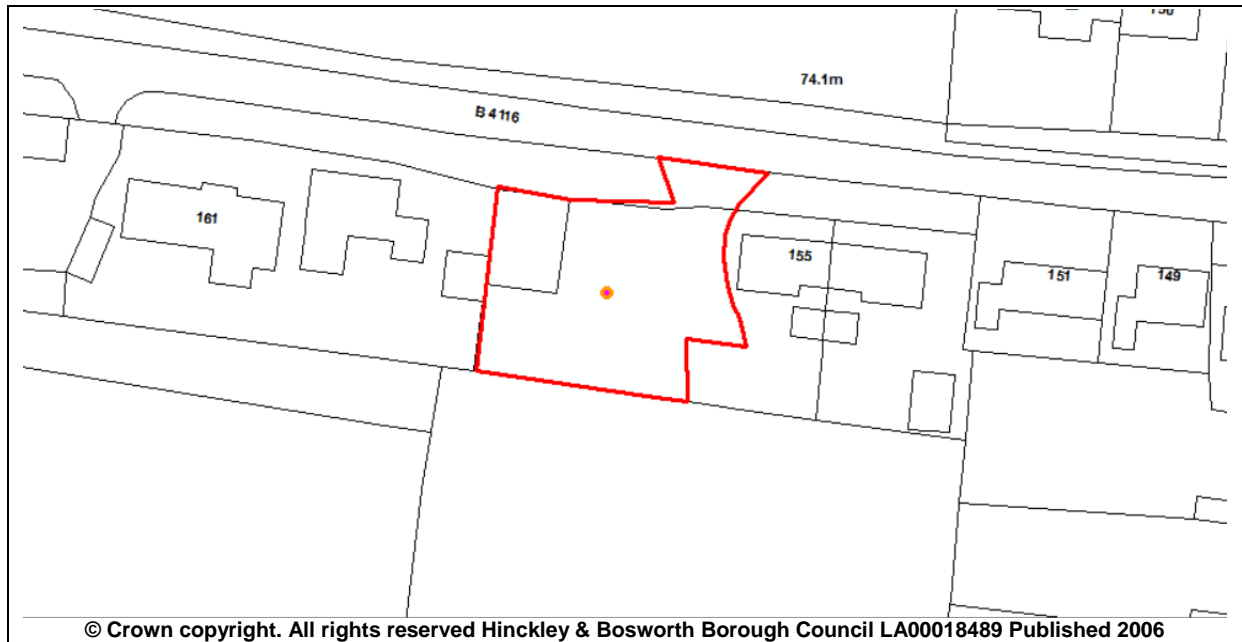
Planning Ref: 25/00476/FUL  
Applicant: Spencer  
Ward: Twycross Sheepy & Witherley



Hinckley & Bosworth  
Borough Council

Site: Adjacent Thompstone Cottage Main Road Sheepy Magna

Proposal: Demolition of the existing commercial workshop, removal of existing containers and erection of a replacement commercial workshop



## 1. Recommendations

### 1.1. Grant planning permission subject to:

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

## 2. Planning application description

- 2.1. The application seeks full planning consent for the demolition of an existing commercial workshop and removal of the existing containers to facilitate a replacement workshop associated with an existing B2 (General Industry) and B8 (Storage and Distribution) use at land adjacent to Thompstone Cottage, 155 Main Road, Sheepy Magna.
- 2.2. The proposed replacement workshop would measure 12.43 metres in depth with a width of 18.46 metres. It would have a 15 degree dual-pitched form characterised by a southern/northern side gable which would measure 5.16 metres to the eaves and 6.84 metres to the ridge. A set of two roller shutters measuring 4.60 metres for a width of 6.09 metres would sit to the workshop's eastern elevation, to the side of which would sit a personal door measuring 2.10 metres for a width of 1.00 metre. The proposed external materials would consist of a mix of juniper green box profile corrugated metal sheeting, red brick and prefabricated concrete panels to the walls,

juniper green box profile corrugated metal sheeting to the roof and grey shutters and personal doors.

- 2.3. The existing breeze block wall to the northern boundary of the site would be demolished and replaced by red brick wall of a replicating height with the retainment of the existing red metal gates. Forward of the wall is to sit a native hedgerow mix consisting of Hawthorn (50%), Holly (20%), Blackthorn (20%) and Wild Privet (10%) for a width of 17.42 metres.

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

- 3.1. The application site is located to the south of Main Road to the southwest of, but within, the identified settlement boundary of Sheepy Magna. Main Road is an adopted and classified 'B' road ('B4116') that is subject to a 40mph speed limit in the immediate vicinity of the site.
- 3.2. Main Street is characterised by a ribbon of residential development, which is seen on both sides of the road immediately to the east of the site. The site is bounded by residential properties to the east and west and to the south and the north of Main Road is open countryside. To the southeast of the site is a further line of ribbon development heading south along Ratcliffe Lane.
- 3.3. The site itself comprises an existing two-storey semi-detached residential property, Thompstone Cottage, and an existing block-built workshop with two storage containers to the west of the site.
- 3.4. The workshop and storage buildings are associated with Sheepy Farm Services, which is an existing commercial use as a lorry haulier (Use Class B8) and repair business (Use Class B2). Sheepy Farm Services employs six full-time members of staff and has operated from the site for over 50 years. The front elevation of the existing workshop faces the side elevation of Thompstone Cottage.
- 3.5. The existing workshop was extended via planning permission 15/00907/FUL and now externally measures 9.00 metres in depth by 11.50 metres in width, which results in a total footprint of 104.30sqm. The property has a ridge height of 4.50 metres and an eaves height of 3.30 metres.

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

#### **79/1743/4**

- Use of buildings and site for an agricultural repair workshop and storage
- Planning Permission
- 21.04.1980

#### **15/00907/FUL**

- Side extension to existing workshop
- Planning Permission
- 07.10.2015

#### **25/00475/HOU**

- Erection of a standalone double garage
- Pending Consideration

## 5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. Following the publication five objections have been received which are summarised below;

### Residential Amenity

- 1) The buildings scale will impact the amenity and views of the adjacent and local properties on both Main Road and Ratcliffe Lane;
- 2) The proposal will affect sunlight and daylight (in the morning specifically), and have an effect on the neighbouring habitable rooms;
- 3) The proposed development has not been prepared "in the spirit of good neighbourliness" which is considered as providing a 1-2m set back from the boundary for single story residential extensions;
- 4) The applicant and their agents have chosen not to consult with affected neighbours; **(Planning Officer Comment - It should be noted that the applicant and their agents are not required to be consulted with affected neighbours. The Local Planning Authority have, however undertaken a public consultation in accordance with statutory guidance.)**
- 5) The existing operation has not affected the enjoyment of the neighbouring properties;

### Character and Appearance

- 6) The proposed building is not in-keeping with the character, size and scale of a rural village;
- 7) Materials are not in keeping with the village, the surrounding houses and does not improve the overall appearance of the village;
- 8) A proposed hedge is an inadequate screening response which will take years to grow. If a landscape buffer is considered necessary for the public frontage, then it should equally be the case adjoining residential uses.;
- 9) A lorry height of 4.9m cannot be used as a justification for the proposed building height of 6.84m;

### Noise Pollution

- 10) Noise insulation has been suggested but no actual commitment is made;

### Highway Safety

- 11) The increase in the footprint of the building will mean a smaller space for the 5 HGV's and use of the site. This will have an impact on the highways and road safety. HGV's already reverse into the site on a 40MPH section of the road with the potential to obstruct the road;
- 12) Main Road is a very busy dangerous highway where vehicles travel at speed;

### Ownership

- 13) The proposed hedge is outside both the planning application red line and the applicant's ownership. This is highway land;

### Other matters

- 14) At the present time there are no restrictions on the working hours of this operation and with this proposal this is something that should be considered;

- 15) If a benefit of the application is considered to be the removal of the containers, a planning condition should be added to ensure that containers are no longer permitted to be stored on site;
- 16) The application does not give any measurements as to the current height of the eaves of the building nor the pitch of the roof; **(Planning Officer Comment – As the proposal is for the demolition and re-build of an existing workshop building, existing elevations are not required.)**
- 17) The existing containers should not be included within the existing building calculations; **(Planning Officer Comment – The existing containers are associated with the sites use and operation and have therefore been included in any calculations.)**
- 18) There is a separate planning application for a double garage which should be considered at the same time as this application.

## 6. Consultation

### 6.1. Sheepy Parish Council:

#### **‘OBJECT**

*Please note this response is based on documents available on HBBC Planning Portal as at 16 July 2025. Sheepy Parish Council kindly request that it is notified and consulted on any later changes to this application so as to ensure full compliance with the Sheepy Parish Neighbourhood Plan made May 2022. Sheepy Parish Council notes the additional documentation with respect to this re-consultation, however with no amended/superseded ‘Proposed Elevations and Floor Plans’, our position remains the same.*

*Although Sheepy Parish Council supports the Rural Economy (Policy S17 – Sheepy Parish Neighbourhood Plan), it has reviewed the above application -25/00476/FUL - (Adjacent Thompstone Cottage, Main Road, Sheepy Magna - Demolition of the existing commercial workshop, removal of existing containers and erection of a replacement commercial workshop), and believes it is not compliant with the legally binding Sheepy Parish Neighbourhood Plan ‘made’ May 2022, namely Policy S8 - Design. It must be noted that all policies in the plan should be considered collectively when determining any planning application.*

*The Parish Council’s principal concern is the close proximity of the proposed development to the neighbouring property, 159 Main Road. The proposal is for the erection of a replacement commercial workshop that is much larger (64% increase in area) and higher (more than double the current height to the eaves adjacent to the neighbouring property and a 52% increase to the apex) than the existing workshop. (Existing heights taken from HBBC Delegated Report 7 October 2015 - 15/00907/FUL). The Parish Council believes that the proposal does not show appropriate regard for the amenity of 159 Main Road (Sheepy Neighbourhood Plan Policy S8(F) and HBBC SADMP DM10). It is noted that the Pre-application Advice stated on the Application Form (HBBC – Application Form 12 May 2025) required the applicant to “demonstrate...that the scheme shall protect existing residential amenity”. The applicant has failed to properly address this in the application (Design and Access statement). In particular, the concerns are over the overbearing effect (scale and mass, oppressive nature and intrusive feeling) that the proposed building will have and the adverse impact on natural light and outlook. None of these have been addressed by the applicant.*

*In addition to this, the Parish Council is aware that in parallel to this application, another planning application – 25/00475/HOU-Re-Consultation (15 July 2025) - has*

*the potential to have a detrimental impact on aspects of this proposal. In particular, the proposal for the 'Erection of a standalone double garage -25/00475/HOU - 21 May 2025' will, if approved, have a significant impact on the parking and turning space available for (up to) the five HGVs that operate from the site and other vehicles, and thereby have the potential to seriously impact highway safety on a stretch of road with a 40mph speed limit.*

*Sheepy Parish Council has received copies of written objections submitted by several parishioners to HBBC, which have raised concerns over the detrimental effect the proposed replacement commercial workshop will have on neighbouring properties.*

*With reference to the two recent amended plans submitted by the applicant, HBBC Reference 09/07/2025 - 25/00476/FUL - 25/00476/FUL -Site Location Plan and 09/07/2025 - 25/00476/FUL - 25/00476/FUL -Proposed Site Plan, Sheepy Parish Council notes that the site now extends onto the grass verge adjacent to the highway and respectfully request that HBBC establish its ownership. Furthermore, the above documents also show the site extended beyond the curtilage and access onto the highway.*

*Having considered the proposal and in recognition of the need to support the rural economy (Sheepy Neighbourhood Plan Policy S17), the Parish Council believes that a better considered proposal at a more modest scale might address the Parish Council's concerns and be acceptable. Further, that the applicant is strongly encouraged to discuss any revised proposal with neighbours and the Parish Council before submission.'*

#### 6.2. HBBC Environmental Services – Pollution;

*'With regard to noise I would recommend that a noise impact assessment is carried out to advise of any noise mitigation/control that may be required to be incorporated into the design of the proposed building. This may be conditioned.*

<i>Recommended</i>	<i>condition:</i>
<i>Noise</i>	<i>Attenuation (2)</i>
<i>a) Development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority</i>	
<i>b) All works which form part of the scheme shall be completed before the permitted development first comes into use.'</i>	

#### 6.3. LCC Highways;

*'The Local Highway Authority (LHA) previously responded to the Local Planning Authority (LPA) on 12 June 2025 stating that the proposals would maintain the status quo at the site. And that as such, the LHA would not seek to resist the proposals in these site-specific circumstances.*

*The Applicant has now provided further drawings with a revised redline which is slightly smaller than previously submitted. It is also noted that there would be four car parking spaces compared to the previously submitted six.*

*However, as previously stated within the LHAs observations provided to the LPA on 12 June 2025 the existing workshop does not allow the business to work on lorries undercover, and this has to happen outside.*

*The existing workshop and containers have an area of around 140sqm. The proposed workshop would have a footprint of 229sqm.*

*Section 4 of the DAS indicates that the proposal will result in no increase in trips to the application site. The site currently benefits from an existing B2 and B8 use. As*

*such, the LHA still consider that the proposals would maintain the status-quo at the site and therefore the LHA would refer the LPA to the LHAs previous observations.'*

*The previous observations referred to within the above comments were as follows:*

*'The site is located on the southern extent of Main Road, which is an adopted, classified B road subject to a 40mph speed limit.*

*The LHA notes the Design and Access Statement (DAS) states the site currently comprises of a block-built workshop with two storage containers to the west of the site and adjoining the workshop.*

*The Applicant has been trading and operating from this site for circa 50 years. The Applicants are a Lorry Haulier and repair business and Agricultural and Industrial Engineers employing six full time staff.*

*The Applicants have an operator license for five heavy good vehicles, which has been in place for 40 years continuously.*

*Presently the business operates from the existing workshop, two storage containers and area of hardstanding. Specifically, the existing workshop does not allow the business to work on lorries undercover, and this has to happen outside.*

*The existing workshop and containers have an area of around 140sqm. The proposed workshop would have a footprint of 229sqm.*

*Section 4 of the DAS indicates that the proposal will result in no increase in trips to the application site. The site currently benefits from an existing B2 and B8 use.*

*Whilst the site accesses onto a classified B subject to a 40mph speed limit, given the small-scale nature of the proposals, and that the proposals will maintain the status quo at the site, the LHA would not seek to resist the proposals in these site-specific circumstances.'*

#### 6.4. LCC Ecology:

*'No objection (for recommended conditions or informatives- see below)*

**REASON FOR RECOMMENDATION:**

- *We have reviewed the documents supplied by the applicant.*

**Protected and Priority Species**

- *No ecological information relating to the likely impacts of development on designated sites, protected & Priority species and habitats and identification of proportionate mitigation has been submitted.*
- *Therefore, we have conducted a desktop assessment comprising local records and aerial imagery to help assess this.*
- *We are satisfied that there is sufficient ecological information available to support determination of this application. The site consists of a hardstanding yard offering limited suitability for protected and priority species. With reference to the photo supplied in the Design and Access Statement (Andrew Large Surveyors Ltd), the brickwork of the building on site looks to be in good condition offering negligible suitability for roosting bats, whilst the corrugated metal roof prone to rapid heating and cooling is also unsuitable.*
- *However, aerial imagery shows the wider landscape south of the site consists of open fields and vegetated boundaries, which may provide suitable habitat for a range of protected and Priority species.*



- Therefore, it is recommended that an informative for general good practice mitigation is applied to minimise any residual risk during construction should mobile species enter the site from adjacent habitats.

#### *Biodiversity Net Gain (BNG)*

- Applications are required to deliver a mandatory 10% measurable biodiversity net gain, unless exempt under paragraph 17 of Schedule 7A of the Town and Country Planning Act 1990 and the Biodiversity Gain Requirements (Exemptions) Regulations 2024. We have reviewed the submitted information and believe that the de-minimis exemption applies to this application.
- We note the proposed native hedgerow planting which have been detailed within the Proposed Site Plan (Henderson Planning & Design, April 2025) to secure net gains for biodiversity, as outlined under Paragraph 187d and 193d of the National Planning Policy Framework (December 2024). We also recommend additional biodiversity enhancements such as bat and bird boxes are included. These could be placed in suitable locations on or integrated into the new building. The reasonable biodiversity enhancement measures can be outlined within a separate Biodiversity Enhancement Strategy and should be secured by a condition of any consent.

#### *ANY RECOMMENDED CONDITIONS TO BE APPLIED:*

##### *PRIOR TO ANY WORKS ABOVE SLAB LEVEL: BIODIVERSITY ENHANCEMENT STRATEGY;*

- “Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

*The content of the Biodiversity Enhancement Strategy shall include the following:*

- Purpose and conservation objectives for the proposed enhancement measures;*
- detailed designs or product descriptions to achieve stated objectives;*
- locations of proposed enhancement measures by appropriate maps and plans (where relevant);*
- persons responsible for implementing the enhancement measures; and*
- details of initial aftercare and long-term maintenance (where relevant).*

*The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.”*

*Reason: To enhance protected, Priority and threatened species and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended).*

#### *ANY RECOMMENDED INFORMATIVES TO BE APPLIED:*

##### *GENERAL GOOD PRACTICE MITIGATION TO AVOID ECOLOGICAL IMPACTS DURING THE CONSTRUCTION PHASE*

- To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:

- a) *Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;*
- b) *materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;*
- c) *rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease, and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.'*

6.5. LCC Minerals;

*'There is no requirement to consult the County Planning Authority in this instance. Planning permission will be granted for development that is incompatible with safeguarding mineral within a Mineral Safeguarding Area if: (v) the development comprises one of the types of development listed in Table 4. (b) applications for alterations and extensions to existing buildings and for change of use of existing development, unless intensifying activity on site.'*

6.6. Natural England;

- No comments have been received to date.

**7. Policy**

7.1. Sheepy Parish Neighbourhood Plan 2018-2036

- Policy S5: Ecology and Biodiversity
- Policy S8: Design
- Policy S18: Rural Economy

7.2. Core Strategy (2009)

- Policy 12: Rural Villages

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM6: Enhancement of Biodiversity and Geological Interest
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM20: Provision of Employment Sites

7.4. National Planning Policies and Guidance

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

7.5. Other relevant guidance

- Good Design Guide (2020)
- National Design Guide (2019)
- Leicestershire Highways Design Guide (2024)

## **8. Appraisal**

### **8.1. Key Issues**

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and vehicle parking standards
- Impact upon flooding and pollution
- Impact upon ecology
- Other matters

#### Assessment against strategic planning policies

- 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 The current Development Plan consists of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the adopted Sheepy Parish Neighbourhood Plan (SPNP).
- 8.4 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.
- 8.5 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. Ultimately, the closer the policies in the plan are to the policies in the NPPF, the greater weight they may be given.
- 8.6 Chapter 6 of the NPPF states that planning decisions should help create the conditions in which businesses can invest, expand, and adapt. Paragraph 88 of the NPPF confirms that planning decisions should support the sustainable growth and expansion of all type of business in rural areas, both through conversion of existing buildings and well-designed new buildings.
- 8.7 Policy 12 of the adopted Core Strategy states that to support existing services in rural villages, such as Sheepy Magna, the Council will support development enabling home working and other small-scale employment uses within rural villages.
- 8.8 The use of the site for B2/B8 uses has been long established with the Applicants trading from the site for 50 years. The site is small scale and is not an allocated employment site for the purposes of Policy DM19 of the SADMP. Policy DM20 strictly applies to the development of new employment sites for B1 (now Class E), B2 and B8 uses. As a replacement/extended use to the existing business on site the policy is not strictly relevant as the proposal does not seek to introduce a new employment site. However, Policy DM20 does allow for the development of new employment sites where they stand within settlement boundaries or on previously developed land, the development does therefore comply with the spirit of Policy DM20 and were it a new employment site it would be acceptable in principle.
- 8.9 Policy S18 of the Sheepy Parish Neighbourhood Plan states that small-scale business and enterprise development, including live/work units, through the conversion of existing buildings and well-designed new buildings, will be supported

where it means the requirements of Policies DM5 (Enabling Rural Worker Accommodation) and DM20 (Provision of Employment Sites) of the SADMP. Policy DM5 of the Site Allocations and Development Management Plan are not applicable to either proposal. An assessment against Policy DM20 is made above, however, as set out as an existing employment use the policy is not strictly relevant.

- 8.10 Overall, the development is located within the identified settlement boundary of Sheepy Magna on an existing, albeit unallocated, employment site. The proposals seek to replace an existing building to improve efficiencies on site. As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, and the wider policies of the NPPF including paragraph 88 which endorses support for the sustainable growth and expansion of all types of business in rural areas including through well designed new buildings. Therefore, the development is considered to be acceptable in principle, subject to all other material planning matters being appropriately addressed.

#### Design and impact upon the character of the area

- 8.11 Chapter 12 of the NPPF confirms that good design is a key aspect of sustainable development, and the creation of high quality, beautiful, and sustainable buildings and places is fundamental to what the planning and development process should achieve. Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.12 Paragraph 137 of the NPPF states that applicants, where applicable, should provide sufficient information to demonstrate how their proposals will meet the design expectations set out in local and national policy.
- 8.13 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 (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.14 Pages 14 and 15 of the Good Design Guide highlights the five key components of design are: access, layout, space, appearance, and landscape. The Good Design Guide confirms that new development should look to respond appropriately to the existing layout of buildings, streets, and spaces to ensure that adjacent buildings relate to each other, streets are connected, and spaces complement one another. Ultimately, the Good Design Guide states that consideration should be given to the ongoing maintenance of the street scene from the outset.
- 8.15 Policy DM10 (b) and (c) of the Site Allocations and Development Management Policies DPD requires new development to complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.16 Policy S8 of the Sheepy Neighbourhood Plan seeks to ensure that development proposals are designed with evident care so as to respond positively to the character of the area in which it is located, demonstrably respond to the features of its setting; and with the scale, form and character of the location and make a positive contribution to the street-scene.
- 8.17 The application proposes to demolish the existing commercial workshop and remove the existing containers at the site to facilitate a replacement workshop associated with the sites existing B2 (General Industry) and B8 (Storage and Distribution) use.

- 8.18 Objections have been received that the proposal is not in-keeping with the character, size, scale and materials of the area despite the proposed hedgerow screening response.
- 8.19 The proposed replacement workshop would measure 12.43 metres in depth for a width of 18.46 metres, increasing the depth of the existing structure by 3.53 metres and the width by 6.70 metres. It would have a 15 degree dual-pitched form characterised by a southern/northern side gable to reflect the form of the existing structure. The building would measure 5.16 metres to the eaves and 6.84 metres to the ridge, increasing the height and bulk of the commercial workshop by 2.50 metres.
- 8.20 Unlike the existing building, the proposed building would be set back from the front and side boundaries by approximately 1m. In addition, through discussions with the case officer the existing breeze block boundary wall is to be replaced with a new brick boundary wall to match the dwelling. A native hedge is also proposed to be planted to the front of new wall and building.
- 8.21 The proposed increase in height/mass is reasonably substantial and the building is highly visible from the road. The increase in height has been justified by the applicant within the submitted Design and Access Statement, stating that the height allowance is crucial to allow employees to work under the businesses lorry's (ranging from 3.50 – 4.10 metres in height) safely whilst ensuring practical maneuverability within the workshop.
- 8.22 The site is unique as it relates to an isolated commercial building within a linear pattern of residential properties, meaning that any commercial proposal would appear to be a distinctive addition to the street scene. Notwithstanding this, the use has been in situ at the site for approximately 50 years and so is principally acceptable. The appearance of the site at the moment is inherently commercial in nature and despite the increase in the mass of the building, this will not significantly alter the character of the site. Furthermore, beyond the commercial use of the site and surrounding residential properties the wider area is rural where it is not uncommon to see buildings of a similar scale and design to that proposed.
- 8.23 The existing workshop at present presents a poor elevation to the highway and therefore the reconstruction of the structure with materials, which are typical of commercial units used for industrial/agricultural purposes instead of the pre-existing breeze block/brick mix would positively improve its contribution to the character of the area. Further mitigation and benefits to the appearance of the site would come from the proposed, traditional red brick wall and hedgerow planting to the front of the site. Whilst the improvement would only be minimal the proposal would not detract from the street scene to a detrimental level to justify refusal of the application considering the existing building and appearance of the site.
- 8.24 By virtue of the above, the proposal is considered in accordance with Policy DM10 of the adopted Site Allocations and Development Management Plan (2016) and Policy S8 of the Sheepy Neighbourhood Plan.

#### Impact upon neighbouring residential amenity

- 8.25 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.
- 8.26 Policy DM10 (a) and (b) of the Site Allocations and Development Management Policies DPD states that proposals should not adversely affect the occupiers of the neighboring properties.

- 8.27 Policy S8 of the Sheepy Neighbourhood Plan seeks to ensure that development proposals are designed with evident care so as to show appropriate regard for the amenities of neighbouring properties including daylight/sunlight, privacy, air quality, noise and light pollution.
- 8.28 Objections have been received that the proposal will impact the amenity and views of the adjacent and local properties on both Main Road and Ratcliffe Lane.
- 8.29 The Councils Good Design Guide seeks to ensure that *'The 45 degree rule is applied for planning applications for new buildings and extensions to existing properties which might affect the outlook from or daylight to a neighbouring property. This rule ensures consistency and fairness between applicants and their neighbours.'*
- 8.30 The nearest residential dwelling to the west of the application site 159 Main Road, would be situated approximately 9.00 metres from the proposal. There are no windows in the side elevation of 159 Main Road which directly face the proposed building. No 159 has a detached garage sited between the dwelling and proposed building, but this is set back from the front of the dwelling. The closest element of the dwelling is an early 2000s single storey side extension which is a habitable room, this room has two Velux rooflight present one to the front and one to rear of the dual-pitched roof. There is an opening in the rear elevation which also serves this room, this is the closest opening to the proposed building. The proposed building would protrude along the shared boundary and would clearly be visible from No.159, however, by virtue of its depth and separation distance the building would not breach the 45° guideline from this window.
- 8.31 As the proposal would extend past the front and rear elevations of the existing garage at no.159, at a greater height than the existing building the owners/occupiers outlook is considered to be impacted. Despite this, given the openness of the site to the south overlooking agricultural fields along with the considerable garden that it hosts and the adherence with the 45° guideline the proposal would not significantly adversely impact the amenity of the owner/occupiers of No.159 to a detrimental level to justify refusal of the application.
- 8.32 The Councils Good Design Guide seeks to ensure that *'In the spirit of good neighbourliness, an adequate distance of 1m between the property and its boundary (giving a total distance of at least 2m between properties) should be encouraged. In assessing the merit of the planning application, consideration will be given to the impact on local character created by reducing the space between buildings.'*
- 8.33 The existing workshop abuts to the shared boundary, with the replacement workshop proposing a 1.00 metre separation distance. So, whilst the proposal does not accord with the above outlined 2.00 metre separation distance there is a betterment to the existing situation. Furthermore, there is adequate separation between the dwelling and building.
- 8.34 The nearest residential dwelling to the east of the application site 153 Main Road would be situated an approximate 29.24 metres from the proposal not resulting in any adverse impacts to this dwelling. The main elevation would be orientated directly towards no.153's rear amenity space but given the nature of the openings extending to first floor level being roller shutters the proposal is considered to retain the owners/occupiers privacy.
- 8.35 Properties on Ratcliffe Road are over 80m from the development and by virtue of the separation distance there would be no adverse impacts to these residents from the proposed built form.
- 8.36 Concerns have been raised regarding potential noise and disturbance from the development, given the proximity to residential properties this is understood, however

the potential for noise and disturbance must be assessed in the context of the existing business operation on site. The Council's Environment Team have requested that a noise impact assessment is undertaken to advise on noise mitigation/controls that may be required to be incorporated into the design of the building. This is recommended as a pre-commencement condition and is justified owing to the new build nature of the scheme. Otherwise, it has been demonstrated that the development would not significantly intensify the use of the site. Whilst the building is larger this is to accommodate more repairs to be carried out inside the building as opposed to the external yard area. There may therefore be some betterment from the proposed arrangements in that regard.

- 8.37 It is therefore considered that the proposal is in accordance with Policy DM10 of the SADMP and Policy S8 of the Sheepy Neighbourhood Plan.

Impact upon highway safety and vehicle parking standards

- 8.38 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.
- 8.39 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.
- 8.40 To support this, 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. 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).
- 8.41 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Policy S8 (g) of the SPNP confirms that development proposals should be designed with evident care as to provide a safe and suitable access with appropriate on-site parking provision.
- 8.42 An objection has been received that the proposed replacement workshop will result in insufficient space for the businesses existing 5 HGV's impacting on the highways and road safety due to the HGV's obstructing the adjacent highway when entering or exiting the site.
- 8.43 The proposed replacement workshop would utilise the sites existing access to the south of Main Road, which is an adopted, classified B road subject to a 40mph speed limit. The applicant has been trading and operating from this site for circa 50 years as a Lorry Haulier and repair business and Agricultural and Industrial Engineers employing six full time staff and have an operator license for five heavy good vehicles, which has been in place for 40 years continuously.
- 8.44 Presently the business operates from the existing workshop, two storage containers and area of hardstanding. Specifically, the existing workshop does not allow the business to work on lorries undercover, and this has to happen outside. Section 4 of the submitted Design and Access Statement indicates that the proposal will result in

no increase in trips to the application site. So, whilst the site accesses onto a classified B subject to a 40mph speed limit, given the small-scale nature of the proposals, and that the proposals will maintain the status quo at the site the replacement workshop would not significantly intensify the use of the site access and the Local Highways Authority do not wish to resist the proposal.

- 8.45 Table 29(a) of the Leicestershire Highway Design Guide provides the off-street parking requirements for non-residential parking standards with Use Class B uses. Use Class B2 uses require one standard off-street parking space per every 50sqm within the site alongside one lorry space for every 400sqm. Use Class B8 uses should provide standard off-street parking space per every 100sqm within the site alongside one lorry space for every 400sqm. Any reduction below minimum standards will require robust justification.
- 8.46 Figure 44 (Dimensions) of the LHDG requires minimum standard parking sizes to be 2.4m in width by 5.5m in depth, and an additional 0.5m in width is required the parking space is bounded by a wall, fence, hedge, line of trees or other similar obstructions on one side. This width increases to 1m if the parking space is bounded on both sides. Tandem parking spaces should be provided with a depth of 6m per space (i.e., a depth of 12m is required for two tandem parking spaces.)
- 8.47 Two lorry spaces are proposed meeting the requirements of Table 29(a). The car parking spaces would fall short of the requirements, only hosting a provision for four vehicles. Furthermore, all, but one of the spaces would meet the minimum standard parking standard sizes, being bound by a wall, however in these site specific circumstances as the existing workshop does not allow the business to work on lorries undercover, and this has to happen outside the Local Highways Authority do not wish to resist the proposal on these matters alone as such it is considered that the proposal is in accordance with Policies DM17 and DM18 of the adopted SADMP.

#### Impact upon flooding and pollution

- 8.48 Policy DM7 (d) of the adopted Site Allocations and Development Management Plan (2016) states that adverse impacts from pollution and flooding should be prevented by ensuring that development proposals demonstrate that they would not cause noise or vibrations of a level which would disturb areas that are valued for their tranquillity in terms of recreation or amenity.
- 8.49 An objection has been received concerning noise insulation. As set out above the HBBC Environmental Health (Pollution) Officer is satisfied that that the application is acceptable subject to a noise impact assessment being carried out prior to commencement to ensure that any noise mitigation/control is incorporated into the design of the proposed building. In light of the above, the proposal is not considered to lead to adverse impacts from pollution.
- 8.50 The site is located in Flood Zone 1 and is also at low risk from surface water flooding. The existing site is fully hard surfaced and as an existing situation the proposed development is unlikely lead to additional surface water runoff. Therefore, the proposal is at low risk from flooding and is unlikely to lead to additional flooding in accordance with Policy DM7 (d) of the adopted Site Allocations and Development Management Plan (2016).

#### Impact upon ecology

- 8.51 Policy DM6 of the adopted Site Allocations and Development Management Plan (2016) states that proposals must demonstrate how they conserve and enhance



features of nature conservation and geological value including proposals for their long-term future management.

On site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term. The removal or damage of such features shall only be acceptable where it can be demonstrated the proposal will result in no net loss of biodiversity and where the integrity of local ecological networks can be secured.

Proposals which are likely to result in the loss or deterioration of an irreplaceable habitat would only be acceptable where:

- e) The need and benefits of the development in that location clearly
- f) It has been adequately demonstrated that the irreplaceable habitat
- g) Appropriate compensation measures are provided on site wherever possible and off site where this not is feasible.

If the harm cannot be prevented, adequately mitigated against or appropriate compensation measures provided, planning permission will be refused.

- 8.52 Policy S5 of the Sheepy Neighbourhood Plan seeks to ensure that development has appropriate regard for the network of local ecological features and habitats and that new development which impacts on existing ecological corridors and landscape features maintain and extend them for reasons of biodiversity thus, wherever possible, demonstrating overall net-gain.
- 8.53 In reference to Paragraph 99 of Part IV of the ODPM Circular 06/2005 *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may have not been addressed in making the decision. The need to ensure ecological surveys are carried out should therefore only be left to coverage under planning conditions in exceptional circumstances."*
- 8.54 Within the relevant Biodiversity Net Gain requirements developments are exempt if they are below the relevant threshold. The development threshold for this application relates to a development that does not impact a priority habitat and impacts less than 25 square metres (5m by 5m) of on-site habitat and/or 5 metres of on-site linear habitats such as hedgerows.
- 8.55 The application relates to the demolition and replacement of an existing workshop. The proposal is contained within the existing hardstanding. The development does not impact a priority habitat and impacts less than 25m<sup>2</sup> and as such it is exempt from mandatory BNG requirements.
- 8.56 Notwithstanding the above, the proposed development consists of the demolition of an existing workshop surrounded by good habitat connectivity. As such, this habitat could provide suitable foraging and good connectivity routes for bats and LCC Ecology have been consulted.
- 8.57 As no ecological information relating to likely impacts of the development on designated sites, protected and priority species and habitat and identification of proportionate mitigation has been submitted, LCC Ecology have assessed the application by way of a desktop assessment comprising of local records and aerial imagery.
- 8.58 The site consists of a hardstanding yard offering limited suitability for protected and priority species and the brickwork of the building on site looks to be in good condition offering negligible suitability for roosting bats, whilst the corrugated metal roof prone

to rapid heating and cooling is unsuitable. However, as aerial imagery shows the wider landscape south of the site consists of open fields and vegetated boundaries, which may provide suitable habitat for a range of protected and priority species, it is recommended by LCC Ecology that an informative for general good practice mitigation is applied to minimise any residual risk during construction should mobile species enter the site from adjacent habitats.

- 8.59 It is also recommended by LCC Ecology that additional biodiversity enhancements such as bat and bird boxes are included. A condition which has been imposed.
- 8.60 By virtue of the above, subject to condition and informative, the development would accord with Policy DM6 of the SADMP.

#### Other matters

- 8.61 An objection has been raised that the proposed hedgerow is outside the applicant's ownership.
- 8.62 Please note that any conflict over land ownership should be resolved between the landowners and is a legal matter and not a material planning consideration.
- 8.63 Despite this, the Local Planning Authority has queried the ownership of the land where the proposed hedgerow is to be planted and has received confirmation from the agent that the land is in fact under the applicants ownership. The agent has since submitted a revised site location and site plan showing a revised red line boundary. Furthermore, the Local Highways Authority have not raised any concerns regarding the ownership of the land.
- 8.64 Along with the above an objection has also been raised that the scheme for the erection of a standalone double garage (Reference; 25/00475/HOU) should be combined with the application in question.
- 8.65 The applications have been assessed alongside each other with clear separation of the residential and commercial boundaries being identified. The cumulative impacts have been considered; therefore, a combined application is not required.

### **9. Equality implications**

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

## **10. Conclusion**

- 10.1. The proposal is considered acceptable due to the limited impacts upon the character of the area and the amenity of adjacent buildings. It is considered that the proposed development would be in accordance with Policies DM1, DM6, DM7, DM10, DM17 and DM18 of the adopted SADMP, Policies S5, S8, S17 of the Sheepy Neighbourhood Plan, the Leicestershire Highways Design Guide, the general principles of the Councils Good Design Guide and the overarching principles of the NPPF. The proposal is therefore recommended approval subject to the below conditions.

## **11. Recommendation**

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

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

### **11.2 Conditions and Reasons / 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 materials to be used on the external elevations of the proposed workshop hereby approved shall be as specified in the submitted application form as received by the Local Planning Authority on the 12th May 2025.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM1 and DM10 of the adopted SADMP, Policy S8 of the Sheepy Neighbourhood Plan, the general principles of the Councils Good Design Guide and the overarching principles of the NPPF.

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

- Proposed Elevations and Floor Plans as received by the Local Planning Authority on the 12th May 2025.
- Site Location Plan
- Proposed Site Plan  
as received by the Local Planning Authority on the 9th July 2025.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM10, DM17 and DM18 of the adopted SADMP, Policies S5, S8, S17 of the Sheepy Neighbourhood Plan, the Leicestershire Highways Design Guide, the general principles of the Councils Good Design Guide and the overarching principles of the NPPF.

4. Development shall not begin until a scheme for protecting nearby dwellings from noise from the proposed development has been submitted to and approved by the Local Planning Authority.

All works which form part of the scheme shall be completed before the permitted development first comes into use.

**Reason:** To ensure a satisfactory form of development in accordance with Policies DM7 and DM10 of the SADMP.

5. **The** approved hedgerow consisting of established Hawthorn (50%), Holly (20%), Blackthorn (20%) and Wild Privet (10%) shall be planted in accordance with the Proposed Site Plan as received by the Local Planning Authority on the 9th July 2025, no later than in the first planting season following the first use of the building hereby approved.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policy DM10 of the SADMP, Policy S8 of the Sheepy Neighbourhood Plan, the general principles of the Councils Good Design Guide and the overarching principles of the NPPF.

6. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist shall be submitted to and approved in writing by the local planning authority.

The content of the Biodiversity Enhancement Strategy shall include the following:

- Purpose and conservation objectives for the proposed enhancement measures;
- detailed designs or product descriptions to achieve stated objectives;
- locations of proposed enhancement measures by appropriate maps and plans (where relevant);
- persons responsible for implementing the enhancement measures; and
- details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

**Reason:** To enhance protected, priority and threatened species in accordance with Policy DM6 of the SADMP.

### 11.3 Notes to applicant

- a) 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.
- b) To avoid killing or injuring small animals which may pass through the site during the construction phase, it is best practice to ensure the following measures are implemented:
- Trenches, pits or holes dug on site should be covered over at night. Alternatively, ramps (consisting of a rough wooden plank) or sloped/stepped trenches could be provided to allow animals to climb out unharmed;

- materials brought to the site for the construction works should be kept off the ground on pallets to prevent small animals seeking refuge;
- rubbish and waste should be removed off site immediately or placed in a skip, to prevent small animals using the waste as a refuge; and should any protected species or evidence of protected species be found prior to or during the development, all works must immediately cease, and a suitably qualified ecologist must be contacted for further advice before works can proceed. All contractors working on site should be made aware of the advice and provided with the contact details of a relevant ecological consultant.

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**Planning Committee 12 August 2025**  
**Report of the Head of Planning**

**Planning Ref: 25/00362/FUL**  
**Applicant: Danisha Champaneri**  
**Ward: Markfield, Stanton & Fieldhead**

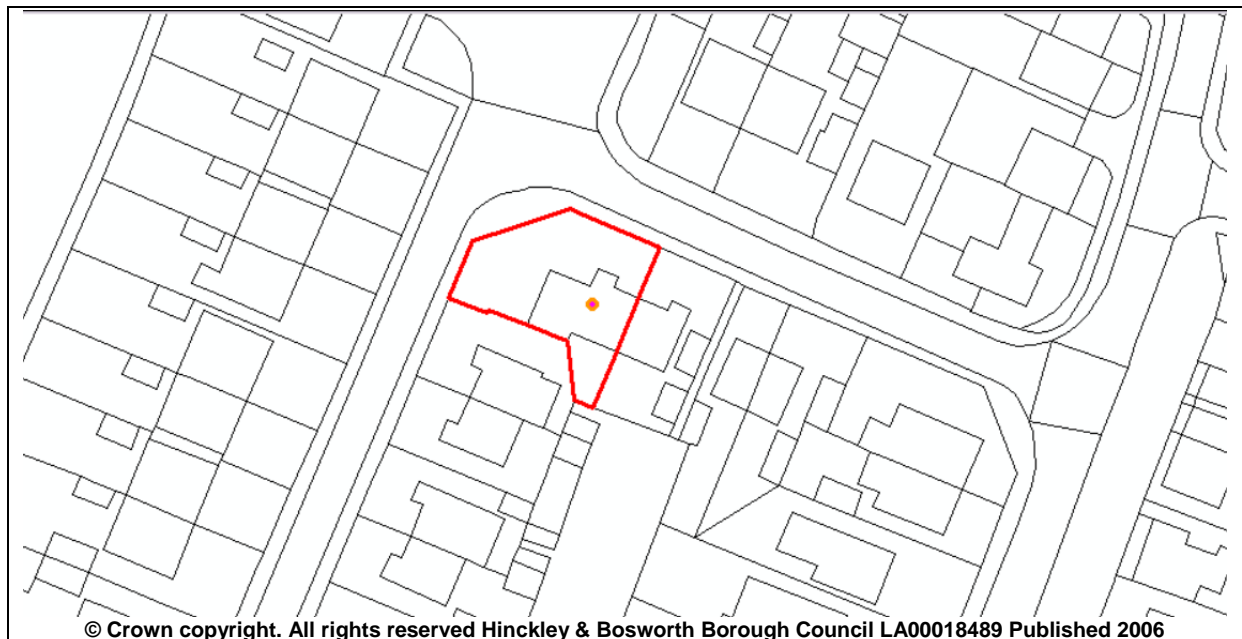


**Hinckley & Bosworth**  
**Borough Council**

**Site: 3 Everard Way, Stanton Under Bardon**

**Proposal: Change of use from existing residential dwelling to residential care home (Class C2) for up to 3 people and conversion of existing garage to office space**

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## **1. Recommendations**

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

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

## **2. Planning Application Description**

- 2.1.** This planning application seeks full planning permission for the change of use of an existing residential dwelling (Use Class C3) to a residential care home (Use Class C2) including the conversion of the existing garage to an office space at 3 Everard Way, Stanton Under Bardon.
- 2.2.** The property will provide care for three children between the ages of 8-17 years with care needs. There will be four staff members in total of which two will be full-time and two will be part-time. A minimum of one staff member will be on site at any time, including overnight.

- 2.3. The facility will operate visits to the site by appointment only. It is projected that professional visitors will visit the site one or twice per month. All personal visits to the site, such as by family members of children in care, will be pre-scheduled with a maximum of two visitors to the site at any one time. The maximum duration of personal visits will be one hour. Visiting hours will primarily be between 9:00am and 5:00pm on weekdays.
- 2.4. The proposal involves no external alterations to the existing dwelling. The existing integrated garage space is to be converted into an office for use by staff.
- 2.5. The application site will retain the existing four off-street car parking spaces on the hardstanding to the front and side of the existing dwelling. A cycle shed with capacity for three bicycles is also proposed, to be located to the rear of the parking area.

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

- 3.1. The application site is located within the settlement boundary of Stanton Under Bardon, on the corner of Everard Way and Everard Crescent.
- 3.2. The application site currently comprises a two-storey semi-detached dwelling fronting Everard Way, with parking areas to the front and side. The private garden amenity space is located to the rear of the dwelling which is south-west of Everard Way.
- 3.3. The existing dwelling is of brick construction with a tiled roof. It has a gable roof form with lean-to style projecting front porch and two tiled roof verandahs over the front bay window and garage. The application dwelling has had a previous two-storey side extension which contains a second front door and an integrated garage.
- 3.4. The application site is enclosed by fencing on all boundaries with two large inward opening gates from Everard Way.
- 3.5. The application site gains access from Everard Way which is an adopted and unclassified road subject to a 30mph speed limit. The site provides parking for four cars on the existing hardstanding to the front and side of the dwelling.
- 3.6. The surrounding area is typically residential in character with a strong mix of housing types. Either side of the application site and down the eastern side of Everard Crescent are typically two-storey semi-detached dwellings. To the north of Everard Way and west of Everard Crescent dwellings are predominantly bungalows, while further east along Main Street are further two-storey dwellings.
- 3.7. In the wider area, the Stanton Under Bardon village hall is located to the east of the site and the Stanton Under Bardon Recreation Ground to the south-east. The nearest convenience store is north-east of the application site. The nearest bus stops are located 120 metres and 200 metres away and are serviced by a very low frequency service between Castle Donington/Coalville and Leicester.

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

- 4.1 There is no relevant planning history



**5. Publicity**

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

5.2 Representations have been received from or on behalf of 21 properties. All received representations are letters of objection and all are from residents of Everard Way or Everard Crescent. Of the objections received from neighbouring properties, 19 are identical in content with the other 2 objections being unique.

5.3 The following concerns and points have been made by objectors:

- Impact to residential amenity through noise
- Impact to residential amenity through behaviour impacts
- Disturbance to the community
- Impact to local infrastructure and services
- Not located in a sustainable location due to limited infrastructure
- Economic benefit going to a private business and not into the community
- The lack of separation from neighbours
- The proximity of the proposal to OAP bungalows
- Likely parking on the road causing safety concerns and obstructions
- Parking design blocks cars in and does not work for 4 cars
- Poor internal amenity due to shared bathroom facilities between children and staff
- Neighbour amenity impacted by noise, increased road use, pollution and waste management
- Insufficient noise assessment without sound evidence in the Design and Access Statement
- Fear of crime and disorder from the proposed use
- The proposal would not add to overall quality of the area
- Impacts to housing needs in the borough by reducing the number of family homes
- Would not meet Biodiversity Net Gain requirements
- Incorrect references to the NPPF in the Design and Access Statement
- Limited to no demand in the village for a care home

5.4 No further responses have been received.

**6. Consultation**

6.1 Stanton Under Bardon Parish Council have objected to the development due to:

- The impact on residential amenity based on the likely increase in noise, increased movement of staff and visitors, and higher levels of outdoor activity than would normally be expected in a residential street.
- The impact on traffic and highway safety based on an unacceptable highways impact arising from increased vehicle movements, deliveries, healthcare visits, and family visitors.

- An inadequate provision of on-site parking for staff, visitors and service vehicles.
  - Incompatibility with the character of Stanton Under Bardon due to the scale and nature of the proposed use not being in keeping with the quiet, residential, rural feel of the area.
  - Overdevelopment of the site as the property lacks the space to comfortably accommodate the proposed number of children, staff, parking and support services.
  - Unsustainable location for an institutional use as Stanton Under Bardon has very limited public transport, minimal local amenities, and no nearby healthcare or specialist support services like GPs or pharmacies.
- 6.2 Hinckley & Bosworth Borough Council (HBBC)'s Environmental Services' Pollution Officer has acknowledged the potential for noise to be generated; however, the application seeks to limit this through sound insulation. The Officer has advised there is no justification, therefore, to recommend refusal on noise impact ground as any issues that arise will be dealt with under statutory nuisance.
- 6.3 HBBC's Drainage Officer has no objections on the grounds of sustainable drainage.
- 6.4 HBBC's Waste Officer has confirmed that the development must provide adequate storage on the property for storage of bins as well as a safe and suitable presentation point at the boundary of the highway.
- 6.5 The Local Highway Authority (LHA) have noted that existing access to the site is from Everard Way and is hard surfaced more than 5 metres behind the highway boundary, with an access width of 6.15 metres. The LHA have noted the existing inward opening gates and consider that, based on the level of intensification proposed, their removal would not be required as part of the proposed development.

The LHA considers the Applicant to have demonstrated that there is space for up to four car parking spaces, and do not consider the proposed development would lead to an issue of overspill parking taking place within the public highway. The LHA have welcomed the proposed cycle parking.

The LHA do not consider the loss of the existing garage to office space to reduce the number of car parking spaces on the site as the garage does not meet the dimensions required by the Leicestershire Highway Design Guide (LHDG).

Considering the age of the children being cared for, the LHA consider that the residents of the home would not result in an increase in trip generation and therefore any trip generation will be from staff changeovers and visitors. The LHA have therefore concluded that the number of trips generated would not be far in excess of the extant use. They have also advised that they do not consider that the proposed staff shift changeover times would result in a material impact on the public highway.

The response from the LHA summarises that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with

other developments, the impacts on the road network would not be severe. The LHA do not consider the development to conflict with Paragraph 117 of the National Planning Policy Framework (NPPF) (2024).

6.6 No further responses have been received.

## **7. Policy**

7.1 Core Strategy (2009):

- Policy 12: Rural Villages

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

7.3 National Planning Policies and Guidance:

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

7.4 Other Relevant Guidance:

- Good Design Guide (2020)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Technical Housing Standards – Nationally Described Space Standards (2015)

7.5 The Bagworth, Thornton and Stanton Under Bardon Neighbourhood Plan has not moved beyond Regulation 16 consultation stage. Therefore, the draft Plan carries very limited weight in the decision-making process.

## **8. Appraisal**

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

- Principle of development
- Design and impact upon the character and appearance of the area
- Impact upon residential amenity
- Impact upon parking provision and highway safety

### *Principle of Development*

8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 12 of the NPPF confirms that the presumption in favour of

sustainable development does not change the statutory status of the Development Plan as the starting point for decision making.

- 8.3 The current Development Plan consists of the adopted Core Strategy and the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP). In accordance with Paragraph 232 of the NPPF, due weight should be given to existing policies according to their degree of consistency with the NPPF.
- 8.4 Paragraph 11 of the NPPF and Policy DM1 of the SADMP set out a presumption in favour of sustainable development. 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.
- 8.5 It is relevant to note that a Class C3 dwelling also allows a home to be occupied by not more than six residents living together as a single household where care is provided for residents. That means that national legislation holds that this is not a change of use and that no planning application is required where six residents do live as a single household and where care is given. In this instance as the people providing the care will not live there permanently the proposal falls into a Class C2 use.
- 8.6 That does not automatically mean though that a material change of use would occur for which planning permission is required. Planning permission is only required where the C2 use is materially different from the C3 use. This means for example that where a C2 use gives rise to no greater level of disturbance or amenity effects than could be generated by a C3 use, then it may be concluded that no material change of use has occurred requiring planning permission. In any event, it is for the Council to consider the planning application as submitted.
- 8.7 The application site is located in a sustainable location within the identified settlement boundary of Stanton Under Bardon. It is considered appropriate that children that are in need of care are provided with that care in small facilities such as this rather than being looked after in large institutions remote from a local community. Therefore, the development is acceptable in principle, subject to the assessment of all other material considerations. Other material considerations are set out within the next sections of the report.

*Design and Impact upon the Character and Appearance of the Area*

- 8.8 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.
- 8.9 There are no external alterations or additions proposed to the existing building. The existing boundary treatments and areas of hard standing would also be retained without alteration.

- 8.10 The proposal would change the use of the property from Use Class C3 to Use Class C2 with no change to the number of bedrooms. It is not considered that the change of use to the residential property to a residential institution of the same capacity is likely to result in significant adverse impacts to the character of the area.
- 8.11 It is therefore considered that the development would have a neutral impact upon the character and appearance of the area and complies with Policy DM10 of the SADMP.

*Impact upon Residential Amenity*

- 8.12 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.
- 8.13 The Council's Good Design Guide requires the way buildings relate to each other, and their orientation and separation distances, to provide and protect acceptable levels of amenity.
- 8.14 The proposal does not involve any alteration to the external appearance or outlook of the existing building. Therefore, the development does not increase any potential impacts of overlooking, loss of light, loss of privacy, or any overbearing impacts on neighbouring residential occupiers.
- 8.15 The proposal does not result in an increase to the number of bedrooms within the existing building. The proposal would result in three children and a maximum of two staff members being present on the site at any one time, with only one staff member being on site through the duration of an overnight shift.
- 8.16 Under the Technical Housing Standards – Nationally Described Space Standards two of the bedrooms meet the size requirements for a double bedroom and a further bedroom meets the size requirements for a single bedroom. The fourth bedroom provides sufficient width but is in shortfall by 0.75 square metres as a single bedroom. This means that national space standards suggest the dwelling has capacity for 5-person occupancy.
- 8.17 The undersized bedroom is proposed as the staff bedroom for overnight use by staff on a rotating schedule. As this bedroom will not be for the use of a permanent resident of the premises its modest shortfall in internal space is not considered to adversely impact the quality of amenity space. The shortfall in this bedroom space is further alleviated by the proposed downstairs office for staff, meaning that it is unlikely significant time would be spent or materials stored in the staff bedroom.
- 8.18 The proposed capacity of the Use Class C2 use is therefore likely to be equivalent to the existing Use Class C3 use and the capacity identified by the Technical Housing Standards.

- 8.19 The Applicant has advised in their Design and Access Statement that sound insulation would be installed along the party wall between the application dwelling and the attached neighbour, 1 Everard Way. This would assist to minimise sound disturbance from the proposed use to the nearest neighbouring residential property.
- 8.20 It is noted that HBBC's Pollution Officer advised that there would be no justification to recommend refusal on noise grounds, given that any further issues arising from noise would be dealt with under statutory nuisance protections.
- 8.21 The Good Design Guide seeks that dwellings of three or more bedrooms provide a minimum of 80 square metres of outdoor amenity space with a minimum length of 7 metres. This is guidance intended for private residential uses, however, provides some guidance in this matter given the consistency of the proposal with a typical dwelling use.
- 8.22 There is limited opportunity to extend the existing garden spaces on the application site due to site constraints. The existing front and rear garden areas are therefore to be retained in their current layout and dimension. The rear private outdoor amenity area has a depth of 8 metres and a total area of 48 square metres. The front garden area has a depth of 5.6 metres and a total area of 22.5 square metres. The combined area of these spaces is 70.5 square metres, which remains less than the standards detailed in the Good Design Guide.
- 8.23 Notwithstanding the numeric shortfall in overall area, the rear outdoor amenity space is functional and has operated as the sole private outdoor amenity space for the dwelling for many years. The application site is also located 150 metres from Stanton Under Bardon Recreation Ground which provides close access to public open space. It is not considered the under provision of private outdoor amenity space would result in a significant adverse impact to the residential amenity of the future occupants of the scheme given the site-specific circumstances.
- 8.24 It is therefore considered that the proposal would not result in significant adverse impacts to the residential amenity of neighbouring residents, nor the future occupiers of the scheme in accordance with Policy DM10 of the SADMP.

*Impact upon Parking Provision and Highway Safety*

- 8.25 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. 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. This is currently the Leicestershire Highway Design Guide (LHDG) (2024).
- 8.26 Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision.

- 8.27 The site is served by existing access from Everard Way. This access has been reviewed by the Local Highway Authority (LHA) who have confirmed that it will be suitable to serve the proposed change of use.
- 8.28 There have been two Personal Injury Collisions (PICs) recorded within 500 metres of the site access within the latest five-year period. Neither collision was related to a turning movement onto or from Everard Way. The LHA have considered the circumstances of these PICs and do not consider that there is an existing highway safety concern which would be exacerbated by the proposed development.
- 8.29 For Use Class C2 properties, the LHDG requires one off-street vehicle parking space per three-bedrooms, plus one additional space for each staff member on site. In light of this, the LHA consider the four parking spaces provided by the development to be sufficient for the use without leading to an issue of overspill parking occurring on the public highway.
- 8.30 Though the parking spaces demonstrate sufficient width, the LHA have noted that the depth of the parking spaces as shown is substandard. Notwithstanding this, the LHA consider the site to demonstrate sufficient space within the boundary to appropriately accommodate the four parking spaces as proposed.
- 8.31 It is therefore considered that the proposal would not create an unacceptable impact upon highway safety or the road network in accordance with Policies DM17 and DM18 of the SADMP, and the requirements of the LHDG.

## **9. Equality Implications**

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

family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

## **10. Conclusion**

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

## **11. Recommendation**

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

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

### **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:

- Site Location Plan – RPD\_EVERARD WAY\_010425\_02 (submitted: 02.04.2025)
- Existing and Proposed Plans / Existing and Proposed Block Plan – RPD\_EVERARD WAY\_010425\_01 (submitted: 02.04.2025)

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

3. The development hereby permitted shall not be occupied until such time as the cycling and parking facilities have been implemented in accordance with the Existing and Proposed Plans/Existing and Proposed Block Plan – RPD\_EVERARD WAY\_010425\_01 (submitted: 02.04.2025). Thereafter, the onsite parking provision shall be kept available for such uses in perpetuity.

**Reason:** To ensure that adequate off-street parking provision and cycle storage 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).



4. Prior to the commencement of the use hereby permitted, the internal party (eastern) walls of the ground and first floor shall be fitted with the sound insulation system as detailed in the submitted Design and Access Statement Rev C 10.07.2025. Thereafter, the insulation shall be retained and maintained in accordance with this specification.

**Reason:** To minimise the transfer of noise from the proposed use to the adjacent occupants of 1 Everard Way in the interests of residential amenity and in accordance with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

**Notes to Applicant:**

1. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018). Please include an area near the roadside for the safe placement of the various containers on collection day. It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.

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Planning committee 12 August 2025  
Report of the Head of Planning

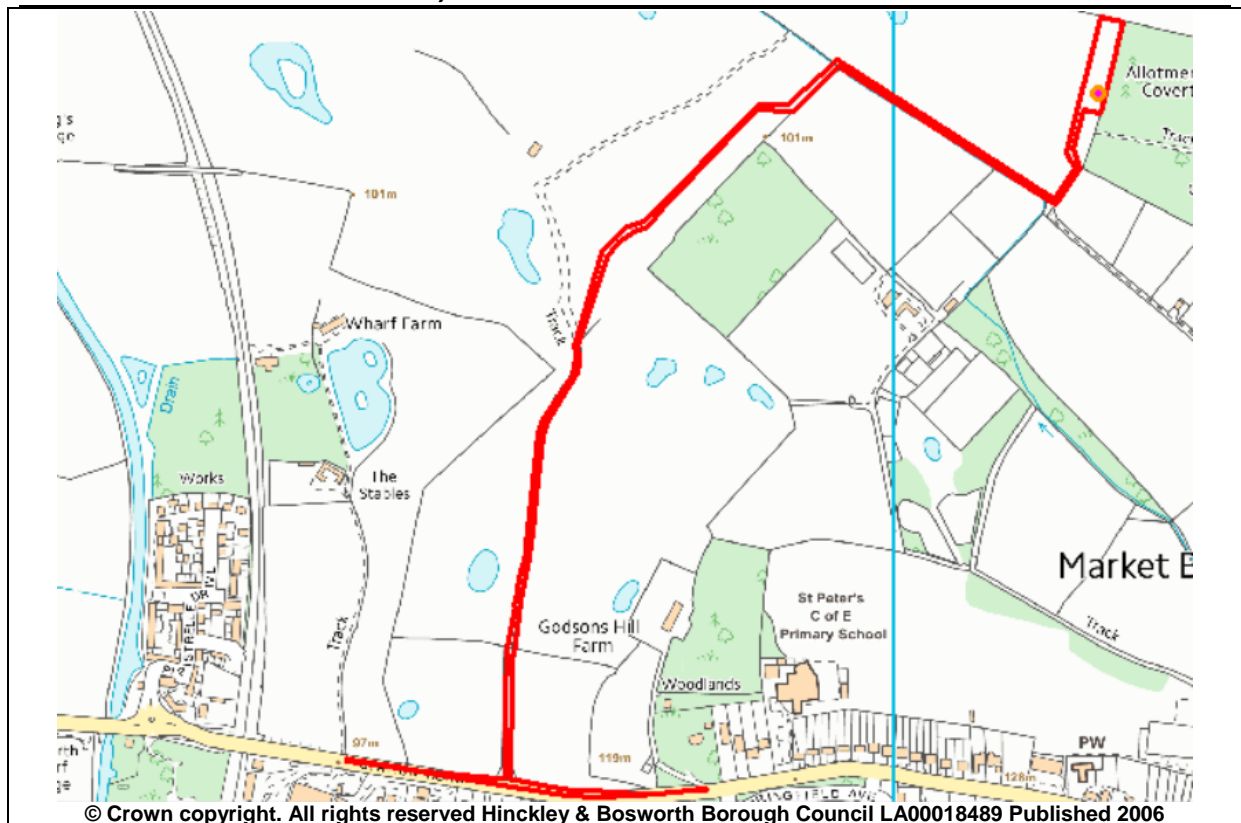
Planning Ref: 24/00769/FUL  
Applicant: Statue Homes Ltd  
Ward: Cadeby Carlton M Bosworth & Shackerstone



Hinckley & Bosworth  
Borough Council

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

Proposal: Change of use of land and siting of 9 single storey holiday lodges with vehicle parking and associated works (Revised Scheme 23/00508/FUL)



## 1. Recommendations

### 1.1. Grant planning permission subject to:

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

## 2. Planning Application Description

- 2.1. This application seeks full planning permission for the erection of 9 holiday cabins with associated parking and access. This application is a resubmission of refused application 23/00508/FUL which was dismissed at appeal due to insufficient evidence being provided to demonstrate that the proposal would not cause unacceptable harm to protected species.
- 2.2. The lodges would be sited beyond the eastern boundary of the golf course at the rear of the site (950m northeast of the main access), with the backdrop of mature woodland which separates this part of the site from neighbouring Oakwood Grange

and Barton Road to the east. The lodges are proposed to be sited in a line with parking to the rear of each lodge. Two lodge designs are proposed both are single storey with mono pitched roofs, timber clad with sedum wildflower roofs and would sit on travel skids for ease of mobility. The lodges would measure between 7.5m – 9.5m in length, up to 3.45m in height and 6m - 6.5m in depth. Access to the lodges would be provided via the existing access from Station Road, utilising the existing track alongside the creation of new hardstanding/track following the route of public footpath S68 running west to east.

- 2.3. The application has been amended to include areas of habitat creation for the applicant to achieve mandatory Biodiversity Net Gain targets on site. This would be delivered by providing a mixture of grassland, wildflower, mixed scrub, tree and hedge planting both around the proposed lodges and elsewhere on the site.
- 2.4. This application met the threshold for a Committee Decision after receiving 5 objections from individual addresses/parties.

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

- 3.1 The application site consists of a rectangular section of land beyond the golf course (circa 0.6 acres excluding the access track) to the north of Market Bosworth, approximately 950m northeast of the access on Station Road. The site is located directly adjacent to the existing greenkeepers store.
- 3.2 The site is open and flat, and there is some vegetation cover including a woodland copse immediately to the east. The wider topography of the land is undulating due to its modification as a golf course which comprises approximately 48 hectares of land extending north beyond the settlement boundary of Market Bosworth towards Carlton. Generally, the wider site rises to the east towards the application site, towards the approach of the settlement boundary of Market Bosworth. Footpath S68 runs along the southern boundary of the site.
- 3.3 The application site is accessed via Station Road, which is an existing access, leading to a pair of gates which secure the site. At present the site is not in use as a golf course but is mowed periodically.

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

There is an extensive planning history at the site. For brevity only recent relevant applications are included in this list.

17/00528/FUL	Erection of multi-functional recreational building, the erection of a golf simulator building, the erection of a golf buggy garage, formation of a new car parking area for 242 vehicles and new access roads and the proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping	Refused	15.09.2017
18/00732/FUL	Erection of multi-functional recreational building formation of a new car parking areas, new access roads and the	Refused, appeal dismissed	23.10.2018

	proposed erection of 15 golf holiday homes and all associated ancillary works and landscaping (Resubmission)		
19/00230/FUL	Change of use of vacant outbuilding to No. 1 holiday lodge and alterations to existing vehicular access onto Station Road to include the extension of the access drive	Refused, appeal allowed	
19/01437/FUL	Erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping	Permission	15.06.2020
21/00195/FUL	Erection of 9 holiday lodges with associated parking and landscaping	Refused	16.12.2022
21/01473/FUL	Erection of 9 single storey holiday lodges with vehicle parking and associated works	Refused	23.12.2022
23/00508/FUL	Erection of 9 single storey holiday lodges with vehicle parking and associated works	Refused and appeal dismissed	17.07.2023 and 08.07.2024
24/00019/FUL	Proposed erection of a 50x room golf and leisure accommodation facility with associated works (part revised scheme to 19/01437/OUT)	Permission	12.04.2024
24/00026/FUL	Erection of 2 subterranean golf holiday lodges with associated works	Permission	07.06.24
24/00027/FUL	Erection of 4 golf holiday lodges and associated works	Refused	09.05.2024
24/00513/FUL	Erection of 4 golf holiday lodges and associated works – resubmission of 24/00027/FUL	Permission	26.09.2024

## 5. Publicity

- 5.1. The application has been publicised by sending out letters to local residents. A site notice was also posted within the vicinity of the site.
- 5.2. 2 letters of objection have been received from 2 addresses, raising the following concerns:-

- a. No indication that the golf course and club would be reinstated
- b. Adverse impact on the intrinsic part of open countryside in conflict with SADMP Policy DM4
- c. Increase in traffic on what is already a dangerous road
- d. Overdevelopment of the site in conjunction with other applications for lodges

## **6. Consultation**

### **6.1. No objections, some subject to conditions received from:-**

Sport England  
 Leicestershire County Council (Highways)  
 Leicestershire County Council (Drainage)  
 Leicestershire County Council Ecology  
 Environmental Health (Drainage)  
 Environmental Health (Pollution)

### **6.2. Market Bosworth Parish Council have objected on the following grounds:-**

1. *A number of planning applications have been submitted for the Kyngs Golf and Country Club with four going to Appeal. As such this application should not be considered in isolation and the Parish Council's comments relating to application 23/00508/FUL and 21/01473/FUL (which relate to the same location as this application 24/00769/FUL) as submitted by email on 26 June 2023 remain valid (Appendix 1 below).*
2. *The reasons for refusal of the original scheme also remain valid in that the proposed scheme would lie outside the settlement boundary, in a sensitive location, and there is no evidence of a viable need or justification for this type of development. It is thus in contravention of the Made Market Bosworth Neighbourhood Plan, the revised Market Bosworth Neighbourhood Plan currently out to Regulation 16 consultation, and Local Plan policies.*
3. *The Parish Council supports the comments submitted on 30 September 2024 by Carlton Parish Council.*
4. *It is noted that a new drawing relating to landscaping has been included in this application which shows proposals for hedge planting. The proposed hedging would not sufficiently mitigate against the negative impact of the lodges, or the driveway / track to the lodges in this sensitive location, being unlikely to flourish in the shade of the wood, and not being designed to reduce the visual impact of the driveway / track.*
5. *The Parish Council is concerned that the application references 'holiday lodges' rather than 'golf holiday lodges' as in previous applications. This suggests a move away from the original premise that the lodges are to support a viable golf course and confirms that the applicant may instead be looking to establish the principle of dispersed holiday lodge development across the whole site.*
6. *If the local planning authority is minded to approve the application, strong conditions should be applied to ensure that the lodges cannot be built until the golf course has been restored and is in a playable condition, the golf clubhouse*

*is completed, and it can be demonstrated that the golf facility is being used as such, plus the pre-requisite highways works must be fully completed.*

6.3. Market Bosworth Society – Objection (summarised)

- Neglect of the site over many years
- No demand for golf lodges
- No additional leisure/entertainment provision on site
- Impact on views 2 + 3 in MBNP
- Conflict with Policy DM4 of SADMP

6.4. Carlton Parish Council – Objection

- *Carlton Parish Council (the PC) is concerned that this application, in conjunction with application 24/00026/FUL may establish the principle of dispersed holiday lodge development over this site.*
- *The PC notes that this proposal will result in a net loss of biodiversity. The PC also considers that the proposed hedgerow planting is very unlikely to flourish because of overshadowing from the adjacent woodland. The impact of this development might be mitigated by compensation planting on nearby land.*
- *The PC notes that the site location shown in Appendix 2 of the Preliminary Ecological Appraisal by Arbtech is incorrect. Other location plans and drawings in these reports are correct.*
- *The PC notes that the application site does not appear to be near to mains water, electricity or gas supplies, and that the application site is not served by public transport.*
- *If the Local Planning Authority should be minded to approve this application, the PC requests conditions that (i) the proposed lodges shall not be occupied until the golf course has been restored and is fully operational; (ii) occupation of the lodges is restricted to short term holiday lets; and (iii) the access track includes vehicular passing places at appropriate points.*

## 7. Policy

7.1. Market Bosworth Neighbourhood Plan 2020-2039

- DC1: Design Codes
- CE1: Character and Environment
- CE3: Important Views and Vistas
- CE5: Landscape of the Wider Parish
- CE6: Provision for wildlife in new development

7.2. Core Strategy (2009)

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

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM6: Enhancement of Biodiversity and Geological Interest

- Policy DM7: Preventing Pollution and Flooding
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM13: Preserving the Boroughs Archaeology
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards
- Policy DM24: Cultural and Tourism Facilities

#### 7.4. National Planning Policies and Guidance

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

#### 7.5. Other relevant guidance

- Good Design Guide (2020)
- Leicestershire Highway Design Guide

### 8. Appraisal

#### 8.1. Key Issues

- Assessment against strategic planning policies
- Design and impact upon the character of the area
- Impact upon Market Bosworth Conservation Area
- Impact upon neighbouring residential amenity
- Impact upon highway safety and public rights of way
- Impact upon Drainage and Flood Risk
- Impact upon Ecology
- Other matters

#### Assessment against strategic planning policies

- 8.2. Paragraph 2 of the National Planning Policy Framework (NPPF, 2024) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise and that the NPPF is a material consideration in determining applications. Paragraph 12 of the NPPF provides a presumption in favour of sustainable development and states that planning applications that accord with the policies in the Local Plan should be approved unless material considerations indicate otherwise.
- 8.3. Policy DM1 of the SADMP sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved without delay unless materials consideration indicate otherwise.
- 8.4. The application site is situated outside any defined settlement boundaries and is therefore within the countryside. Policy DM4 of the SADMP seeks to safeguard the countryside from unsustainable development. Policy DM4 identifies several criteria outlining where development in the countryside will be considered sustainable. It is considered that two of the 5 criteria are relevant to this application.
- 8.5. Policy DM4 of the SADMP identifies that development in the countryside will be considered sustainable where proposed development is for outdoor sport or



recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; subject to it meeting further detailed criteria. Secondly Policy DM4 of the SADMP identifies that a proposal which significantly contributes to economic growth, job creation and/or diversification of rural business could be acceptable subject to meeting other criteria.

- 8.6. Policy 11 of the Core Strategy seeks to support the development of the tourism industry within Key Rural Centres such as Market Bosworth. Policy 23 of the Core Strategy encourages tourism development, including accommodation where it meets the following criteria:
- The development can help to support existing local community services and facilities: and
  - Is of a design and at a scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping: and
  - The development adds to Hinckley & Bosworth's local distinctiveness:
  - Complements the tourism themes of the borough: and
  - The development adds to the economic wellbeing of the area.
- 8.7. The application site is identified within the Market Bosworth Neighbourhood Plan (MBNP) as a Leisure and Tourism facility. Policy DM24 of the SADMP seeks to resist the loss of or change of use of cultural and tourism facilities, and redevelopment or loss of cultural and tourism facilities would only be appropriate where it can be demonstrated that:
- a) The existing facility can no longer operate in a viable manner and all attempts of diversification have been exhausted; and
  - b) The facility cannot be retained through voluntary, charitable or community organisations or ventures, with the exception of strategic hotels; or
  - c) The proposal would result in an appropriate replacement cultural, tourism and leisure resource which fulfils the requirements of Core Strategy Policy 23; or
  - d) The loss of a small portion of the site for alternative uses would result in enhanced facilities for culture and tourism on the remainder of the site.
- 8.8. Permission was granted under planning application reference 19/01437/FUL for the erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping. This permission has been confirmed to have commenced by the Council's enforcement team in June 2023 and is therefore an extant permission. Permission has also been granted under planning ref 24/00019/FUL for the extant courtyard building of 6x self catering units to be altered to a 50x room accommodation facility in close proximity to the Golf Clubhouse and ref 24/00026/FUL for 2x subterranean golf holiday units. There is also a further permission for 4 holiday lodges and associated works (24/00513/FUL).
- 8.9. The position of the local planning authority is that the proposed lodges would need to be linked to the re-opening and ongoing operation of the existing golf course for the LPA to consider that the proposal complies with the Development Plan in principle. The recognition of the site as a Tourism and Leisure facility in the Market Bosworth Development Neighbourhood Plan (MBDNP) is on the basis that the site operates as a golf and country club, not for holiday lodges within a small, remote and isolated section of the site. To ensure that the proposed accommodation is linked to the golf course it is considered that a condition could be imposed in this instance which stipulates that the accommodation could only be brought into use once the 18-hole

Golf course is reinstated and in use and the Clubhouse is fully operational (extant permission 19/01437/FUL). This view has been supported by previous Planning Inspectors to ensure that the economic and cultural benefits of the proposal are realised.

- 8.10. Given that the Enforcement Team at HBBC have confirmed that development has commenced on site and permission 19/01437/FUL is now extant, the principle of accommodation for 'golfing holiday' purposes is considered to be compatible with the extant permission 19/01437/FUL (Erection of a multi-purpose golf clubhouse (D2), formation of new car parking areas and access roads and the erection of 6 Golf holiday homes (C1) and all associated ancillary works and landscaping) and recently approved permission 24/00019/FUL.
- 8.11. Recent appeal decisions state that the principle of holiday accommodation within this location is acceptable, given that the Kyns Golf and Country Club is identified as a tourism and leisure facility within the Market Bosworth Neighbourhood Plan. In summary, the principle of holiday cabins would not conflict with Policies 23 and 24 of the CS and DM4 a) of the SADMP, subject to compliance with the other requirements of those policies and the development plan, as well as a condition linking the proposed development to the reinstatement of the golf course.

Design and impact upon the character of the area

- 8.12. The site lies outside of any defined settlement boundaries and therefore within an area designated as countryside. Paragraph 187 of the NPPF states that the planning system should recognise the intrinsic character and beauty of the countryside.
- 8.13. Paragraph 88 of the NPPF states that planning policies and decisions should enable sustainable rural tourism and leisure development which respect the character of the countryside.
- 8.14. Policy DM4 of the SADMP seeks to resist unsustainable development within countryside locations and seeks to ensure proposals reflect the surrounding character of the countryside, and protect its intrinsic value, beauty, and open character.
- 8.15. Policy DM10 of the SADMP seeks to ensure that new development should complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.16. The Market Bosworth Neighbourhood Development Plan (MBNDP) was approved at referendum on 10<sup>th</sup> July 2025 and therefore full weight is afforded to relevant policies within the Document. The Market Bosworth NDP, identifies the site as falling within Character Area A, which is defined as:-  
*"Open landscape features, large wide-open aspect, outdoor leisure pursuits and heritage-style leisure resources"*
- 8.17. Policy CE1(a) seeks to ensure that all new development within the Neighbourhood Plan area of Market Bosworth should in keeping with its Character Area with regards to scale, layout and materials. Policy CE3 of the Market Bosworth NDP (Important Views in Vistas) seeks to restrict development which would harm important views and vistas as defined in the NDP. The proposal falls directly within defined Character Area A. Policy CE5 of the Market Bosworth NPD identifies that development outside the settlement boundary will be permitted for sport or recreation where it does not cause harm on the landscape or biodiversity of the countryside.

- 8.18. Policy 23 of Core Strategy seeks to ensure that development relating to tourism is of a design and scale which is appropriate to minimise impact and assimilate well with the character of the surrounding area with acceptable landscaping.
- 8.19. The site is situated within Character Area C, Bosworth Parkland as identified within the Landscape Character Assessment (LUC, 2017). Key characteristics of this area are of rolling farmland and parkland with gentle slopes which rise and fall reaching a high point around the town of Mark Bosworth. The golf course comprises of approximately 48 hectares of former agricultural land situated within the countryside. Due to the nature of a golf course the agricultural landscape has been altered however over time this has matured into the landscape and retains the open and verdant nature of the countryside.
- 8.20. The site forms part of an existing recreation facility which benefits from a modified landscape and some existing and approved built development. The proposed lodges would be located in a linear arrangement between the northern planted boundary of the Golf club site and an existing greenkeepers store, and west of an established coppice. The site is therefore visually contained on three sides, and any effects on the openness of the Golf Club site would be limited.
- 8.21. The lodges would be a single storey design with mono pitched sedum wildflower roofs. There are two different lodge types, a one-bedroom unit and a 2-bedroom unit. The main difference between these is that the two-bedroom units occupy a larger footprint. Externally, the lodges would incorporate timber cladding. Access to the lodges would be provided via an existing track and this is to be extended to provide access to individual lodges and associated parking spaces.
- 8.22. The public rights of way S68 and S69 run along the southern and eastern boundaries of the site respectively. The lodges and parking area would be visible from these footpaths given that there is no substantial screening from these footpaths towards the site. The views from these footpaths are currently of the undulating golf course to the south, open countryside to the north, sporadic woodland copses in all directions, and existing small-scale buildings adjacent to the site and to the south west. Wider views from surrounding public vantage points are largely restricted due to the topography of the site and the location of the site 950m northeast of the access and 240m west of Barton Road. It is therefore considered that the views of the proposed site would be localised to users of footpath S68 and S69 with possible glimpses from neighbouring Oakwood Grange to the east and passing vehicles on Barton Road travelling south from the north.
- 8.23. Referring specifically to Policy CE3 of the MBNDP, the relevant views and vistas in the vicinity of this site as Vistas G, H and I. Vista I is experienced from Station Road to the south of the site facing north, approximately 900m from where the lodges would be situated. Whilst the vista encompasses the site access, the distance separation, undulating landscape and intervening copses/planting mean that this vista would not be significantly adversely impacted. Similarly, Vista G is roughly aligned with footpath S70 approximately 800m southwest of the site, facing north. Whilst glimpses of the site may be possible, they are not considered to be significantly adverse. Vista F runs parallel with footpath S68, but is experienced where footpaths S68 and S69 dissect, roughly 250m south of the site. Views of the site would be experienced at certain points along the footpath within this vista, however these views would be localised and intermittent through the undulating landscape. The views would also be in the context and in the context of the neighbouring greenkeepers store and are not considered to be significantly adverse.

- 8.24. In limited views from PRoW S68 and other parts of the Golf club site, the lodges would be viewed in the context of the large greenkeepers store and the expanse of the tall trees associated with the coppice. In addition, because of their simple architecture, limited scale, and natural materials, the lodges would have a degree of compatibility with the rural/wooded surrounding. Boundary treatments in the form of a timber fence and a low hedge would filter views of the development from the Golf club site, including PRoW S68.
- 8.25. The use of skids would limit the degree of permanency associated with the lodges and the proposed layout would screen part of the new access road and parking spaces from the Golf club site, including PRoW S68. Therefore, despite incorporating a peripheral position towards the northern extent of the Golf club site, the proposed lodges would not be particularly dominant or incongruous from the Golf club site, including PRoW S68.
- 8.26. PRoW S69 runs through the adjacent coppice, parallel with and close to the eastern boundary of the application site. Along here because of its woodland setting, the route of this PRoW is particularly secluded and tranquil. Despite this, filtered views through the boundary landscaping are available towards the Golf club site, including the large Greenkeepers store. The proposed lodges would be setback from PRoW S69 behind the access road and parking areas. The end elevations of the lodges facing PRoW S69 would be lower in height relative to those facing the Golf club site. Because of this arrangement their green roofs would be more apparent and likely to soften the appearance of the lodges. Whilst parked cars would be visible, because of their transient nature and separation, in filtered views from PRoW S69, these would not be unacceptably intrusive.
- 8.27. Overall, although the proposal would bring some change in localised views, this would be of a design and at a scale which is appropriate to minimise impact and assimilate with the character of the surrounding area. Therefore, this would not have a significantly harmful effect on the character and appearance of the area including its landscape character. As such, the proposal accords with design aims of SADMP Policy DM4 and Policy 23 of the CS and similar aims of Policy DM10 of the SADMP. 24. The proposal also accords with NDP Policies CE1, CE3 and CE5.

#### Impact upon the Market Bosworth Conservation Area and other heritage assets

- 8.28. The site is considered to be located within the wider setting of some heritage assets including the Market Bosworth Conservation Area, the Ashby Canal Conservation Area, and a number of listed buildings, so consideration must be given to the impact the proposal may have on these heritage assets.
- 8.29. Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets and development proposals should ensure the significance of a conservation area is preserved and enhanced. Development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting.
- 8.30. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a duty on the local planning authority when considering whether to grant listed building consent to have special regard to the desirability of preserving the building or its setting or any features of special architectural and historic interest which it possesses. Section 72 of the Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

- 8.31. Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraph 193 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 8.32. The Market Bosworth Conservation Area Appraisal states that from the west Station Road enters the settlement primarily through modern development with only isolated examples of buildings which pre-date the first world war. Beyond the railway bridge, which is situated to the southwest of the application site, the approach to Market Bosworth and the conservation area centre gently rises with wide vistas of countryside to the north, where the application site is located, and continuous development to the south. The western boundary of the conservation area is located some distance to the east from the application site and is only visible as occasional glimpses of the church spire located within its centre. Therefore, the current largely undeveloped and semi-rural character of the site sits comfortably within the wider setting of the church and the conservation area and is considered to make a positive, although very minor, contribution to the significance of these heritage assets. Therefore, the proposal is considered to have a neutral impact on the setting of the Market Bosworth Conservation Area.
- 8.33. Located further to the west of the application site is the Ashby Canal Conservation Area. At its nearest point the Ashby Canal is screened from the site by modern development, although there are occasional glimpses of the site from the canal from other vantage points along its length. The semi-rural nature of the site sits comfortably within the wider setting of the canal as it winds through a predominantly rural and semi-rural landscape. Subsequently, the current character of the application site is considered to make a neutral contribution to the significance of the Ashby Canal Conservation Area. The layout, form, and appearance of the proposed development accompanied with the proposed soft landscaping scheme would mean there would be no discernible change to the occasional glimpses of the site from the canal. In this regard it is considered that the proposal would have a neutral impact on the setting of the Ashby Canal Conservation Area and consequently preserve its significance.
- 8.34. Considering the above, it is judged that the proposal would preserve the character and appearance and thus significance of the Market Bosworth Conservation Area and the Ashby Canal Conservation Area and would be compatible with the significance of the grade II\* listed St Peters Church by having no adverse impact on its wider setting. The proposal is therefore in accordance with Policies DM11 and DM12 of the SADMP, Section 16 of the NPPF, and complies with the statutory duties of Sections 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990.

Impact upon neighbouring residential amenity

- 8.35. Policy DM10 criterion (a) of the adopted SADMP requires that development would not have a significant adverse effect on the privacy and amenity of nearby residents and occupiers of adjacent buildings.
- 8.36. The nearest residential dwelling would be Oakwood Grange which is situated to the more than 160m east of the application site. The proposed lodges would be positioned sufficient distances from this dwelling as to not result in any loss of amenity in terms of overshadowing or overlooking.
- 8.37. The proposed development would not result in any adverse impacts of neighbouring residential amenity and would therefore comply with Policy DM10 (a) of the SADMP.

#### Impact upon highway safety

- 8.38. Policies DM17 and DM18 of the SADMP require adequate access and off-street vehicle parking facilities to be provided to serve developments.
- 8.39. The applicant proposes that the site would be accessed and served via the existing access, which is positioned to the north side of Station Road, which is C Classified Road subject to a 30mph speed limit.
- 8.40. Given the scale of the proposed development, the LHA considers the existing access arrangement is acceptable to cater for the level of traffic generated by nine holiday lodges. The LHA are satisfied that there are no spatial trends / patterns in the data, and are therefore satisfied that there are no existing highway safety issues in the vicinity which could be exacerbated by the proposals.
- 8.41. The proposed plans show the provision of two offroad parking spaces to serve each of the proposed one and two-bedroom holiday lodges. The LHA are satisfied this accords with the requirements as set out within the 'Highway Requirements for Development Part 4 (HRfD4) document. Each parking space is shown to measure 6.5m (Length) by 2.5m (Width) which is in accordance with Paragraph 3.165 (Parking Space Dimension) and Figure DG13 (On-Site Turning and Aisle Width) of Part 3 of the Leicestershire Highway Design Guide (LHDG).
- 8.42. Regarding PROWs, the LHA advised that the BNG Assessment Habitat Plan proposes mixed scrub planting around point F which appears likely to block or impede the permissive path. That would then mean the banks impeding the Footpath S70 legal alignment could become an enforcement issue. Given this, any habitat creation between points F and G must be consistent with the presence of a footpath created by the landholder for public use. It is a standard requirement of the LHA that no trees or shrubs should be planted within 1 metre of the edge of the public right of way. And that any trees or shrubs planted alongside a public right of way should be of non-invasive species.
- 8.43. Officers have reviewed the submitted BNG Site Plan and are satisfied that the proposed mixed scrub planting would not impede or block the permissive path and would not fall within 1 metre of the edge of the PROW.
- 8.44. On this basis and subject to conditions, the scheme is in accordance Policies DM17 and DM18 of the adopted Site Allocations and Development Plan Policies DPD and the guidance contained within the NPPF.

#### Impact upon Drainage and Flood Risk

- 8.45. Policy DM7 of the SADMP requires adverse impacts from flood to be prevented and that development should not create or exacerbate flooding and be located away from area of flood risk unless adequately mitigated. The application has been accompanied by a Flood Risk Assessment (FRA) and the scheme has been considered by Leicestershire County Council (Drainage) and the Environment Agency.
- 8.46. The site is located in flood zone 1 (less than 1 in 1,000 annual probability of flooding). HBBC Drainage have no objections to the proposal subject to an appropriate condition regarding the drainage strategy implementation. The proposal is therefore considered to accord with Policy DM7 of the SADMP.

#### Impact upon Ecology

- 8.47. Policy DM6 of the SADMP states that major developments must include measures to deliver biodiversity gains through opportunities to restore, enhance and create

valuable habitats, ecological networks and ecosystem services. On-site features should be retained, buffered and managed favourably to maintain their ecological value, connectivity and functionality in the long-term.

- 8.48. Policy CE6 of the MBDNP states that development proposals that incorporate into their design, features and provisions which encourage wildlife to thrive will be strongly supported.
- 8.49. As part of previous application 23/00508/FUL, LCC Ecology requested a desk study to determine the proposed development's full impacts on local sites and protected species and recommended eDNA surveys to be carried out on ponds within 250m of the site to determine the presence or absence of great crested newts. The applicant elected to join the GCN District Level Licensing scheme, therefore no further GCN surveys are required.
- 8.50. The statutory framework for BNG has been designed as a post-permission matter to ensure that the biodiversity gain objective of achieving at least a 10% gain in biodiversity value will be met for development granted planning permission. Once planning permission has been granted, a 'Biodiversity Gain Plan' must be submitted and approved prior to commencement of the development. However, the PPG is clear that BNG is not just a post-permission matter, that it is a material consideration and that when determining a planning application LPA's need to consider whether the BNG condition is capable of being discharged successfully through the imposition of conditions and/or a legal agreement.
- 8.51. Following discussions with LCC Ecology, the applicant reverted to the original BNG metric submitted in September 2024, and has decided to provide on-site BNG within the wider site owned by the applicant. This has demonstrated that the development is capable of achieving the mandatory 10% net gain on site, subject to a 30 year Habitat Monitoring and Management Plan (HMMP) condition being imposed as well as being subject to the national standard mandatory BNG 'pre-commencement condition'.
- 8.52. In summary, the LPA is satisfied that the ecological concerns have been adequately addressed subject to conditions. By virtue of the above, subject to conditions, the development would accord with Policy DM6 of the adopted Site Allocations and Development Management Plan (2016) and Policy CE6 of the MBDNP.

## **9. Equality Implications**

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- 9.2. Officers have taken this into account and given due regard to this statutory duty in the consideration of this application. The Committee must also ensure the same when determining this planning application.
- 9.3. There are no known equality implications arising directly from this development.

## **10. Conclusion**

- 10.1. Section 38(6) of the Planning and Compulsory Purchase Act 2004 and S70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 10.2. It was agreed as part of the previous appeal (23/00508/FUL) that the principle of holiday cabins would not conflict with Policies 23 and 24 of the CS and DM4 a) of the SADMP, subject to compliance with the other requirements of those policies and the development plan as a whole. In particular, these policies include consideration of matters relating to the effect of a development on the character and appearance of the area in the overall assessment as to whether development in the countryside should be considered sustainable. It was also concluded as part of the previous appeal that the proposal would not have a significantly harmful effect on the character and appearance of the area including its landscape character.
- 10.3. The site has lawful planning use as a golf course, it is designated as a Leisure and Tourism Facility in the MBNP, and is the closest of these facilities to the built-up area of Market Bosworth. The proposal, subject to conditions, would support the Kyngs Golf and Country club as a leisure and tourism facility. This would provide short- and long-term economic benefits, including support for the local rural economy. The proposal will bring with it facilities to support a strong and healthy community whilst encouraging visitors to undertake trips into the surrounding countryside via the nearby network of footpaths, encouraging active and healthy lifestyles, thereby, fulfilling a social role in favour of the proposal.
- 10.4. Matters relating to ecology and highway safety have been satisfactorily addressed subject to conditions, and there are no issues relating to heritage impact, drainage or neighbouring residential amenity.
- 10.5. There are considered to be no other material planning considerations to warrant refusal of this application subject to suitably worded conditions. The proposal accords with the relevant policies of the Development Plan and it is therefore recommended to Members of the Planning Committee for approval.

## **11. Recommendation**

- 11.1. **Grant planning permission** subject to the conditions below:

### **11.2. Conditions**

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

Reason: To comply with the requirements of Section 91 (1) of the Town & Country Planning Act 1990.



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

- Site Location Plan received 23/04/2025;
- Site Layout Plan, drawing no. HMD/PD/0505/01, rev 1;
- Detailed Landscape proposals, drawing no. 1067071 Rev A
- Proposed Floor Plan & Elevations Lodge Type A, drawing no. HMD/PD/0505/03, rev 1;
- Proposed Floor Plan & Elevations Lodge Type B, drawing no. HMD/PD/0505/02, rev 1; and
- Axonometric View, rev 1.

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.

3. Prior to the commencement of development, representative samples of the types and colours of materials to be used on the external elevations of the proposed dwelling shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reason: To ensure that the development has a satisfactory external appearance to accord with Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document.

4. No development shall take place until a scheme for the treatment of the Public Rights of Way S68, S69 and S70 has been submitted to and approved in writing by the Local Planning Authority. Such a scheme shall include provision for their management during construction, surfacing and drainage, width structures, signposting and landscaping in accordance with the principles set out in the Leicestershire County Council's Guidance Notes for Developers.

Reason: To ensure the Public Right of Way is safe and available during the period of construction and throughout the lifetime of the development, in accordance with Policy DM17 of the Site Allocations and Development Management Policies Development Plan Document (2016) and to enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2024).

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

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

6. No development shall commence until a 30-year Habitat Monitoring and Management Plan (HMMP), prepared in accordance with an approved Biodiversity Gain Plan, has been submitted to and approved in writing by the local planning authority. The approved HMMP shall be strictly adhered to and implemented in full for its duration and shall contain the following:

- a) Description and evaluation of the features to be managed;
- b) Ecological trends and constraints on site that may influence management;
- c) Aims, objectives and targets for management - links with local and national species and habitat action plans;
- d) Description of the management operations necessary to achieving aims and objectives;
- e) Preparation of a works schedule, including annual works schedule;
- f) Details and a timetable of the monitoring needed to measure the effectiveness of management;
- g) Details of the persons responsible for the implementation and monitoring;
- h) mechanisms of adaptive management to account for necessary changes in work schedule to achieve the required targets; and
- i) Details of methodology and frequency of monitoring reports to be submitted to the Local Planning Authority to assess biodiversity gain

Reason: To enhance biodiversity in accordance with the National Planning Policy Framework, paragraph 13 of Schedule 7A to the Town and Country Planning Act 1990, and DM6 of the adopted Site Allocations and Development Management Plan (2016).

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

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

8. The development hereby approved shall not be first used until works to reinstate the 18-hole golf course including, drainage, fairways, greens, tees and bunkers have been completed and the golf course has been brought into use.

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

9. The development hereby permitted shall not be occupied until such time as the parking and turning facilities have been implemented in accordance with Housemartin Designs drawing number HMD/PD/0505/01. Thereafter the onsite parking (and turning) provision shall be kept available for such use in perpetuity.

Reason: To ensure that adequate off-street parking provision is made to reduce the possibility of the proposed development leading to on-street

parking problems locally and to enable vehicles to enter and leave the site in a forward direction in the interests of highway safety and in accordance with the National Planning Policy Framework (2024).

10. No floodlighting or external lighting shall be installed until details have been submitted to and approved in writing by the Local Planning Authority. This information shall include a layout plan with beam orientation and a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To safeguard the appearance of the area and/or the amenities of neighbouring dwellings according with Policy DM4, DM7 and DM10 of the Site Allocations and Development Management Policies DPD (2016).

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

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

12. The holiday accommodation units hereby approved shall be for holiday purposes only and shall not be used as the sole or main residence of the occupiers. No individual person shall occupy any part of the accommodation for a period exceeding four weeks. Furthermore, no person shall occupy the accommodation within a period of two weeks following the end of a previous period of occupation by that same person. The owners/operators of the holiday accommodation shall maintain an up-to-date register of the names and main home addresses of all the individual occupiers and shall make this information available for inspection on demand by an authorised officer of the Council.

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

### **Informatives**

- The development is subject to the mandatory "biodiversity gain condition". A Biodiversity Gain Plan must be submitted to and approved in writing by Hinckley and Bosworth Borough Council prior to commencement of this development.
- Prior to construction, measures should be taken to ensure that users of the Public Rights of Way are not exposed to any elements of danger associated with construction works.

- Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
- If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority. The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
- If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) at least 12 weeks before the temporary diversion is required.
- Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
- Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
- No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
- The suitability of the ground strata for soakaway drainage should be ascertained by means of the test described in BRE Digest 365, and the results approved by the Building Control Surveyor before development is commenced. The soakaway must be constructed either as a brick or concrete-lined perforated chamber with access for maintenance, or alternatively assembled from modular surface water storage/soakaway cell systems, incorporating silt traps. Design and construction of all types of soakaway will be subject to the approval of the Building Control Surveyor.
- Any proposed access drives, parking and turning areas, paths and patios should be constructed in a permeable paving system, with or without attenuation storage, depending on ground strata permeability. On low-permeability sites surface water dispersal may be augmented by piped land drains, installed in the foundations of the paving, discharging to an approved outlet (See Environment Agency guidance on the permeable surfacing of front gardens).

**Planning Committee 12 August 2025**  
**Report of the Head of Planning**

**Planning Reference 24/01079/OUT**

**Applicant: Richborough, Clive Vero, Geoffery Malcolm Vero,  
Kathleen Ann Sheppard, and Leslie Alan James**

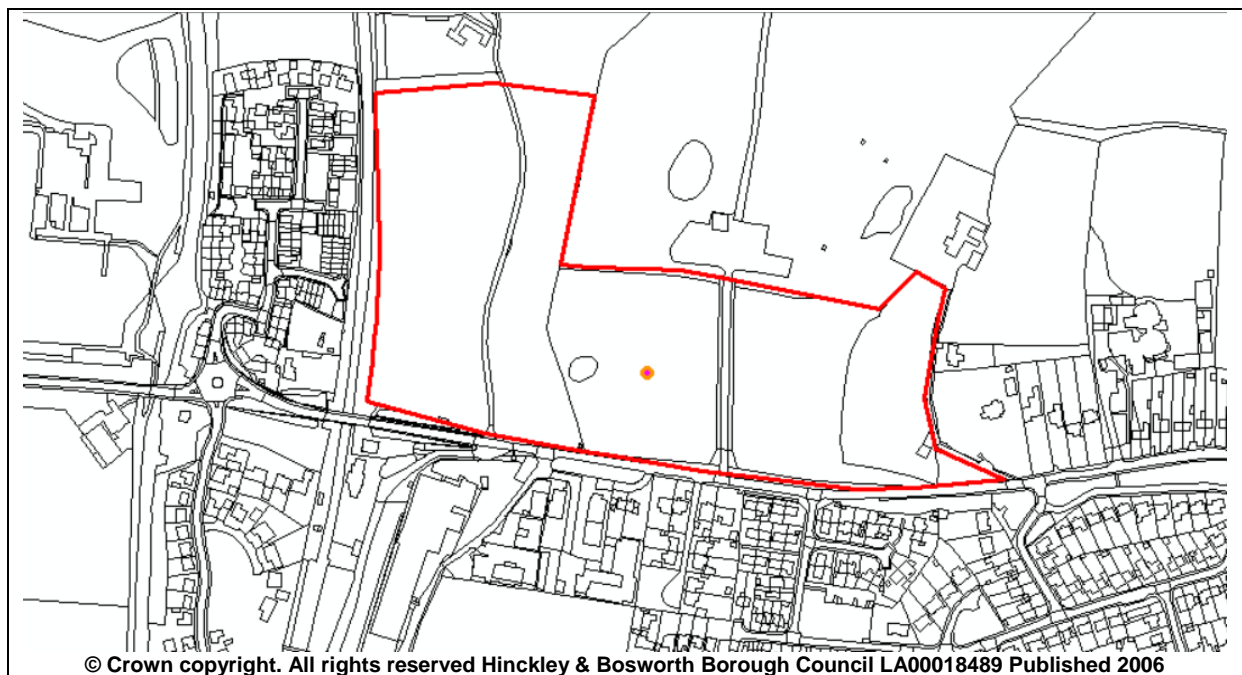
**Ward: Cadeby, Carlton, M Bosworth & Shackerstone**



**Hinckley & Bosworth  
Borough Council**

**Site: Land north of Station Road, Market Bosworth**

**Proposal: Outline planning application for up to 126 dwellings (all matters reserved except access)**



## **1. Recommendations**

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

- Planning reasons / conditions detailed 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 below; and
- That the Head of Planning be given powers to determine the final detail of planning conditions and obligations and that outstanding highway matters are sufficiently controlled and resolved.

## **2. Planning Application Description**

- 2.1.** This planning application seeks outline planning permission for the provision of up to 126 dwellings with associated access, landscaping, open space, and drainage at the Land north of Station Road, Market Bosworth. Only Access is sought for

approval within this outline application and all other matters are reserved. The scheme utilises an amended existing access onto Station Road, which also serves the Kyng's Golf and Country Club.

2.2. The precise appearance of the scheme is reserved for later approval. Therefore, the extent of the application is described and assessed via the indicative scales and appearance within the submitted plans. The application is accompanied by the following reports and documents:

- Acoustics Assessment
- Air Quality Assessment
- Arboricultural Impact Assessment (AIA)
- Biodiversity Impact Assessment (BIA) Baseline Visualisation
- BIA Baseline Condition Visualisation
- BIA Baseline Habitat Plans
- BNG Metric
- Design and Access Statement
- Development Framework Plan
- Ecology Note
- Ecological Impact Assessment (EIA)
- Flood Risk Assessment (FRA) and Drainage Strategy
- Geophysical Survey
- Geophysical Survey (Archaeology)
- Ground Investigation Desk Study
- Heritage Impact Assessment (HIA)
- Illustrative Masterplan
- Landscape Clarification Note
- Landscape Masterplan
- Landscape and Visual Impact Assessment (LVIA)
- Parameter Plan
- Photomontage Viewpoints
- Planning Statement (and addendum)
- Proposed Site Access Layout Plan
- Sequential Test
- Site Location Plan
- Statement of Community Involvement
- Swept Path Analysis Plans
- Transport Assessment
- Travel Plan
- Tree Protection Plan
- Topographical Survey
- Utilities Assessment

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

3.1. The 7.9ha application site is located to the west of, and outside of, the identified settlement boundary of the Key Rural Centre of Market Bosworth in the designated

open countryside and the wider Natural England's National Character Area (NCA) 94 (Leicestershire Values,) and the Council's Bosworth Parkland Landscape Character Area (LCA).

- 3.2. The Market Bosworth Neighbourhood Plan (MBNP) (2025) identifies a key view ('Important View 1') along Station Road heading east passed the application site as well as a northern-facing key vista ('Vista 11') (now referred to as 'Vista I') from Godsons Hill that looks over the site. A new element of Vista I has been created within the newly adopted MBNP that faces north into the site from the existing access track to the west of the site.
- 3.3. The application site itself comprises a collection of pastoral fields and a pond, which clearly form part of the countryside that surrounds Market Bosworth. There are 18 individual trees along the southern boundary of the site that are protected via Tree Preservation Orders (TPOs) 75/00011/TPORD and 14/00001/TPORD. There is also a substation on the southern boundary of the site adjacent to Station Road. The site itself has a particular informal scenic quality on account of its role as an important part of the town's pastoral countryside setting that reflects the typical qualities of the Bosworth Parkland Character Area.
- 3.4. The site is relatively flat, but the land rises sharply near the eastern boundary of the site towards Market Bosworth and the residential properties beyond. The crest of the rising ground is defined by a dense copse of trees ("The wooded hilltop,") which provides a strong backdrop to the application site. Both Station Road and the wooded hilltop effectively contain the settlement edge here from the surrounding countryside. The wooded hilltop is integral to the locally distinctive character and appearance of the settlement's setting from a main approach along Station Road.
- 3.5. This part of Market Bosworth is varied in appearance, with housing and commercial development on the southern side of Station Road, which creates a suburban residential and industrial character to the area. This contrasts with the green, relatively undeveloped countryside character on the northern side of Station Road, to which the application site positively contributes and reinforces.
- 3.6. Station Road is adjacent to the southern boundary of the site and is an adopted 'C' road that is subject to a 30mph speed limit. The site benefits from two existing vehicular accesses onto Station Road. The most eastern vehicular access leads to Kyng's Golf and Country Club to the north, which is an Open Space, Sports and Recreation Facility. The western track access leads to the dwellings at The Stables and Wharf Farm to the north respectively.
- 3.7. The land to north of the site at Kyngs Golf and Country Club has previously benefited from planning permissions for the creation of a golf clubhouse (08/00750/FUL), a multi-purpose golf clubhouse with six golf holiday homes (19/01437/FUL) and a 50-room golf and leisure accommodation facility (24/00019/FUL). 11 holiday lodges have also been permitted in the wider golf club site via applications 24/00026/FUL and 24/00769/FUL.

- 3.8. Public Footpath S70 runs northwest-to-southeast 250m to the northeast of the site through the Kyng's Golf and Country Club site. The western boundary of the site is bounded by the Battlefield Railway Line. Beyond this is a further residential estate within the identified settlement boundary of Market Bosworth.
- 3.9. The application site is identified as being in close proximity to a Local Wildlife Candidate Site and in an area known for Great Crested Newt Breeding Ponds. The site is also within an Airfield Safeguarding Area, a Mineral Safeguarding Area (MSA), and the Impact Risk Zone of the Asby Canal Site of Special Site of Scientific Interest (SSSI). Previously, part of the site received a Certificate of Lawful Existing Use for an airfield via 04/00796/CLU.

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

##### **4.1 21/00970/OUT**

- Residential development up to 105 dwellings (Use Class C3), public open space and associated infrastructure works (Outline – with access to be considered).
- Withdrawn
- 09.03.2022

##### **4.2 21/00024/PP**

- Residential development up to 63 dwellings with associated access, landscaping, open space and drainage infrastructure (Outline – access to be considered).
- Appeal Dismissed
- 02.02.2022

##### **4.3 20/01021/OUT**

- Residential development up to 63 dwellings with associated access, landscaping, open space and drainage infrastructure (Outline – access to be considered).
- Refused
- 08.06.2021

The application was refused for the following reason:

*“The development, due to its location in the open countryside, would be harmful to the character and appearance of the area and diminish the enjoyment users derive from the area especially in relation to Important View 1 and Vista 11 identified in the Market Bosworth Neighbourhood Plan. The development would therefore have a significant adverse effect on the intrinsic value, beauty and open character of the countryside which should be safeguarded first and foremost from unsustainable development and on important views and vistas. The development is therefore contrary to Policy DM4 Safeguarding the Countryside and Settlement Separation of the Site Allocations and Development Management Policies DPD July 2016 and Policies CE3 Important Views and Vistas and CE5 Landscape of the wider Parish of the Market Bosworth Neighbourhood Plan 2014 and this would significantly and*



*demonstrably outweigh the benefits when considered against the Framework as a whole.”*

**4.4 14/00674/FUL**

- Erection of 64 dwellings and associated works including 2 no. balancing ponds, formal play area space, public open space (revised proposal)
- Refused
- 05.03.2015

**4.5 13/00520/FUL**

- Erection of 65 dwellings and associated works including 2 no. balancing ponds, formal play area space, public open space
- Refused
- 11.02.2014

**5. Publicity**

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

5.2 A Borough Councillor called the planning application in to be determined via the Planning Committee.

5.3 In total, 42 members of the public from 38 separate addresses objected to the development. The reasons for the objections to the development are summarised below:

- Additional housing shall negatively impact upon tourism to the area.
- The application conflicts with the Market Bosworth Neighbourhood Plan
- The application does not provide sufficient detail in relation to archaeological, drainage, mineral and noise pollution impacts
- Environmental harm
  - Future occupiers would be dependent on private motorised transport
  - Harm to flora and fauna
  - Harm to protected wildlife species
  - Increased CO2 emissions from additional traffic and congestion
  - Loss of habitat
  - Loss of the rights of nature to exist on this land
  - Unsustainable location for new housing development
- Highway safety
  - Adverse impacts to emergency service movements
  - Dangerous site access
  - Exacerbation of existing highway issues such as traffic flow
  - Existing dangerous conditions of roadside grass verges
  - Existing indiscriminate parking issues
  - The footway into Market Bosworth is narrow and dangerous

- Increased congestion
- Limited visibility splays
- There's nowhere to park in Market Bosworth
- Pedestrian safety concerns
- Speeding along Station Road
- The Traffic Survey was undertaken in July when the schools were closed for the Summer
- Harm to the character of the area
  - Destruction of the visual amenity of Market Bosworth
  - Development of a greenfield site
  - The development is in the designated open countryside
  - Erosion of single-track farming roads
  - Harm to the rural character of the area
  - High density development
  - Irreversible loss of open space and valuable agricultural land
  - Loss of countryside
  - Loss of a protected vista
  - Overdevelopment of Market Bosworth
  - The site currently contributes to the 'greenscape' entrance of Market Bosworth
- Harm to the historic environment
  - Watering down the historic value of Market Bosworth
- Harm to the local economy
- Harm to residential amenity
  - Increased air pollution
  - Increased loneliness and isolation for future occupiers of the scheme
- Infrastructure
  - The application does not address the infrastructure issues in Market Bosworth
  - Exacerbation of parking issues within Market Bosworth
  - Extensive growth in Market Bosworth is not sustainable
  - Harm to local businesses due to insufficient parking in Market Bosworth
  - The housing stock of Market Bosworth has increased by 20% in a three-year period
  - Insufficient capacity at local doctors' surgery
  - Insufficient parking provision within Market Bosworth
  - Lack of infrastructure within Market Bosworth
  - Limited employment opportunities in Market Bosworth
  - Local schools are at capacity
  - Loss of farmland
  - Market Bosworth has exceeded its allocation of housing
  - Market Bosworth's infrastructure can't cope with further development
  - Many of the houses at the Owl Homes site are unsold
  - The central areas of Market Bosworth display a close resemblance to Piccadilly Circus
  - Too many houses have already been approved in this area
- Limited sustainable transport

- There isn't a bus route near the site
  - Market Bosworth doesn't have a bus route to Hinckley
  - Market Bosworth has no other public transport services (i.e., rail links)
  - Loss of farming values
  - Planning history
    - Allocating the application site for housing was rejected by the Market Bosworth Neighbourhood Plan
    - This is a rehash of the originally refused planning application
    - Outline planning permission has already been refused on this site
  - The proposal takes no account of the community's vision and aims for the future of Market Bosworth
  - Speculative development undermines the creation of the Market Bosworth Neighbourhood Plan
    - Permitting this application shall set a dangerous precedent in encouraging future speculative development, which will overwhelm the town
- 5.4 One member of the public has highlighted that they have a right of way through the site and the proposal includes areas of their land.

*The Planning Officer notes that rights of way and land ownership are legal matters that must be addressed outside of the planning process.*

- 5.5 No further responses have been received.

## **6. Consultation**

### **Market Bosworth Parish Council**

- 6.1 Market Bosworth Parish Council submitted two objections to the planning application for the following reasons:
- The application is not appropriate
  - Conflict with Planning Policy
    - The Applicant has failed to address the key issues in relation to the Market Bosworth Neighbourhood Plan (MBNP)
    - The development conflicts with the MBNP (2015) (notably Policies CE1, CE3, and CE5)
    - The development conflicts with the new 2025 version of the MBNP
    - The draft Allocation Map for the MBNP disregarded development on the northern side of Station Road as it would have, "An unacceptable impact upon the *landscape setting of Market Bosworth*."
    - The scheme does not fulfil any of the requirements of Policy CE5 of the MBNP
  - Flooding concerns
  - Harm to the environment
    - The development sits outside the identified settlement boundary of Market Bosworth

- The proposal is not sustainable
- Harm to the character of the area
  - The Applicant has failed to provide any evidence as to how the development addresses Character Area J of the Market Bosworth Design Code
  - The application has not satisfactorily identified any measures or mitigation to address the harm to the character of the area
  - The density of the site shall not be in keeping with the character of the area
  - Harm to the designated open countryside
  - The distinct character approach to the town is highly valued by residents and visitors
  - Overdevelopment of a small rural settlement
  - Poor proposed layout
  - The proposal is not sensitive to the character of the area
  - Removal of existing trees from the site
  - The scheme is disproportionate to the scale of Market Bosworth
  - The scheme represents inappropriate speculative development
  - Significant adverse impacts to protected View 1 and Vista 11
  - The 3D visualisations clearly demonstrate the negative impact of the proposed built form on the protected views and vistas and the character approach to the town
- Harm to the historic environment
  - Harm to the adjacent railway bridge
  - Harm to the Battlefield Line railway
  - Harm to the landing strip, which is an Asset of Local Heritage Value within the 2025 version of the MBNP.
- Harm to residential amenity
  - Air and noise pollution from the Battlefield Line
- Harm to tourism in Market Bosworth
- Highway safety concerns
  - The details within the Travel Plan are skewed and inaccurate
  - Significant increases to vehicle movements to and from the site
- Infrastructure concerns
  - Limited employment opportunities
  - Limited public transport
  - Market Bosworth has exceeded its identified Housing Needs Figure for the Plan Period by 42%
- Previous planning history
  - Housing developments have already been dismissed at appeal in this location
  - The current application is for twice as many houses as the previously dismissed appeal
- The scheme does not provide any public benefits
- The submitted details do not demonstrate an understanding of the impact of the development on the existing situation in the area

- The submitted details fail to demonstrate how the proposed development will relate to existing built development in Market Bosworth, its wider surroundings, and the existing landscape, including landform, topography, geography and ground conditions
- The Travel Plan and the Transport Plan are misleading
  - The bus stop near the site has not been used in several years
  - There is no guarantee that the bus service will be reinstated
  - Even if the bus service is reinstated it provides a minimal service along Station Road
  - Public transport is minimal
  - The TZ1 bus service only runs once a day between Market Bosworth and Twycross Zoo
  - Atherstone Railway Station has extremely limited parking facilities
  - The lack of cycle lanes within and around Market Bosworth make it dangerous to cycle outside of the main settlement
  - The distances to community facilities are understated and fails to consider the site-specific circumstances of the road network and the topography of the village
  - The anomalies in the Applicant's stated distance to local facilities demonstrates a lack of due diligence
  - There are no supermarkets in Market Bosworth
  - The Market Bosworth Marina café no longer exists
  - The Parish Council do accept that the data within the Transport Assessment and Travel Plans represents credible evidence from which a decision of this magnitude can be made
- The Landscape and Visual Impact Assessment (LVIA) and the Design and Access Statement (D&A) have not taken account of the comments made at the previous appeal
  - The Parish Council contend that the revised LVIA does not add anything further to the significant issues that were raised within the Parish Council's original comments

6.2 Within their objection to the proposal, Market Bosworth Parish Council referred to the 2025 version of the MBNP, and the associated Design Code and Landscape Review of the Parish, as well as the requirements of Paragraph 14 of the NPPF.

#### Carlton Parish Council

6.3 Carlton Parish Council objected to this application on the grounds that the site is not allocated for development within the Development Plan or 2025 version of the MBNP.

#### Market Bosworth Society

6.4 Market Bosworth Society objected to the development twice for the following reasons:

- The community voted against developing the application site at the referendum for the 2025 version of the MBNP
  - There is little appetite for this development
- Development has previously been refused at this site
- Harm to the character of the area
  - The development constitutes urban sprawl
  - Significant harm to the valued views and vistas within the site
- Harm to residential amenity
  - Air pollution
  - Noise pollution
- Highway safety concerns
  - Increased congestion
  - Increased vehicle movements
- Infrastructure concerns
  - Doctors, dentist, and schools are at capacity
  - There is little employment or entertainment opportunities in Market Bosworth
  - Limited parking availability in wider Market Bosworth
  - There are no significant health centres, supermarkets, or hospitals in Market Bosworth
  - There is no public transport options within Market Bosworth
- Loss of the landing strip heritage site
- Planning policy conflict
  - The proposal cannot meet the requirements of Policy DM3 of the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP)
  - The proposal conflicts with Policies DM4 and DM9 of the SADMP
  - The proposal conflicts with the Town and Country Planning Act 1948

#### The Battlefield Railway Line

6.5 The Battlefield Railway Line objected to the development for the following reasons:

- There is no mention of the operational railway within the submitted documents
- Safety concerns
  - The proposal is likely to interfere with the sighting of railway signals
- Drainage concerns
  - The existing culvert cannot cope with any increased volume of drainage
  - There is no report of risk management to the potential scouring of the Railway embankment or embankment failure with the likely changes in drainage.
  - There is no mention of what happens to the drainage culvert on the other side of the railway, where it goes, nor what capacity it is loaded to
- Harm to the existing bridge over the railway on Station Road
  - There is no mention of a condition assessment of the bridge
  - The bridge is likely to be damaged by piling
- Harm to future occupants of the scheme

- Air pollution from the Battlefield Railway Line
- Noise pollution from the Battlefield Railway Line
- Increased congestion on popular tourist event days associated with the Battlefield Railway Line

#### Summary of Statutory Consultees with No Objections to the Proposal

6.6 There have no objections to the application from the following consultants:

- East Midlands Airport Safeguarding Authority
- Environment Agency
- Hinckley & Bosworth Borough Council (HBBC)'s Conservation Officer
- HBBC's Drainage Department (subject to conditions)
- HBBC's Environmental Services' Department (subject to conditions)
- Leicestershire County Council (LCC)'s Archaeology Department (subject to conditions)
- LCC's Ecology Department (subject to conditions)
- LCC as the Lead Local Flood Authority (LLFA) (subject to conditions)
- Leicestershire Police (subject to conditions)
- Mineral and Waste Planning Authority (MWPA)
- Network Rail

#### Archaeology

6.7 The County Council's Archaeology Department highlighted that the Leicestershire and Rutland Historic Environment Record (HER) stated that the application site lies within an area of archaeological interest.

6.8 Whilst the County Council welcomed the submission of the archaeological desk-based and assessment of the geophysical surveys, the County Council confirmed that prehistoric remains or burials do not typically provide a strong geomagnetic response and are not usually identified by a geophysical survey. Therefore, geophysical surveys cannot therefore be used by itself to establish the absence of archaeological activity on the site, and it is generally recommended that such works are supplemented by a programme of intrusive trial trenching in order to test the results. Given the scale of the development, there remains potential for the presence of previously unidentified archaeological deposits within the development area.

6.9 However, following a review of the evidence contained within the HER, the archaeological information submitted by the Applicant, and the flexibility available as an outline planning application, the Archaeology Department considered that the archaeological potential of the site could be managed by way of a conditioned approach. The County Council strongly recommended that the required trial trenching should be undertaken prior to the submission of any forthcoming Reserved Matters application for this development, and the results of this work

should be submitted to the Local Planning Authority to assist in the determination of that scheme.

- 6.10 Therefore, the Archaeology Department stated that an appropriate programme of archaeological mitigation, including an initial phase of exploratory trial trenching followed, as necessary, by intrusive and non-intrusive investigation and recording is required via a pre-commencement planning condition, in order to define the full extent and character of the necessary archaeological mitigation programme. This programme of work should be completed in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority.

#### Conservation

- 6.11 The Council's Conservation Officer highlighted that there are no designated heritage assets within the site boundary, but there are a number within a proportionate study area around the application site. The Conservation Officer also confirmed that the development was not considered to have an adverse impact the setting of the Grade II\* Listed Church of St. Peter or the Ashby de la Zouch Canal Conservation Area, nor their character or significance.
- 6.12 The Conservation Officer also highlighted that although the suggested measures of commemorating the historic association of the landing strip with Group Captain Churchill via appropriate street names and/or an information board cannot be initiated on via a planning condition, such measures would be a desirable reflection of the interest of the site.

#### Drainage

- 6.13 The County Council as the Lead Local Flood Authority (LLFA) noted that the site is within Flood Zone 1 and is at low risk of fluvial flooding and a low-to-medium risk of surface water flooding within an existing flow path identified transecting the site east to west.
- 6.14 The Applicant submitted a sequential test, and an amended Flood Risk Assessment and Drainage Strategy Plan on 12 May 2025. Following this, the Council's Drainage Department confirmed that they had no objections to the development subject to three planning conditions in relation to the provision of a sustainable surface water drainage system, and details in relation to its long-term management, and the management of surface water during construction. The LLFA also recommended the approval of the proposal subject to four planning conditions, which included a requirement infiltration testing prior to the commencement of development, alongside four notes to the Applicant.

#### Ecology

- 6.15 Throughout the progression of this planning application, Leicestershire County Council's Ecology Department were consulted three times on the proposal. To



support the determination of the development, and at the request of the County Council, the Applicant submitted an Arboricultural Impact Assessment with Method Statement and Tree Protection Plan, a Bat Query Response, Biodiversity Impact Assessment Plans with visualisations, a Biodiversity Net Gain Metric, an Ecological Impact Assessment, and a Great Crested Newt Mitigation Note.

- 6.16 On 23 July 2025, the Ecology Department confirmed that they were satisfied that sufficient ecological information had been submitted to support the determination of the planning application.
- 6.17 The County Council stated that the submitted information provided certainty for the Local Planning Authority of the development's likely impacts on designated sites, protected and priority species and habitats, and the mitigation measures detailed within the Ecological Impact Assessment should be secured via planning condition to conserve and enhance the protected and priority species in the locality.
- 6.18 The Ecology Department stated that they were generally satisfied that the post-intervention biodiversity net gain values were realistic and deliverable at this stage, subject to the submission of the biodiversity gain plan in accordance with the statutory requirements of Schedule 7A of the Town and Country Planning Act 1990.
- 6.19 Therefore, the Ecology Department stated that the development was acceptable, subject to the six planning conditions that secure the mitigation measures identified within the Ecological Impact Assessment, a Construction Environmental Management Plan for Biodiversity, a Biodiversity Enhancement Strategy, a Wildlife Sensitive Lighting Design Scheme, a Landscape and Ecological Management Plan, and a Habitat Management and Monitoring Plan (HMMP).

#### Highways

- 6.20 Throughout the progression of this planning application, Leicestershire County Council as the Local Highway Authority have been consulted three times on this planning application. On 22 July 2025, the Local Highway Authority (LHA) did not consider the planning application as submitted to fully assess the highway impact of the proposed development.
- 6.21 Further amendments and information were requested in relation to the site access and bus stop locations, the future scenarios of the junction capacity assessment at Junction 10, and the Travel Plan.
- 6.22 The LHA confirmed on 23 July 2025 that the amendments to the Travel Plan can be secured via planning condition. Additional highways-related planning conditions and obligations are to be confirmed upon the receipt of the requested details that are to the satisfaction of the LHA.

#### Minerals

- 6.23 The County Council as the Minerals and Waste Planning Authority (MWPA) identified the site to be almost entirely located within a Mineral Safeguarding Area (MSA) for sand and gravel. At the request of the MWPA, the Applicant then submitted a Mineral Resource Assessment on 27 January 2025.
- 6.24 On 19 February 2025, the MWPA confirmed that the Minerals Resource Assessment was acceptable and that the MWPA are satisfied that prior extraction of mineral deposits that lie beneath the site would not be a viable operation to be carried out prior to development taking place.

#### Police

- 6.25 Leicestershire Police welcomed the design principles of discouraging criminal activity and the reference to the Secured by Design guidance on Page 71 of the Design and Access Statement. To ensure that the development meets the requirements of Secured by Design, Leicestershire Police requested a planning condition to ensure that details are submitted that demonstrate how the development will achieve the Secured by Design Award.

#### Pollution

- 6.26 On 09 December 2024, the Council's Environmental Health Department stated that the additional mitigation to industrial noise from JJ Churchill is required and an alternative ventilation strategy should be considered. Following further discussions with the Applicant, the Council's Environmental Health Department confirmed that noise from the road and the potential from industry can be controlled via planning condition.
- 6.27 Therefore, the Council's Environmental Health Department recommended six planning conditions that secured a Construction Environmental Management Plan, the limitation of site preparation and construction hours, the investigation of any potential land contamination prior to commencement and if identified during development, a scheme for the monitoring of landfill gas on the site, and a scheme for protecting the proposed dwellings from noise from the nearby roads and adjacent industrial estates.
- 6.28 The Applicant raised concerns with the requirement for a landfill gas condition and referred to the results of their ground investigation and gas monitoring works, which highlighted that there is no gas flow rates within the site and the site has very low CO2 rates.
- 6.29 Following further discussions with the Applicant and the Council's Environmental Health Department, on 14 February 2025, the Environmental Health Department confirmed that the landfill gas condition can be removed, and the pre-commencement land contamination condition can be revised to only refer to the area surrounding the electricity substation.

#### Public Open Space

- 6.30 On 05 December 2024, the Council's Section 106 Monitoring and Compliance Officer requested a revised Parameter Plan that satisfactorily provides the necessary Public Open Space requirements.
- 6.31 The Applicant submitted a revised Design and Access Statement on 16 May 2025, which demonstrated that the development could be provided with a sufficient provision of on-site public open space in accordance with Policies 11 and 19 of the adopted Core Strategy.

#### Other Consultees

- 6.32 The Canal and River Trust did not comment on the planning application.
- 6.33 National Grid and Severn Trent Water did not respond to the planning application.
- 6.34 No further responses have been received.

### **7. Policy**

#### 7.1 Core Strategy (2009):

- Policy 7: Key Rural Centres
- Policy 11: Key Rural Centres Stand Alone
- Policy 14: Rural Areas: Transport
- Policy 15: Affordable Housing
- Policy 16: Housing Density, Mix and Design
- Policy 19: Green Space and Play Provision
- Policy 20: Green Infrastructure

#### 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 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 Market Bosworth Neighbourhood Plan 2020 – 2039 (MBNP) (2025):

- Policy CE1: All New Development within Market Bosworth
- Policy CE3: Important Views and Vistas and Landscape Character
- Policy CE4: Trees and Hedgerows

- Policy CE5: Landscape of the Wider Parish
- Policy CE6: Provision for Wildlife in New Development
- Policy BD1: Affordable Housing
- Policy BD4: Heritage Asset Protection
- Policy DC1: Design Codes

The Market Bosworth Neighbourhood Plan (MBNP) was updated in light of the Examiner's comments in March 2025 and was subsequently approved at referendum on 10 July 2025. Therefore, the 2025 version of the MBNP forms part of the Council's Development Plan and attracts full weight in the planning balance.

#### 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:

- Affordable Housing Supplementary Planning Document (2011)
- Good Design Guide (2020)
- The Green Infrastructure Strategy (2020)
- Housing Needs Study (2019)
- Landscape Character Assessment (LCA) (2017)
- Landscape Review for Market Bosworth Neighbourhood Plan (2023)
- Leicestershire Highway Design Guide (LHDG) (2024)
- Leicester and Leicestershire Authorities Statement of Common Ground relating to Housing and Employment Land Needs (June 2022)
- Local Development Scheme (LDS) (2025)
- Market Bosworth Design Codes (2023)
- Natural England's National Character Area Profiles (2014)
- Open Space and Recreation Study (2016)

7.6 The Local Planning Authority are currently preparing their Emerging Local Plan. Paragraph 2.19 of the Council's Local Development Scheme (LDS) (2025) confirms that due to the additional housing sites that need to be identified as a result of the changes to the NPPF in December 2024, a further Regulation 18 consultation will need to be programmed into the remaining stages of the Local Plan's preparation. Given the above, the Emerging Local Plan is given no weight in the planning balance at this time.

## 8. Appraisal

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

- Principle of development
- Housing land supply
- Design and impact upon the character and significance of the historic environment

- Impact upon the character of the area
- Impact upon the character of the area
- Design and layout
- Impact upon residential amenity
- Impact upon parking provision and highway safety
- Infrastructure and development contributions
- Planning balance

#### Principle of Development

- 8.2 Paragraph 2 of the National Planning Policy Framework (NPPF) identifies that planning law requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The NPPF is a material planning consideration in planning decisions. Paragraph 3 of the NPPF confirms that it should be read as a whole.
- 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, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the Market Bosworth Neighbourhood Plan (MBNP).
- 8.6 Both the Core Strategy and the SADMP are over 5 years old and were adopted prior to the publication of the current NPPF. Paragraph 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.
- 8.7 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.
- 8.8 Chapter 11 of the NPPF promotes an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. This demonstrates that safeguarding and improving the environment is an effective use of land.

- 8.9 Policy 7 of the adopted Core Strategy states the Council will support housing development within the identified settlement boundaries of Key Rural Centres, such as Market Bosworth, which provide a mix of housing types and tenures as detailed in Policies 15 and 16 of the adopted Core Strategy.
- 8.10 The application site is not within the identified settlement boundary of Market Bosworth and therefore in the designated open countryside. Therefore, Policy 7 of the adopted Core Strategy is not applicable in these site-specific circumstances.
- 8.11 Key Policy Paragraph 110 of the NPPF confirms that the planning system should actively manage patterns of growth in support of promoting sustainable transport. Significant development should be focused on locations which are, or can be made, sustainable through limiting the need of travel and offering a genuine choice of transport modes. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 8.12 Chapter 15 of the NPPF requires planning policies and decisions to conserve and enhance the natural and local environment. 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.”*
- 8.13 This is supported by Policy DM4 of the SADMP, which states that the Council will protect the intrinsic value, beauty, open character, and landscape character of the countryside from unsustainable development. Policy DM4 of the SADMP only considers development in the countryside sustainable where:
- (a) It is for outdoor sport or recreation purposes (including ancillary buildings) and it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries; or
  - (b) The proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting; or
  - (c) It significantly contributes to economic growth, job creation and/or diversification of rural businesses; or
  - (d) It relates to the provision of stand-alone renewable energy developments in line with Policy DM2: Renewable Energy and Low Carbon Development; or
  - (e) It relates to the provision of accommodation for a rural worker in line with Policy DM5 - Enabling Rural Worker Accommodation.
- 8.14 Policy CE5 of the MBNP states that outside the development boundary, new development proposals that accord with national policy and the development plan for the area, and other policies within the MBNP, will not be resisted providing they:

- (a) Contribute to the local economy; or
- (b) Re-use or extend an existing building; or
- (c) Relate to sport or recreation land uses; or
- (d) Reflect Paragraph 84 of the NPPF if concerning a single dwellinghouse

Any housing proposal adjacent to the existing settlement boundary will be considered positively providing it is accompanied by an up-to-date housing needs assessment and providing any adverse impacts do not outweigh the benefits of the development.

- 8.15 Therefore, the proposed development does not relate to, or comply with, any of the criteria in Policy DM4 of the SADMP or CE5 of the MBNP, but this does not mean that the development is not sustainable.
- 8.16 For example, the proposal is for residential development, and it is adjacent to the identified settlement boundary of Market Bosworth. Therefore, in accordance with Policy CE5 of the MBNP, the application should be considered positively, subject to the provision of an up-to-date housing needs assessment and subject to the adverse impacts of the development should not outweigh the benefits of the development. These matters are discussed further within this report.
- 8.17 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.
- 8.18 In addition, Paragraph 6.24 of the Planning Statement highlights that the application site contains two sites were identified within the Strategic Housing and Economic Land Availability Assessment (SHELAA).
- 8.19 Appendix 3 of the SHELAA Report includes details of SHELAA sites AS105 and AS392, which were identified within the application site as being suitable, available, achievable, and overall 'developable,' within 15 years for up to 105 and 63 dwellings respectively.
- 8.20 However, Paragraph 2.3 of the 2022 SHELAA confirms that

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

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

- 8.22 Given the above, the Council considers that the proposal is offered no support by Policy 7 of the adopted Core Strategy, Policy DM4 of the SADMP or Policy CE5 of the MBNP and represents new development in the designated open countryside.
- 8.23 As such, the application does not accord with Development Plan Policy and is unacceptable in principle, subject to the assessment of all other material considerations, including the additional requirements of Policy DM4 of the SADMP and Policy CE5 of the MBNP. Other material considerations are set out within the next sections of the report.

#### Housing Land Supply

- 8.24 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.
- 8.25 In order to promote sustainable development in rural areas, Paragraph 83 of the NPPF requires new housing to be located where it will enhance or maintain the vitality of rural communities.
- 8.26 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.
- 8.27 Paragraph 6.14.3 of the MBNP states that Market Bosworth Housing Needs Assessment (HNA) (2022), which was undertaken by AECOM, highlighted a residual requirement of 77 new homes to be created in Market Bosworth within the Plan Period up to 2039.
- 8.28 However, Paragraph 6.14.4 of the MBNP confirms that:

*"Further to the progression of both the Leicester City Plan and the Hinckley and Bosworth Local Plan, and further to relevant revised national policy, it is accepted that housing needs for the Neighbourhood Plan area are likely to change. Reflecting Market Bosworth's status as a Key Rural Centre, there will be a need to review the housing allocations for the Neighbourhood Plan area, in the near future.*

*Until such a review of the Neighbourhood Plan takes place, and the housing need for the area has progressed sufficiently through the Local Plan process to a point where it carries weight, windfall development proposals will not be resisted. Such windfall proposals need to be supported by a clear and up-to-date housing needs assessment and accord with all other policies within this Neighbourhood Plan."*



- 8.29 Paragraph 2.29 of the Planning Statement Addendum refers to the recently allowed appeal decision against the refusal of planning application 23/01229/OUT at the Land east of The Common, Barwell where the Council agreed to a total housing land supply of 3.55 years. The Supplemental Statement of Common Ground within this appeal confirmed that this position was agreed only for the purposes of that specific appeal based upon the Five-Year Housing Land Supply (5HYLS) Statement from 01 April 2023. Therefore, this housing land supply position does not reflect the current five-year housing land supply position and is not considered an appropriate basis to determine the current planning application on.
- 8.30 The Planning Policy Team are currently reviewing the latest revisions to the NPPF within the 2024 version of the document and its implications for the Council's Five-Year Housing Land Supply. A revised position will be published in Summer 2025 once the monitoring for the 2024/25 year has been completed. It is however likely that, with the revised need figure of 682 dwellings (649dpa + 5% buffer as per Paragraphs 62 and 78(a) of the NPPF), that the Council will be unable to demonstrate a Five-Year Housing Land Supply once the revised position is published.
- 8.31 However, as part of the planning appeal APP/K2420/W/24/3357570 at the Oddfellows Arms, 25 Main Street, Higham on the Hill, the Council have provided an indicative housing land supply figure via an Interim Five-Year Housing Land Supply Statement (2024 and 2025). When applying the standard method figure and the 5% buffer to the Council's requirement of land for housing, the Policy Team confirmed that, as of 29 July 2025, the Local Planning Authority could demonstrate a 3.89-year supply of land for housing. Paragraph 3.5 of this Statement confirms that these figures are indicative, and the supply figures are expected to decrease slightly as the monitoring exercise is further progressed.
- 8.32 In comparison to the circumstances of the dismissed appeal against the refused planning application 20/01021/OUT, the Local Planning Authority could demonstrate a 4.45-year supply of land for housing and therefore the weight afforded to the Council's shortfall in supply of land for housing has increased since the previous appeal.
- 8.33 Paragraph 3.19 of the Leicester and Leicestershire Authorities Statement of Common Ground relating to Housing and Employment Land Needs (June 2022) highlights that Leicester City Council is estimated to have an unmet housing need of 18,700 dwellings up to 2036 as a reasonable working assumption. However, these figures are subject to testing through the Leicester Local Plan.
- 8.34 Paragraph 2.7 of Hinckley and Bosworth Borough Council's latest Local Development Scheme (LDS) confirms that the Council's apportionment of housing to address Leicester's unmet housing need has not been finalised. Therefore, whilst the Local Planning Authority accept that it is required to take on additional housing to meet the unmet housing needs of Leicester City Council, the exact quantum of housing has not been agreed between the councils. Therefore, the weight of the

benefits attached to this development meeting this unmet demand only attracts moderate weight in the planning balance.

- 8.35 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.
- 8.36 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.
- 8.37 Footnote 7 of the NPPF confirms that areas and assets of particular importance include habitat sites (and those listed in Paragraph 189 of the NPPF) and/or designated as Sites of Special Scientific Interest (SSSI); land designated as Green Belt, Local Green Space, a National Landscape, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in Footnote 75 of the NPPF); and areas at risk of flooding or coastal change.
- 8.38 Footnote 9 of the NPPF confirms that these key policies including 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).
- 8.39 In this instance, Key Policy Paragraphs 66, 110, 115, 129, 135 and 139 apply in the determination of this planning application.
- 8.40 In situations where the presumption (at Paragraph 11(d) of the NPPF) applies to applications involving the provision of housing, Paragraph 14 of the NPPF states that the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
- (a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and

- (b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement.

- 8.41 Whilst the MBNP has been updated in 2025, due to the changes in national policy and the Council's requirement to take on a portion of Leicester City Council's unmet housing need, the new Neighbourhood Plan does not meet its identified housing requirement. Therefore, Paragraph 14 of the NPPF is not engaged.
- 8.42 In light of the above, the 'tilted' balance of Paragraph 11(d) of the NPPF is engaged and the provision of up to 126 dwellings to the Borough's supply of land for housing is considered to attract significant weight within the planning balance.

#### Design and Impact upon the Character and Significance of the Historic Environment

- 8.43 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.
- 8.44 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.
- 8.45 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.
- 8.46 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.

- 8.47 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment and heritage assets. All proposals for extensions and alterations of listed buildings and development affecting the setting of Listed Buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced.
- 8.48 Policy BD4 of the MBNP confirms that proposals that result in harm to, or the unnecessary loss of, an asset of local heritage value will only be supported if it can be demonstrated that, on balance, the overall benefit outweighs any harm or loss.
- 8.49 There are no designated heritage assets within the site boundary
- 8.50 The previously refused scheme for up to 63 dwellings within this application site (20/01021/OUT) was predominantly sited to the south of the Kyngs Golf and Country Club and set back from Station Road by 19.5m. Paragraph 22 of the dismissed appeal decision (APP/K2420/W/21/3279808) confirmed that the Inspector did not consider the previous scheme to effect the setting or significance of designated and non-designated heritage assets in the locality.

#### *Designated Heritage Assets*

- 8.51 The Conservation Officer identified 52 Listed Buildings within a proportionate study area of the application site within the Market Bosworth Conservation Area, which is approximately 950m to the east of the application site.
- 8.52 Due to variations in topography and the presence of intervening built form and vegetation, there is no inter-visibility between the application site and the majority of the designated heritage assets identified within this search area, nor is there any known key historic functional or other relevant relationships between the application site and these heritage assets. The application site is therefore not considered to fall within their setting and none of the heritage assets would be sensitive to, or affected by, an appropriate form of development within the application site.
- 8.53 However, the Conservation Officer highlighted that the development was considered to fall within the setting of the Grade II\* Listed Church of St. Peter, due to its visibility in the surrounding landscape. Nevertheless, there are no views of the church from or across the application site as a result of its topography and the intervening-built form and vegetation, which is 1.3km east of the site upon the ridge-top of the historic settlement core of Market Bosworth.
- 8.54 Given the above, the development is considered to comprise a neutral element of the wider setting of the Grade II\* Listed Church of St. Peter. Due to the very much peripheral nature of the site within any wider views of the Church tower and spire from the open countryside to the west, the relatively low site levels, and the presence of existing built form already being established in such views, the proposal is considered to result in only a minimum visual change within the wider setting of the Church.

- 8.55 As a result, the impact of the development upon the significance of the Grade II\* Listed Church of St. Peter is not considered to be more than negligible and is not considered to be adverse.

*Ashby Canal Conservation Area*

- 8.56 Due to the presence of intervening fields, the Battlefield Railway Line, and the built form, including at Pipistrelle Drive and along Station Road, there are no appreciable views to and from the application site and the Ashby Canal Conservation Area at their closest proximity to each other and to the south of Station Road.
- 8.57 As one travels north along the Canal towpath beyond Pipistrelle Drive views are opened up looking south-eastwards towards the site, but due to the distance involved, the lower level of the Canal and intervening vegetation, the site is not appreciable from either the towpath or the elevated position of Bridge 43.
- 8.58 As such, the site is not considered to form part of the surroundings of within which the Ashby Canal Conservation Area is experienced and due to the form of the development, the proposal is not considered to affect the character and contribution its setting makes to its significance.

*Landing Strip*

- 8.59 Since the appeal decision for planning application 20/01021/OUT, Appendix 1 of the MBMNP has identified the landing strip within the site as a non-designated asset of Local Heritage Value.
- 8.60 The Conservation Officer stated that a mown landing strip located within the central western section of the site was reputedly used as the landing strip for Group Captain Churchill DSO DFC when visiting the Churchill family business on the opposite side of Station Road during 1941 and 1942. The landing strip is not recorded on the Historic Environment Record (HER).
- 8.61 Whilst the landing strip is considered to be a feature of some local heritage interest, the Conservation Officer confirmed that such interest is not considered to have the level of significance required to warrant its identification as a local (non-designated) heritage asset, in particular as it is no longer maintained and therefore no longer discernible at ground level.

*Summary*

- 8.62 In summary, the development is not considered to result in any adverse impacts to the character and significance of the historic environment in accordance with Policy BD4 of the MBNP, Policies DM11 and DM12 of the SADMP, Chapter 16 of the NPPF, and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

### Design and Impact upon the Character of the Area

- 8.63 Key Policy 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 (as contained in the National Design Guide and National Model Design Code), taking into account any local design guidance and supplementary planning documents such as design guides and codes.
- 8.64 Key Policy Paragraph 129(d) and (e) of the NPPF confirm that planning decisions should support development that makes efficient use of land, taking into account the desirability of maintaining an area's prevailing character and setting (including residential gardens) or of promoting regeneration and change, and the importance of securing well-designed, attractive, and healthy places.
- 8.65 Chapter 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. Key Policy Paragraph 135 of the NPPF details the six national policy requirements of development to ensure the creation of well-designed and beautiful places.
- 8.66 Policy DM4(i) of the SADMP states that development in the countryside will be considered sustainable where it does not have a significant adverse effect on the intrinsic value, beauty, open character, and landscape character of the countryside.
- 8.67 Policy DM10(c) of the SADMP highlights 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.
- 8.68 Policy DC1 of the MBNP states that development proposals must demonstrate how they contribute positively to the MBNP's Character Areas. Development proposals will be supported where they are in conformity with the essential design considerations for the relevant Character Area, the general design principles set out in the Market Bosworth Design Codes (MBDC) (2023), and other Neighbourhood Plan Policies as applicable.
- 8.69 Policy CE1 of the MBNP confirms that all new development within Market Bosworth should be in keeping with its Character Area with regards to scale, layout and materials to retain local distinctiveness and create a sense of place. Where new development would be visible from an adjacent Character Area, it should be sensitive to the principal characteristics.
- 8.70 Design Principal NE.1.1 of the Market Bosworth Design Code (MBDC) states that new development in Character Area J (Rural Land) should:
- Be designed sensitively at the edge of settlement locations to achieve a tactful transition from urban to rural and vice versa

- Retain the approach routes and the perception of a subtle transition between the rural and the settlement when arriving to Market Bosworth. If the new development serves as the access point to the village or an area of distinct character, new developments should visually acknowledge that fact
- Consider the effect upon views, topography, natural features and landscape setting of the new development, protecting and enhancing significant views

8.71 Policy CE3 of the MBNP states that development will be resisted if it has a significant adverse impact on an important view, vista, or the character of the Parish, unless it can demonstrate how that development is appropriate and considered sustainable development and can integrate with the character of the landscape setting whilst conserving, and where appropriate, enhancing the character of the landscape.

8.72 Policy CE4 of the MBNP require mature trees and woodland to be protected where possible. Development that results in the loss of, or damage to, Protected Trees and Woodlands will not be permitted unless a satisfactory scheme for the replacement of lost trees or mitigation of any damage to the landscape is agreed.

*Assessment of the Site's Contribution to the Character of the Area*

8.73 The application site is within National Character Area (NCA) 94. Natural England identifies seven key characteristics of the Leicestershire Vales National Character Area, three of which are considered to apply to the application site. These elements of the site are identified within Paragraph 5.4 of the Landscape Clarification Note.

8.74 The site is characterised by pasture and arable agriculture land and the eastern element of the site has a woodland character that is derived from the copse of trees on the ridge of the site towards the core of Market Bosworth. There are diverse levels of tranquillity in the area due to the contrast between busy urban areas on the southern side of Station Road and the rural and agricultural character of the application site. Therefore, the application site positively contributes to the Leicestershire Values National Character Area. The Inspector of the previously dismissed appeal against the refusal of outline planning application 20/01021/OUT supported this position at Paragraph 8 of their Decision ('the Appeal Decision').

8.75 Furthermore, the application site is identified as lying within the Council's Bosworth Parkland Landscape Character Area. The application site features the first key characteristic of this Landscape Character Area as it consists of rolling farmland with gentle slopes that rise and fall reaching a high point towards the centre of Market Bosworth. The rural character and sense of tranquillity within the site also contribute to one of the key sensitives and values of this Landscape Character Area. These elements of the site are identified within Paragraph 5.7 of the Landscape Clarification Note. Therefore, the application site positively contributes to the Bosworth Parkland Landscape Character Area. The Inspector also supported this position at Paragraph 8 of the Appeal Decision.

- 8.76 Within the Market Bosworth Neighbourhood Plan Area, the application site is adjacent to Character Areas A (Leisure and Tourism), B (Industrial), D (Suburban Residential), and H (Post-2000 Development). Although the application site is within Character Area J (Rural Land), this character area is only defined at Figure 12 of the MBNP as, *“All other land within the Neighbourhood Plan Area.”*
- 8.77 Notably, the application site does not feature any of the key characteristics of Character Areas B, D, or H. However, the site features two of the primary characteristics of Character Area A, which includes open landscape features such as open bodies of water and green countryside landscape, and large wide-open aspects within individual sites. Therefore, the application site positively contributes to the Leisure and Tourism Character Area within Market Bosworth.
- 8.78 Whilst the submitted Landscape and Visual Impact Assessment (LVIA) frequently refers to the, *“Peri-urban,”* context of the site, the LVIA fails to acknowledge the extent of this context, the rural character of the application site, and the comments of the Inspector within the Appeal Decision.
- 8.79 Paragraph 10 of the Appeal Decision states that whilst the existing commercial and residential development along this main pedestrian and vehicular route forms part of the views of the site and Important View 1:
- “Visually these elements are more discreet in the street scene given the positioning of buildings and existing planting.”*
- 8.80 Ultimately, Paragraph 8 of the Appeal Decision confirms that the site, *“Clearly forms part of the countryside, which surrounds Market Bosworth,”* and, *“The site itself has a particular informal scenic quality on account of its role as an important part of the Town’s pastoral countryside setting.”*
- 8.81 Paragraph 6.9.1 of the MBNP highlights that the setting of Market Bosworth is considered to be its most striking feature. Paragraph 9 of the Appeal Decision confirms that:
- “The relationship of the countryside with the existing built form is one of this Key Rural Centre’s important characteristics, which contributes significantly to its local distinctiveness.”*
- 8.82 Paragraph 6 of the Landscape Clarification Note confirms that the submitted LVIA:
- “Does not specifically state that the Site does not form an important rural setting to the town.”*
- Therefore, the Applicant’s submitted details acknowledge that the application site contributes to the important rural setting of Market Bosworth.



- 8.83 The importance of the character of the site to Market Bosworth can be seen through the identification of important views and vistas into and adjacent to the application site within the MBNP.
- 8.84 In summary, the application site consists of green, undeveloped countryside that positively contributes to important rural and pastoral countryside setting of Market Bosworth, as well as the Rural Land and Leisure and Tourism Landscape Character Areas of Market Bosworth. The rural character of the application site also positively contributes to the wider Bosworth Parkland Landscape Character Area and the Leicestershire Vales National Character Area that all form part of the intrinsic value, beauty, open character, and landscape character of the designated countryside. This assessment of the application site was supported by the Inspector within the Appeal Decision.
- 8.85 Given the above, whilst the application site does not benefit from any national or local landscape designations to represent a 'valued' landscape for the purposes of Paragraph 187(a) of the NPPF, the application site positively contributes to the character of the area and is, "*Valued at local level*," and, "*Representative of the local landscape*," as stated at Paragraph 7.9 of the LVIA.

*Assessment of the Development's Impact on the Immediate Landscape*

- 8.86 As highlighted previously at Paragraph 8.22 of this Report, the proposal represents new residential development in the designated open countryside. This is considered to causes significant harm to the character of the countryside in principle.
- 8.87 Since the previous proposal within 20/01021/OUT, which was dismissed at appeal, the scheme has doubled in size and now incorporates the western field. Whilst the development is proposed to be set further back into the site, given the size and scale of the new proposal, it is considered that the extent of the impact of the scheme on the character of the site has significantly increased since the previous planning application.
- 8.88 Paragraph 12 of the Appeal Decision states that the introduction of detrimental urbanising features into this application site results in, "*Permanent change*," that would, "*Fundamentally*," alter the character of the application site. Given the substantial increases in size and scale of the proposal, the significant adverse impacts of the development to the character of the area that were identified by the Inspector are considered to have been exacerbated.
- 8.89 Whilst the officer assessment of the development within refused planning application 14/00674/FUL considered a residential development in this site to, "*Occupy a natural 'infill' to the north of Station Road*," members of the Planning Committee disagreed with this assessment and resolved to refuse the planning application, which was supported by the Inspector's assessment of the 20/01021/OUT development, which was of a similar size and scale.

- 8.90 As a result, the proposal is considered to significantly and adversely alter the rural character of the site, which is valued at a local level and positively contributes to the character of the wider area and the distinctiveness of Market Bosworth. This impact is further heightened by the scheme's impact on trees and hedgerows within the site.
- 8.91 Paragraph 4.2 of the Arboricultural Impact Assessment (AIA) confirms that Trees T1 to T21, T25 to T37, and T45 to T47, alongside the trees within Groups G1 and W1, Hedgerows H3, H4, H5, H8, H9, H10, and the southern section of H2 should be treated as protected by Tree Preservation Orders (TPOs) 75/00011/TPORD and 14/00001/TPORD.
- 8.92 Paragraph 5.5(i) of the AIA highlights the development results in the loss of six Category B trees, one Category C tree, and four sections of Category C hedgerow. Table 5 of the AIA clarifies that these sections equate to 3m of H1 and 30m of H2. It is noted that protected tree T37 and hedgerow H2 are proposed for removal.
- 8.93 As confirmed by Paragraph 6.2(i) of the AIA:
- "It is generally considered desirable for any Category 'A' and Category 'B' trees to be retained and appropriately integrated within the layout for new developments."*
- 8.94 As a result, Paragraph 5.5(ii) of the AIA considered the development to result in the moderate loss of arboricultural amenity value:
- "Given the significant number of established mature moderate quality trees."*
- 8.95 The only reasoning for the removal of these Category B and C trees and hedgerows provided by Table 5 of the AIA is to accommodate the proposed development.
- 8.96 The Category B trees are located along an indicatively tree lined street and therefore the Local Planning Authority do not consider there to be any suitable justification for the removal of these trees at this stage of the planning process for a development on a greenfield site.
- 8.97 Whilst substantial compensatory planting can be secured via planning condition as advised by Paragraph 1.1(vi) of the AIA, the development still results in the loss of several trees and hedgerow that positively contribute to the arboricultural and amenity value of the character of the surrounding area.
- 8.98 In summary, the proposal doubles the size and scale of the previously refused proposal and is considered to significantly and adversely alter the rural character of the site, which is valued at a local level and positively contributes to the character of the wider area and the distinctiveness of Market Bosworth. This significant harm is exacerbated by the unjustified removal of established mature trees and hedgerow, some of which are protected via TPOs, that positively contribute to the character of the site, the surrounding area, and the rural setting of Market Bosworth.

*Assessment of the Development's Impact upon Protected Views and Vistas*

8.99 Paragraph 4.39 of the LVIA confirms that the application site occupies the open green space visible beyond the foreground trees in Important View 1. Important View 1 extends eastward from Station Road's confluence with Carlton Road to the wooded area at the top of the hill along the eastern boundary of the application site.

8.100 Page 29 of the 2015 version of the MBNP highlights that Important View 1 is important to the character of the area because:

*"It shows how close the countryside is to the built form of the village and the fact that the settlement sits on an open wooded hilltop."*

8.101 This is supported by the Landscape Review for the MBNP (2023), which confirms that the positive features of View 1 are the:

*"Unobstructed view of straight road focusing view towards top of slope, woodland avenue and town; hedgerows, roadside trees, and shrubs."*

8.102 The 2015 version of the MBNP's description of the Important View was assessed by the Inspector at Paragraph 10 within the Appeal Decision, who confirmed that:

*"The main component and focus of Important View 1 is the appreciation of the commanding, exposed wooded hilltop which rises above the appeal site and screens much of the elevated part of the Town from views along the route of this Important View."*

8.103 However, Paragraph 13 of this Appeal Decision confirms that:

*"The contribution that the undeveloped appearance of the appeal site makes to the informal pastoral foreground and framing of the exposed wooded hilltop within Important View 1 is what sets this particular site apart from other undeveloped countryside sites surrounding the settlement."*

8.104 Therefore, whilst the exposed wooded hilltop is the main focus of Important View 1, the countryside setting and framing of this hilltop is significant and supports this feature to cumulatively create the importance of this view.

8.105 Since the previously dismissed proposal, the indicative layout of the scheme suggests that the built form within the centre of the site is set back by 63.3m from Station Road, in comparison to the previous set back of 23.4m within 20/01021/OUT, and the residential development on the western side of the site is set back by a minimum of 31.4m, which increases to 64m for the final 43.6m of the site heading west.

8.106 As per Paragraph 4.5 of the Planning Statement, it is considered that this proposed set back of this proposal shall retain views across to the upper slopes and wooded

hilltop area to the east., which is an improvement on the previously refused scheme in relation to its impact upon Important View 1.

8.107 Notwithstanding this, the proposal is still considered to fundamentally and detrimentally alter the informal pastoral foreground and setting to the wooded hilltop. This adverse impact can be seen via Photo Viewpoint 10 on Page 71 of the LVIA and Pages 5 and 6 of the Photomontage Viewpoints.

8.108 Ultimately, Paragraph 13 of the Appeal Decision highlights that:

*“The extension of this urbanised settlement edge beyond Station Road would be largely unbroken along the extent of Important View 1 despite the proposed mitigation measures.”*

8.109 The current proposal extends the width of unbroken urbanised settlement edge by a further 68.5m in comparison to the previously dismissed scheme. The built form within the current proposal extends approximately 264m in width across the site and this is considered to cause significant harm to the rural character of the site and Important View 1.

8.110 Whilst Paragraph 8.7 of the LVIA states that the scheme’s impact will also be softened by the proposed landscaping, vegetation cannot be relied upon to provide permanent or substantial buffers to views because they can be removed without planning permission, they are susceptible to disease, and they are ever evolving and reliant on regular maintenance to retain a consistent form. In addition, substantial compensatory planting along the boundary of the site as highlighted by Paragraph 1.1(vi) of the AIA could result in the degradation of, and the loss of, this Important View, which would result in further harm.

8.111 Furthermore, the set back of the development is indicatively filled with the provision of sustainable drainage systems, pedestrian and cycle routes, and areas of equipped public open space, as detailed within the submitted Development Framework Plan, the Landscape Masterplan, and Appendix 5 of the Flood Risk Assessment and Drainage Strategy.

8.112 Whilst this does not represent harm to the extent that is caused by two-storey residential development, this domestication and urbanisation of the site is considered to contribute to the adverse impact on the informal pastoral foreground of the application site and its contribution to the setting of the exposed hilltop, Important View 1, and the wider Key Rural Centre.

8.113 In summary, the scheme is considered to result in significant harm to Important View 1. This harm is continuous along the entire length of Important View 1 on this key area of Station Road, and this is considered to permanently and substantially erode the distinctive character and appearance of this part of the settlement’s edge. This serious effect is considered to be significantly adverse regardless of the season.

*Assessment of the Development's Impact upon Important Vista I*

8.114 Paragraph 4.41 of the LVIA confirms that the application site is located within the foreground of Important Vista I.

8.115 Page 32 of the 2015 version of the MBNP describes Important Vista I as:

*“Standing on Station Road pavement at the junction with Godsons Hill the vista starts with housing on the west side enclosed by trees, turning northwards to mature trees and wooded areas stretching across the golf course the land undulates with fields and woods to the horizon. Turning east across grazing land which rises up to woods with a couple of dwellings on the edge to the right. This vista is important because it gives extensive views of northwest Leicestershire.”*

8.116 The Landscape Review for the MBNP highlights that the positive features of this Important Vista are the:

*“Foreground and middle-distance views of grass field with hedgerows. Distant views of hedgerows and woodland on the skyline. To the east – built settlement.”*

8.117 It is noted that Important Vista I includes an additional Important Vista into the site near the existing track access. The Examiner of the MBNP highlighted that the revised details for Policy CE3 could be used as a ‘catch-all’ policy, which could be used to resist new development regardless of its ability to be sustainable or include mitigation.

8.118 Notwithstanding this, the wording of Policy CE3 of the MBNP has been updated since the Examiner’s comments, which now requires a proposal to demonstrate how it is appropriate and considered sustainable development, and how it can integrate with the character of the landscape setting whilst conserving, and where appropriate, enhancing the character of the landscape.

8.119 Therefore, the impact of this development on this Important Vista is assessed in accordance with the comments of the Inspector within the Appeal Decision and the updated wording of Policy CE3 of the MBNP.

8.120 Paragraph 11 of the Appeal Decision confirms that:

*“With the exception of the neighbouring golf club and existing dwellings on either side of Vista 11, this panorama is interrupted by built development, providing outward facing, wide horizontal countryside views, which are far reaching towards North West Leicestershire. This is why that particular extensive vista is identified by the MBNP as being important.”*

8.121 Through the reference to existing dwellings on either side of the Vista, it is clear that the Inspector considered the entire visual experience of the application site from the views of Woodlands and Spinney Cottage to the east and the Pipistrelle Drive

development to the west within their assessment of the development's impact upon this Important Vista.

8.122 In spite of this, Paragraph 6.14 of the Planning Statement suggests that:

*"The inclusion of additional land in the west of the site within the red line boundary has enabled built development to be contained to the less visible northwestern extents of the site, where much of the scheme will be screened and contained by the surrounding existing vegetation."*

8.123 Whilst the built form of the development has been set back slightly further from the public highway and relocated further to the west, it's considered that the development shall still detrimentally impact this panorama of wide horizontal countryside views. This impact is clear from Pages 8 and 11 of the Photomontage Viewpoints and Viewpoint 11 of the LVIA, and Viewpoints 9 and 11 of the LVIA highlight that the western side of the site remains visually prominent from public viewpoints along Station Road.

8.124 It is important to note that the surrounding existing vegetation referred to in Paragraph 6.14 of the Planning Statement does not refer to the site's southern boundary, which is adjacent to Station Road and is considered to form the key viewpoint of the site. This is evident due to the absence of discussion of vegetation along the southern boundary within the description of the site at Paragraph 3.2 of the Planning Statement. Although additional planting could reduce the impact of the development, this would also reduce the visibility of the Important View and Vista, which further contribute to the adverse impacts to these key protected views within Market Bosworth and the setting of the Key Rural Centre.

8.125 Although Paragraph 8.4 of the LVIA suggests that the informal pastoral foreground of Important Vista I is retained, this is contrary to the assessment of the Inspector within the Appeal Decision, who confirmed at Paragraph 15 that:

*"The pastoral foreground of this Vista would be replaced with a suburban housing estate and managed public open space."*

8.126 Furthermore, Paragraph 15 of the Appeal Decision states that:

*"It is evident that the location, scale, and form of development proposed would leave only a remnant of Important Vista 11 [now Vista I]... This means that the most important components of Vista 11 which the community has placed great value on through its designation in the MBNP would be almost totally lost."*

8.127 In summary, the scheme is considered to result in significant harm to Important Vista I. This level of harm is considered to have increased since the previously dismissed planning application and such harm remains visually prominent from public viewpoints along Station Road.

*Assessment of the Development's Impacts on the Wider Landscape*

- 8.128 To assess the impact of the development on the wider area, the Applicant has submitted an LVIA. Paragraph 6.1 of the LVIA highlights that the assessment utilises a Zone of Theoretical Visibility (ZTV), detailed in Plan 6 on Page 60 within Appendix 1 of the LVIA, which states that the development would be potentially visible within a 5km radius to a 1.6m high receptor.
- 8.129 To assess these potential views further, the LVIA identified 16 viewpoints as shown on Page 61 within Appendix 1 of the LVIA. Notably, and with the exception of Viewpoint 1, all these viewpoints are located along Station Road or Public Footpath S70.
- 8.130 As confirmed at Paragraph 6.5 of the LVIA, undulating topographic and intervening built form and vegetation, including the Pipistrelle development, assist to limit the potential for any distant views of the development from the west. These views are highlighted within Viewpoints 7, 8, and 9 in the LVIA. Therefore, it is considered that the development is only experienced once over the brow of the adjacent railway bridge to the west of the site. Given the above, it is not considered that the development results in any significant adverse impacts to the character of the area from long range views to the west of the site.
- 8.131 Furthermore, due to the intervening built form, vegetation, and topography of the area, it is considered that wider views of the site are limited from the east of the site and from beyond the existing structures on the southern side of Station Road. Therefore, the proposal is not considered to result in significant adverse impacts to the character of the area from these public viewpoints.
- 8.132 As the current scheme includes the western field, the scheme is considered to be more visually prominent from Public Footpath S70 as highlighted by Viewpoints 4, 5, and 6 of the LVIA. Given the above, and as per the assessment within Paragraph 9.3 of the LVIA, the development is likely to result in moderate adverse impacts to views from Public Footpath S70. Paragraphs 9.3 and 9.6 of the LVIA also confirm that the scheme is likely to result in moderate adverse and minor adverse impacts to views from this Public Footpath at the operational phase of development and at Year 15 respectively.
- 8.133 In light of the above, and in accordance with Paragraph 12 of the Appeal Decision, the main impact of the development is therefore considered to be its adverse effects on localised views from Station Road. Paragraph 6.30 of the LVIA highlights that this impact shall be primarily viewed by four main receptors from 14 of the 16 identified viewpoints: users of Leicester Round, Footpath S70, Kyngs Golf and Country Club, and Station Road.
- 8.134 To summarise, the development is not considered to result in any significant adverse impacts to the character of the surrounding area from wider views to the east, south, and west of the site. However, the scheme is considered to result in moderate adverse impacts from wider views to the north, including Public Footpath S70.

*Assessment of the Development's Impacts on the Overall Landscape*

- 8.135 As highlighted previously within this Report, although the application site is bounded by built form on its eastern, southern, and western boundaries, the application site positively contributes to the character of the surrounding area, the setting of Market Bosworth, and the intrinsic value, beauty, open character, and landscape character of the designated countryside, including the wider Bosworth Parkland Landscape Character Area and the Leicestershire Vales National Character Area.
- 8.136 Whilst the application site does not benefit from any national or local landscape designations to represent a 'valued' landscape for the purposes of Paragraph 187(a) of the NPPF, the application site is valued at local level and is representative of the local landscape.
- 8.137 The proposal is double the size and scale of the previously dismissed scheme and is considered to result in significant harm to the character of the surrounding area and the designated open countryside. The adverse impacts of the development are heightened due to the scheme's significant harm to Important View 1 and Important Vista I, and the unjustified removal of established mature trees and hedgerow, that positively contribute to the character of the area.
- 8.138 This identified harm is not considered to result significant adverse impacts from wider views to the east, south, or west, but the scheme is considered to result in moderate adverse impacts to wider views from the north of the site, including Public Footpath S70.
- 8.139 To support the Local Planning Authority's assessment of the impact of the development, the Council sought professional landscape advice from Land Use Consultants (LUC). The overall conclusions at Paragraph 5.5 of LUC's review of the Applicant's LVIA highlighted that the originally submitted LVIA was not fully transparent in the formulation of its judgements and there were several instances where LUC considered the LVIA's assessment to underplay the effects of the development on visual receptors.
- 8.140 This can be seen by the fact that despite Paragraphs 9.3 and 9.6 of the LVIA highlighting that the development results in adverse impacts to the character of the area from several public views, Paragraph 10.15 of the LVIA concludes that views, *"Will not fundamentally change in character."*
- 8.141 The contradictory statements within the LVIA also fail to acknowledge Paragraph 12 of the Appeal Decision which considered that:
- "Even with mitigation, by Year 15 the proposed measures would not adequately address the permanent change in landscape character of the site from open rural pasture to a suburban housing development. The residual impact of this would be moderately adverse."*



- 8.142 Whilst it is appreciated that the development is indicatively set further back into the site in comparison to the previously refused development, the scheme is double in size and extends almost the entire width of the application site. This impact is evident within the submitted Photomontage Viewpoints, which demonstrate the scheme's fundamental and detrimental alteration to the character and appearance of the area shall still be prominent at Year 15. Paragraph 6.30 of the LVIA identifies that the key visual receptors of the impact of the development have key views of 14 of the 16 viewpoints.
- 8.143 Nevertheless, Paragraph 1.18 of the LVIA suggests that harm of the development shall be offset by the golf club development, which shall form the backdrop to views across the site, including from Important View 1 and Vista I.
- 8.144 The Kyngs Golf and Country Club site has received multiple planning permissions, which most notably includes the provision of a multi-purpose golf clubhouse via planning application 19/01437/FUL and a 50-room golf and leisure accommodation facility via 24/00019/FUL.
- 8.145 Importantly, it is noted that the golf clubhouse was approved prior to, and therefore would have been a material consideration within, the dismissed appeal decision for up to 63 dwellings within the site.
- 8.146 The clubhouse approved in 2019 was two-storey in massing on its principal elevation with a ridge height of 8.9m. The property was sited with its principal elevation facing southwest and was located 243.9m north of Station Road. The accommodation facility was approved with a single storey massing, which featured accommodation in its roof space and had a ridge height of 6.9m. This structure is set back from Station Road by 161.2m. It is also noted that these structures are both set behind the existing mature vegetation and hedgerow that is likely to limit views of the development.
- 8.147 Notwithstanding the above, Kyngs Golf and Country Club is one of the key features of Character Area A within the MBNP. Whilst a club house and accommodation facility have been approved within this site, these schemes had significantly different material considerations in comparison to this proposal, and, crucially, the acceptability of improving facilities within an established tourism attraction is not considered to justify a large residential development that has significant adverse impacts on the character of the area, nor Important View 1 and Important Vista I.
- 8.148 By virtue of these factors, the development at Kyngs Golf and Country Club is considered to have a materially different impact to the character of the area in comparison to the current proposal.
- 8.149 To further support the conclusion of the Council, LUC provided a File Note, which included a brief assessment of the development's impact on the character of the area. LUC confirmed that the scale of change was considered to be large, experienced over a long term and non-reversible. The development was also considered to obscure all views towards Kyngs Golf and Country Club and the

impact of the development would be experienced over a medium geographic extent of approximately 430m of Station Road.

- 8.150 However, LUC confirmed that the users of Station Road predominantly consist of motorists, cyclists, and pedestrians. This is supported by the Landscape Review for the MBNP, which highlighted that the key view receptors of Important View 1 and Important Vista I are car users, cyclists, and pedestrians. Given the above, LUC considered the user of Station Road to have a medium susceptibility to change.
- 8.151 In light of the above, LUC considered the overall effect of the development to be moderate to major harm at Year 1, which would reduce to moderate harm at Year 15 once vegetation within the site has matured and the proposal has become more assimilated into the surrounding landscape. This is contrary to the assertions of the Paragraphs 6.74 and 6.76 of the LVIA, which considered the development to only result in a minor adverse effect upon the landscape character of the site.
- 8.152 In summary, the scheme is considered to result in significant harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside, including Important View 1 and Important Vista I. It has been identified that the LVIA is likely to underplay the impact of the development on the character of the area. Ultimately, this harm is considered to be large, experienced over a long period of time, and non-reversible.
- 8.153 However, the character of the site is only valued at a local level, and the harm of the development is considered to have a medium geographic extent. The extent of this harm is predominantly experienced by users of Station Road, which have a medium susceptibility to change, and the users of Public Footpath S70, which the LVIA confirms shall experience moderate adverse impacts at Year 1 and minor adverse impacts at Year 15. By virtue of these factors, the overall effect of the development is considered to represent moderate to major harm at Year 1, which shall reduce to moderate harm at Year 15.
- 8.154 Therefore, the development is considered to be contrary to, and in conflict with, Policies CE1, CE3, and CE5 of the MBNP, Policies DM4 and DM10 of the SADMP, Chapters 12 and 15 of the NPPF, including Key Policy Paragraphs 129 and 135, the National Design Guide, and the Good Design Guide. In accordance with Paragraph 11(d) of the NPPF, the harm of the development shall be weighed against the planning benefits of the scheme.

#### Design and Layout

- 8.155 In accordance with Policy 16 of the adopted Core Strategy, all developments of 10 or more dwellings are also required to be assessed against the Building for Life design tool. Building for a Healthy Life is the latest iteration of that tool, and the submission of a Building for a Healthy Life Assessment at the Reserved Matters stage can therefore be secured via planning condition.

- 8.156 The Good Design Guide provides guidance upon how to design an appropriate new residential development. This includes appraising the context, creating appropriate urban structures through blocks, streets, enclosure, open space and landscaping, parking, amenity space and design detailing.
- 8.157 This is an outline application with all matters reserved except for access and scale. Therefore, the detailed layout and appearance considerations are not being assessed at this stage, however, they will form details at the Reserved Matters stage. Notwithstanding this, the indicative plans illustrate that the development will consist of 126 dwellings with access into the site from Station Road.
- 8.158 It is considered that the discussion of the detailed design of the development within the Design and Access Statement, which includes reference to three distinct character areas within the site, demonstrates that the scheme can be brought forward in a way that draws inspiration from the character and layout of the surrounding area and complements Market Bosworth's local character.

#### *Density*

- 8.159 Policy 16 of the adopted Core Strategy requires a mix of housing types and tenures to be provided on all sites of 10 or more dwellings and a minimum net density of 30 dwellings per hectare for developments within, or adjoining, Key Rural Centres. However, in exceptional circumstances where individual site characteristics dictate, a lower density may be acceptable.
- 8.160 The scheme develops 3.6ha of the 7.96ha site for residential properties. For 126 dwellings, the developed area shall have a density of 35 dwellings per hectare, which would slightly exceed the density requirements of the adopted Policy 16 of the Core Strategy.
- 8.161 Given the above, it is considered that the density is acceptable and compliant with Policy 16 of the adopted Core Strategy in these site-specific circumstances.

#### Impact upon Residential Amenity

- 8.162 Key Policy 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.
- 8.163 Paragraph 14.2 of the SADMP states that new development should be located and designed in such a way that the amenity of both existing residents and occupiers is fully considered when assessing planning applications.
- 8.164 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.

- 8.165 The Good Design Guide SPD outlines that development will need to demonstrate that it will not result in loss of amenity to neighbouring properties by way of overlooking, overshadowing or noise.
- 8.166 To protect the residential amenity of neighbouring dwellings, the Council's Environmental Health Department requested that a Construction Environmental Management Plan (CEMP) and restrictions on site preparation and construction hours are secured via planning condition.
- 8.167 The Parameters Plan suggests that that the residential development of the scheme shall be indicatively located at a minimum distance of 178m to the neighbouring residential properties to the east, and 72.8m to the neighbouring residential and industrial properties to the south. Therefore, it is possible for a detailed design of the development can come forward at the Reserved Matters stage that is not considered to result in any significant adverse impacts to residential amenity in these locations.
- 8.168 In addition, the Parameters Plan indicatively suggests that the residential development within the site shall be separated from the neighbouring dwellings along Pipistrelle Drive by a minimum distance of 25.9m, which includes the Battlefield Rail Line. This distance exceeds the minimum requirements of the Good Design Guide and therefore it is possible for a detailed design of the development can come forward at the Reserved Matters stage that is not considered to result in any significant adverse impacts to residential amenity along Pipistrelle Drive.
- 8.169 The closest residential property to the north of the site is The Stables, which is 35.4m north of the indicative built form of the proposal. This distance exceeds the minimum requirements of the Good Design Guide and therefore it is possible for a detailed design of the development can come forward at the Reserved Matters stage that is not considered to result in any significant adverse impacts to the residential amenity of The Stables.
- 8.170 In light of the above, the development is not considered to result in any significant adverse impacts to existing neighbouring residential amenity, subject to planning conditions.
- 8.171 The approved golf and leisure hotel at the Kyng's Golf and Country Club is 28.6m to the northeast of the indicative built form with the application site. The structure is single storey but has accommodation in its roof space. The permitted two-storey golf clubhouse and multi-functional venue within the Kyng's Golf and Country Club is 95.5m to the north of this indicative built form.
- 8.172 By virtue of their distance from the application site and their size and scale, the residential amenity of the future occupiers of the scheme is not considered to be

significantly adversely impacted by this tourism facility due to any overbearing or loss of light impacts, or any overlooking or loss of privacy impacts.

- 8.173 Paragraph 6.21 of the Design and Access Statement confirms that all dwellings within the site shall comply with Nationally Described Space Standards and Regulation M4(2) Standard and 5% to Regulation M4(3) Standard. This can be secured via planning condition to ensure that the development provides a high standard of amenity for the future occupants of the scheme.
- 8.174 The application has undertaken an Acoustics Assessment (AA) to determine the noise impact of the uses in the proximity of the site on the residential amenity of the future occupiers of the development. These uses include the industrial uses at JJ Churchill to the south of the site, the commercial use of the Battlefield Line Railway to the west of the site, and the use of the Kyng's Golf and Country Club to the north of the site. The AA was informed by an environmental sound survey that was undertaken between Thursday 27 June 2024 and Monday 01 July 2024.
- 8.175 Paragraph 5.17 of the AA states that, based on modelled sound levels, the most exposed receptors to the Battlefield Line Railway and the Kyng's Golf and Country Club are considered to a 'Low' risk to noise pollution during the daytime and a 'Negligible' risk to noise pollution during the nighttime.
- 8.176 When assessing the noise impact from JJ Churchill, Paragraph 5.6 of the AA states that in the scenario that the roller shutter door is closed, the operational noise from JJ Churchill is below the background sound level both during the day and nighttime.
- 8.177 However, in the scenario that the roller shutter door is open, Paragraph 5.7 of the AA suggests that the operational noise of the industrial use is expected to exceed the background sound levels by 7dB during the daytime and 14dB during the nighttime, which is considered to have an Adverse to Significant Adverse impact respectively in accordance with British Standard 4142.
- 8.178 However, Paragraph 5.10 of the AA highlights that at no point during the attended measurement period was noise from JJ Churchill audible.
- 8.179 Paragraph 7.5 of the Acoustic Assessment notes that there is no existing noise complaints associated with the JJ Churchill premises and there are existing dwellings much closer to the industrial use than those indicatively proposed within this development. Ultimately, Section 7 of the AA concludes that residential amenity can be protected through pragmatic internal and external mitigation measures and therefore the site is suitable for residential development. Paragraph 5.13 of the AA confirms that this should include acoustic ventilators and garden screening.
- 8.180 In light of this, and to protect the residential amenity of the future occupants of the scheme, the Council's Environmental Health Department has requested an investigation into land contamination within the site and a scheme for protecting the proposed dwellings from noise from nearby uses to be secured via planning conditions.

- 8.181 To summarise, it is therefore considered that the scheme, subject to the detailed matters to come forward at Reserved Matters stage, could be designed such to have a suitable relationship with the nearby residential units and shall protect the residential amenity of the future occupants of the scheme. Although concerns raised by the members of the public to the scheme have been taken into account, it is considered that the use of conditions, together with the Council's continued role in assessing detailed plans at Reserved Matters stage, ensures that sufficient scrutiny and control is retained to ensure all concerns are appropriately addressed.

#### Impact upon Parking Provision and Highway Safety

- 8.182 On 22 July 2025, the Local Highway Authority (LHA) did not consider the planning application as submitted to fully assess the highway impact of the proposed development. The Officer recommendations within this Report are therefore subject to the resolution of any final outstanding highways matters.
- 8.183 Key Policy 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.
- 8.184 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.
- 8.185 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.
- 8.186 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)).

#### *Highway Safety*

- 8.187 The Local Highway Authority (LHA) have very recently advised as part of planning application 24/00560/HYB for 135 dwellings and up to 0.55ha of employment uses at the Land off Station Road, Market Bosworth that there are no specific trends within the Personal Injury Collision (PIC) data along Station Road, which the development within 24/00560/HYB could reasonably be expected to exacerbate.

- 8.188 Based on the LHA's own records, there are also no PIC's recorded along the length of Station Road during the last five years. The LHA's records are regularly updated and now include an additional two PICs on The Park, which were not identified as part of planning application 24/00560/HYB. Both PICs were classified as 'slight' in severity and occurred in September and October 2024. The LHA do not consider the current proposals to exacerbate any existing highway safety concerns.
- 8.189 Under these site-specific circumstances, the LHA advised that it does not require up to date PIC analysis that considers the most recent five-year period.

*Trip Generation and Distribution*

- 8.190 The Applicant has submitted updated trip rates that reflect those accepted by the LHA as part of planning application 24/00831/OUT, which estimates that a development for 130 dwellings would create 81 two-way vehicular movements in the peak AM period and 69 two-way vehicular moments in the peak PM period. The LHA accepted the revised trip rates as they reflected those accepted as part of other nearby developments.

*Junction Capacity Assessments*

- 8.191 The Applicant has undertaken study junction capacity assessments of the following junctions:
1. Site Access / Station Road Junction
  2. Station Road/ Back Lane/ Main Street/ Market Place Crossroads
  3. Station Road/ Sedgemere Road/ Wellsborough Road/ Pipistrelle Drive Roundabout
  4. Station Road/ Back Lane/ Southfield Way Crossroads
  5. Main Street/ Shenton Lane Priority Junction
  6. Market Place/ Shenton Lane Priority Junction
  7. Shenton Lane/ Warwick Lane Priority Junction
  8. Market Place/ Sutton Lane/ Rectory Lane Priority Junction
  9. Park Street/ Rectory Lane/ The Park Junction
  10. A447/ Bosworth Lane/ Bosworth Road/ Ashby Road Staggered Junction
- 8.192 The LHA accepted traffic count data from 03 July 2024 for Junctions 1, 2, and 3. For the remaining junctions, the Applicant has used data that was accepted by the LHA as part of application 24/00831/OUT, which has been accepted again by the LHA.
- 8.193 The Applicant has also considered the following committed developments within their assessments:
- 21/00379/FUL (73 dwellings at Sedgemere, Station Road, Market Bosworth)

- 23/00667/FUL (Change of use of dwelling to Special Educational Needs School at The Old Rectory, 8 Rectory Lane, Market Bosworth)
  - 24/00019/FUL (50-room golf and leisure accommodation facility at Kyng's Golf and Country Club, Station Road, Market Bosworth)
  - 24/00560/HYB (135 dwellings and 0.55ha of employment uses at Land off Station Road, Market Bosworth)
- 8.194 Furthermore, the following live developments have been considered by the Applicant:
- 24/00831/OUT (100 dwellings at the Land north of Shenton Lane, Market Bosworth)
  - 23/01157/HYB (Golf, leisure, and health spa and up to 126 golf holiday lodges at Kyng's Golf and Country Club, Station Road, Market Bosworth)
- 8.195 TEMPRO traffic growth factors have been applied to the baseline counts to create forecast traffic flows at the future year of 2029, which have been accepted by the LHA.
- 8.196 The Ratio of Flow to Capacity (RFC) is a term used in Transport Modelling to assess the operation of a junction. The result provides an indication of the likely junction performance, with a value of 1 implying that the demand flow is equal to the capacity. Typically, a value of 0.85 is seen as the threshold of practical capacity, with results higher than this more likely to experience queuing or delay.
- 8.197 The RFC of Junctions 1, 3, 4, 5, 6, 7, 8, and 9 are not predicted to exceed 0.85 with the development in place in 2029, or under the 2029 sensitivity test scenario whereby the one-way system is in place within the centre of Market Bosworth. The LHA is therefore satisfied that these junctions will operate within capacity.
- 8.198 Junction 2 refers to the one-way system within the centre of Market Bosworth, which includes the highway between Main Street's junction with Back Lane and Main Street's junction with Park Street. The LHA has undertaken its own analysis of Junction 2 based on a methodology that models the Station Road/ Back Lane/ Main Street/ Market Place crossroads junction as a simple T-junction with Arm B being entering only and Arm A being exiting only. This has improved the results of the junction capacity assessment and therefore the LHA are satisfied that the proposal would not have a severe impact on the operation of the Station Road/ Back Lane/ Main Street/ Market Place crossroads junction.
- 8.199 Junction 10 of this analysis refers to the staggered junction at A4447, Bosworth Lane, Bosworth Road, and Ashby Road. At the time of the writing of this Report, further information is required to be submitted to fully assess the development's impact on this junction. The Officer recommendations within this Report are subject



to the resolution of this outstanding highway matters and confirmation of no objection from the LHA to the proposal.

#### *Off-Site Implications*

- 8.200 The development includes the widening of the public footway along the site frontage to 2m in width. This is welcomed by the LHA.

#### *Main Vehicular Site Access*

- 8.201 The development's primary vehicular access to the site is onto Station Road via the existing access that serves Kyng's Golf and Country Club. The proposal amends the access to form a ghost right turn lane, which is welcomed by the LHA. The proposed amendments to the site access have been subject to a Stage 1 Road Safety. The LHA have identified concerns with the swept path analysis of the proposed site access and advised that the junction radii and corner taper of the proposed access should be amended. The Officer recommendations within this Report are therefore subject to the resolution of these outstanding highways matters to the satisfaction of the Head of Planning who, following further consultation with the LHA, will consider if planning conditions and obligations can be used to resolve any final concerns.
- 8.202 As part of planning application 24/00560/HYB at the Land to the south of Station Road, Market Bosworth, visibility splays of 2.4m by 73m were accepted by the LHA along Station Road in each direction. Whilst the Applicant has based their visibility splays on data from an Automatic Traffic Count, the LHA have been unable to find the speed survey data within the Transport Assessment. Nevertheless, the LHA confirmed that visibility splays of 2.4m by 73m can be achieved in each direction from this site access, which is consistent with what has been accepted by the LHA as part of the neighbouring application. Therefore, under these site-specific circumstances, the speed survey data is not required and the vehicular visibility splays from the site access are considered to be acceptable.

#### *Track Assess*

- 8.203 The development includes a track access from Station Road to the west of the site, which provides vehicular access to the residential property, the Stables, to the north of the site and also provides pedestrian and cycle access to the development.
- 8.204 The LHA confirmed that it would not seek to adopt the track access, or any emergency access to the site given the scale of development proposed.
- 8.205 The Applicant has stated within their Transport Note that they do not hold any information in respect of the volume or type of vehicles which currently use the existing track access, but it is envisaged the level of use will not change as the access is only for the use of residents of Wharf Farm. Hub drawing number 005 Rev. A has also been submitted, which details a telescopic bollard would be installed at the access to prevent unauthorised use. In addition, the Applicant has

stated there appears to be no safety issue with the existing track access and that it is not proposed to be reconfigured.

- 8.206 The rising bollard location meets the requirements of the Leicestershire Highway Design Guide (LHDG) Standard Drawing SD/1100/09, whereby access gates are located 11m back from the kerb line. The Applicant would need to ensure that a vehicle (e.g. tractor and trailer) waiting to proceed down the private access does not block the Station Road carriageway.
- 8.207 In light of the above, the LHA stated that whilst it continues to see no need for the track access to be retained and the preference would be for this to be removed, it would be difficult to seek to resist the proposals on this element of the proposed development.

#### *Internal Layout*

- 8.208 The internal layout of the development is not for consideration at this stage.
- 8.209 However, it is considered that an internal layout that is created to an adoptable standard can be provided by the Applicant at the Reserved Matters stage of the development.

#### *Summary*

- 8.210 In summary, the Local Highway Authority do not consider the current proposals to exacerbate any existing highway safety concerns, and the development widens the public footway along the frontage of the site to 2m, which is welcomed by Leicestershire County Council. The development is expected to create 81 two-way vehicular movements in the peak AM period and 69 two-way vehicular movements in the peak PM period, and the Local Highway Authority are satisfied that this generation of traffic is not considered to adversely affect the capacity at nine out of the ten junctions within the Applicant's junction capacity assessments.
- 8.211 Furthermore, the Local Highway Authority confirmed that the proposed vehicular visibility splays from the access to the site onto Station Road are acceptable and they would not seek to resist the retention of the existing track access to the west of the site.
- 8.212 Ultimately, the Officer recommendations within this Report are therefore subject to the resolution of all outstanding highways matters.

#### Infrastructure and Development Contributions

- 8.213 Policy DM3 of the adopted SADMP requires development to contribute towards the provision and maintenance of necessary infrastructure to mitigate the impact of additional development on community services and facilities.

8.214 Policy 14 of the adopted Core Strategy requires developments to support accessibility within rural areas by:

- Supporting the delivery of a viable, high quality public transport network between the Key Rural Centres and their nearest urban centre and between the Rural Villages and their nearest Key Rural Centre or urban centre.
- Supporting the provision of accessible transport services for mobility impaired and rurally isolated residents.
- Delivering safe cycle paths as detailed in the Hinckley & Bosworth Council's Rural Parishes Cycling Network Plan. This will deliver safe routes to school, to residential and employment areas, Key Rural Centres/urban areas, community, and leisure facilities and into the countryside.

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

#### *Affordable Housing*

8.216 Key Policy Paragraph 66 of the NPPF confirms that where major development involving the provision of housing is proposed, planning decisions should expect that the mix of housing required meets identified local need, across Social Rent, other affordable housing for rent and affordable home ownership tenures.

8.217 Policy 15 of the adopted Core Strategy states that developments in rural areas, including Market Bosworth) that provide 15 dwellings or more should allocate 40% of its units towards affordable housing. This is supported by Policy BD1 of the MBNP, which requires a 40% affordable housing provision on sites of 10 or more dwellings or more.

8.218 The Building for a Healthy Life Assessment (BfHLA) confirms that developments should be designed where it is difficult to determine the tenure of properties through architectural, landscape, or other differences. A range of housing typologies should also be supported by local housing needs and policies to help create a broad-based community and the affordable housing units should be distributed across the development.

8.219 In accordance with National Planning Policy, the Council's Affordable Housing Officer has confirmed that 51 affordable housing properties should be provided in the following tenure mix:

- 38 x Affordable/ Social Rent
- 13 x Shared Ownership

8.220 The Affordable Housing Officer confirmed that these affordable housing properties should include:

- 4 x one-bedroom, two-person rented properties
- A mixture of two-bedroom (four-person), three-bedroom (five-person), and four-bedroom (six-person) rented properties
- A mixture of two-bedroom and three-bedroom shared ownership properties

8.221 All properties should, where possible, meet the Nationally Described Space Standards. However, the specific type of affordable housing within this provision will be confirmed at the Reserved Matters Stage.

8.222 Therefore, 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. This provision towards affordable housing is given significant weight in the planning balance.

*Infrastructure Contributions:*

8.223 The following infrastructure contributions totalling £1,153,044.02 have been requested by the County Council, the Council's Section 106 Monitoring and Compliance Officer, and NHS England:

- |  |               |
|--|---------------|
| • Early Years Education (St. Peter's CoE Primary School) | (£196,592.76) |
| • Healthcare (NHS England)                               | (£97,574.40)  |
| • Libraries (Market Bosworth Library)                    | (£3,804.91)   |
| • Off-Site Outdoor Sports Contributions                  | (£43,787.52)  |
| • Off-Site Outdoor Sports Maintenance                    | (£20,805.12)  |
| • On-Site Public Open Space Contributions                | (£82,523.45)  |
| • On-Site Public Open Space Maintenance                  | (£174,081.60) |
| • Post-16 Education (Bosworth Academy)                   | (£80,361.67)  |
| • Primary SEND Education (The Dorothy Goodman School)    | (£30,033.40)  |
| • Secondary SEND Education (The Dorothy Goodman School)  | (£41,091.62)  |
| • Secondary Education (The Market Bosworth School)       | (£376,146.79) |
| • Waste (Barwell Household Waste and Recycling Centre)   | (£6,240.78)   |

*Public Open Space (POS)*

8.224 Policy 11 of the adopted Core Strategy asserts that the Council will address the existing deficiencies, quantity and accessibility of green space and play provision within Market Bosworth. 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.

8.225 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.

8.226 The following on-site public open space provisions are therefore required:

<b>Public Open Space (POS) Provision Requirements</b>			
<b>POS Type</b>	<b>Equipped Children's Play Space (ECPS)</b>	<b>Casual / Informal Space (C/ S)</b>	<b>Accessible Natural Green Space (ANGS)</b>
<b>Provision per Dwelling (2.4 People per Dwelling) (sqm)</b>	3.6	16.8	40
<b>No. of Dwellings</b>	126	126	126
<b>Sqm to Provided</b>	453.6	2,116.8	5,040
<b>On-Site Provision per sqm</b>	£181.93	£4.44	£4.09
<b>Provision Contribution</b>	£82,523.45	N/A	N/A.
<b>Maintenance Contribution per sqm (Based on 20 Years)</b>	£175.60	£10.80	£14.20
<b>Maintenance Contribution</b>	£79,652.16	£22,861.44	£71,568.00
<b>POS Provision Total:</b>	£82,523.45		
<b>POS Maintenance Total:</b>	£174,081.60		

8.227 An off-site contribution of £43,787.52 (£9.05 per sqm) and a maintenance contribution of £20,805.12 (£4.30 per sqm) towards 4,838.4sqm (38.4sqm per dwelling) of outdoor sports provision should also be provided within an agreed Section 106 Agreement.

8.228 For clarity, Casual/ Informal Space relates to informal recreational spaces such as greens and pocket parks whereas Accessible Natural Green Space refers to publicly accessible woodlands, urban forestry, and/or grasslands.

#### *Summary*

8.229 In light of the above, planning obligations totalling £1,153,044.02 have been requested.

8.230 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.

#### Planning Balance

- 8.231 The 'tilted' balance is engaged whereby in accordance with Paragraph 11(d)(ii) of the NPPF, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in 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.

#### *Policy Weighting*

- 8.232 Paragraphs 5.13, 5.14, and 5.27 of the Planning Statement highlights that Policies 7 and 14 of the adopted Core Strategy and Policy DM4 of the SADMP are out of date. It is accepted that in accordance with Paragraph 32 of the Appeal Decision that the weight afforded to Policy 7 of the adopted Core Strategy is reduced.
- 8.233 However, whilst it is not disputed by the Local Planning Authority that these policies are out of date, this does not suggest that Policies 7 and 11 of the adopted Core Strategy and Policy DM4 of the SADMP do not attract weight in the planning balance in light of its consistency with the NPPF in accordance with Paragraph 232 of the NPPF.
- 8.234 Whilst Policy 11 of the adopted Core Strategy highlights a minimum provision of 100 new homes within the Plan Period, this is not a maximum and does not restrict further residential development coming forward. Therefore, Policy 11 of the adopted Core Strategy is consistent with the NPPF and is afforded full weight in the planning balance.
- 8.235 The emphasis of Policy DM4 of the SADMP is to promote sustainable development proposals within the countryside and to safeguard it from unsustainable schemes, rather than to apply a blanket protection. In this regard, Policy DM4 is consistent with, and accords with, the NPPF, a view which has been supported by a number of Planning Inspectors such as within the appeal decisions for planning applications 17/00531/OUT, 18/00279/OUT, 19/00947/OUT, 19/01324/OUT, and 20/00102/OUT. Importantly, the previous Inspector gave great weight to the conflict with Policy DM4 of the SADMP at Paragraph 32 of the Appeal Decision.
- 8.236 Due to this strong conformity with the NPPF, Policy DM4 of the SADMP can therefore it can be afforded full weight within the planning balance.

#### *Benefits of the Development*

- 8.237 Paragraphs 2.5, 6.47, 6.49, and 6.50 of the Planning Statement identify social, economic, and environmental benefits of the development.

- 8.238 In comparison to the circumstances of the dismissed appeal against the refused planning application 20/01021/OUT, the Local Planning Authority could only demonstrate a 4.45-year supply of land for housing and the therefore the 'tilted' balance was also engaged.
- 8.239 In light of the latest revisions to the NPPF, Hinckley and Bosworth Borough's ability to demonstrate a five-year supply of land for housing and the Council's agreement in principle to take on additional housing to meet the unmet housing needs of Leicester City Council, the provision of up to 126 dwellings to the Borough's supply of land for housing is considered to attract significant weight within the planning balance. As the Council's supply in land for housing has decreased since the previous appeal within this application site, the weight afforded to this has increased.
- 8.240 The scheme provides a policy compliant level provision of affordable housing in accordance with Key Policy Paragraph 66 of the NPPF and Policy 15 of the adopted Core Strategy. It is therefore considered that this provision towards affordable housing attracts significant weight in the planning balance.
- 8.241 It is acknowledged that there are potential social benefits from the scheme such as providing housing for a range of occupants including families, and economic benefits associated with the construction of the dwelling and the future occupants' opportunity to act as new customers and employees for local businesses and services.
- 8.242 However, the economic benefits associated with the construction of the development are relatively short in duration. In accordance with Paragraph 30 of the Appeal Decision, the accessibility of the site to services and facilities negates harm from unsustainable travel patterns and is therefore neutral weight in the planning balance. No substantive evidence was provided to demonstrate that the appeal proposal is vital to support the viability and vitality of existing local services in a context of a shortfall in housing provision. Nevertheless, the scheme is for up to 126 dwellings, and it is considered that moderate weight should be afforded to the economic and social benefits of the proposal rather than the significant weight as suggested at Paragraph 6.48 of the Planning Statement.
- 8.243 Furthermore, the financial contributions and provision of public open space that the scheme is required to provide are needed to mitigate the impact of the development on local services and facilities. Therefore, the benefit of the planning obligations that the scheme is required to provide attract neutral weight in the planning balance.
- 8.244 The development is not considered to result in any adverse impacts to the character and significance of the historic environment, and it is considered that the scheme, subject to the detailed matters to come forward at Reserved Matters stage, could be designed such to have a suitable relationship with the nearby residential units and shall protect the residential amenity of the future occupants of the scheme. These impacts therefore make no material change to the existing situation in the area and

as a result these elements are considered to attract neutral weight in the planning balance.

#### *Harm of the Development*

- 8.245 Notwithstanding the above, the proposal represents new development in the designated open countryside and is unacceptable in principle. Based on the indicative information submitted as part of this application, the scheme is considered to result in significant harm to the character of the site, the surrounding area, and the intrinsic value, beauty, open character, and landscape character of the designated countryside, including Important View 1 and Important Vista I. Ultimately, this harm is considerable, experienced over a long period of time, and non-reversible.
- 8.246 However, the character of the site is only valued at a local level, and the harm of the development is considered to have a medium geographic extent. The extent of this harm is predominantly experienced by users of Station Road, which have a medium susceptibility to change, and the users of Public Footpath S70, which the LVIA confirms shall experience moderate adverse impacts at Year 1 and minor adverse impacts at Year 15. By virtue of these factors, the overall effect of the development is considered to represent moderate to major harm at Year 1, which shall reduce to moderate harm at Year 15.

#### *Conclusion*

- 8.247 By virtue of these factors, the moderate long-term harm of the development of the character of the surrounding area must be weighed against the significant benefits associated with the provision of residential properties towards the Council's shortfall in housing, which has increased since the previous planning appeal within the site was dismissed, alongside the significant benefits attached to the provision of affordable housing to the Council's supply, and the moderate benefits afforded to the economic and social benefits of the proposed development.
- 8.248 In light of the above, and the 'tilted' balance required by Paragraph 11(d) of the NPPF, it is not considered that the adverse impacts of the development significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF when taken as a whole. As a result, it is recommended that, in accordance with Paragraph 11(d) of the NPPF that planning permission is granted.

## **9. Equality Implications**

- 9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -
- (1) A public authority must, in the exercise of its functions, have due regard to the need to:



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

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

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

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

## **10. Conclusion**

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

## **11. Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions detailed at the end of this report.
- The entering into of a S106 Agreement relating to affordable housing, highway improvements, open space provision and management and the financial contributions detailed above.
- That the Head of Planning be given powers to determine the final detail of planning conditions, obligations, and highways information; and
- The Local Highway Authority confirming that it is satisfied with the submitted details.

## **11.2 Conditions and Reasons**

1. An application for approval of reserved matters shall be made within two years of the date of this permission and the development shall be begun not later than 18 months from the date of approval of the last of the reserved matters to be approved.

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

2. No development shall commence until details of the layout, scale, appearance, landscaping, and access other than vehicular access (hereafter called the reserved matters) have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved reserved matters.

**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).

3. 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:

- Parameter Plan (005-01C) (02-1644) (submitted: 12.05.2025)
- Site Location Plan (P2 1644 002) (submitted: 26.11.2024)
- Topographical Survey (submitted: 26.11.2024)
- Tree Protection Plan V3 (8306) (submitted: 12.05.2025)

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

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

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

**Reason:** To ensure satisfactory archaeological investigation, recording, dissemination, and archiving in accordance with Policy DM13 of the adopted Site Allocations and Development Management Policies Development Plan

Document (2016), and Chapter 16 of the National Planning Policy Framework (2024).

5. Prior to the commencement of development, a scheme for the investigation of any potential land contamination around the existing electricity substation on the site has been submitted in writing to, and approved in writing by, the Local Planning Authority, which shall include details of how any contamination shall be dealt with. The approved scheme shall be implemented in accordance with the agreed details, and any remediation works so approved shall be carried out prior to the site first being occupied.

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

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

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

7. 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).

8. Prior to the commencement of development, a scheme for protecting the proposed dwellings from noise from nearby roads and the adjacent industrial estate, which includes remediation works where required and a programme of implementation, has been submitted to, and approved in writing by, the Local

Planning Authority. All works which form part of the scheme shall be completed before any of the permitted dwellings are first occupied.

**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).

9. Prior to the commencement of development, infiltration testing shall be carried out (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element. These details shall be submitted to, and approved in writing by, the Local Planning Authority.

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

10. Prior to the commencement of development, a surface water drainage scheme has been submitted to, and approved in writing by the Local Planning Authority. The development must be carried out in accordance with these approved details and completed prior to first occupation

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

11. Prior to the commencement of development, details in relation to the management of surface water on site during construction of the development shall be submitted to, and approved in writing by, the Local Planning Authority. The submitted 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. The construction of the development must be carried out in accordance with these approved details.

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

12. Prior to the commencement of development, details in relation to the long-term maintenance of the sustainable surface water drainage system on the

development shall be submitted to, and approved in writing by, the Local Planning Authority. Details of the Sustainable Surface Water Drainage System Maintenance Plan should include responsibilities and schedules for routine maintenance, remedial actions, and monitoring of the separate elements of the system, and should also include procedures that must be implemented in the event of pollution incidents within the development site. The development must be carried out in accordance with these approved details.

**Reason:** To establish a sustainable maintenance regime that may be monitored over time that will ensure the long-term performance, both in terms of flood risk and water quality, of the sustainable drainage system within the proposed development in accordance with Policy DM7 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

13. Prior to the commencement of development, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to, and approved in writing by, the Local Planning Authority. The CEMP: Biodiversity shall include, but not be limited to, the following:
  - (a) Risk assessment of potentially damaging construction activities; and
  - (b) Identification of “biodiversity protection zones; and
  - (c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements); and
  - (d) The location and timing of sensitive works to avoid harm to biodiversity features; and
  - (e) The times during construction when specialist ecologists need to be present on site to oversee works; and
  - (f) Responsible persons and lines of communication; and
  - (g) The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or similarly competent person; and
  - (h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

**Reason:** To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and

Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

14. Prior to the commencement of development, a Habitat Management and Monitoring Plan (HMMP) for significant on-site enhancements, prepared in accordance with the approved Biodiversity Gain Plan, shall be submitted to, and approved in writing by, the Local Planning Authority. The HMMP shall include, but shall not be limited to, the following details:
- (a) the roles and responsibilities of the people or organisation(s) delivering the HMMP; and
  - (b) the planned habitat creation and enhancement works to create or improve habitat to achieve the on-site significant enhancements in accordance with the approved Biodiversity Gain Plan; and
  - (c) the management measures to maintain habitat in accordance with the approved Biodiversity Gain Plan for a period of 30 years from the completion of development; and
  - (d) the monitoring methodology in respect of the created or enhanced habitat to be submitted to the local planning authority; and
  - (e) details of the content of monitoring reports to be submitted to the Local Planning Authority including details of adaptive management which will be undertaken to ensure the aims and objectives of the Biodiversity Gain Plan are achieved.

Notice in writing shall be given to the Council when the:

- Initial enhancements, as set in the HMMP, have been implemented; and
- Habitat creation and enhancement works, as set out in the HMMP, have been completed after 30 years.

The created and/or enhanced habitat specified in the approved HMMP shall be managed and maintained in accordance with the approved HMMP. Monitoring reports shall be submitted in years 1, 2, 5, 10, 15, 20, 25, and 30 to the Local Planning Authority, in accordance with the methodology specified in the approved HMMP.

**Reason:** To enhance protected and priority species and habitats in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

15. Prior to the commencement of development, full details for the provision of electronic communications infrastructure to serve the development, including full fibre broadband connections, shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be

implemented in accordance with the approved details and the infrastructure must be fully available prior to the occupation of each dwelling/unit on the site.

**Reason:** To ensure the provision of a high quality and reliable communications infrastructure network to serve the development to accord with Paragraph 118 of the National Planning Policy Framework (2024).

16. Prior to the first occupation of the development hereby permitted, a Landscape and Ecological Management Plan (LEMP) shall be submitted to, and approved in writing by, the Local Planning Authority. The content of the LEMP shall include, but shall not be limited to, the following details:

- (a) Description and evaluation of features to be managed; and
- (b) Ecological trends and constraints on site that might influence management; and
- (c) Aims and objectives of management; and
- (d) Appropriate management options for achieving aims and objectives; and
- (e) Prescriptions for management actions; and
- (f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period); and
- (g) Details of the body or organisation responsible for implementation of the plan; and
- (h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The approved plan will be implemented in accordance with the approved details for a minimum of 30 years to deliver the required condition of habitats created.

**Reason:** To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and

Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

17. Prior to the first occupation of the development hereby permitted, a Lighting Design Strategy for Biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. The Strategy shall be in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) and shall include, but shall not be limited to, the following details:
  - (a) identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
  - (b) show how and where external lighting will be installed (through provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances should any other external lighting be installed without prior consent from the Local Planning Authority.

**Reason:** To protect protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

18. Prior to the first occupation of the development hereby permitted, details of external lighting across the site (including on any non-adopted highways and footpaths) shall be submitted to, and approved in writing by, the Local Planning Authority. This information shall include a layout plan with beam orientation, a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles), and details of its maintenance and operation. The external lighting shall then be installed, maintained, and operated in accordance with the approved details prior to the first occupation of the development.

**Reason:** To ensure a satisfactory form of development and to create places that are safe, inclusive, and accessible, which promote health and well-being, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 135 of the National Planning Policy Framework (2024).



19. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, priority and threatened species shall be submitted to, and approved in writing by, the Local Planning Authority. The Biodiversity Enhancement Strategy shall be prepared by a suitably qualified ecologist and include, but shall not be limited to, the following details:
- (a) Purpose and conservation objectives for the proposed enhancement measures; and
  - (b) detailed designs or product descriptions to achieve stated objectives; and
  - (c) locations of proposed enhancement measures by appropriate maps and plans (where relevant); and
  - (d) persons responsible for implementing the enhancement measures; and
  - (e) details of initial aftercare and long-term maintenance (where relevant).

The works shall be implemented in accordance with the approved details shall be retained in that manner thereafter.

**Reason:** To enhance protected, priority and threatened species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

20. All mitigation measures and/or works shall be carried out in accordance with the details contained in Section 4 of the Ecological Impact Assessment (submitted: 26.11.2024).

**Reason:** To conserve protected and priority species in accordance with Policy DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and Section 40 of the NERC Act 2006 (as amended).

21. The development shall be carried out in full accordance with the Tree Protection Plan V3 (8306) (submitted: 12.05.2025), as well as Table 5 (Summary of Recommended Tree Works), Table 6 (Summary of Mitigation Requirements), Appendix C (Tree Constraints Plan V1) within the Arboricultural Impact Assessment, Method Statement, and Tree Protection Plan V4 (8306) (submitted: 12.05.2025).

None of the trees or hedges indicated to be retained shall be cut down, uprooted or destroyed, nor shall be topped or lopped other than in accordance with the approved plans, without the written approval of the Local Planning Authority for a period of five years from the date of this planning permission. If any trees or hedges to be retained die or are damaged, removed, or seriously diseased, a replacement shall be planted at the same place and that tree or hedge shall be of a similar size and species to the specific tree or hedgerow that requires replacing.

**Reason:** To ensure that the existing trees on the site are retained and protected in accordance with Policy C4 of the Market Bosworth Neighbourhood Plan (2025), and Policies DM6 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

22. 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).

23. Any forthcoming Reserved Matters application shall include details of how the matters for which approval is being sought for the proposed development have taken into consideration and respond to the guidance within the National Design Guide (2019) and Building for a Healthy Life (2020).

**Reason:** To support the creation of high quality and sustainable buildings and places and to ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Chapter 12 of the National Planning Policy Framework (2024).

24. Any forthcoming Reserved Matters application shall include details of the precise boundaries and quantities of the public open space typologies across the site in accordance with the Public Open Space Table at Paragraph 8.224 of the Officer's Report for this development hereby permitted.

**Reason:** To ensure a satisfactory form of development and to create places that are safe, inclusive, and accessible, which promote health and well-being for future users in accordance with Policies DM1, DM3, and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 135 of the National Planning Policy Framework (2024).

25. Any forthcoming Reserved Matters application shall include details that demonstrate that all dwellings within the development comply with the minimum bedroom, storage, and internal area requirements of the Nationally Described Space Standards (2015).

**Reason:** To ensure that the development provides a high standard of residential amenity for the future occupants of the scheme in accordance with Paragraph 6.21 of the Design and Access Statement, Policy DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 135 of the National Planning Policy Framework (2024).

26. Any forthcoming Reserved Matters application shall include details of external lighting across the site (including on any non-adopted highways and footpaths). This information shall include a layout plan with beam orientation, a schedule of equipment proposed in the design (luminaire type, mounting height, aiming angles and luminaire profiles), and details of its maintenance and operation. The external lighting shall then be installed, maintained, and operated in accordance with the approved details prior to the first occupation of the development.

**Reason:** To ensure a satisfactory form of development and to create places that are safe, inclusive, and accessible, which promote health and well-being, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016) and Paragraph 135 of the National Planning Policy Framework (December 2023).

27. Any forthcoming Reserved Matters application shall include details for the adequate provision for waste and recycling storage of containers and collection across the site. The details should address accessibility to storage facilities and confirm adequate space is provided at the adopted highway boundary to store and service wheeled containers.

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

28. Any forthcoming Reserved Matters application shall include details for secure cycle parking in accordance with the guidance with the Good Design Guide

(2020), Leicestershire Highway Design Guide (2020), and the Building for a Healthy Life (2020).

**Reason:** To promote travel by sustainable modes in accordance with Policy DM17 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016), and Section 9 of the National Planning Policy Framework (2024).

29. No development above foundation level shall commence on site until details as to how the development will achieve the Secured by Design Award shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details prior to the occupation of each dwelling/unit on the site.

**Reason:** To ensure a satisfactory form of development and to create places that are safe, inclusive, and accessible where crime and disorder and the fear of crime do not undermine the quality of life or community cohesion and resilience for future users of the development in accordance with Paragraph 135 of the National Planning Policy Framework (2024).

### 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. Your attention is drawn to the Biodiversity Net Gain Condition within the Decision Notice. The development is subject to the Biodiversity Gain Condition. A Biodiversity Gain Plan needs to be submitted to, and approved in writing by, the Local Planning Authority prior to commencement of development. The application can be made online here: [https://www.hinckley-bosworth.gov.uk/info/200249/view\\_planning\\_applications\\_and\\_decisions/1476/does\\_the\\_property\\_comply\\_with\\_planning\\_conditions](https://www.hinckley-bosworth.gov.uk/info/200249/view_planning_applications_and_decisions/1476/does_the_property_comply_with_planning_conditions).
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.

6. Please note, the Council also requires monitoring fees for each planning obligation that is secured within a Section 106 Agreement, which include the following:
  - 51 to 150 dwellings: (£489 per obligation).
  - Site Inspection Fee: (£219 per visit).
  - Approval of Details/ Documents: (£327 per document).
  - Deed of Variation: (£649 per Section 106 topic).
7. Advice from Environmental Health should be sought via [esadmin@hinckley-bosworth.gov.uk](mailto:esadmin@hinckley-bosworth.gov.uk) to ensure that any investigation of land contamination is in accordance with their policy.
8. 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.
9. 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.
10. Details of the surface water Maintenance Plan should include for routine maintenance, remedial actions and monitoring of the separate elements of the surface water drainage system that will not be adopted by a third party and will remain outside of individual property ownership. For commercial properties (where relevant), this should also include procedures that must be implemented in the event of pollution incidents.
11. The results of infiltration testing should conform to BRE Digest 365 Soakaway Design. The LLFA would accept the proposal of an alternative drainage strategy that could be used should infiltration results support an alternative

approach. Where infiltration is deemed viable, proposed infiltration structures must be designed in accordance with CIRIA C753 "The SuDS Manual" or any superseding version of this guidance.

12. Hinckley & Bosworth Borough Council's recycling and refuse collection services are from the boundary to the adopted highway and do not travel along, nor collect from private roads or driveways. Please refer to the policies within the Wheeled Bin and Container Policy (updated March 2018).

If all, or part, of the new roads within the development are to be private (unadopted), then consideration will need to be given to the adequate and safe collection of domestic recycling, garden waste, and refuse at the adopted highway boundary (up to two bins per property at one time). It will be the responsibility of the occupiers to ensure that all containers/wheeled bins are brought to the collection point.

## PLANNING APPEAL PROGRESS REPORT - Week ending: 01.08.25

### 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
25/00007/PP	TH	24/00229/FUL (PINS: 3357570)	IH	Mrs Nicola Lea	Oddfellows Higham-On-The-Hill  (Proposed development of 7 dwellings – the conversion of the existing building into 2 dwellings and 5 new build properties)	Start Date Hearing Decision	03.04.25 06.08.25 10.09.25
25/00013/ENF	CZ	24/00125/HOU, 24/00004/UNHOUS (PINS: 3365801)	WR	Mr Mark Lester	69 Burbage Road Burbage  (Erection of a timber fence to front of the property)	Start Date Final Comments	11.06.25 13.08.25
25/00015/PP	SA	25/00081/FUL (PINS: 3367598)	WR	Mr and Mrs G Pratt	Land opposite Paddock View, Twycross Road, Sheepy Magna  (Change of use of agricultural land to domestic garden)	Start Date Final Comments	23.06.25 11.08.25
25/00016/PP	AG	25/00080/FUL (PINS: 3367497)	WR	Mr John Roux	Land Adjacent 29 Elizabeth Road, Hinckley  (New build detached dwelling)	Start Date Final Comments	20.06.25 08.08.25
25/00014/PP	SA	24/00322/FUL (PINS: 3367383)	WR	Mr & Mrs Simon & Jill Warner	White House Bosworth Road Wellsborough  (Erection of single storey self-build/custom-build dwelling (Resubmission of 23/00923/FUL).	Start Date Final Comments	12.06.25 31.07.25
	TH	23/00824/OUT	WR	Mr L Lawrence	Land off Barwell Lane Kirby Mallory  (Erection of 7 dwellings, 3 self-build and garages)	Awaiting Start Date	17.07.25

	TH	24/00831/OUT (PINS: 3369401)	IH	Gladman Developments Ltd	Land off York Close Market Bosworth  (100 Dwellings, open space, landscaping, SuDS, access point and demolition of one dwelling)	Awaiting Start Date	17.07.25
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)	Awaiting Decision	
	SI	23/01098/TPO (PINS: 10017)	WR	Claire Bradbury	28 Spinney Drive Botcheston  (Carry out works to protected trees, to fell T1 Canadian Pine)	Awaiting Decision	
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))	Awaiting Decision	
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)	Awaiting Decision	
24/00029/PP	JF	24/00596/FUL (PINS: 3355084)	WR	Ms Gillian Nicol	7 Springfield Road Hinckley  (Proposed wooden cattery)	Awaiting Decision	
25/00002/PP	SA	24/00551/FUL (PINS: 3357989)	WR	Mr Christopher McManus	Pond Barn, Cold Comfort Farm Rogues Lane, Hinckley  (Change of use and conversion of existing redundant rural building to a single-family dwelling house, landscaping and associated works (Self- build))	Awaiting Decision	



25/00003/PP	SA	24/00654/FUL (PINS: 3359752)	WR	Mr Andrew Reid	502 Coventry Road Hinckley  (Conversion of existing garage into a separate dwelling and alterations (Resubmission of 23/00666/FUL))	Awaiting Decision	
25/00006/PP	MJ	24/00872/OUT (PINS: 3361154)	WR	Mr & Mrs G Morley	Land SW Sibson Road Sheepy Parva  (Outline planning permission for the erection of a single self-build dwelling (all matters reserved except for access))	Awaiting Decision	
25/00005/PP	SA	24/00657/FUL (PINS: 3362567)	WR	Mr and Mrs Gary and Amy Knight	Barnhills Farm, Merrylees Road, Thornton  (Erection of two storey childcare facility with ancillary services and associated external play areas and animal interaction areas)	Awaiting Decision	
25/00011/PP	SA	24/00975/OUT (PINS:3364808)	WR	Mr G Warren	Land ne of Old White Cottage 2 Newbold Road Desford  (Outline application for the construction of a 3-bedroom split-level dwelling with landscaping (Self-Build) (Scale, Landscaping, Layout and Access to be considered))	Awaiting Decision	
25/00010/PP	SA	24/00270/FUL (PINS: 3364849)	WR	Mrs Pauline Taylor	Land North of Pipe Lane Orton on the Hill  (The erection of one detached dwelling, formation of access from Pipe Lane and associated works)	Awaiting Decision	
25/00012/VCON	MJ	24/00757/CONDIT (PINS:3365553)	WR	Mr Chris Mee	Barton Hill Fields Farm Barton in the Beans  (Variation of condition 3 16/00640/FUL)	Awaiting Decision	

## Decisions Received

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>Dismissed</b>	<b>02.06.25</b>
25/00004/PP	EB	24/01000/HOU (PINS: 3360892)	HAS	Mr Ryan Coventry	6 St. Marys Gardens Barwell  (Erection of raised decking to rear garden, storage unit and associated works (retrospective)	<b>Allowed</b>	<b>04.06.25</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>Dismissed</b>	<b>05.06.25</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>Dismissed</b>	<b>12.06.25</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>Dismissed</b>	<b>12.06.25</b>
25/00001/PP	JF	24/00529/FUL (PINS: 3357325)	WR	Ms E Clarke	Hill View House 15 Sheepy Rod Twycross  (Formation of new access and parking area)	<b>Dismissed</b>	<b>30.06.25</b>
25/00008/PP	SA	24/00284/OUT (PINS: 3361470)	WR	Mrs Pauline Taylor	Land at the corner of The Green and Pipe Lane Orton on the Hill	<b>Dismissed</b>	<b>22.07.25</b>

					(Outline planning application for the erection of one self-build/custom build dwelling (all matters reserved except for access))		
25/00009/PP	JF	24/00716/FUL (PINS: 3364372)	WR	Mr M Patel	Land Opposite 49 Moore Road, Barwell  (Erection of one new dwelling with associated landscaping and access formation)	<b>Dismissed</b>	<b>29.07.25</b>

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