

# Public Document Pack



Hinckley & Bosworth  
Borough Council

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

**Date: 01 September 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, 9 SEPTEMBER 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 - 9 SEPTEMBER 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 12 August 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. **22/01048/FUL - LAND ADJACENT TO BARLESTONE GARAGE, NEWBOLD ROAD, BARLESTONE (Pages 5 - 36)**

Application for construction of 58 dwellings including garages and garden stores with associated access works, landscaping, open space and drainage infrastructure (revised scheme).

8. **25/00681/FUL - NORTH WARWICKSHIRE AND HINCKLEY COLLEGE, LOWER BOND STREET, HINCKLEY (Pages 37 - 46)**

Application for erection of Ada Lovelace statue outside North Warwickshire and Hinckley College, 2.5m in height, mounted on a Portland stone plinth 0.5m high.

9. **25/00643/FUL - 141 HEATH LANE, EARL SHILTON (Pages 47 - 54)**

Application for change of use of dwellinghouse (use class C3) to residential children's home (use class C2) for up to three children under the age of 18 years old and provision of bin store and cycle shelter.

10. **24/00264/OUT - LAND NORTH OF A47 NORMANDY WAY, HINCKLEY (Pages 55 - 94)**

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

11. **APPEALS PROGRESS (Pages 95 - 98)**

To report on progress relating to various appeals.

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### PLANNING COMMITTEE

12 AUGUST 2025 AT 6.30 PM

**PRESENT:** Cllr MJ Crooks - Chair  
Cllr CM Allen, Cllr RG Allen, Cllr MC Bools (for Cllr J Moore), Cllr SL Bray,  
Cllr MA Cook, Cllr DS Cope, Cllr REH Flemming, Cllr C Gibbens,  
Cllr SM Gibbens, Cllr CE Green, Cllr KWP Lynch, Cllr BR Walker, Cllr R Webber-  
Jones and Cllr P Williams (for Cllr LJ Mullaney)

Also in attendance: Councillor WJ Crooks, Councillor C Harris, Councillor C  
Lambert, Councillor MT Mullaney and Councillor BE Sutton

Officers in attendance: Sullivan Archer, Emma Baumber, Matt Jedruch, Rebecca  
Owen and Edward Stacey

#### 113. **Apologies and substitutions**

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

Councillor Bools for Councillor Moore  
Councillor Williams for Councillor Mullaney.

#### 114. **Minutes**

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

RESOLVED – the minutes of the meeting held on 15 July be  
confirmed as a correct record.

#### 115. **Declarations of interest**

Councillor C Gibbens stated that she was working as a consultant with DEFRA  
and Natural England, but confirmed that her work did not relate to planning  
matters nor any items on the agenda.

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

The Planning Manager provided an update on decisions delegated at the  
previous meeting.

#### 117. **24/00264/OUT - Land north of Normandy Way, Hinckley**

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

Two objectors, the agent and a ward councillor spoke on this application.

Concern was expressed about the proximity of the proposed properties to existing gardens, noise impact and the impact on the junction of the A47 with Ashby Road. It was moved by Councillor S Gibbens, seconded by Councillor Cope, proposed the item be deferred to allow for more consideration and information in relation to the concerns raised. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred.

**118. 24/00709/REM - Ashfield Farm, Kirkby Road, Desford**

Reserved matters application (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 condition 5 (ecological constraints and opportunities), 6 (biodiversity details), 9 (surface water scheme) and 11 (site/ground investigation).

The agent spoke on this application.

Members expressed concern about the layout of the site and proximity to existing properties and the lack of registered provider engaged on the development. It was moved by Councillor Webber-Jones and seconded by Councillor Bools that the item be deferred for further discussion on the aforementioned matters. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – the application be deferred.

**119. 25/00476/FUL - Adjacent Thompstone Cottage, Main Road, Sheepy Magna**

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

An objector, the agent, applicant and ward councillor spoke on this application.

It was moved by Councillor Bray and seconded by Councillor Cook that permission be granted subject to the conditions outlined in the officer's report and late items, and subject to officers reviewing the proposed materials and their impact on the character and appearance of the area. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Planning permission be granted subject to:
  - a. The conditions outlined in the officer's report and late items;
  - b. Officers reviewing the proposed materials and their impact on the character and appearance of the area;
- (ii) The Head of Planning be granted powers to determine the final detail of planning conditions.

The meeting adjourned at 7.40pm and reconvened at 7.45pm.

120. **25/00362/FUL - 3 Everard Way, Stanton Under Bardon, Markfield**

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.

A ward councillor spoke on this application.

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

RESOLVED –

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

121. **24/00769/FUL - Kyngs Golf and Country Club, Station Road, Market Bosworth**

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).

The applicant spoke on this item.

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

RESOLVED –

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

122. **24/01079/OUT - Land north of Station Road, Market Bosworth**

Outline application for up to 126 dwellings (all matters reserved except access).

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

Notwithstanding the officer's recommendation that permission be granted, members expressed concern about the visual impact due to lack of landscaping, the proposed development being contrary to the Market Bosworth Neighbourhood Development Plan, the proximity to the Battlefield Line, drainage, highway safety. It was moved by Councillor Bray and seconded by Councillor

Cook that permission be refused, with the wording of the reasons for refusal delegated to the Planning Manager in consultation with the chair of the Planning Committee and the mover and seconder of the motion. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) Planning permission be refused;
- (ii) Wording of the reasons for refusal be delegated to the Planning Manager in consultation with the chair of the Planning Committee and Councillors Bray and Cook as mover and seconder of the motion.

123. **Appeals progress**

Members were updated on progress in relation to appeals. Officers were thanked for their work.

(The Meeting closed at 9.16 pm)

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CHAIR

## Committee Report

**Planning Ref: 22/01048/FUL**

**Applicant: Maruti Developments Ltd**

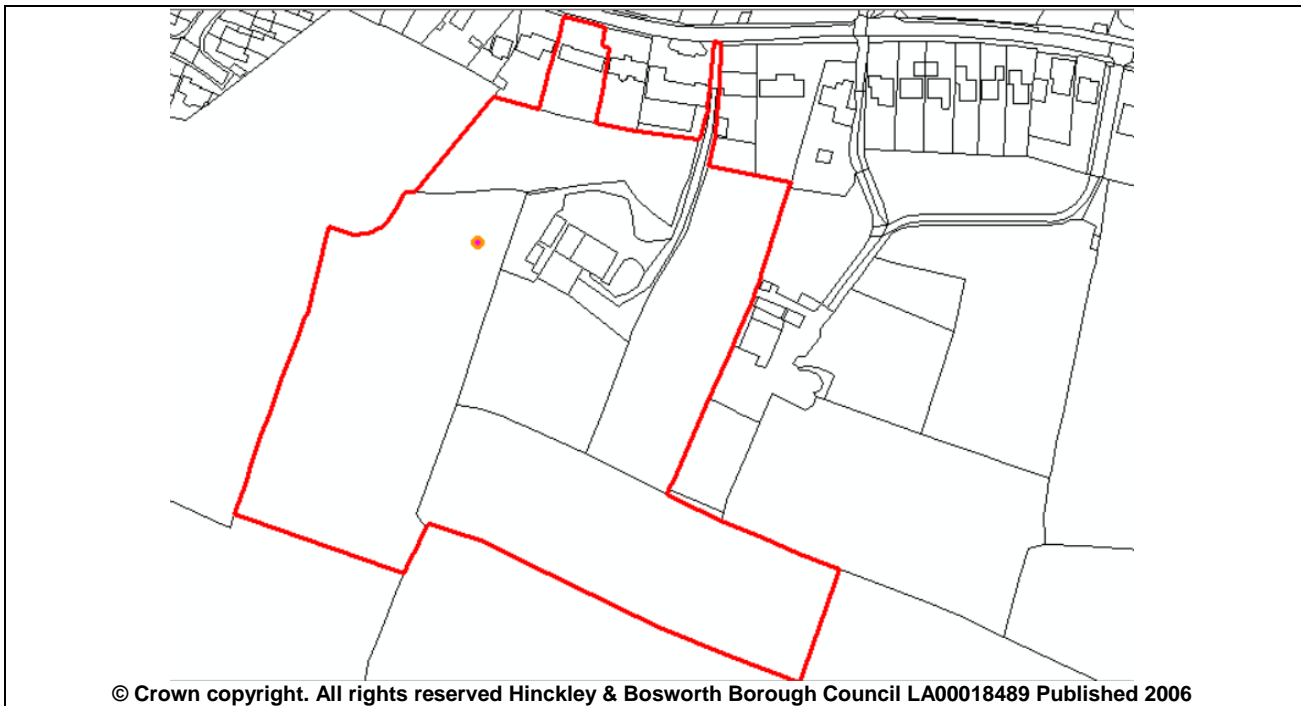
**Ward: Barlestone, Nailstone and Osbaston**



Hinckley & Bosworth  
Borough Council

**Site: Land adjacent Barlestone Garage, Newbold Road, Barlestone, Leicestershire**

**Proposal: Proposed construction of 58 dwellings including garages and garden stores with associated access works, landscaping, open space and drainage infrastructure (revised scheme)**



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- The local highway authority being satisfied that the internal spine road is suitable for adoption
- Section 106 obligations set out in section 8 of this report;
- Planning conditions outlined at the end of this report;
- That the Head of Planning be given powers to determine the final detail of planning conditions; and
- That the Head of Planning be given delegated powers to finalise the terms of the S106 agreement including trigger points, claw-back periods and updated contribution amounts.

## 2. Planning application description

- 2.1. The application is a revised, full planning application for the construction of 58x dwellings including garages and garden stores with associated access works, landscaping, open space and drainage infrastructure.

- 2.2. Originally, the scheme as originally submitted was for 64 dwellings but this was reduced to 60 dwellings after consultation responses and further consideration of the scheme in 2024. The scheme was revised again in March 2025 and now seeks planning permission for 58 dwellings on site in order to improve the layout and ensure the main internal road can be built to adoptable standards and enable a refuse vehicle to access the site.
- 2.3. Access into the site is proposed from Newbold Road and would involve the demolition of 68 Newbold Road to make provision for this access.
- 2.4. There are a range of 1-5 bedroom properties proposed on site.
- 2.5. 24 units on site would be for affordable housing which equates to 40% provision.
- 2.6. The site is approximately 3.67 Hectares.
- 2.7. The application is accompanied by the following reports and documents:
- Site Location Plan
  - Design Statement
  - Odour Assessment
  - Air Quality Assessment
  - Noise Report/Revised Noise Report
  - Landscape and Visual Impact Assessment
  - Biodiversity Metric/Biodiversity Net Gain Assessment
  - Biodiversity Technical Note
  - Archaeology Report
  - Transport Statement and Appendices
  - Foul and Storm Water Drainage Strategy
  - Phase I Desk Top Study Report
  - Phase II Ground Investigation Report
  - Phase III Further Ground Investigation Report
  - Flood Risk Assessment
  - Infiltration Investigation
  - Arboricultural Assessment
  - Ecological Appraisal
  - Bat Report
  - Reptile Report
  - Landscape Strategy Plan
  - Landscape Typologies Plan
  - Utilities Report
  - House Types (A, B, C, D, E and F)
  - Garages and Garden Stores
  - Street Scenes
  - Site Plan
  - Parking Plan
- 2.8. Since the submission of the planning application and further to consultation responses and officer comments, changes to the proposed layout of the development have been made to overcome some concerns in respect of:
- Drainage
  - Highways/road adoption
  - Noise

- Ecology (BNG)
- Open Space
- Bin collection
- Design and Layout

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

- 3.1. The site comprises the existing residential plot no. 68 Newbold Road and agricultural land to the south. The immediate surrounding land uses comprise residential development, agriculture, and stables/paddock land. There is a garage workshop on Newbold Road to the north of the site. Residential development was recently approved on land west of the application site in relation to permission reference 21/01389/OUT.
- 3.2. The site lies on the gently rising slopes on the eastern side of the small tributary valley that stretches through the eastern side of Barlestone. The site generally falls from south-east to the north-west, and generally back towards the existing settlement edge and out towards the broader landscape to the south. A gentle localised ridge of higher ground lies beyond the site to the south and beyond this the land generally falls away to the south-west.
- 3.3. An existing PROW (Footpath S38) extends across the Site from the north-western side to the south-east corner. This provides a link between the existing settlement edge and Newbold Road and the wider landscape and a further PROW to the south of the Site. Public Footpath S38 is affected by the proposed development and would require diversion should the development be approved.
- 3.4. A small area of the site, in proximity to the agricultural buildings on-site, has a lawful use for the storage of motor vehicles (planning permission ref: 01/01037/COU) and comprises previously developed land.

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

- 91/00592/4 – Erection of Bungalow (Outline) – REFUSED
- 01/00160/CoU – Change of Use of agricultural land to storage of vehicles – REFUSED
- 01/01037/CoU – Change of Use of land to car parking area for storage of vehicles – APPROVED
- 09/00529/GDO – Extension to existing agricultural building - WITHDRAWN

### **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. A further site notice and press notice was also posted as part of a re-consultation process in June 2024, March 2025 and more recently June 2025.
- 5.3. 31 objection comments have been received from local individual properties, raising the following concerns:
  - The land is outside the village Boundary. It is NOT in the Local Neighbourhood village plan of which a democratic vote was made by the villagers. There are approved sites in the village that could be used instead of this site.

- There are only two village stores and the co-op is not at all adequate enough now along with the fact that situated inside is the post office which causes long queues and waiting times.
- The school would not be able to accommodate the additional pupils so parents would have to make alternative arrangements outside of the village for their children's education.
- We have lost the local playgroup, and people are struggling to find somewhere for their little ones, why not build a playgroup.
- There is also the issue of doctors appointments being delayed as the waiting time now is unacceptable to get to see a GP.
- Nearest Chemist to Barlestone is over a mile away. No mention of any increase in size of chemist to accommodate increased population from the development.
- Why is this application even being considered when its outside of the Barlestone neighbourhood plan settlement boundary? There are 99 new build houses being built on the Garden Farm site along Bagworth road which will no doubt have an enormous impact on the village as a whole.
- We are extremely concerned regarding the access on to an already really busy road in and out of the village, (on the brow of a hill and a bend) and the amount of extra cars this application would generate would make it highly dangerous.
- The proposed access has limited visibility.
- There would need to be traffic calming, double yellow lines in place or a roundabout built as there are so many near accidents on a daily basis with cars packed on the road, plus all the cars entering and exiting the Barlestone Garage is very hazardous.
- If this is to go ahead then a more permanent solution to speeding needs to be found as signs are ignored and police cameras are few and far between and don't actually address the problem.
- The beautiful countryside of Barlestone village will soon be lost and it will eventually become Barlestone Town and a concrete jungle.
- Sewerage concerns
- This application has a lot of houses and they appear to be very close to each other and are straight at the back of our garden and close to our fence causing loss of privacy as our garden slopes down to the fields.
- We are told to plant more hedges and trees for the environment and here we have ancient hedges and trees being dug up to make way for houses also the loss of wildlife, Bats fly about all night and there is an enormous amount of wildlife around the fields.
- The houses proposed are low grade and majority are not the size of property that the village requires.
- Additional information is required.
- The development is out of character and doesn't follow the line of the village.
- There are plenty of brownfield sites elsewhere, stop coming after small villages and making things more difficult without making any changes to existing infrastructure.
- Since the spate of building in the past 20 years there has not been a single new facility or improved road that has been built.
- Lack of infrastructure to support this development.

## **6. Consultation**

### **6.1. No objection has been received from the following consultees:**

- HBBC Conservation Officer
- LCC Ecology – subject to conditions
- LCC Archaeology – subject to conditions
- LCC Minerals and Waste
- LCC Drainage (LLFA) – subject to conditions

- Environment Agency
- Severn Trent Water
- Historic England
- NHS – subject to health financial contribution of £56,144.00.
- LCC Planning Obligations Team – subject to financial contributions in respect of libraries, waste and education totalling £429,108.02
- Cadent Gas
- HBBC Housing Officer – subject to planning obligations in respect of affordable housing
- HBBC Environmental Services – subjection to conditions
- HBBC S106 Monitoring/Open Space Officer – subject to obligations

- 6.2. Local Highway Authority – The LHA stated that amendments must be undertaken should the applicant wish the roads to be considered for adoption, as the layout of the site could be affected.

\*Awaiting confirmation from the local highway authority that the internal spine road of the proposed development is suitable for adoption.

- 6.3. Ramblers Association – Objection. The proposed diverted route of the footpath is excessively long, and the proposed diverted route would be mainly along estate roads. For these reasons the Ramblers' will object to any Footpath Diversion Order associated with this application.

\*The proposed route has been reduced in length as part of the revised plans submitted by the applicant. No further comments have been received from the Ramblers Association to date.

- 6.4. HBBC Waste Team – Objection. Issues with the proposed layout, including its adoptability, refuse vehicle access and turning, bin collection points and drag distances.

- 6.5. Barlestone Parish Council – Object. The members object to the application on grounds that it is not in the NDP – wish to refer planners to NDP and please note Barlestone is on track to meet current Borough housing allocation. Also, Barlestone Parish Council would like it noting that if this plan is successful the Barlestone council will be asking for full 106 monies.

Further response from Barlestone Parish Council received - It is felt that with the Garden Farm development and the application the Council has already agreed in Osbaston, it would be too much for the village to cope with to have this additional development.

## **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 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. Barlestone Neighbourhood Plan

- Policy H2 – Settlement Boundary
- Policy H4 – Housing Mix
- Policy H5 – Affordable Housing Provision
- Policy H6 – Design Standards
- Policy ENV 7 – Notable Trees, Woodland and Hedges
- Policy ENV 8 – Biodiversity and Habitat Connectivity
- Policy ENV 9 – Bat Conservation
- Policy ENV 10 – Rights of Way
- Policy ENV 11 – Flood Risk
- Policy TR1 – Traffic Management
- Policy TR2 – 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
- 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 (2011)
- Leicestershire Minerals and Waste Local Plan

### 8. Appraisal

#### 8.1. The **following** represent the key issues in this case:

- Principle of development
- Housing land supply
- Housing mix and supply
- Landscape and visual impact
- Design and Layout
- Impact upon highway safety

- 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) and the Barlestone Neighbourhood Plan.
- 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 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 attributed very limited weight.
- 8.5. The Core Strategy (CS) sets out the settlement hierarchy for the Borough. The application site is located on land adjacent to the settlement of Barlestone but is on land which is designated as open countryside. The proposed access for the site is to be taken from Newbold Road. Residential development was recently approved on land west of the application site in relation to permission reference 21/01389/OUT.
- 8.6. Barlestone is defined as a Key Rural Centre (Stand Alone) and these settlements are considered to be the most sustainable and able to accommodate additional development outside of the Hinckley Urban Area.
- 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 Policy 6 and 9 and
  - v) If within the National Forest it contributes to the delivery of the National Forest Strategy in line with Core Strategy Policy 21

8.9. Policy H2 of the Barlestone Neighbourhood Plan states that:

*‘Development proposals on sites within the Settlement Boundary will be supported where they respect the character of that area of Barlestone and comply with other Plan policies. Land outside the defined Settlement Boundary will be treated as open countryside, where development will be carefully controlled in line with local and national strategic planning policies.’*

- 8.10. Whilst there is conflict with Policy DM4 of the SADMP and Policy H2 of the Barlestone Neighbourhood Plan, the proposed development is located on the edge of a key rural centre settlement, is not considered to be isolated, does not exacerbate ribbon development and is not within the National Forest. Part of the site also contains buildings and permission has been granted historically for vehicle storage.
- 8.11. The proposal therefore needs to be assessed against the material planning considerations set out in the below sections.

### **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. With the revised housing need figure of 692 dwellings per annum from the Dec 2024 NPPF (659dpa + 5% buffer as per Para 78a), the Council is unable to demonstrate a Five Year Housing Land Supply and it is calculated that Hinckley Bosworth Borough Council have 3.89 years supply as of July 2025.
- 8.14. For decision taking, a 5yr housing land supply is a material consideration in all relevant applications for dwellings in the Borough. 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. Therefore, sustainable development should be approved unless other material considerations indicate otherwise.

- 8.15. 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”*

- 8.16. 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”.*

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

*“To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority’s housing requirement over the previous three years, the following policy consequences should apply:*  
*- where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;*  
*- where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework, in addition to the requirement for an action plan.*  
*- where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.”*

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

- 8.19. However, Paragraph 14 of the NPPF states that:

*“In situations where the Paragraph 11d applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the Neighbourhood Plan is likely to significantly and demonstrably outweigh the benefits provided all of the following apply:*

- the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made and*
- the neighbourhood plan contains policies and allocations to meet its identified housing requirement”*

- 8.20. The Barlestone Neighbourhood Plan was made in June 2022, and a lot has changed since the making of this plan, locally, regionally, and nationally. The NPPF has been updated (as of Dec 2024) this has consequences for the borough’s standard method calculation; as a result of this, our housing requirement has increased, and the planning policy team are working on the calculations presently. Leicester City’s ongoing Local Plan examination and issues with unmet needs have had an impact on the progression of the

Local Plan and an impact on our overall housing figures. In addition, the allocations in the Barlestone Neighbourhood Plan were based on a housing figure derived from an external piece of evidence dated 2019 and population apportionment, rather than an indicative figure given to them by the LPA based on the local strategy for growth or other relevant evidence. The plan also has a plan period of 2020 – 2039, whereas the proposed new Local Plan has a plan period of 2020 – 2041. As a result, the Council considers that the Barlestone Neighbourhood Plan does not sufficiently fulfil paragraph 14b of the NPPF.

### **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. Policy H4 of the Barlestone Neighbourhood Plan states that new development should provide for a mixture of housing types having regard to identified local housing needs. The provision of bungalows suitable for elderly people and dwellings of 2/3 bedrooms will be particularly supported. The inclusion of four-bedroom or larger houses in housing developments will be supported where they are subservient in number to one, two and three-bedroom accommodation and where there is a proven housing need.
- 8.23. Policy H5 of the Neighbourhood Plan comments about the nature of the affordable housing to be delivered on development sites. Its approach has been designed to ensure that affordable housing units directly address local housing needs and are incorporated in an attractive way into the wider site concerned.
- 8.24. 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. The overall housing mix (including affordable housing provision) comprises:
- 8x 1bed properties
  - 10x 2 bed properties
  - 31x 3 bed properties
  - 6x 4 bed properties
  - 3x 5 bed properties
  - Total = 58 properties
- 8.25. The details submitted with the application indicates that the full 40% affordable housing requirement will be provided on site. This would give a total of 24 affordable housing units. The applicant has provided a breakdown of the affordable housing as follows:
- 8 one-bedroom properties,
  - 8 two-bedroom properties and
  - 8 three-bedroom properties.
- 8.26. 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. Policy set out in the Core Strategy (policy 15), indicates that 40% of the dwellings in the rural areas should be for affordable housing, of which 75% should be for affordable rent and 25% for shared ownership. At the time of the initial application (2022), 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 6 properties as First Homes, 12 properties for affordable or social rent and 6 for shared ownership. This guidance was removed in the most recently published National Planning Policy Framework issued in December 2024. However, the Housing Officer has confirmed in their latest response that the changes do not apply retrospectively and therefore the affordable housing tenure split for this application remains as 6x first homes, 12x affordable /social rent and 6x shared ownership.
- 8.28. As this site is in the rural area, the section 106 agreement should contain a requirement for applicants for rented properties to have a local connection firstly to the parish of Barlestone and secondly to the Borough of Hinckley and Bosworth. Local connection will be set as people who have current residency, employment requirements, family connections or special circumstances
- 8.29. Subject to the affordable housing requirements being delivered through completion of a Section 106 legal agreement, this proposal is deemed to be acceptable with respect to housing mix and affordable housing provision.

#### **Landscape and Visual Impact**

- 8.30. 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.
- 8.31. The application is accompanied by a Landscape and Visual Impact Assessment.
- 8.32. The site is not a designated landscape, nor does it have a special protected status at the national or local level.
- 8.33. Policy ENV 12 of the Barlestone Neighbourhood Plan identifies and seeks to protect 'Important Views' within and around the settlement. A series of 'Important Views' are located to the north and southwest of the settlement. None of the identified 'Important Views' include views of or towards the site or its immediate context.
- 8.34. The site lies within the 'Settled Forest Hills' Landscape Character Type (LCT) and within that 'B: Charnwood Fringe Settled Forest Hills' Landscape Character Area (LCA). The key characteristics of the Charnwood Fringe Settled Forest Hills LCA include:
- Gently undulating landform with small plateaus on higher ground and rising to the adjacent Charnwood Forest area to the east.
  - Contrast between areas which are visually open and enclosed depending on the elevation of the landscape and the presence of woodlands and vegetation.
  - Large scale irregular field pattern of mainly arable and some pasture, with smaller fields around settlements. Fields enclosed by hedgerows with scattered trees.

- Dispersed pattern of former mining villages following a linear pattern on ridgetops, either located close to a colliery or providing housing for mine workers. Good public access and footpath network throughout, especially within National Forest area.
- Predominantly rural landscape with arable and rough set-aside, influenced by industrial / urban features such as masts, poles and pylons.

- 8.35. The villages of Barlestone and Thornton are situated on raised ground of sand and gravels. Barlestone has its origins as a small agricultural village which retains a few historic buildings.
- 8.36. The site lies on the gently rising slopes on the eastern side of the small tributary valley that stretches through the eastern side of Barlestone. At this localised scale, the landform of the site generally falls from southeast to the northwest, and generally back towards the existing settlement edge and not out towards the broader landscape to the south. A gentle localised ridge of higher ground lies beyond the site to the south and beyond this the land generally falls away to the southwest.
- 8.37. The LVIA submitted with the planning application states that the majority of the existing mature hedgerows and trees on site will be conserved as part of the proposed development. This will include all those hedgerows and trees lining the perimeter of the site, with a further number retained within the site and along the small watercourse. The proposals will also include areas of publicly accessible open space stretching across much of the southern part of the site. This will principally be designed and managed for biodiversity, landscape and recreational use and will include appropriate footpaths, seating and a play facility for children.
- 8.38. The value of the existing landscape has been assessed as Medium by the LVIA. The susceptibility of this landscape to the proposed development has also been assessed as Medium.
- 8.39. Views of the proposed development/site will be seen from the following points:
- Users of the PROW (footpath) crossing the site
  - Users of other PROW (footpaths) to the south of the site
  - Users of Newbold Road
  - Properties immediately to the north of the site;
  - Properties to the northeast and northwest of the site, largely on Newbold Rd and Brookside

Overall, the visible extent (or 'Zone of Visual Influence') of the proposed development is considered to be limited and localised, largely as a result of the underlying and surrounding landform; the presence of mature hedgerows and trees along the site boundary; and the adjoining and nearby settlement edge to the north.

- 8.40. With the mitigation proposed, the resultant landscape impact is considered to be minor-moderate. The site is not located within a sensitivity area as defined by the Council's Landscape Character Assessment. 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 in this case. It is therefore considered to be acceptable with development plan policy with respect to landscape and visual impact when taking account of other material considerations such as the 5-year housing land supply issue, the provision of 40% affordable housing, on site open space provision, S106 contributions etc.

## **Design and Layout**

8.41. Policy DM10 of the SADMP seeks to ensure that development complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and the use and application of building materials of existing, adjoining/neighbouring buildings and the area generally and incorporates a high standard of landscaping.

8.42. Paragraph 139 of the latest NPPF states that:

*‘Development that is not well designed should be refused. Significant weight should be given to:*

- Development which reflects local design policies and government guidance on design, taking into account any local design guidance and SPDs such as design codes and/or*
- Outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings’*

8.43. Design objectives for Barlestone within the Council's Design Guide SPD are as follows:

- Protect the main approaches to the village with the visual links to the countryside, exploring ways of reintroducing more traditional rural and agricultural vernacular forms.
- Protect the landscape setting of the church, and the dispersed form/character of Church Farm and its outbuildings.
- Avoid extensions to ribbon development along main routes such as Newbold Road.
- Reintroduce more traditional built form into the village core, along areas such as Main Street, reflecting the historic precedent for smaller-scale vernacular cottages and picking up on important detailing from surviving structures such as the Methodist chapel.”

8.44. Policy H6 of the Barlestone Neighbourhood Plan states that development proposals will be supported where they meet the following nine design principles to a degree that is proportionate to the scale of the development:

- a) Proposals should respect the character and historic context of nearby existing development within the village. Proposals should demonstrate how they meet the design features as described in the Character Assessment (Appendix 5) and incorporate local materials where practicable. Contemporary and innovative materials and design will be supported where positive improvement can be demonstrated without detracting from the historic context. Care should be taken to ensure that the development does not disrupt the visual impact of the street scene or adversely affect any wider landscape views;
- b) Sufficient off-road parking should be provided at a minimum of the standards in the Leicestershire Highways Design Guide. In particular, there should be adequate parking areas for residents and visitors within each development;
- c) The proposal does not result in an unacceptable loss of amenity for neighbouring occupiers by reason of loss of privacy, loss of daylight, visual intrusion or noise;
- d) Proposals should be enhanced by landscaping with existing trees, protecting existing trees and hedges whenever possible to promote biodiversity. Where watercourses (either man-made or natural), dry ditches, or other water drainage exists, these must be retained. Wherever practicable, plots should be enclosed by native hedging, wooden fencing or walls in keeping with the local style;
- e) Development should incorporate sustainable design and construction techniques, to a minimum of the standards contained within the relevant Building Regulations in force at the time of development and proportionate to the scale of the development, to meet high

standards for energy and water efficiency, including the use of renewable and low carbon energy technology such as solar panels and rainwater harvesters;

f) Proposals should provide species friendly features, such as holes in fencing for hedgehog movements and bat boxes as required with roof and wall construction following technical best-practice recommendations for integral bird nest boxes and bat breeding and roosting sites;

g) Development should incorporate sustainable drainage systems such as use of water butts, permeable surfaces and balancing ponds to retard surges and to minimise the vulnerability to flooding and poor drainage. All major developments shall ensure that Sustainable Drainage Systems (SuDS) for the management of surface water run-off are put in place unless demonstrated to be inappropriate;

h) The lighting design, location, type, lux levels of development proposals should take account of best practice including advice from the Institute of Lighting Professionals;

i) Development proposals should make appropriate provision for the storage of waste and recycling.

- 8.45. The proposed house types comprise terrace, semi-detached and larger detached properties. There are six House Types proposed on site:
- House Type A – 2 bed, 2 storey, some terrace, some semi-detached pairs across the site with mono-pitch canopy above the front door
  - House Type B – 3 bed, 2 storey, semi-detached pairs, with pitched roof canopy feature to front door and lintel detailing (street gable windows to Plots 14 and 16)
  - House Type C – 3 bed, detached property with pitched roof canopy feature to front door, lintel detailing and chimney feature (street gable windows to Plots 30 and 55)
  - House Type D – 4 bed, detached, double fronted property with pitched roof/flat roof canopy above front door, lintel detailing and chimney feature
  - House Type E – 5 bed, large, detached properties, 2x L shaped with double garages, 1x double fronted, double bay window design with 2 chimney features
  - House Type F - 1 bed, terrace/semis, mono-pitch roof canopy above front door and lintel detailing
- 8.46. The scale of residential development will be 2-storey, reflecting the surrounding built form of Barlestone and the existing dwellings located to the north of the application site.
- 8.47. A main spine road would provide access to the proposed development which leads south to a Crescent area within the site which hosts an arrangement of lime trees. Directly to the east of the Crescent is a further area of open space which proposes to accommodate the Children's Play Area and the orchard beyond.
- 8.48. The layout and the arrangement of the built form creates a network of street and spaces through the site which include back-to-back properties with a minimum separation distance of 20 metres. A number of plots face onto or towards open space to provide enhanced outlook for potential residents and a sense of surveillance for users of the open space. Consideration of the entrance to the site has been accounted for through the provision of trees and bulb planting.
- 8.49. The scheme has also made a modification to the length of the Public Right of Way through the site from 242 metres to 225 metres further to the comments received from the Ramblers Association. A separate process is required to permanently divert the footpath.
- 8.50. A drainage basin/SUDs feature is located to the northwest of the development site.

- 8.51. As part of the revisions to the design of the scheme, Plot 35 (House Type E) was re-orientated in order to face toward the development/open space areas, provide natural surveillance and include a more active frontage in this part of the development site.
- 8.52. Layout changes were also required in order to make the main spine road and Crescent suitable for adoption. This involved some further design changes. Adoption was deemed necessary to ensure that all dwellings could be accessed by the refuse team for waste/recycling collection. This has resulted in a revised scheme for 58 dwellings. The overall development has evolved to have a character that suits its semi-rural context, preserves a majority of the existing mature hedgerows and trees, include all those hedgerows and trees lining the perimeter of the site, with a further number conserved within the site and along the small watercourse, which helps to enhance the visual aesthetics of the site. Final comments from Leicestershire County Council Highways are outstanding but are expected to confirm that the amendments have made the spinal road suitable for adoption. An update will be provided at the Late Items report.
- 8.53. Overall, the proposal is considered to be acceptable with respect to design and layout considerations and accords with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016, Policy H6 of the Barlestone Neighbourhood Plan and the design requirements set out within the NPPF.

#### **Impact upon highway safety**

- 8.54. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highway authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.55. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.56. 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.
- 8.57. The local highway has been consulted on this application several times. Initially, a large amount of further information was requested, and this has resulted in amendments to the proposed layout.
- 8.58. Public Footpath S38 is affected by the proposed development. The LHA advise that a condition in respect of the treatment of the PROW including details of management during construction, proposed temporary route(s); any proposed permanent legal diversion is required in this instance.
- 8.59. On-plot parking has been provided in the form of hard standing, carports, and garaging. Car parking provision is provided as follows:
- 4 and 5 Bedroom detached houses – 3 off road spaces per dwelling
  - 1, 2 and 3 bedroom houses – 2 off road spaces per dwelling

- 8.60. Amendments have been made by the applicant to demonstrate that the main spine road within the development site is suitable for adoption. At time of writing the Committee report, the latest consultation response from the local highway authority was outstanding. As set out above, an update will be provided in the Late Items report. Subject to a positive response, it is recommended to Members that the application would be acceptable in highway and adoption terms subject to conditions and S106 requests relating to highway matters.

### **Heritage Impacts**

- 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 216 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.
- 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. There are no designated or non-designated built heritage assets within the site boundary.
- 8.65. There are a small number of grade II listed buildings, including the Church of St Giles, and a number of non-designated heritage assets as identified on the Leicestershire Historic Environment Record and within the Barlestone Neighbourhood Plan, all of which are primarily located within the historic core of Barlestone which is c.0.5km west of the application site. There also a small number of listed buildings, including the grade II\* Osbaston Hall, and the Osbaston Conservation Area located c.1km to the south-west of the application site.
- 8.66. The Conservation Officer has been consulted on this application and has no concerns from a heritage perspective. Due to a combination of the topography and presence of intervening built form and vegetation there is no particular inter-visibility between the application site and any built designated and non-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 the proposed development within the application site. The proposed development will therefore have no impacts upon designated or non-designated heritage assets.
- 8.67. There are not considered to be any conservation or listed building assets affected by this proposal. The proposed development of the site is therefore in accordance with the statutory duties of the Planning (Listed Buildings and Conservation Areas) Act 1990 and

conforms to the requirements of the NPPF and local planning policy with regard to Heritage considerations, specifically Policies DM11 and DM12 of the SADMP and the requirements of the NPPF.

### **Archaeology**

- 8.68. 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.
- 8.69. 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.
- 8.70. The LCC Archaeology Team have been consulted on the application. The Leicestershire and Rutland Historic Environment Record (HER) notes that the application area lies within a landscape that appears favourable for prehistoric and Roman occupation. The applicant has submitted a revised archaeological desk-based assessment (ULAS Report Ref: 2024-031) and LCC Archaeology are generally supportive of its findings, which confirm the known archaeological potential for prehistoric, Roman and Medieval buried remains within the site. Based upon the available information, it is anticipated that these remains whilst significant and warranting further archaeological mitigation prior to the impact of development, are not of such importance to represent an obstacle to the determination of the application.
- 8.71. While the current results are sufficient to support the planning decision, further post-determination trial trenching will be required in order to define the full extent and character of the necessary archaeological mitigation programme. The NPPF states that Local Planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact of development, and to make this evidence (and any archive generated) publicly accessible.
- 8.72. Subject to suitably worded conditions relating to a written scheme of investigation the Archaeology Team have no objections to the application being granted permission and it is considered that proposal accords with Policy DM13 of the SADMP and the requirements set out within the NPPF with respect to archaeological considerations.

### **Impact upon neighbouring residential amenity**

- 8.73. 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.
- 8.74. 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.
- 8.75. 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.

- 8.76. 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.
- 8.77. The Council's Environmental Health Team have been consulted on the application on a number of occasions and initially requested additional information with respect to noise. They stated that the proposed new access roadway to this development is to be routed in between two existing properties fronting onto Newbold Road. This would give rise to traffic noise into the rear gardens of these properties. They have recommended that noise mitigation measures are considered in the form of Acoustic Fencing to reduce the passing noise impact from vehicle movements into the rear garden areas.
- 8.78. A noise impact assessment (NIA) was submitted by the applicant.
- 8.79. Subsequently, the Environmental Health Team have raised no further concerns and are satisfied with findings and recommendations of the NIA. They have requested a number of conditions to help protect residential amenity for both existing residents and future occupiers of the site.
- 8.80. Garden amenity space is provided for all proposed properties on site and these are of a good size relative to the size of the dwelling. Separation distances where properties are designed in a 'back to back' arrangement are considered to be acceptable with respect to privacy and overlooking considerations and comply with the requirements of the Good Design Guide SPD.
- 8.81. Therefore, subject to conditions, this application is considered to be acceptable in amenity terms and in compliance with Policy DM7, Policy DM10 a and b of the SADMP, Policy H6 of the Barlestone Neighbourhood Plan, The Good Design Guide SPD and the requirements of the NPPF.

### **Flood Risk and Drainage**

- 8.82. 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.
- 8.83. Policy ENV 11 of the Barlestone Neighbourhood Plan states that development proposals should demonstrate that:
- a) The proposal demonstrates resilience to future climate-change-driven flood risk during the lifetime of this Plan and beyond;
  - b) The location takes geology, flood risk from rivers, other watercourses and surface water into account;
  - c) A hydrological study, whose findings must be complied with in respect of design, groundworks and construction, is carried out;
  - d) The design includes, as appropriate, Sustainable Drainage Systems, other surface water management measures and permeable surfaces; the appropriate discharge of surface water is key to mitigating the risk of flooding as a result of development and the impacts of climate change;
  - e) The development does not increase the risk of flooding downstream;

f) The development is not in an area of land likely to be required for future flood resilience, whether by 'rewilding' or infrastructural works.

Proposals for flood risk resilience and mitigation infrastructural works, including landscaping for attenuation in the floodplain, roadside culverts, etc. and for natural mitigation measures (watercourse 'rewilding', tree planting, etc.) will be supported.

- 8.84. Paragraph 181 of the NPPF states that when determining planning applications local planning authorities should ensure that flood risk is not increased elsewhere. Paragraph 182 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should take account of advice from the LLFA, have appropriate proposed minimum operating standards, have maintenance arrangements for the lifetime of the development and where possible provide multifunctional benefits.
- 8.85. The site is located in Flood zone 1 – land with lowest probability of flooding. The LLFA confirmed that there is generally a low risk of surface water flooding, although there is a medium to high risk of surface water flooding associated with a watercourse to the north of the application site.
- 8.86. No objections have been received from the Environment Agency.
- 8.87. The LCC Drainage Team initially requested further information in relation to sustainable drainage systems on site. Specifically, sufficient treatment train details needed to be provided.
- 8.88. Further information was submitted by the applicant which demonstrated that surface water is to be discharged via Type C permeable paving in private driveways and an attenuation pond to the on-site watercourse at 16.5 l/s. Ground investigations suggests that infiltration would not be a feasible method of drainage the site. The LLFA are satisfied with the revised surface water information and have requested specific conditions in this regard to appropriately manage surface water matters within the locality.
- 8.89. Subject to conditions, the LLFA have no further objections and therefore the proposal is considered to satisfy Policy DM7 of the SADMP, Policy ENV 11 of the Neighbourhood Plan and the requirements of the NPPF with respect to flooding, drainage and surface water considerations.

### **Ecology and Biodiversity**

- 8.90. 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.
- 8.91. The Barlestone Neighbourhood Plan includes a number of policies relating to ecology and biodiversity – Policy ENV 8 and ENV 9. These policies seek to safeguard all significant habitats and species and improve habitat connectivity. Policy ENV 9 specifically relates to the protection and consideration of bats.
- 8.92. LCC Ecology have been consulted on the application. They have confirmed that the updated BNG metric and technical note (FPCR, May 2024), updated PEA (FPCR, May 2024) as well as the updated landscape plans are acceptable and no further protected species surveys are required.

- 8.93. Therefore, subject to conditions recommended by the Ecologist, this application is considered to be acceptable with respect to ecological matters and is in compliance with Policy DM6 of the Site Allocations and Development Management Policies DPD 2016, Policy ENV8 and ENV 9 of the Barlestone Neighbourhood Plan and the requirements of the NPPF.

### **Minerals**

- 8.94. The Minerals and Waste Team at LCC were consulted on this application as part of the consultation process. They have raised no objections. The application site falls within a Mineral Consultation Area (MCA) for sand and gravel. However, given the location of the application site to sensitive receptors and the information included within the Phase II Ground Investigation Report, it is considered that this site is not likely to be viable for mineral extraction. Therefore, a Minerals Report is not required to be submitted.
- 8.95. It should also be noted that there no concerns were raised from a waste safeguarding perspective either.
- 8.96. No conditions have been requested by the Minerals Team in this case. As such, the application is considered to be acceptable in this regard and compliant with Development Plan Policy and the requirements of the NPPF.

### **Planning Obligations**

- 8.97. 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.
- 8.98. Policy 19 of the Core Strategy identifies standards for play and open space within the borough. Developments should accord with the policy and provide acceptable open space within the development, or if that is not possible contribute towards the provision and maintenance of open space off site. The Open Space and Recreation Study 2016 updates these standards and also identifies the costs for off-site and on-site contributions. The contributions required for the various open space typologies for this development are set out below.
- 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:
- Necessary to make the development acceptable in planning terms;
  - Directly related to the development; and
  - Fairly and reasonably related in scale and kind to the development.
- 8.100. The application details confirm the provision of accessible public open space on site as shown on the submitted landscape and site plans. The minimum requirements of on-site open space should comprise:
- **216 sq m of Equipped Children's Play Space (Equipment for the LEAP should be a minimum cost of £39,296.88 and be included in the S106 agreement)**
  - **1008 sq m of Casual/Informal Space**
  - **2400 sq m of Accessible Natural Green Space**

The scheme as submitted is deemed to be acceptable with respect to on-site open space provision and is overproviding with respect to on-site open space overall.

- 8.101. The application also results in the need for off-site contributions in respect of an outdoor sports contribution which is set out as a financial request in the list below.
- 8.102. The financial contributions and planning obligations sought are listed below with further detail provided in the following paragraphs:
- **Affordable Housing – 40% (24 units)**
    - 6 homes for First Homes
    - 12 homes for affordable rent
    - 6 homes for shared ownership
  - **Library Services (Newbold Verdon Library) – £1,630.68**
  - **LCC Waste Management (Barwell HWRC) - £2,872.74**
  - **Healthcare - £56,144.00 (Desford Medical Centre, Newbold Verdon Medical Practice & Market Bosworth Surgery)**
  - **Primary Education (Barlestone Church of England Primary School) - £275,340.00**
  - **Secondary Education (The Market Bosworth School) - £149,264.60**
  - **On site Open Space provision in accordance with the details provided and the provision set out in paragraph 8.100**
  - **Off-site open space contributions for Outdoor Sports Provision of - £20,851.20 and maintenance contribution of £9,907.20**
  - **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) £605.00 per pass.**
  - **A contribution of £6,268.74. towards construction of a Timber Deck Footbridge over the watercourse of Footpath S38 as per Leicestershire County Council Standard Drawing SD/FP/16 and detailed on PRP drawing number 120 Rev. P3 included within the Transport Statement, Addendum Number 1 dated 29/04/2024.**
  - **Council's Monitoring Fees and site visit fees**
  - **Legal Fees**
- 8.103. In terms of library services, the nearest library to this development is Newbold Verdon Library and it is estimated that the total assumed occupancy of 168 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. **The total library contribution being sought is £1,630.68**
- 8.104. The nearest Recycling and Household Waste Site to this development is Barwell RHWS and the proposed development would create additional pressures on the site. This contribution would be used for site reconfiguration, including the development of waste

infrastructure, to increase the capacity for this Household Waste and Recycling Centre, or any other HWRC directly impacted by this development. **The total waste contribution being sought is £2,872.74**

- 8.105. In terms of healthcare, it has been requested that funding is allocated to: Desford Medical Centre, Newbold Verdon Medical Practice & Market Bosworth Surgery. To develop one or all the named surgeries or alternatively use the contribution towards other Primary/Community healthcare infrastructure that will be directly impacted due to the increase in population linked to this housing development. For example, a new healthcare facility. **The requested contribution of £56,144.00 is sought and would be required prior to first occupation.**
- 8.106. In terms of Primary Education, the development yields 16 primary aged children. Barlestone Church of England Primary School is the catchment primary school for the development and has a net capacity of 210 places and there will be a deficit of 16 places if this development goes ahead. The overall position including all schools within a two-mile walking distance of the development is that there is a deficit of 93 places. A total of 17 pupil places have been added that are being funded from S106 agreements for other developments in the area, leaving a deficit of 77 places. The 17 places created by this development cannot therefore be accommodated at nearby schools. Therefore, a full request for **contributions in respect of the primary education sector of £275,340.00 is justified.**
- 8.107. With respect to Secondary Education the development yields 9 secondary aged children. The Market Bosworth School is the catchment secondary school for the development and has a net capacity of 860 places and there will be a deficit of 58 places if this development goes ahead. The overall deficit including all schools within a three-mile walking distance of the development is 132 pupil places. A total of 99 pupil places have been deducted that are being funded from S106 agreements for other developments in the area leaving a deficit of 33 places. Therefore, a full request for **contributions in respect of the secondary education sector of £149,264.60 is justified.**
- 8.108. The development yields 2 post 16 aged children. Bosworth Academy is the catchment post 16 school for the development and has a net capacity of 401 places and there will be a deficit of 11 places if this development goes ahead. A total of 19 pupil places have been deducted that are being funded from S106 agreements for other developments in the area, leaving a surplus of 8 places. The 2 places created by this development can be fully accommodated at nearby schools. **Therefore, there is no claim for a developer contribution on this occasion.**
- 8.109. As the proposed development is for less than 100 dwellings, **there is no request for contributions towards the SEND education sector.**
- 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) £605.00 per pass. A contribution of £6,268.74. towards construction of a Timber Deck Footbridge over the watercourse of Footpath S38 as per**

Leicestershire County Council Standard Drawing SD/FP/16 and detailed on PRP drawing number 120 Rev. P3 included within the Transport Statement, Addendum Number 1 dated 29/04/2024.

- 8.111. The Council also require monitoring fees, site visit fees and legal fees to be paid by the applicant as part of any agreed Section 106 Agreement.
- 8.112. All of the above contributions are considered to meet the three tests and therefore will form part of a Section 106 legal agreement if Members are minded to approve the application. Subject to the signing and sealing of a Section 106 Legal Agreement the application is considered to be in accordance with Policy DM3 of the Site Allocations and Development Management Policies Development Plan Document, Policy 19 of the Core Strategy and the requirements of the NPPF.

### **Planning Balance**

- 8.113. 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.
- 8.114. 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.
- 8.115. The Barlestone Neighbourhood Plan was made in June 2022 and a lot has changed since the making of this plan, locally, regionally, and nationally. The NPPF has been recently updated (2024) and this has altered the borough's standard method calculation; as a result of this our housing requirement is now higher than previously calculated and the planning policy team are working on a revised calculation. Leicester City's ongoing Local Plan examination and issues with unmet needs have had an impact on the progression of the Local Plan and an impact on the Borough's overall housing figures. In addition, the allocations in the Neighbourhood Plan were based on a housing figure derived from an external piece of evidence dated 2019 and population apportionment, rather than an indicative figure given to them by the LPA based on the local strategy for growth or other relevant evidence. The plan also has a plan period of 2020 – 2039, whereas the proposed new Local Plan has a plan period of 2020 – 2041. As a result, the Council considers that the Barlestone Neighbourhood Plan does not sufficiently fulfil paragraph 14b of the NPPF.
- 8.116. The provision of 58 dwellings (including 40% affordable housing) is considered to be a significant benefit of the proposal and weighs in favour of the scheme.
- 8.117. The impact on landscape and visual amenity has been assessed and is considered to be minor-moderate for this development proposal. In addition, the provision of much-needed housing types is considered to outweigh the landscape impact identified. Therefore, the adverse impact does not significantly and demonstrably outweigh the benefits in this case.
- 8.118. Subject to the imposition of conditions and the signing of a Section 106 Legal Agreement for the required planning obligations, affordable housing provision and associated fees this application is considered to be acceptable in planning terms and recommended to Members for approval.

## **9. Equality implications**

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

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

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

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

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

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

## **10. Recommendation – approval subject to:**

10.1 The local highway authority being satisfied that the internal spine road is suitable for adoption;

10.2 Section 106 obligations set out in section 8 of this report;

10.3 Planning conditions outlined at the end of this report;

10.4 That the Head of Planning be given powers to determine the final detail of planning conditions; and

10.5 That the Head of Planning be given delegated powers to finalise the terms of the S106 agreement including trigger points, claw-back periods and updated contribution amounts.

## **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 general accordance with the submitted application details, as follows:

- Site Location Plan Drawing No M103 (90) 01
- Proposed Site Layout Plan, Drawing 003 Rev A
- Landscape Strategy Plan Drawing No DR-L-0001 P09

- Landscape Typologies Plan Drawing No DR-L-0002 P09
- Arboricultural Assessment fpcr March 2025
- Garages - Garden Stores M103(PL)08A
- House Types Plans F and A M103(PL)01
- House Types B and C M103(PL)02A
- House Types D and D1 M103(PL)03A
- House Types E1, E2 and E3 M103(PL)04A
- Revised House Type E3 M103 (PL)09
- Alternative Elevations F1-A1-B1-C1 H40(PL)05

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

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

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

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

4. The recommendations outlined in section 7 of the Noise Impact Assessment reference: P5840/2 revision date 10.03.2025 shall be implemented and completed before the development hereby approved, is first commenced and shall be thereafter maintained, unless otherwise agreed in writing by the LPA.

Reason: To protect residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016, Policy H6 of the Barlestone Neighbourhood Plan and the requirements of the NPPF.

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

Reason: To minimise disruption to neighbouring properties/residents of the site in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

6. Site preparation and construction shall be limited to the following hours;
  - Monday – Friday 07:30 – 18:00
  - Saturday 08:00 – 13:00
  - No working on Sundays and Bank Holidays

Reason: To minimise disruption to neighbouring properties/residents of the site in accordance with Policies DM7 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

7. The remediation works outlined in the submitted Phase II Ground Investigation Report ref 82207-06C and Remediation Statement ref: 82207-07C shall be carried out prior to any development works above foundation level. Verification of the agreed works shall be submitted and agreed in writing by the Local Planning Authority prior to the site first being occupied.

Reason: To protect residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016, Policy H6 of the Barlestone Neighbourhood Plan and the requirements of the NPPF.

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 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 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.

9. Prior to any works above slab level, a Biodiversity Enhancement Strategy for protected, Priority and threatened species, prepared by a suitably qualified ecologist in line with the recommendations of the (REPORT), shall be submitted to and approved in writing by the local planning authority. The content of the Biodiversity Enhancement Strategy shall include the following:
  - a) purpose and conservation objectives for the proposed enhancement measures;
  - b) detailed designs or product descriptions to achieve stated objectives;
  - c) locations of proposed enhancement measures by appropriate maps and plans (where relevant);
  - 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 and allow the LPA to discharge its duties under paragraph 187d of NPPF 2024 and s40 of the NERC Act 2006 (as amended) and 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.

10. 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: Biodiversity shall include the following details:
  - Identification of potentially damaging construction activities

- Identification of biodiversity protection zones
- Practical measures and sensitive working practices to avoid or reduce impacts during construction
- Timing of works to avoid harm to wildlife
- Responsible persons for overseeing sensitive works
- Use of protective fencing where required

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

Reason: 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.

11. 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 LPA. The LEMP shall include the following details:

- Description and evaluation of the features to be created/managed
- Aims and objectives of management
- Appropriate management options for achieving aims and objectives
- Prescriptions for management actions
- Work schedule
- Species/seed mixes to be planted/sown
- 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.

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

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

13. No part of the development hereby permitted shall be occupied until such time as the access arrangements shown on PRP drawing number 024 rev. P4 have been implemented in full.

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

14. Each dwelling hereby permitted shall not be occupied until such time as the parking and turning facilities for the respective dwelling has been implemented in accordance with HUB drawing number 003. Thereafter the onsite parking (and turning) provision shall be kept available for such use(s) in perpetuity.

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

15. Notwithstanding the provisions of Part 2 of Schedule 2, Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order) no vehicular access gates, barriers, bollards, chains or other such obstructions shall be erected within a distance of 20 metres of the highway boundary, nor shall any be erected within a distance of 20 metres of the highway boundary unless hung to open away from the highway.

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

16. The development hereby permitted shall not be occupied until such time as the access drive (and any turning space) has been surfaced with tarmacadam, or similar hard bound material (not loose aggregate) for a distance of at least 20 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 requirements of the NPPF.

17. No development shall take place until a scheme for the treatment of the Public Right of Way S38 has been submitted to and approved in writing by the Local Planning Authority. A scheme shall include management during construction, proposed temporary route(s); any proposed permanent legal diversion; and construction of the new route. Physical construction should address width, surfacing, drainage, structures, signposting, landscaping and boundary treatments in accordance with the principles set out in the Leicestershire County Council's adopted Guidance Notes for Developers (<https://tinyurl.com/devprowguide>). Thereafter the development shall be carried out in accordance with the agreed scheme and timetable.

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

18. 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 NPPF.

19. No trees and shrubs shall be removed on site during the bird nesting season (1st Feb - 31st Aug inclusive).

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

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

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

21. 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. Surface water shall not drain into the Public Highway and thereafter shall be so maintained.

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

22. 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 be maintained in accordance with these approved details in perpetuity.

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

23. No demolition/development shall take place/commence until the necessary programme of archaeological work has been completed. The programme will commence with an initial phase of trial trenching to inform a final archaeological mitigation scheme. Each stage will be completed in accordance with a written scheme of investigation (WSI), which has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition/development shall take place other than in accordance with the agreed mitigation 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 which is potentially of archaeological and historic significance in accordance with Policies DM11, DM12 and DM13 of the adopted Site Allocations Development Management Policies DPD 2016 and the requirements of the NPPF.

24. No development shall commence on site until a scheme that makes provision for the secure storage of cycles for each dwelling has been submitted in writing to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the agreed details.

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

25. The scheme shall be carried out in accordance with the approved landscaping plan. The soft landscaping shall be maintained for a period of 5 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.

Reason: To ensure the development has a satisfactory external appearance in accordance with Policies DM4 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

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

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

27. Prior to the commencement of development a scheme for the installation of electric vehicle charging points shall be submitted to and approved in writing by the local planning authority. The scheme shall identify the number of units to be provided together with full detail of the location and fitting of the units and shall be implemented in accordance with the approved details.

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

28. All windows provided to bathrooms and en-suites for each dwelling hereby approved shall be glazed in obscure glass before the dwelling is first occupied and shall thereafter be permanently retained in this approved form.

Reason: To help 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.

29. Prior to occupation of the first dwelling, a "lighting design strategy for biodiversity" in accordance with Guidance Note 08/23 (Institute of Lighting Professionals) shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- 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 allow the LPA to discharge its duties under the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife & Countryside Act 1981 (as amended) and s40 of the NERC Act 20 and to protect the site from artificial light in accordance with Policies DM6 and DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

#### **Informatives:**

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.

Where construction work requires a public right of way to be temporarily diverted, at least 12 weeks beforehand, an application to [networkmanagement@leics.gov.uk](mailto:networkmanagement@leics.gov.uk) must be made for a Temporary Traffic Regulation Order. An order may last for up to six months. If further closure period(s) are needed, then that requires additional applications. Diverting a public right of way without a current authorisation is an unlawful highway obstruction.

Public path diversions for development need a separate application to the LPA as the legal process is distinct from the planning permission and any temporary diversion. Even when development is approved a permanent diversion application may bring objections from local interests or rights of way user groups, possibly leading to a public inquiry after which there is no guarantee of approval by the Secretary of State. Diversion applications must be submitted early in the process as a diversion order cannot be legally confirmed after on-site construction work is largely finished.

Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.

If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting [cadentgas.com/diversions](http://cadentgas.com/diversions). Prior to carrying out works, including the construction of access points, please register on [www.linesearchbeforeudig.co.uk](http://www.linesearchbeforeudig.co.uk) to submit details of the planned works for review, ensuring requirements are adhered to.

Planning Committee 9 September 2025  
Report of the Planning Manager (Development Management)

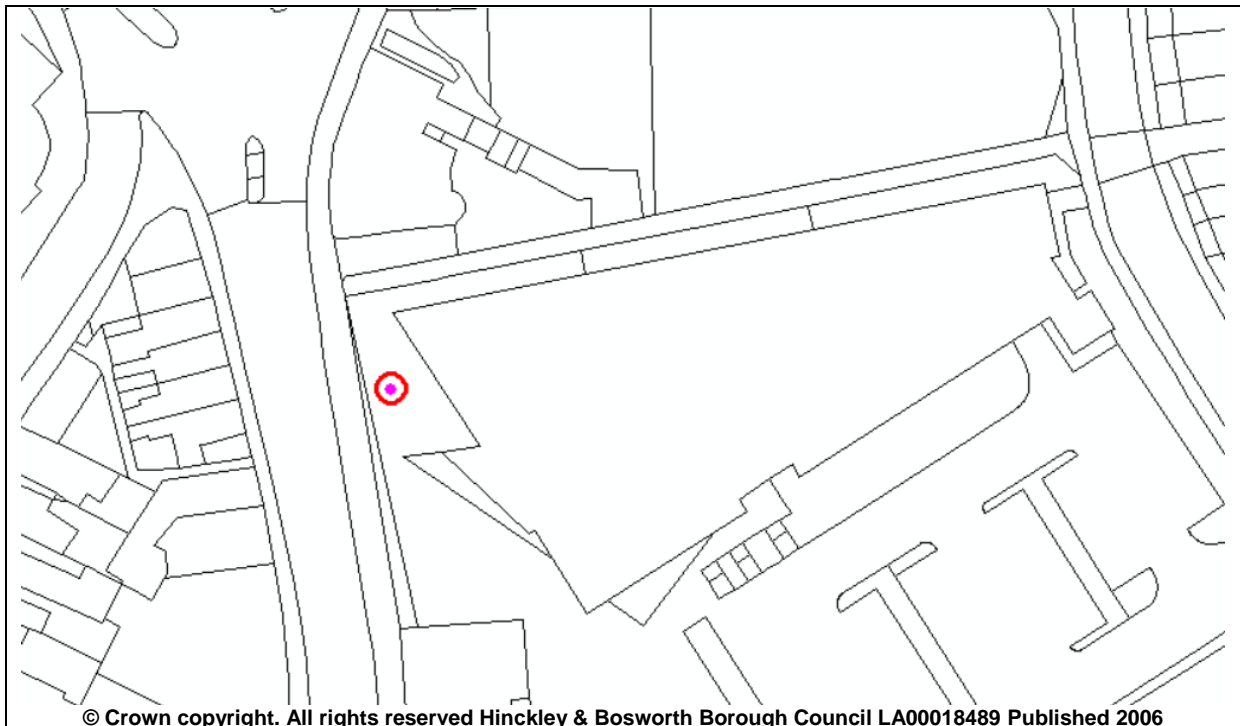
Planning Ref: 25/00681/FUL  
Applicant: Mr Stanley Rooney  
Ward: Hinckley DeMontfort



Hinckley & Bosworth  
Borough Council

**Site: North Warwickshire And Hinckley College, Lower Bond Street, Hinckley**

**Proposal: Erection of Ada Lovelace statue outside North Warwickshire And Hinckley College, 2.5 metres in height, mounted on a Portland stone plinth 0.5 metres high.**



## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions outlined at the end of this report

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

## 2. Planning application description

### 2.1. The application seeks full planning permission for the erection of a statue of Ada Lovelace outside North Warwickshire and South Leicestershire College.

### 2.2. The proposed bronze statue would measure 2.50 metres in height and would be mounted on a Portland stone plinth 0.50 meters in height, giving a total of 3.00 meters in height. Inscriptions are proposed to the front and rear of the plinth. The statue would be situated within a slightly raised area adjacent to Lower Bond Street which forms part of a hard and soft landscaped area fronting the college building. The exact location for the statue is within the line of three trees, with the middle tree

being removed (and relocated elsewhere to site) and replaced within the statue. The statue would have a steel mesh reinforced concrete foundation set into the pre-existing excavation for the tree.

- 2.3. The statue is proposed by the Ada in Hinckley Community Interest Company (CIC) as a striking and distinctive physical form of commemoration and recognition of Ada's legacy (which is described in the submitted Planning Statement). The costs of production and installation are to be met by the CIC, with permission granted by the College for installation on their land, and with arrangements made for ownership, liabilities and maintenance requirements for the statue to be formally taken on by the Borough Council following installation.

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

- 3.1. The application site relates to a college, situated in the settlement boundary of Hinckley and located to the east of Lower Bond Street. The application site is not located within a conservation area boundary but is flanked to the north by the Hollycroft Conservation Area, which is defined at its southern end by the grade II listed Hollybush public house. The site is flanked to the south by the Hinckley Town Centre Conservation Area, defined by the grade II listed Atkins Building and the grade II listed Framework Knitters Cottage at 30 Lower Bond Street (now occupied by Hinckley and District Museum) at its northern end.

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

#### **82/00050/4**

- Removal of window for loading purposes
- Planning Permission
- 23.03.1982

#### **05/01111/FUL**

- Mixed use development of dwellings and work units with garages landscaping roads sewers and ancillary works
- Refused
- 11.01.2006

#### **07/01218/LBC**

- Demolition of buildings
- Listed Building Consent
- 28.01.2008

#### **08/00691/ADV**

- Erection of signage
- Advertisement Consent
- 01.08.2008

#### **09/00141/DEEM**

- Re-development of the former atkins factory site for a mixed use development comprising of a new college building and the change of use and conversion of

the existing goddard building for use as a creative industries centre, including associated car parking and public realm improvement

- Planning Permission
- 04.09.2009

#### **09/00142/LBC**

- Conversion and adaption of the existing grade II listed goddard building to facilitate use as a creative industries centre
- Listed Building Consent
- 12.05.2009

#### **10/00221/CONDIT**

- Variation of condition no.24 of planning permission 09/00141/DEEM to allow a wind turbine on the roof of the building
- Planning Permission
- 18.06.2010

#### **10/00271/DEEM**

- Variation of condition no.2 of planning permission 09/00141/DEEM to allow minor material alterations
- Planning Permission
- 11.06.2010

#### **10/00450/LBC**

- Amendments to listed building consent 09/00142/LBC
- Called In By Secretary Of State
- 15.11.2010

#### **11/00607/ADV**

- Erection of two non-illuminated and one illuminated advertisements (retrospective).
- Advertisement Consent
- 16.09.2011

## **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. One comment of support has been received which has been summarised below;
  - Excited that Ada Lovelace is finally getting the recognition she deserves. Hopefully, this will help put Hinckley on the map and encourage people to appreciate the area's very special heritage in a whole new light. I also hope it will highlight the role of women in science and encourage more girls to pursue further education and careers in the STEM fields, which - as MIRA illustrates - will be vital to the area's prosperity moving forward. The statue itself is a work of art and the site in front of the college is perfect to inspire those that study

there, as well as those walking and driving past. The town would be very fortunate indeed to have such a wonderful installation, that will add interest and beauty to the college courtyard.

## **6. Consultation**

### **6.1. LCC Highways:**

*'There would appear to be no material impact on the public highway and therefore the Local Highway Authority has no comments to make.'*

### **6.2. HBBC Conservation Officer:**

*'In my opinion the statue is a suitable proposal to commemorate and recognise a renowned component of the borough's heritage and it is of an appropriate appearance, a modest scale, and is sited to ensure that there are no adverse visual effects upon the setting of the nearby conservation areas (Hollycroft and Hinckley Town Centre) and listed buildings (The Hollybush Public House, the Atkins Building, and the Framework Knitters Cottages). For these reasons it is considered that the proposal would preserve the heritage significance of the conservation areas and would be compatible with the significance of the listed buildings and consequently it would comply with Policies DM11 and DM12 of the Site Allocations and Development Management Policies DPD, section 16 of the NPPF, and the statutory duty of Section 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990.'*

### **6.3. HBBC Town Centre Management:**

- No comments have been received.

## **7. Policy**

### **7.1. Hinckley Town Centre Area Action Plan (2011)**

- Policy 3: Atkins Factory Strategic Development Area

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

- Policy 1: Development in Hinckley

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

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM10: Development and Design
- Policy DM11: Protecting and Enhancing the Historic Environment
- Policy DM12: Heritage Assets
- Policy DM17: Highways and Transportation
- Policy DM24: Cultural and Tourism Facilities

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

- National Planning Policy Framework (NPPF) (2024)
- Planning Practice Guidance (PPG)
- Planning (Listed Buildings and Conservations Areas) Act 1990

### **7.5. Other relevant guidance**

- Good Design Guide (2020)
- National Design Guide (2019)

## 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

#### 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 relevant parts of the current Development Plan consist of the adopted Core Strategy, the adopted Site Allocations and Development Management Policies Development Plan Document (SADMP), and the adopted Hinckley Town Centre Area Action Plan (2011) (HTCAAP).
- 8.4 The Core Strategy, the SADMP and the HTCAAP 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 Policy 3 of the HTCAAP states that '*Key aspirations of this site's redevelopment are:*
- *Retention and enhancement of the car park to the west of the Atkins Factory Building.*
  - *Retention and reuse of the Atkins Building for mixed uses including office space and a creative enterprise centre*
  - *Redevelopment of the site formerly occupied by modern factory buildings for the occupation of an educational facility, a community facility and/or office space*
  - *Provision of an improved frontage to Lower Bond Street.*
  - *Enhanced visual surveillance of the Druid Place footpath, Druid Street and open space to the south.'*
- 8.7 Policy 3 of the HTCAAP would not be applicable in this case as the proposal would not involve the comprehensive re-development of the site. The site was re-developed shortly after this policy was introduced under original consent 09/00141/DEEM, with no intentions for further re-development foreseen. However, this application would support the provision of improved frontage to Lower Bond Street and so accords with the policy's aims and aspirations.
- 8.8 As such, there is a presumption in favour of sustainable development under Policy DM1 of the SADMP, and the wider policies of the NPPF. 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

- 8.9 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.
- 8.10 Section 16 of the National Planning Policy Framework (NPPF) provides the national policy on conserving and enhancing the historic environment. Paragraphs 212-215 of the NPPF require great weight to be given to the conservation of designated heritage assets when considering the impact of a proposed development on its significance, for any harm to the significance of a designated heritage asset to have clear and convincing justification, and for that harm to be weighed against the public benefits of a proposal.
- 8.11 Policy DM10 of the Site Allocations and Development Management Policies (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.
- 8.12 Policies DM11 and DM12 of the SADMP seek to protect and enhance the historic environment. All proposals for development affecting the setting of listed buildings will only be permitted where it is demonstrated that the proposals are compatible with the significance of the building and its setting. Development proposals should ensure the significance of a conservation area is preserved and enhanced through the consideration and inclusion of important features (as identified in Conservation Area Appraisals and Management Plans).
- 8.13 Policy 1 of the Core Strategy requires that new development to respect the character and appearance of the Hinckley Conservation Areas.
- 8.14 Spatial Objective 4 requires that to development in the town centre is high quality, safe and well designed and environmentally friendly to enhance Hinckley town centre's image to developers, retailers, residents and visitors.
- 8.15 Augusta Ada King, Countess of Lovelace better known as "Ada Lovelace" was born on December 10th, 1815. Ada was a leading 19<sup>th</sup> century mathematician and daughter of the famous poet Lord Byron. She became the world's first computer programmer, mostly known for her work on Charles Babbage's proposed mechanical general-purpose computer, the Analytical Engine. Although Ada's birthplace was in London during her early childhood she lived at Kirkby Hall in Kirby Mallory and made frequent visits to Hinckley until age 6, giving her ties to the town. The site was chosen for the locating of the statue as Ada is the figurehead for Women in STEM (science, technology, engineering and mathematics) with the college being the most senior place of learning in Hinckley.
- 8.16 The statue is a suitable proposal to commemorate and recognise a renowned component of the borough's heritage and it is of an appropriate appearance, a modest scale, and is sited to ensure that there are no adverse visual effects upon the setting of the nearby conservation areas (Hollycroft and Hinckley Town Centre) and listed buildings (The Hollybush Public House, the Atkins Building, and the Framework Knitters Cottages). It is considered to positively contribute to the historic character of the area while providing minor tourism benefits.

- 8.17 In light of the above, it is considered that the proposal would preserve the character of the area and the heritage significance of the conservation areas and would be compatible with the significance of the listed buildings and consequently it would comply with Policies DM10, DM11 and DM12 of the SADMP, Section 16 of the NPPF, the statutory duty of Section 66 of the Planning (Listed Buildings and Conservations Areas) Act 1990, and the Core Strategy.

Impact upon neighbouring residential amenity

- 8.18 Policy DM10 of the SADMP states that proposals should not adversely affect the occupiers of the neighboring properties.
- 8.19 By virtue of the minor nature of the proposal there is not considered to be any material adverse impact in the residential amenity of any neighbouring properties and the proposal is therefore considered to be in accordance with Policy DM10 of the SADMP.

Impact upon highway safety

- 8.20 Section 9 of the NPPF promotes sustainable transport. Paragraph 115 of the NPPF states that planning decisions should ensure that developments provide appropriate opportunities to promote sustainable transport modes, given the type of development and its location and a safe and suitable access to the site for all users. Any proposal should ensure that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 8.21 Ultimately, development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe, in accordance with Paragraph 116 of the NPPF.
- 8.22 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety.
- 8.23 The size and position of the statue would not give rise to an unacceptable level of pedestrian or vehicular safety as it would be situated a safe distance from the adjacent public highway. The Local Highways Authority concludes that there would appear to be no material impact on the public highway.
- 8.24 It is therefore considered that the proposed advertisement would not cause any material impacts upon pedestrian or vehicular safety in compliance with policies DM17 of the SADMP.

**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 as it would respect and complement the scale, character and appearance of the area and would have no adverse visual effects upon the setting of the nearby conservation areas thus preserving its significance. It would not result in any significant adverse impacts on the amenity of the occupiers of any neighbouring properties or any significant adverse impacts on the public highway. The proposals are considered to be in accordance with Policies DM1, DM10, DM11, DM12 and DM17 of the SADMP, the general principles of the Council's Good Design Guide, section 16 of the NPPF (2024), the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Core Strategy and is therefore recommended for approval subject to conditions.

## **11. Recommendation**

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

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

### **11.3 Conditions and Reasons**

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

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

2. The materials to be used to the proposed statue hereby approved shall be as specified in the submitted application form as received by the Local Planning Authority on the 11th July 2025.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM1, DM10, DM11, DM12 and DM17 of the SADMP, the general principles of the Council's Good Design Guide, section 16 of the NPPF (2024), the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Core Strategy.

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

- Block Plan
- Proposed Photo – Statue  
as received by the Local Planning Authority on the 16th July 2025.
- Site Location Plan as received by the Local Planning Authority on the 11th July 2025.

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies DM1, DM10, DM11, DM12 and DM17 of the SADMP, the general principles of the Council's Good Design Guide, section 16 of the NPPF (2024), the statutory duty of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the Core Strategy.

**11.4 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.

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## Committee Report

**Planning Reference:** 25/00643/FUL

**Applicant(s):** Mr Zunaid Akbar Anwar

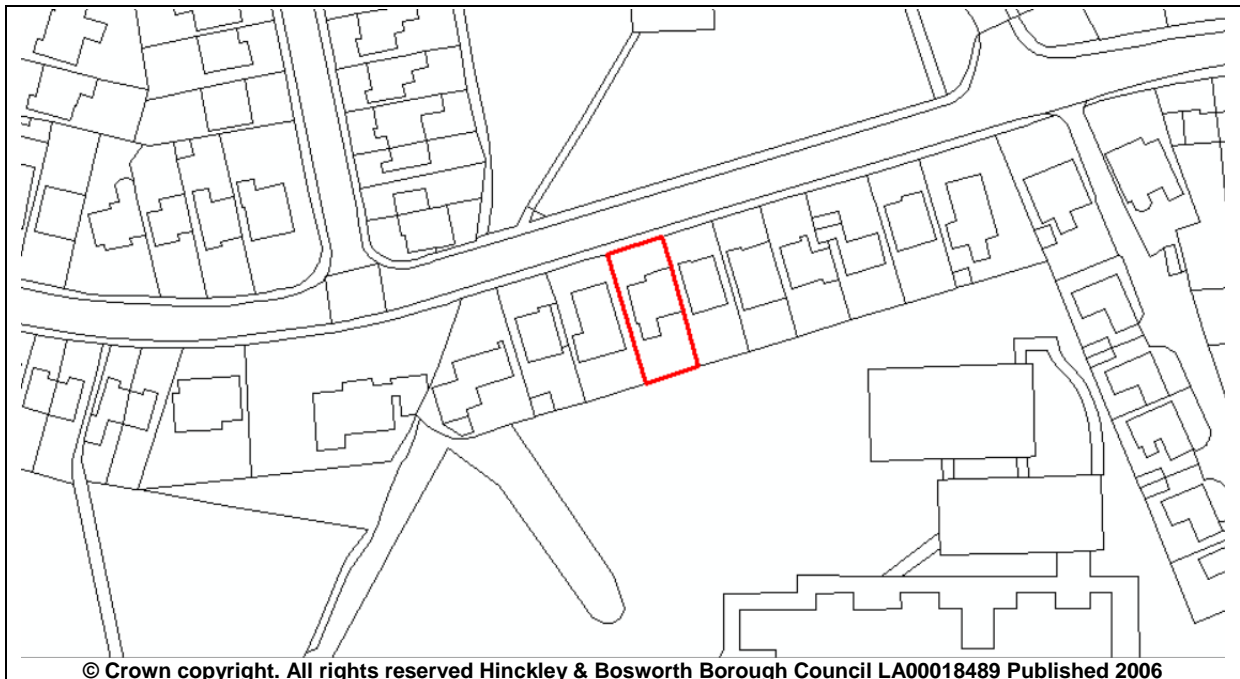
**Ward:** Barwell



Hinckley & Bosworth  
Borough Council

**Application Site:** 141 Heath Lane, Earl Shilton, Leicester

**Proposal:** Proposed change of use of dwellinghouse (Use Class C3) to residential children's home (Use Class C2) for up to three children under the age of 18 years old and provision of bin store and cycle shelter



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## 1. Recommendations

### 1.1. Grant planning permission subject to:

- Planning conditions detailed at the end of this report.

## 2. Planning Application Description

- 2.1. This planning application seeks full planning permission for the change of use of a dwellinghouse (Use Class C3) to a residential children's home (Use Class C2) for up to three children at 141 Heath Lane, Earl Shilton. No external alterations are proposed to the existing property, but the scheme includes the provision of a bin store and a cycle shelter.
- 2.2. To facilitate this change of use, the scheme creates jobs for two full time and two part time members of staff, and an existing bedroom is converted into a staff room. Only

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one member of staff shall be on site at any given time, and only two members of staff will be on site to accommodate the changeover of shifts. All visits to the site shall be by appointment only.

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

- 3.1. The 285sqm application site is to the west of Earl Shilton and comprises a two-storey residential property that is predominantly constructed in red brick. The site is situated on the southern side of Heath Lane, approximately 54m to the northeast of the junction of Heath Lane with The Drive. Heath Lane is an adopted but unclassified road that is subject to a 30mph speed limit.
- 3.2. The site is wholly surrounded by the residential built form within Earl Shilton to east and Barwell to the west, and Heath Lane Academy is located to the north of the site and Fusion Academy is adjacent to the southern boundary of the site. Due to the variety of styles and designs of buildings within the vicinity of the site, there is no discernible unique character to the street scene.

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

- 4.1 There is no relevant planning history within this application site applicable to the current planning application.

### **5. Publicity**

- 5.1 The application has been publicised by sending out letters to local residents. Five objections have been received from or on behalf of six separate addresses for reasons including child safety concerns, noise and disturbance, increased anti-social behaviour, harm to neighbouring residential amenity, off-street parking concerns, and flooding concerns. No further responses have been received.

### **6. Consultation**

- 6.1 There have been no objections from Hinckley and Bosworth Borough Council's Drainage or Environmental Services Departments, or Leicestershire County Council as the Local Highway Authority, subject to planning conditions.
- 6.2 Earl Shilton Town Council and Barwell Parish Council did not comment on the planning application.

### **7. Policy**

- 7.1 Core Strategy (2009):
- Policy 2: Development in Earl Shilton
  - Policy 3: Development in Barwell

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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 Earl Shilton and Barwell Area Action Plan (ESBAAP) (2014):

- Policy 22: Development and Design

7.4 National Planning Policies and Guidance:

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

7.5 Other Relevant Guidance:

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

## 8. Appraisal

8.1. The application site is within a sustainable location in the identified settlement boundary of Earl Shilton. Therefore, the development of a Use Class C use in this location is acceptable in principle, subject to the assessment of all other material considerations. The key issues in respect of this application are therefore:

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

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

8.2 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.

8.3 Policy 22 of the ESBAAP requires development to ensure that it does not result in detriment to the character of appearance of the host building or the surrounding area. Furthermore, Policy 22 requires development to respect the local distinctiveness of existing buildings and landscape settings, and its design should respect the scale,

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proportions, and heights of existing buildings, neighbouring structures, and the overall street scene.

- 8.4 Under the Town and Country Planning (Use Classes) 1987 (as amended), a Use Class C3 dwelling can include up to six residents living together as a single household where care is provided for residents. This current proposal includes three children and a minimum of one member of staff on site, which is less than the limitations of a Use Class C3 residential property. As children cannot live as a single household on their own, the proposal is considered to represent a change of use to a C2 use, which is defined as the provision of residential accommodation and care to people in need of care.
- 8.5 However, this does not necessarily mean that a material change of use has occurred within the site for which planning permission is required. Planning permission is only required where the C2 use is materially different from the C3 use.
- 8.6 There are no external alterations proposed to the existing building, the cycle storage is located within the existing property, and the bin storage area is to the rear of the property. Therefore, it is not considered that the scheme results in any material impact on the appearance of the site.
- 8.7 By virtue of these factors, the proposal respects the character of surrounding area in accordance with Policy DM10 of the SADMP and Policy 22 of the ESBAAP.

#### Impact upon Residential Amenity

- 8.8 Policy DM10(a) and (b) of the SADMP states development will be permitted if 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.
- 8.9. Policy 22 of the ESBAAP requires development to not adversely affect the privacy and amenity of nearby residents and occupiers of adjacent buildings, including matters of lighting, air quality (including odour), noise, vibration and visual intrusion. Policy 22 of the ESBAAP also states that the amenity of occupiers of the proposed development should not be adversely affected by activities in the vicinity of the site.
- 8.10. No external amendments are made to the property, and the proposal has no material impact on the size of the existing bedroom or the property's private outdoor amenity space. The Planning Statement confirms that the scheme shall only be utilised by three children and a minimum one member of staff at any given time. Therefore, the capacity of the proposed scheme is considered to be less than what the existing Use Class C3 use of the site is capable of without the benefit of any form of planning permission. No concerns or objections have been raised by the Council's Environmental Services Department in relation to the scheme's impact on neighbouring residential amenity.

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- 8.11. By virtue of these factors, the scheme is not considered to result in any significant adverse impacts to the residential amenity of neighbouring properties or the future occupants of the scheme in comparison to the existing use of the site and is therefore in accordance with Policy DM10 of the SADMP and Policy 22 of the ESBAAP.

Impact upon Parking Provision and Highway Safety

- 8.12. 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.
- 8.13. Policy DM18 of the SADMP requires developments to demonstrate an adequate level of off-street parking provision. Any reduction below minimum standards will require robust justification.
- 8.14. Leicestershire County Council as the Local Highway Authority (LHA) has reviewed its Personal Injury Collision (PIC) database and identified one PIC within 500m of either side of the site's access onto Heath Lane. A single PIC is not considered to be representative of a trend or pattern, and therefore the PIC is regarded by the LHA as an 'isolated incident.' As a result, it is not considered that there are any existing highway safety issues that would be exacerbated by the current development proposals.
- 8.15. The scheme utilises an existing and unamended access onto Heath Lane. As this is an existing situation, the LHA have not sought any further access details.
- 8.16. The existing dwelling within the site has four bedrooms and the current proposal reduces this capacity to three bedrooms, which shall be occupied by children, and converts one of the existing bedrooms into a staff room. The Planning Statement states that only one member of staff shall be on site at any given time, and only two members of staff will be on site to accommodate the changeover of shifts. All visits to the site shall be by appointment only.
- 8.17. The site accommodates three off-street vehicle parking spaces, one of which is within the integrated garage at the site. The scheme also provides under coverage storage for five cycles, which is welcomed by the LHA.
- 8.18. Although the garage does not confirm to the current minimum dimension guidelines for a garage within the Leicestershire Highway Design Guide, as this is an existing situation, the LHA are satisfied that this is acceptable in these site-specific circumstances and that there is adequate off-street parking for the proposed use.
- 8.19. Given the above, it is considered that there is sufficient off-street parking for the property and that the proposal does not create an unacceptable impact on highway safety or the road network. Therefore, the scheme is regarded as in accordance with Policies DM17 and DM18 of the SADMP.

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## **9. Equality Implications**

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

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

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

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

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

## **10. Conclusion**

10.1 In conclusion, it is not considered that the proposal intensifies the use of the site to the extent that it represents a material change of use. 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.

11.2 **Conditions and Reasons**

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

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

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

- Existing and Proposed Layout and Elevations (submitted: 01.07.2025)
- Location Plan (submitted: 01.07.2025)

**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 parking and turning facilities have been implemented in accordance with Proposed Block Plan, drawing number 002. Thereafter the onsite parking (and turning) provision shall be kept available for such uses in perpetuity.

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

4. The dwelling shall not be occupied by more than three children at any one time.

**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).

#### **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. It is an offence under Section 184 of the Highways Act 1980, to cross a kerb, verge or footway in a motor vehicle except at a crossing point that has been approved by Leicestershire County Council (LCC). The Applicant therefore needs to apply to the Local Highway Authority for a Vehicle Access (Dropped Kerb) Permit before undertaking any works. The Applicant should note that the approval of planning permission does not guarantee permission for the required permit. Further details of the requirements can be found at:

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<https://www.leicestershire.gov.uk/roads-and-travel/cars-and-parking/vehicle-access-dropped-kerbs>.

3. Planning Permission does not give you approval to work on the public highway. Therefore, prior to carrying out any works on the public highway, the Applicant 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.



- 1.5. A hedgerow condition has been added as Condition 30 of the report.

## **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 dwellings 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 bed roomed 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  $(415 \times 158)$  £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.*

8.28. 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

8.29. 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.

8.30. 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%

- 8.31. 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.
- 8.32. 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

- 8.33. Policy DM17 of the SADMP supports development that makes best use of public transport, provides safe walking and cycling access to facilities, does not have an adverse impact upon highway safety. All proposals for new development and changes of use should reflect the highway design standards that are set out in the most up to date guidance adopted by the relevant highways authority (currently this is the Leicestershire Highway Design Guide (LHDG)).
- 8.34. Policy DM10 (g) states that where parking is to be provided, charging points for electric or low emission vehicles should be included, where feasible.
- 8.35. 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.
- 8.36. 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.

8.37. 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

8.38. The applicant subsequently provided additional details in respect of the above matters and Active Travel removed their objection subject to conditions and contributions.

8.39. 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

8.40. 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.

- 8.41. 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.
- 8.42. 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.
- 8.43. Since the deferral of the application in August by Members, the applicant has provided a further update in respect of queries raised regarding the position of the proposed 3-arm roundabout along the A47 Normandy Way and the impact on residents immediately to the south of the A47. A technical note provided by HUB (transport consultant for the applicant) states that it would be unfeasible to relocate or resize the proposed roundabout to the site access from the A47.
- 8.44. The site access roundabout junction has been designed in the proposed location to take account of multiple issues, including (but not limited to), land ownership constraints, DMRB design guidance, capacity and safety. Due to the issues set out above, it is not feasible to relocate or redesign the junction to move the southern extent of it further from the existing residential area to the south of the A47. As shown, the current design actually results in more of the A47 carriageway being moved away from the residential area than existing verge taken to deliver the junction. Even a very small change to the location or design is likely to have significant implications in terms of other factors that have contributed to the design as shown, but in doing so would achieve very little in terms of reducing the impact on the residents on the southern side of the A47. A substantial design change in terms of the geometry or location is therefore not considered to be feasible.
- 8.45. The Environmental Health Officer was also notified of the deferral and has considered the noise query. It is recognised that there are already high background noise levels in this location due to existing traffic close to the rear gardens of properties on Hardy Close as a result of the proximity of the A47. The change in the road layout would change the nature of the noise generated but considers that it would not cause significant impact. The roundabout would cause vehicles to slow down and reduce noise but there would be additional acceleration from vehicles pulling away, which overall would alter the nature of the noise. The modelling data provided by the applicant indicates that the introduction of the roundabout would result in a 1 dB decrease in noise level at the worst-affected receptor. Therefore, it is considered that there is no discernible difference in noise levels for residents in this location with the roundabout in place when compared to the existing situation. As such, the proposal is deemed to be acceptable in terms of noise impact.
- 8.46. Overall, it is currently considered that the impacts of the development on highway safety and access 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**

- 8.47. 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.
- 8.48. 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.
- 8.49. 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.
- 8.50. 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.
- 8.51. 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.
- 8.52. 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.
- 8.53. There are no Public Rights of Way (PRow) passing through the application site, or along its boundaries.
- 8.54. 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.
- 8.55. 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 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
- 8.56. 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.
- 8.57. 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.
- 8.58. 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.

8.59. 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.

8.60. 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.

- 8.61. 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.
- 8.62. 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.
- 8.63. 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**

- 8.64. 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.
- 8.65. 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.
- 8.66. 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.

- 8.67. 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.
- 8.68. A Heritage Impact Assessment has been submitted as part of the application details.
- 8.69. 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.
- 8.70. 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.
- 8.71. 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.
- 8.72. 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.
- 8.73. 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**

- 8.74. Policy DM13 of the SADMP states that where a proposal has the potential to impact a site of archaeological interest developers should provide an appropriate desk based assessment and where applicable a field evaluation. The NPPF also reiterates this advice.
- 8.75. 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.
- 8.76. 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.
- 8.77. 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.
- 8.78. 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.
- 8.79. The applicant subsequently provided the additional information and a re-consultation was carried out.
- 8.80. 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**

- 8.81. 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.

- 8.82. 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.
- 8.83. 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.
- 8.84. 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
- 8.85. The scheme, subject to the detailed matters to come forward at Reserved Matters stage, will have a suitable relationship with nearby residential units. The Council has highlighted that the boundary between the proposed development and existing dwellings bordering the site from Ashby Grange will need to be carefully considered. Whilst this can be managed at the Reserved Matters it is considered prudent in this instance to impose a condition to ensure that the hedgerow boundary with the site and No 4 and 5 Ashby Grange is retained and enhanced (where possible) to help protect privacy and amenity for these existing residents.
- 8.86. Objections have been received by residents along Ashby Road in respect of the proximity of proposed housing in relation to their dwellings/gardens. Originally, an allotment area was proposed to back onto the gardens of Ashby Road, however this was omitted in favour of securing other open space typologies on site in accordance with development plan policy. The open space parameters plan submitted with this application shows the provision of suitable open space across the site including play areas, a multi-use games area, accessible/natural greenspace and casual/informal spaces. The requirement for allotments is not a requirement within development plan policy at the current time. Whilst it is recognised that residents along Ashby Road would have preferred an allotment area bordering their gardens, it is also recognised that existing dwellings along Ashby Road have very long rear gardens. As a result, the proposal of dwellings in this location is acceptable and the separation distances would be far in excess of what is required within design guidance to achieve a satisfactory relationship with respect to residential amenity.
- 8.87. 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.
- 8.88. 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.

- 8.89. 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**

- 8.90. 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.
- 8.91. 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.
- 8.92. 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.
- 8.93. 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.
- 8.94. The material provided is sufficient to demonstrate the surface water drainage strategy expected in an outline planning application.
- 8.95. 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.
- 8.96. 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.
- 8.97. 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**

- 8.98. 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.

- 8.99. 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.
- 8.100. Further information was submitted by the applicant. The details were assessed by LCC Ecology and considered to be acceptable/satisfactory.
- 8.101. 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**

- 8.102. 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.
- 8.103. 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**

- 8.104. 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.

8.105. 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.

8.106. 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**

- 8.107. 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.
- 8.108. 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.
- 8.109. 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 & Holycroft 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.
- 8.110. 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**.
- 8.111. 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.

- 8.112. 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**
- 8.113. 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**.
- 8.114. 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.
- 8.115. 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.
- 8.116. 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.

- 8.117. A total contribution of **£1,515,341.71** towards off-site highway strategic improvements along the A47 corridor.
- 8.118. The Council's Planning Majors Team and the Conservation Officer have requested a public realm contribution for Hinckley Town Centre comprising **£66,000.00**.
- 8.119. The Economic and Regeneration Officer has also requested a Local Employment and Training Strategy to form part of the Section 106 legal agreement.
- 8.120. The Council also require monitoring fees and legal fees as part of any agreed Section 106 Agreement.
- 8.121. 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**

- 8.122. 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.
- 8.123. 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.
- 8.124. 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.
- 8.125. 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.
- 8.126. 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.

- 8.127. 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:

- Withdrawal of objections from National Highways
- Section 106 agreement (as per the Heads of Terms set out in this report)
- Planning conditions outlined at the end of this report
- The Head of Planning 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. Any forthcoming Reserved Matters application shall include 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. 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 Feb - 31st August 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 (CEMP) 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 Policies 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. Any forthcoming Reserved Matters application shall include details of external lighting for the site. 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. Any forthcoming Reserved Matters application shall include a scheme that makes provision for waste and recycling storage and collection across the site. 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. Any forthcoming Reserved Matters application shall include a surface water drainage scheme and foul water drainage scheme. 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 though the entire development construction phase in accordance with Policy DM7 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the 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. Any forthcoming Reserved Matters application shall include details of infiltration testing (or suitable evidence to preclude testing) to confirm or otherwise, the suitability of the site for the use of infiltration as a drainage element.

**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. Any forthcoming Reserved Matters application shall include 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. Any forthcoming Reserved Matters application shall include a scheme that makes provision for the secure storage of cycles for each dwelling. 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. The boundary hedge bordering the site with Numbers 4 and 5 Ashby Grange shall be retained and enhanced as part of any boundary treatment measures proposed for this development hereby approved. Details shall be provided as part of any future reserved matters application submission.

**Reason:** To help aid privacy and protect residential amenity in accordance with Policy DM10 of the Site Allocations and Development Management Policies DPD 2016 and the requirements of the NPPF.

31. 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 the requirements of the NPPF.



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## PLANNING APPEAL PROGRESS REPORT - Week ending: 29.08.25

### 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
25/00018/PP	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)	Start Date Statement of Case Hearing Letter Hearing	04.08.25 08.09.25 14.10.25 28.10.25
	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
	RS	25/00597/TPO (PINS: 3371021)	WR	Mr Nunn	Shady Trees 19 Station Road, Desford  (Raise canopy to 5m)	Awaiting Start Date	13.08.25
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	
24/00026/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	

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	
25/00012/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	
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).	Awaiting Decision	
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)	Awaiting Decision	10.09.25
25/00016/PP	AG	25/00080/FUL (PINS: 3367497)	WR	Mr John Roux	Land Adjacent 29 Elizabeth Road, Hinckley  (New build detached dwelling)	Awaiting Decision	
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)	Awaiting Decision	
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)	Awaiting Decision	

## Decisions Received

Page 97	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  (Outline planning application for the erection of one self-build/custom build dwelling (all matters reserved except for access))	<b>Dismissed</b>	<b>22.07.25</b>
	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>
	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)	<b>Dismissed</b>	<b>01.08.25</b>
	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)	<b>Dismissed</b>	<b>01.08.25</b>
	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))	<b>Dismissed</b>	<b>04.08.25</b>
	24/00029/PP	JF	24/00596/FUL (PINS: 3355084)	WR	Ms Gillian Nicol	7 Springfield Road Hinckley  (Proposed wooden cattery)	<b>Allowed</b>	<b>07.08.25</b>

